



**PLANNING COMMISSION
STAFF REPORT- SUB_MINOR_INLAND**

**APRIL 21, 2016
MS_2015-0002**

SUMMARY

OWNER: DONALD SUNDSTROM
PO BOX 1520
GUALALA, CA 95445

APPLICANT: EMANI SEEFELDT
PO BOX 1651
GUALALA, CA 95445

AGENT: RICHARD SEALE
420 REDWOOD AVE
FORT BRAGG, CA 95437

REQUEST: Subdivision of a 23.9± acre parcel into two (2) parcels of 10± acres and 13.97± acres.

DATE DEEMED COMPLETE: October 5, 2015

LOCATION: Approximately 2+- miles north east of Gualala, lying on the east side of Old Stage Road (CR 502) just north of its intersection with Pacific Woods Road (private), 38701 Old Stage Road, Gualala; APN 145-022-01.

TOTAL ACREAGE: 23.86

GENERAL PLAN: RR5: - Rural Residential 5 acre minimum

ZONING: RR:5:AH – Rural Residential 5 acre minimum, Airport Height Combining District

SUPERVISORIAL DISTRICT: 5

ENVIRONMENTAL DETERMINATION: Mitigated Negative Declaration

RECOMMENDATION: Approve with Conditions

STAFF PLANNER: Graham Hannaford

BACKGROUND

PROJECT DESCRIPTION:

The applicant is requesting a Minor Subdivision of a 23.86± acre parcel into two parcels of 10± acres and 13.86± acres. Currently the site is vacant. Each parcel will be served by on-site septic and water. Access to each parcel will be from a proposed 60 foot wide access easement over an existing roadway, along the north boundary of Proposed Parcel 1 to a 50 foot radius at the access to Proposed Parcel 2.

RELATED APPLICATIONS:

Neighboring Property

- **CDMS 2014-0003-** Approved on April 21, 2015, a 34.38± acre parcel was subdivided into two parcels, 5± acres and 29.38± acres. The subdivision occurred on the westerly side of Old Stage Road, which is the boundary for the coastal zone.

SITE CHARACTERISTICS:

The 23.86± acre parcel is relatively flat except for the far eastern portion, which has a steep decline, and is located on the eastern side of Old Stage Road (CR 502), approximately 300 feet south of its intersection with Ocean Ridge Drive. A private road makes a loop through the property, but otherwise there is no development on the parcel.

The parcel is approximately 2,000 feet south of the Ocean Ridge Airport, and is located directly in the flight path for the airport. According to the Mendocino County Airport Comprehensive Land Use Plan, the parcel is located in the B1 zone of the Ocean Ridge Airport Land Use Plan, which limits the density of the proposed parcels to a minimum size of 10 acres. While the original proposal called for the subdivision to result in four (4) parcels, approximately five (5) acres in area each, the applicant revised the application when informed of the ACLUP's density limits.

SURROUNDING LAND USE AND ZONING:

| | GENERAL PLAN | ZONING | LOT SIZES | USES |
|--------------|--------------|-----------|-----------------|-------------------|
| NORTH | RR5/FL160 | RR5/TP160 | 200+- | Residential |
| EAST | FL160 | TP160 | 40+- | Vacant/Timberland |
| SOUTH | RR5 | RR5 | 1.89 to 6.616+- | Residential |
| WEST | RR5 | RR5 | 1.0 to 9.11+- | Residential |

PUBLIC SERVICES:

Access: Via Old Stage Road (CR 502)/ Private access easement
Fire District: South Coast Fire/ Cal Fire
Water District: North Gualala Water District
Sewer District: None
School District: Point Arena

AGENCY COMMENTS:

On April 14, 2015, project referrals were sent to the following responsible or trustee agencies with jurisdiction over the Project. Their required related permits, if any, are listed below. Their submitted recommended conditions of approval are contained in Exhibit A of the attached resolution. A summary of the submitted agency comments are listed below. Any comment that would trigger a project modification or denial are discussed in full as key issues in the following section.

| REFERRAL AGENCIES | RELATED PERMIT | COMMENT | DATE |
|---|----------------|------------|----------------|
| Environmental Health-FB/Ukiah | | Comments | April 15,2015 |
| "DEH will require septic designs for all Parcels. Water quantity testing will be required. | | | |
| Building Services-FBPBS | | No Comment | April 30, 2015 |
| Cal Fire | | Comment | April 30,2015 |
| "Owner will be expected to adhere to Cal Fire 4290 regulations stated to in 82-15 fire safe application." | | | |

| | | | |
|--|-------------------------------|-------------|------------------|
| Air Quality Management District | | Comment | April 27, 2015 |
| "Any new residential construction must comply with District Regulation 4, Rule 4.1-400, PM emission reduction measure for wood burning appliances." | | | |
| Gualala Municipal Advisory Council (GMAC) | | Comment | May 15, 2015 |
| GMAC unanimously (4-0) recommends approval of this project. GMAC noted that North Gualala Water Company has granted approval for the drilling of a well. | | | |
| Sonoma State University-NWIC | Archeological Survey Required | | April 30, 2015 |
| Archaeological Commission | Survey Accepted | | January 13, 2016 |
| South Coast Fire District | | No Response | |
| US Fish and Wildlife Services | | No Response | |
| Regional Water Quality Control | | No Response | |
| Dept. of Fish & Wildlife | | No Response | |
| Addressor | | No Response | |

KEY ISSUES

1. General Plan and Zoning Consistency: The parcel proposed to be subdivided is currently 23.9± acres and has a General Plan Land Use Designation RR-5 (Rural Residential, 5 Acre Minimum Parcel Size). RR-5 Land Uses are intended to encourage local small scale food production in areas not suited to large scale commercial agriculture. There is no conflict with the Land Use Designation and the project.

The RR-Rural Residential zoning of the parcel is consistent with the General Plan Land Use Designation. Mendocino County Coastal Zoning Code Section 20.376.005 establishes the intent of the RR-Rural Residential zoning is to "encourage and preserve local small scale farming in the Coastal Zone on lands which are not well-suited for large scale commercial agriculture. Residential uses should be located as to create minimal impact on agricultural viability." The proposed subdivision would create parcels of 10± acres and 13.86± acres, well within the required minimum parcel size for the zoning. The parcels would be large enough to support small scale agriculture, while maintaining an appropriate residential density in the area which would not interfere with potential agricultural operations.

In addition, as described below, the Airport Combining District designation over the subject property further limits residential density and subdivision of one dwelling unit or parcel per 10 acres.

Subject to the recommended conditions of approval, MS 2015-0002 is consistent with General Plan and Coastal Zoning Code regulations.

2. Special Plans/Area Plans: Ocean Ridge Airport Land Use Plan

The project is located within the B1 zone of the Ocean Ridge Airport's Comprehensive Land Use Plan (CLUP). Originally, the project proposed to subdivide the parcel into four (4) parcels, two 5± acre parcels, one 6.9± acre parcel and one 7± acre parcel. Zone B1 of the CLUP only allows for a residential density of one (1) residence per 10 acres. Once informed, the applicant revised the project to the current two-parcel configuration, with proposed parcels of 10± acres and 13.86± acres. This new proposal is consistent with the B1 CLUP zoning of the parcel. Although a residential subdivision is listed as a use that is not normally acceptable in the B1 zone, the large size of the parcel allows for the proposed subdivision. On November 19, 2015, MS 2015-0002 was heard by the Airport Land Use Commission (ALUC). The ALUC found the project consistent with the CLUP and recommended **Condition # 20**, which places an avigation easement on the proposed parcels. Additionally, **Condition # 21** requires the applicant to note on the recorded map that the parcels are located within the B1 zone of the Ocean Ridge Airport.

3. Division of Land Regulations:

The project was reviewed by the County Subdivision Committee on November 12, 2015, at which time the Subdivision Committee recommended conditional approval of the proposed minor subdivision to the Planning Commission per the required findings found in Section 17-48.5 of the Mendocino County Code. No conflicts with the County Division of Land Regulations were identified. As the project fits the criteria set forth in Mendocino County Code Section 17-49, the Subdivision Committee recommends the applicant's request for a waiver of the requirement of a parcel map.

4. Environmental Protection:

An Initial Study for the proposed project was completed in accordance with the California Environmental Quality Act (CEQA). Staff did not identify any significant impacts to the environment which would result from the project that could not be mitigated. Standard subdivision conditions mitigated most potential impacts; however the presence of the Townsend's big-eared bat led to **Condition #6**, which requires the following note to appear on the unilateral agreement:

Due to the presence of the Townsend's big-eared bat, an endangered species known to roost primarily in old abandoned buildings, in the area of the proposed subdivision, any unoccupied structures that are to be demolished at any point after the approval of this subdivision shall be inspected for signs of habitation of birds or bats by a qualified biologist, and the results shall be reported to Planning and Building Services to determine if additional permits or review is required for demolition.

As there are no structures currently on the parcel, this condition strictly serves to mitigate potential future impacts to the environment.

5. Subdivision Moratorium: On September 3, 2008, the County of Mendocino entered into a settlement agreement (BOS Agreement 10-023) referred to as the "Coplen Settlement" which required the County to rezone 24 acres of land to R-3 Multiple Family Residential or MU-2 Mixed Use General zoning. To count toward the settlement, all rezoned parcels were required to be within public water and sanitation districts and within 300-feet of existing water and sewer lines. Per a stipulation of the settlement agreement, beginning December 14, 2014, (two days prior to receiving the current application) no subdivisions were to occur within the Ukiah Valley Area Plan (UVAP) area unless the parcel did not meet these criteria and thus could not be rezoned to fulfill the terms of the Coplen Settlement. That area was expanded on June 1, 2015, to include subdivisions County wide. As a result, the project is now subject to the moratorium.

While the moratorium has yet to be lifted, the County has fulfilled its obligation with the requisite number of acres having been rezoned in recent months. In addition, the subject property does not fit the criteria that would qualify it as a candidate for multifamily rezoning. Both the General Plan designation and the zoning district are Rural Residential with a density of one unit per 5 acres. Furthermore, while the property does lie within a water district, the property is not served nor located within 300 feet of a sewer district. Given the above circumstances, the subdivision is deemed to be exempt from the requirements of the moratorium.

RECOMMENDATION

By resolution, adopt a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program and grant Subdivision Map MS_2015-0002 for the Project, as proposed by the applicant, based on the facts and findings and subject to the conditions of approval.

DATE

Signature on File

GRAHAM HANNAFORD/MARY LYNN HUNT

Appeal Period: 10 Days
Appeal Fee: \$910.00

ATTACHMENTS:

- A. Location Map
- B. Aerial Map
- C. Topographic Map
- D. Airport Zone
- E. Site/Tentative Map
- F. Adjacent Parcels
- G. Zoning Map
- H. General Plan/LCP Map
- I. Fire Hazards Map
- J. Coastal Groundwater

RESOLUTION AND CONDITIONS OF APPROVAL (Exhibit A):

MITIGATED NEGATIVE DECLARATION -Initial Study available online at:
<http://www.co.mendocino.ca.us/planning/meetings.htm>

Resolution Number _____

County of Mendocino
Ukiah, California
April 21, 2016

Minor Subdivision MS_2015-0002

Resolution of the Planning Commission, County of Mendocino, State of California, Adopting a Mitigated Negative Declaration and Granting approval of Subdivision MS_2015-0002 For the Subdivision of a 23.9± Acre Parcel Into Two (2) Parcels of 10± Acres and 13.97± Acres.

WHEREAS, the applicant, Donald Sundstrom and Emani Seefeldt, filed an application for a Minor Subdivision with the Mendocino County Department of Planning and Building Services to subdivide a 23.9± acre parcel into two (2) parcels of 10± acres and 13.97± acres, located approximately 2± miles north-east of Gualala, lying on the east side of Old Stage Road (CR 502), just north of its intersection with Pacific Woods Road (private), at 38701 Old Stage Road, Gualala; APN 145-011-01; General Plan RR5; Zoning RR:5:AH Supervisorial District 5; (the "Project"); and

WHEREAS, a Mitigated Negative Declaration was prepared for the Project and noticed and made available for agency and public review on March 18, 2016 in accordance with the California Environmental Quality Act (CEQA) and the State and County CEQA Guidelines; and

WHEREAS, in accordance with applicable provisions of law, the Planning Commission held a public hearing on, April 21, 2016, at which time the Planning Commission heard and received all relevant testimony and evidence presented orally or in writing regarding the Mitigated Negative Declaration and the Project. All interested persons were given an opportunity to hear and be heard regarding the Mitigated Negative Declaration and the Project; and

WHEREAS, the Planning Commission has had an opportunity to review this Resolution and finds that it accurately sets for the intentions of the Board of Supervisors regarding the Mitigated Negative Declaration and the Project.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission makes the following findings;

General Plan Findings: The subject property is classified Rural Residential (RR) under the General Plan. The project is consistent with the General Plan per Policy DE-14.

Zoning Findings: The subject property is zoned Rural Residential (RR-10). The project is consistent with County Zoning per Section 20.048

Special Plan Findings: The subject property is consistent with Ocean Ridge Airport Land Use Plan per the Airport Compatibility Criteria and Policy 4.1

Division of Land Regulations: The Planning Commission finds the project to be consistent with Chapter 17 of the Mendocino County Code (Division of Land Regulations), further finding, that the criteria of 17.49 has been met for the Waiver of a Parcel Map.

Subdivision Moratorium: The Planning Commission finds that the project is exempt from the moratorium imposed by the Coplan Settlement agreement due to the following:

- a. The subject property does not fit the criteria that would qualify it as a candidate for multifamily rezoning. Both the General Plan designation and the zoning district are Rural Residential, with a density of one unit per 10 acres, and

- b. The property lies within a water and not a sewer district, nor is it located within 300 feet of sewer district service lines.

BE IT FURTHER RESOLVED that the Planning Commission hereby adopts the Mitigated Negative Declaration and the Mitigation Monitoring Program set forth in the Conditions of Approval. The Planning Commission certifies that the Mitigated Negative Declaration has been completed, reviewed, and considered, together with the comments received during the public review process, in compliance with CEQA and State and County CEQA Guidelines, and finds that the Mitigated Negative Declaration reflects the independent judgment and analysis of the Planning Commission.

BE IT FURTHER RESOLVED that the Planning Commission hereby grants the requested Minor Subdivision MS_2015-0002, subject to the Conditions of Approval in Exhibit "A", attached hereto.

BE IT FURTHER RESOLVED that the Planning Commission designates the Secretary as the custodian of the document and other material which constitutes the record of proceedings upon which the Planning Commission decision herein is based. These documents may be found at the office of the County of Mendocino Planning and Building Services, 860 North Bush Street, Ukiah, CA 95482.

BE IT FURTHER RESOLVED that the Planning Commission action shall be final on the 11th day after the date of the Resolution unless an appeal is taken.

I hereby certify that according to the Provisions of Government Code Section 25103 delivery of this document has been made.

ATTEST: ADRIENNE M. THOMPSON
Secretary to the Planning Commission

By: _____

BY: STEVEN D. DUNNICLIFF
Director

MOLLY WARNER, Chair
Mendocino County Planning Commission

EXHIBIT A

CONDITIONS OF APPROVAL AND MITIGATION MONITORING AND REPORTING PROGRAM [IF MND]

MS_2015-0002

APRIL 21, 2016

Subdivision of a 23.9± acre parcel into two (2) parcels of 10± acres and 13.97± acres. As approved.

APPROVED PROJECT DESCRIPTION: Subdivision of a 23.9± acre parcel into two (2) parcels of 10± acres and 13.97± acres.

CONDITIONS OF APPROVAL AND MITIGATION MEASURES (as indicated by “*”):**

Aesthetics

1. The following note shall be placed on the Unilateral Agreement:
“All future external lighting, whether installed for security, safety or landscape design purposes, shall be shielded, downcast or shall be positioned in a manner that will not shine or allow light glare to exceed the boundaries of the parcel on which it is placed.”

Agricultural/Forestry

2. Pursuant to Mendocino County Code Chapter 10A.13 (Nuisance and Consumer Disclosure), A notation shall appear on the Unilateral Agreement:
“The property is within, adjacent to or within 300 feet of Agricultural Preserve or Timber Production Zoning and residents of the property may be subject to inconvenience or discomfort arising from use of agricultural chemicals, and from the pursuit of agricultural and timber operations including, but not limited to, cultivation, plowing, spraying, pruning, harvesting, crop protection, which occasionally generate dust, smoke, noise and odor, and protecting animal husbandry from depredation, and should be prepared to accept such inconvenience or discomfort as normal and necessary to farming and timber harvesting operations.”
3. A notation shall appear on the Unilateral Agreement:
“All structures (existing and proposed) shall maintain a minimum setback of 200 feet from all property boundaries contiguous with lands under Timber Productions”

Air Quality

4. A notation shall appear on the Unilateral Agreement:
“Future development of building site(s), access roads or driveways may be subject to the grading requirements and drainage control measures identified in the Conditions of Approval.”
5. A note shall appear on the Unilateral Agreement:
“The access road, driveway and interior circulation routes be maintained in such a manner as to insure minimum dust generation subject to Air Quality Management District Regulation 1 Rule 430. All grading must comply with Air Quality Management District Regulations Rule 430. Any rock material, including natural rock from the property, used for surfacing must comply with Air quality Management District regulations regarding asbestos content.”

Biological Resources

- **6.** A note shall appear on the Unilateral Agreement:

“Due to the presence of Townsend's big-eared bat, an endangered species known to roost primarily in old abandoned buildings, in the area of the proposed subdivision, any unoccupied structures that are to be demolished at any point after the approval of this subdivision shall be inspected for signs of habitation of birds or bats by a qualified biologist, and the results shall be reported to Planning and Building Services to determine if additional permits or review is required for demolition.”

7. This entitlement does not become effective or operative and no work shall be commenced under this entitlement until the California Department of Fish and Game filing fees required or authorized by Section 711.4 of the Fish and Game Code are submitted to the Mendocino County Department of Planning and Building Services. Said fee of \$ 2,260.25 OR CURRENT FEE shall be made payable to the Mendocino County Clerk and submitted to the Department of Planning and Building Services prior to May 6, 2016 (within 5 days of the end of any appeal period). Any waiver of the fee shall be on a form issued by the Department of Fish and Game upon their finding that the project has “no effect” on the environment. If the project is appealed, the payment will be held by the Department of Planning and Building Services until the appeal is decided. Depending on the outcome of the appeal, the payment will either be filed with the County Clerk (if the project is approved) or returned to the payer (if the project is denied). Failure to pay this fee by the specified deadline shall result in the entitlement becoming null and void. **The applicant has the sole responsibility to insure timely compliance with this condition.**

Cultural Resources

8. A note shall appear on the Unilateral Agreement:
“In the event that archaeological resources are encountered during development of the property, work in the immediate vicinity of the find shall be halted until all requirements of Chapter 22.12 of the Mendocino County Code relating to archaeological discoveries have been satisfied.”

Geology & Soils

9. The subdivider shall **acknowledge in writing** to the Department of Planning and Buildings Services that all grading activities and site preparation, at a minimum, shall adhere to the following “Best Management Practices”. The applicant shall submit to the Department of Planning and Building Services an acknowledgement of these grading and site preparation standards.
- That adequate drainage controls be constructed and maintained in such a manner as to prevent contamination of surface and/or ground water, and to prevent erosion.
 - The applicant shall endeavor to protect and maintain as much vegetation on the site as possible, removing only as much as required to conduct the operation.
 - All concentrated water flows, shall be discharged into a functioning storm drain system or into a natural drainage area well away from the top of banks.
 - Temporary erosion and sediment control measures shall be established and maintained until permanent protection is established.
 - Erosion control measures shall include, but are not limited to, seeding and mulching exposed soil on hill slopes, strategic placement of hay bales below areas subject to sheet and rill erosion, and installation of bioengineering materials where necessary. Erosion control measures shall be in place prior to October 1st.

- f. All earth-moving activities shall be conducted between May 15th and October 15th of any given calendar year unless wet weather grading protocols are approved by the Department of Planning and Building Services or other agencies having jurisdiction.
- g. Pursuant to the California Building Code and Mendocino County Building Regulations a grading permit will be required unless exempted by the Building Official or exempt by one of the following:
 - An excavation that (1) is less than 2 feet (610 mm) in depth or (2) does not create a cut slope greater than 5 feet (1524 mm) in height and steeper than 1 unit vertical in 1½ units horizontal (66.7% slope).
 - A fill less than 1 foot (305 mm) in depth and placed on natural terrain with a slope flatter than 1 unit vertical in 5 units horizontal (20% slope), or less than 3 feet (914 mm) in depth, not intended to support structures, that does not exceed 50 cubic yards (38.3 m³) on any one lot and does not obstruct a drainage.

Hydrology and Water Quality

- 10. The applicant shall provide the Division of Environmental Health adequate advance written notice (minimum of 15 days) of the date and time any field soil testing procedures for any proposed on-site sewage systems to allow the Division of Environmental Health staff to be present for soil testing.
- 11. The applicant shall submit to the Division of Environmental Health an acceptable site evaluation report (DEH FORM # 42.04) for parcel(s) 1 and 2 completed by a qualified individual demonstrating compliance with the North Coast Regional Water Quality Control Board's Basin Plan Policy for On-site Waste Treatment and Disposal and Mendocino County Division of Environmental Health's Land Division Requirements (DEH FORM # 26.09).
- 12. The applicant shall submit to the Division of Environmental Health an acceptable site development plan at a scale of not more than 1 inch = 50 feet showing all adjacent parcels on one sheet completed by a qualified individual showing the location and dimensions of the initial sewage disposal system(s), 100% replacement area(s), acceptable setback distances to water wells and other pertinent setback distances which may impact project site development.
- 13. The applicant shall submit to the Division of Environmental Health acceptable water quantity evaluation(s):
17 Hour Proof of Water Test. Coastal Areas
(DEH FORM # 26.05) completed by a qualified individual of a water source located on parcel(s) 1 and 2 of the subdivision demonstrating an adequate water supply in compliance with the Division of Environmental Health's Land Division Requirements (DEH FORM # 26.09).
- 14. The applicant shall submit to the Division of Environmental Health an acceptable standard mineral analysis performed by a certified public health laboratory from an identified source on the subdivision. Compounds to be tested for, at a minimum are: Calcium, Iron (total), Magnesium, Manganese (total), Potassium, Sodium, Bicarbonate, Carbonate, Corrosivity (pH), Alkalinity (total), Total dissolved solids, Turbidity, Chloride, Fluoride, Nitrate, Sulfate, Calcium hardness, Magnesium hardness and Total hardness.

Transportation

- 15. There shall be provided an access easement of 60 feet in width (as per tentative map) from a publicly maintained road to each parcel being created. Documentation of access easement(s) shall be provided to the Mendocino County Department of Transportation for their review prior to final approval.
- 16. All easements shall be included in the Unilateral Agreement legal description.

17. If approval of the tentative map is conditioned upon certain improvements being made by the subdivider, the subdivider shall notify the Mendocino County Department of Transportation when such improvements have been completed.
18. Private roads and public utility easements shall be offered for dedication.
19. ROAD IMPROVEMENT REQUIREMENTS.
 - A. Twenty (20) foot wide road within the access easement including four (4) inch minimum rock base, one hundred twenty-five (125) foot minimum radius of horizontal curve, grade not to exceed fifteen (15) percent, drainage culverts where necessary. New or replaced culverts shall be a minimum of 12 inches in diameter.
 - B. A standard private road approach shall be constructed to a minimum width of twenty two (22) feet, area to be improved twenty (20) feet from the edge of the County road, to be surfaced with surfacing comparable to that on the County road.
 - C. Any proposed work within County rights-of-way requires obtaining an encroachment permit from the Mendocino County Department of Transportation.
 - D. A 40-foot radius turnaround shall be constructed within a 50-foot radius easement at terminus of access easement to the satisfaction of the Mendocino County Department of Transportation.

**20. An avigation easement, similar in terms to the sample provided in Exhibit B, shall be provided.

21. A note shall appear on the Unilateral Agreement

"These parcels are located within the B1 zone of the Ocean Ridge Airport Planning Area, and as such may experience periods of elevated noise and safety hazards with the overhead passing of aircraft."

Public Service

Fire

22. The subdivider shall comply with those recommendations in the **California Department of Forestry** letter of 4/7/2015 (**CalFire# 82-15**) or other alternatives as acceptable to the Department **of Forestry**. Written verification shall be submitted from the **Department of Forestry** to the Department of Planning and Building Services that this condition has been met to the satisfaction of the **Department of Forestry**.
23. The subdivider shall comply with any recommendations of the **South Coast Fire District**. Written verification shall be submitted from **Fire District** to the Department of Planning and Building Services that this condition has been met to the satisfaction of the **Fire District**.

Special Conditions

24. Pursuant to Government Code Section 66492 & 66493, prior to recordation of the Unilateral Agreement, the subdivider must: (1) Obtain a Certificate from the Mendocino County Tax Collector stating that all current taxes and any delinquent taxes have been paid and; (2) Pay a security deposit (or bond) for taxes that are a lien, but not yet due and payable.

EXHIBIT B

This indenture made this ____ day of _____, 19 __, between _____
hereinafter referred to as Grantor, and the [Insert County or City name], a political subdivision in the
State of California, hereinafter referred to as Grantee.

The Grantor, for good and valuable consideration, the receipt and sufficiency of which are hereby
acknowledged, does hereby grant to the Grantee, its successors and assigns, a perpetual and assign-
able easement over the following described parcel of land in which the Grantor holds a fee simple
estate. The property which is subject to this easement is depicted as _____
on "Exhibit A" attached and is more particularly described as follows:

[Insert legal description of real property]

The easement applies to the Airspace above an imaginary plane over the real property. The plane is
described as follows:

The imaginary plane above the hereinbefore described real property, as such plane is defined by
Part 77 of the Federal Aviation Regulations, and consists of a plane [describe approach, transition,
or horizontal surface]; the elevation of said plane being based upon the _____ Airport
official runway end elevation of _____ feet Above Mean Sea Level (AMSL), as determined by
[Insert name and Date of Survey or Airport Layout Plan that determines the elevation] the approxi-
mate dimensions of which said plane are described and shown on Exhibit A attached hereto and
incorporated herein by reference.

The aforesaid easement and right-of-way includes, but is not limited to:

- (1) For the use and benefit of the public, the easement and continuing right to fly, or cause or permit
the flight by any and all persons, or any aircraft, of any and all kinds now or hereafter known, in,
through, across, or about any portion of the Airspace hereinabove described; and
- (2) The easement and right to cause or create, or permit or allow to be caused or created within all
space above the existing surface of the hereinabove described real property and any and all
Airspace laterally adjacent to said real property, such noise, vibration, currents and other effects of
air, illumination and fuel consumption as may be inherent in, or may arise or occur from or during
the operation of aircraft of any and all kinds, now or hereafter known or used, for navigation of or
flight in air; and
- (3) A continuing right to clear and keep clear from the Airspace any portions of buildings, structures, or
improvements of any kinds, and of trees or other objects, including the right to remove or demolish
those portions of such buildings, structures, improvements, trees, or other things which extend into
or above said Airspace, and the right to cut to the ground level and remove, any trees which extend
into or above the Airspace; and
- (4) The right to mark and light, or cause or require to be marked or lighted, as obstructions to air
navigation, any and all buildings, structures, or other improvements, and trees or other objects,
which extend into or above the Airspace; and

- (5) The right of ingress to, passage within, and egress from the hereinabove described real property, for the purposes described in subparagraphs (3) and (4) above at reasonable times and after reasonable notice.

For and behalf of itself, its successors and assigns, the Grantor hereby covenants with the [Insert County or City name], for the direct benefit of the real property constituting the _____ Airport hereinafter described, that neither the Grantor, nor its successors in interest or assigns will construct, install, erect, place or grow in or upon the hereinabove described real property, nor will they permit to allow, any building structure, improvement, tree or other object which extends into or above the Airspace, or which constitutes an obstruction to air navigation, or which obstructs or interferes with the use of the easement and rights-of-way herein granted.

The easements and rights-of-way herein granted shall be deemed both appurtenant to and for the direct benefit of that real property which constitutes the _____ Airport, in the [Insert County or City name], State of California; and shall further be deemed in gross, being conveyed to the Grantee for the benefit of the Grantee and any and all members of the general public who may use said easement or right-of-way, in landing at, taking off from or operating such aircraft in or about the _____ Airport, or in otherwise flying through said Airspace.

This grant of easement shall not operate to deprive the Grantor, its successors or assigns, of any rights which may from time to time have against any air carrier or private operator for negligent or unlawful operation of aircraft.

These covenants and agreements run with the land and are binding upon the heirs, administrators, executors, successors and assigns of the Grantor, and, for the purpose of this instrument, the real property firstly hereinabove described is the servient tenement and said _____ Airport is the dominant tenement.

DATED: _____

STATE OF } ss

COUNTY OF }

On _____, before me, the undersigned, a Notary Public in and for said County and State, personally appeared _____, and _____ known to me to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same.

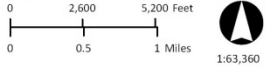
WITNESS my hand and official seal.

Notary Public



CASE: MS 2015-0002
OWNER: SUNDSTROM, Donald, et. al.
APN: 145-022-01
APLCT: Emani Seefeldt, et. al.
ADDRESS: 38701 Old Stage Rd., GU

- Major Towns & Places
- Major Rivers
- Highways
- Major Roads



LOCATION MAP

Map produced by the Mendocino County Planning & Building Services, March, 2015
All spatial data is approximate. Map provided without warranty of any kind.



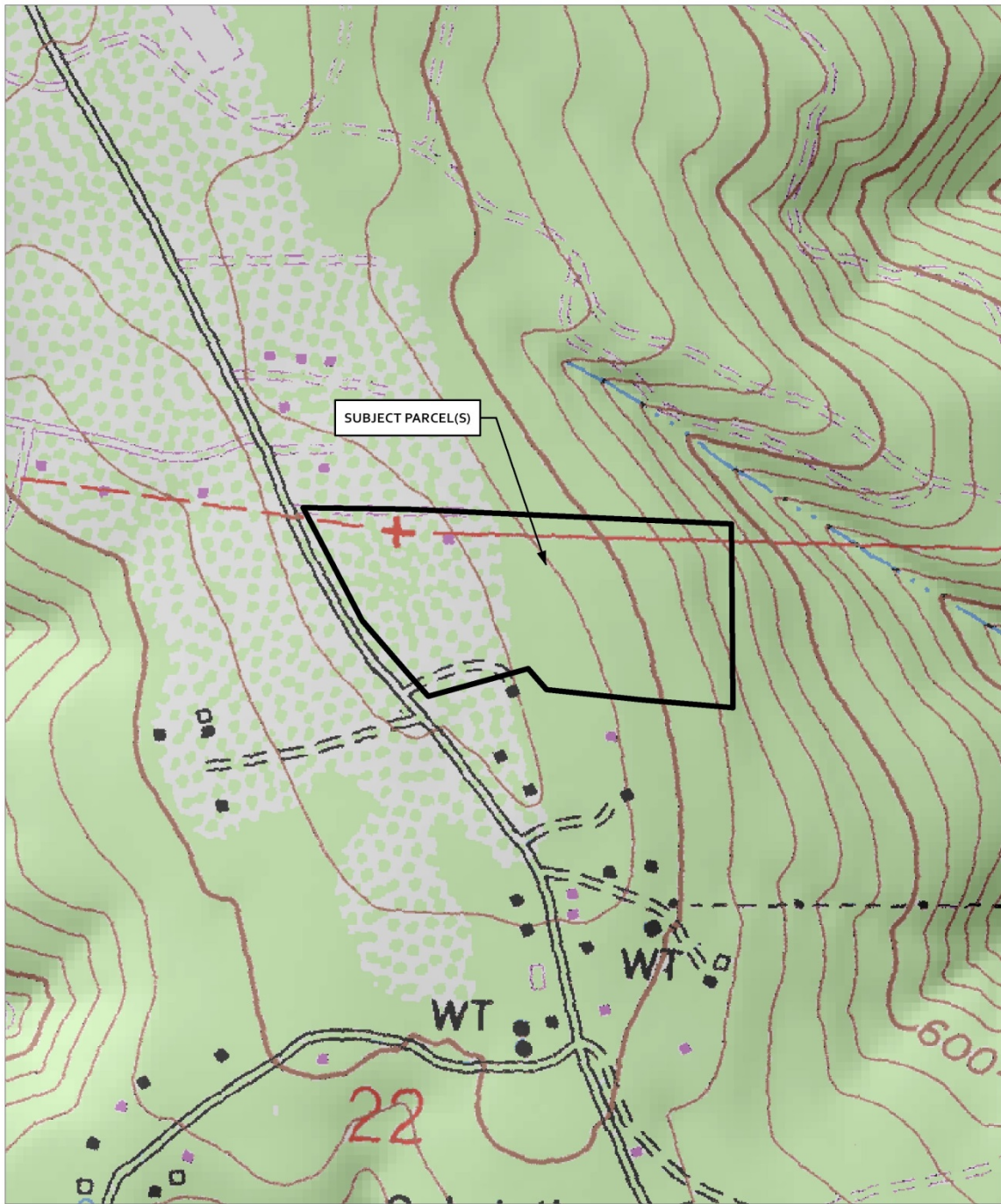
CASE: MS 2015-0002
 OWNER: SUNDSTROM, Donald, et. al.
 APN: 145-022-01
 APLCT: Emani Seefeldt, et. al.
 ADDRESS: 38701 Old Stage Rd., GU

— Public Roads

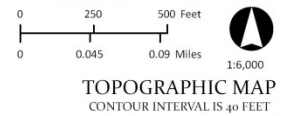


2014 NAIP AERIAL ORTHOPHOTO

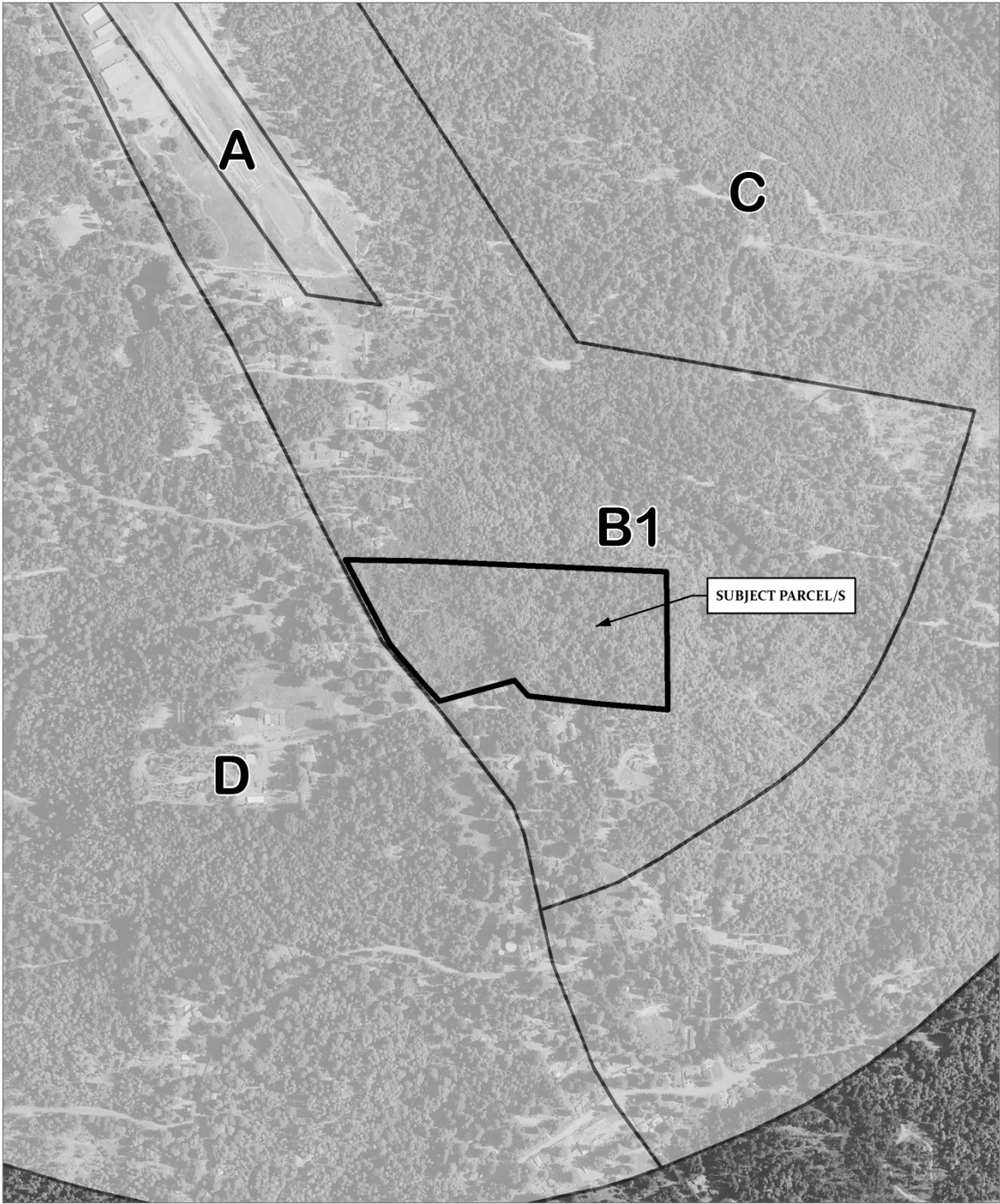
Map produced by the Mendocino County Planning & Building Services, March, 2015
 All spatial data is approximate. Map provided without warranty of any kind.



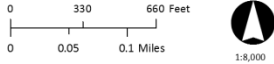
CASE: MS 2015-0002
 OWNER: SUNDSTROM, Donald, et. al.
 APN: 145-022-01
 APLCT: Emani Seefeldt, et. al.
 ADDRESS: 38701 Old Stage Rd., GU



Map produced by the Mendocino County Planning & Building Services, March, 2015
 All spatial data is approximate. Map provided without warranty of any kind.



CASE: MS 2015-0002
OWNER: SUNDSTROM, Donald, et. al.
APN: 145-022-01
APLCT: Emani Seefeldt, et. al.
ADDRESS: 38701 Old Stage Rd., GU



AIRPORT ZONES

Map produced by the Mendocino County Planning & Building Services, September, 2015
All spatial data is approximate. Map provided without warranty of any kind.



**Revised
Tentative Map**

Proposed Minor Subdivision of A.P.N.
145-022-01 being a portion of section 22,
Township 11 North, Range 15 West, Mount Diablo
Base and Meridian.

Mendocino County California
Book 1 - 12100

Map prepared by: Richard A. Smith
420 Redwood Ave.
P.O. Box 1309, CA 95437

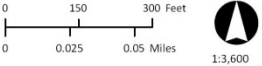
107-964-4265

Project address: 3780 Old Stage Road, Guadalupe

OWNER: Emuni Saffell, et al
P.O. Box 1651
Guadalupe, CA 95445
Donald A. Sundstrom
David S. Wilmer

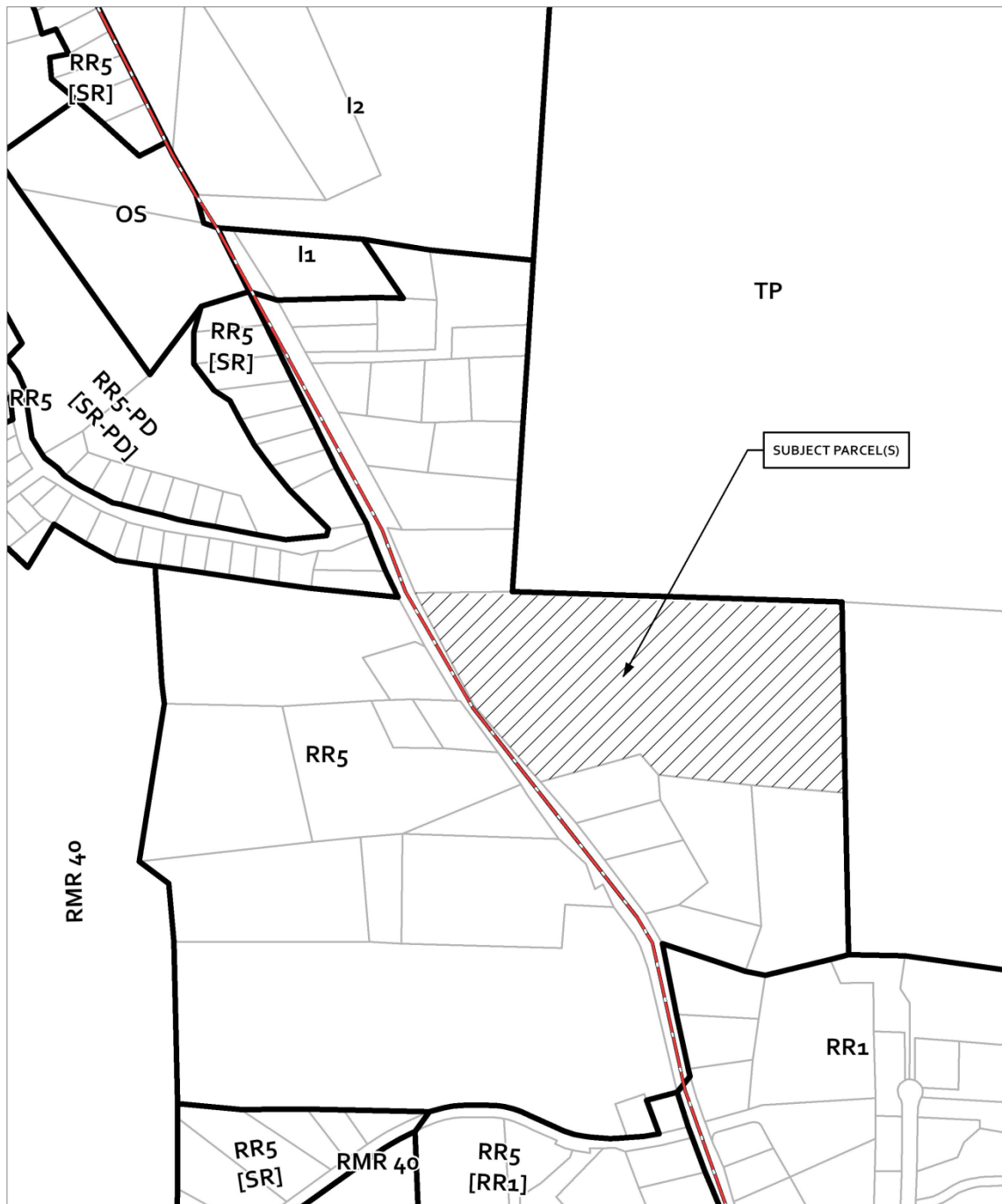


CASE: MS 2015-0002
OWNER: SUNDSTROM, Donald, et. al.
APN: 145-022-01
APLCT: Emani Seefeldt, et. al.
ADDRESS: 38701 Old Stage Rd., GU



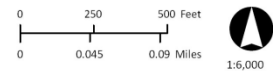
ADJACENT PARCELS

Map produced by the Mendocino County Planning & Building Services, March, 2015
All spatial data is approximate. Map provided without warranty of any kind.



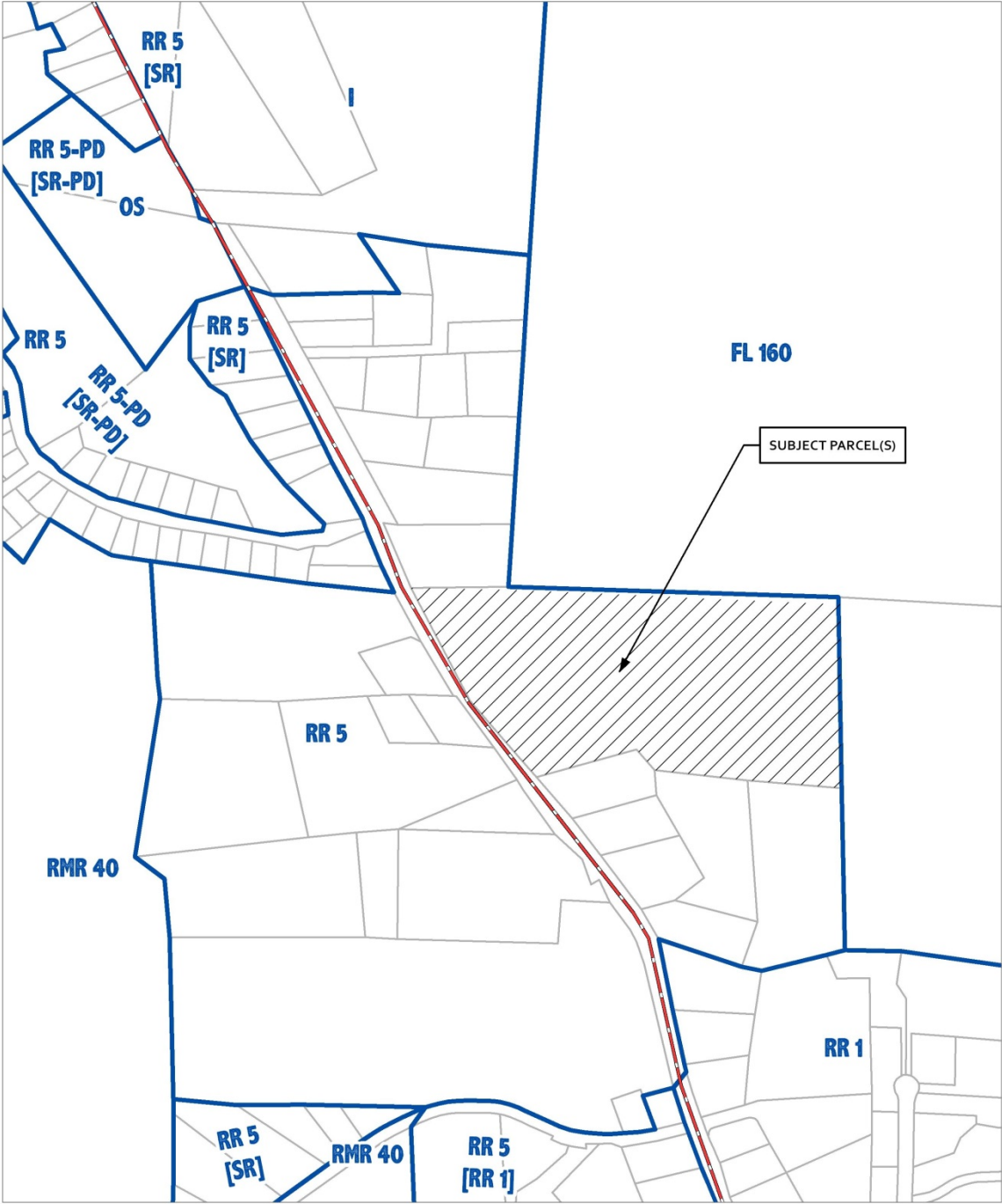
CASE: MS 2015-0002
 OWNER: SUNDSTROM, Donald, et. al.
 APN: 145-022-01
 APLCT: Emani Seefeldt, et. al.
 ADDRESS: 38701 Old Stage Rd., GU

Coastal Zone Boundary Line
 Zoning Master



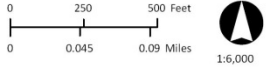
ZONING DISPLAY MAP

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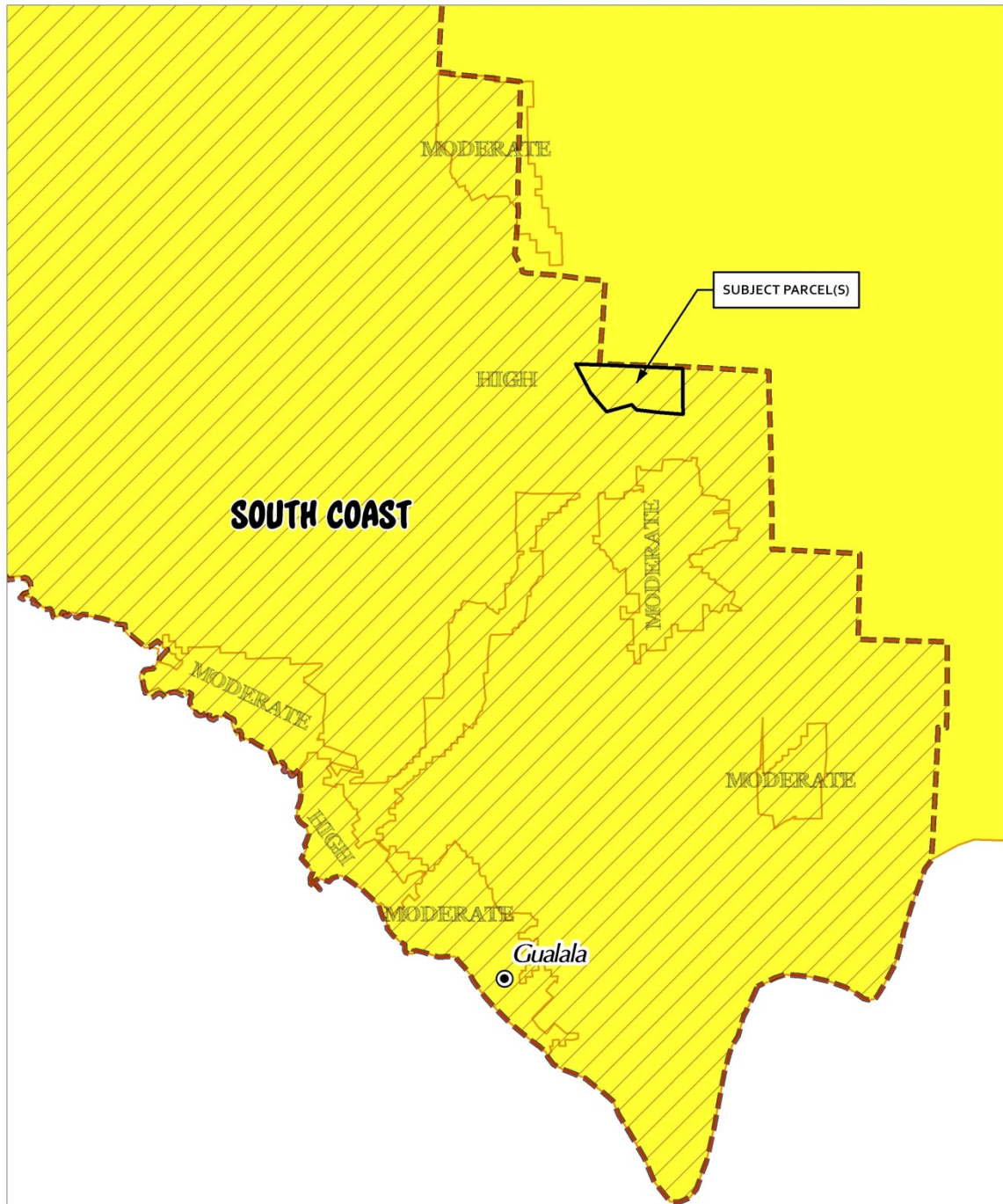
CASE: MS 2015-0002
OWNER: SUNDSTROM, Donald, et. al.
APN: 145-022-01
APLCT: Emani Seefeldt, et. al.
ADDRESS: 38701 Old Stage Rd., GU

Coastal Zone Boundary Line
General Plan Master



GENERAL PLAN CLASSIFICATIONS

Map produced by the Mendocino County Planning & Building Services, March, 2015
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 OWNER: SUNDSTROM, Donald, et. al.
 APN: 145-022-01
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 ADDRESS: 38701 Old Stage Rd., GU

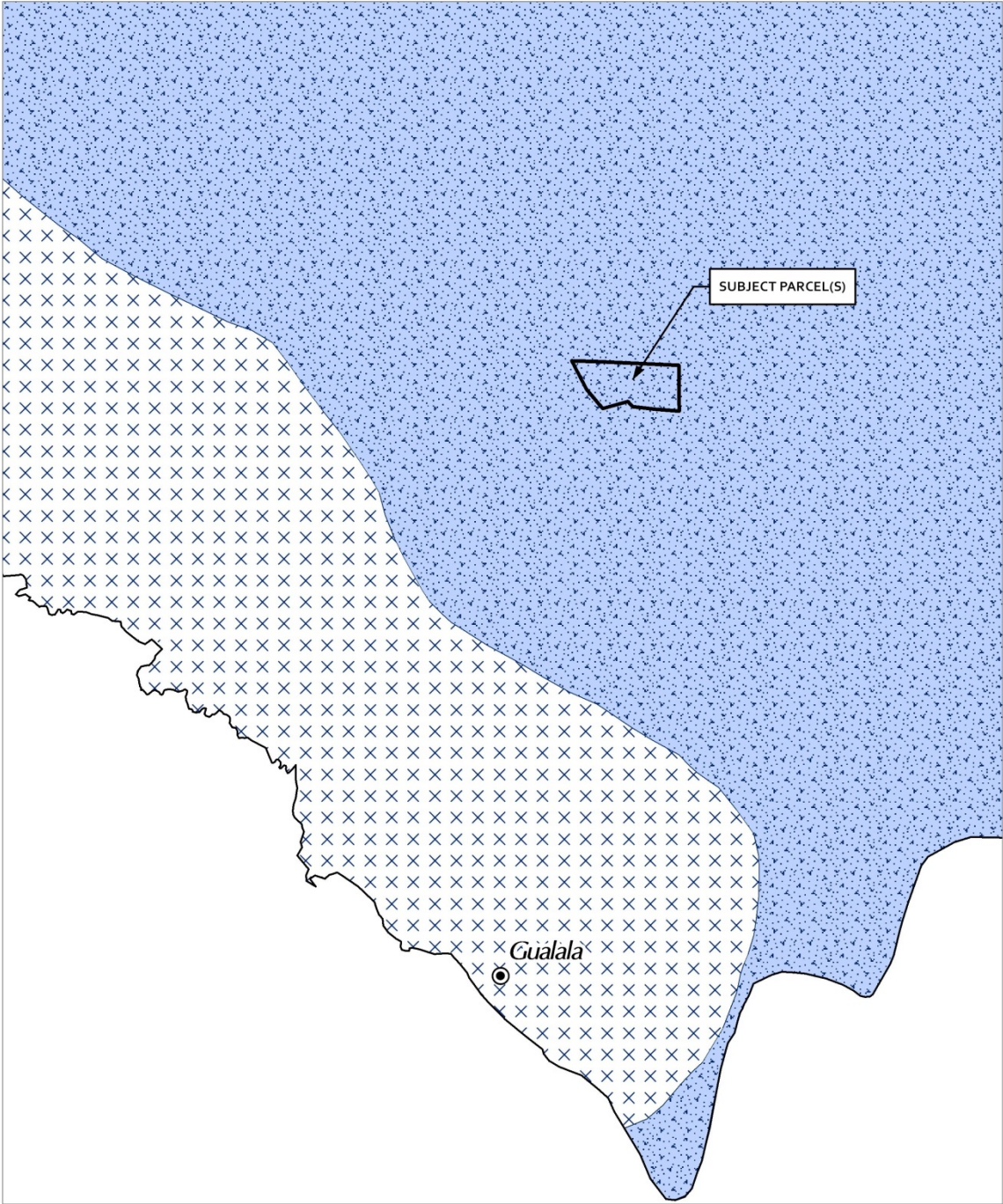
● Major Towns & Places
 State Responsibility Areas

County Fire Districts

0 950 1,900 Feet
 0 0.175 0.35 Miles
 1:24,000

FIRE HAZARD ZONES & RESPONSIBILITY AREAS
 SOUTH COAST FIRE DISTRICT

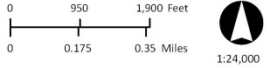
Map produced by the Mendocino County Planning & Building Services, March, 2015
 All spatial data is approximate. Map provided without warranty of any kind.



CASE: MS 2015-0002
OWNER: SUNDSTROM, Donald, et. al.
APN: 145-022-01
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ADDRESS: 38701 Old Stage Rd., GU

- Major Towns & Places
- × Critical Water Areas

Critical Water Resources Bedrock



COASTAL GROUND WATER RESOURCE AREAS

Map produced by the Mendocino County Planning & Building Services, March, 2015
All spatial data is approximate. Map provided without warranty of any kind.

DATE: September 17, 2015**CASE NUMBER:** MS_2015-0002**OWNER:** Donald Sundstrom**APPLICANT:** Richard Seale**PROJECT DESCRIPTION:** Minor Subdivision of a 23.9± acre parcel into two (2) parcels of 10± acres and 13.97± acres**LOCATION:** Approximately 2± miles north east of Gualala, lying on the east side of Old Stage Rd (CR# 502) just north of its intersection with Pacific Woods Rd (private road), 38701 Old Stage Road, Gualala, APN 145-022-01.**Environmental Checklist.**

"Significant effect on the environment" means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and aesthetic significance. An economic or social change by itself shall not be considered a significant effect on the environment. A social or economic change related to a physical change, may be considered in determining whether the physical change is significant (CEQA Guidelines, Section 15382).

Accompanying this form is a list of discussion statements for all questions, or categories of questions, on the Environmental Checklist. This includes explanations of "no" responses.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

| | | | | | |
|-------------------------------------|--------------------------|--------------------------|------------------------------------|--------------------------|------------------------------------|
| <input type="checkbox"/> | Aesthetics | <input type="checkbox"/> | Agriculture and Forestry Resources | <input type="checkbox"/> | Air Quality |
| <input checked="" type="checkbox"/> | Biological Resources | <input type="checkbox"/> | Cultural Resources | <input type="checkbox"/> | Geology /Soils |
| <input type="checkbox"/> | Greenhouse Gas Emissions | <input type="checkbox"/> | Hazards & Hazardous Materials | <input type="checkbox"/> | Hydrology / Water Quality |
| <input type="checkbox"/> | Land Use / Planning | <input type="checkbox"/> | Mineral Resources | <input type="checkbox"/> | Noise |
| <input type="checkbox"/> | Population / Housing | <input type="checkbox"/> | Public Services | <input type="checkbox"/> | Recreation |
| <input type="checkbox"/> | Transportation/Traffic | <input type="checkbox"/> | Utilities / Service Systems | <input type="checkbox"/> | Mandatory Findings of Significance |

1. Aesthetics:

| <u>I. AESTHETICS.</u> Would the project: | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|---|---|---|-------------------------------------|
| a) Have a substantial adverse effect on a scenic vista? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Substantially degrade the existing visual character or quality of the site and its surroundings? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

As per **Condition 1**, a note shall appear on the Unilateral Agreement that: "All future external lighting, whether installed for security, safety or landscape design purposes, shall be shielded, downcast or shall be positioned in a manner that will not shine or allow light glare to exceed the boundaries of the parcel on

which it is placed.” Approval of this application entitles up to two residences, one per proposed parcel. Although the maximum potential development has limited possibility to impact aesthetics, **Condition 1** will ensure that potential future alterations to the existing development will not impact aesthetic resources.

2. Agricultural/Forestry:

| II. AGRICULTURE AND FORESTRY RESOURCES. Would the project: | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|---------------------------------------|---|-------------------------------------|-------------------------------------|
| a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Result in the loss of forest land or conversion of forest land to non-forest use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

The stated intent of the Rural Residential land use designation and zoning district encourages local small food production (farming) as a permitted use on a smaller scale lending support to small sized parcels. The proposed subdivision is adjacent to Timber Production Zones to the north and east. If approved, the resulting parcels would not directly interfere with the agricultural uses on the surrounding properties. Consistent with General Plan policy RM-109, requiring a buffer between agricultural and residential uses, **Condition 3** requires that all structures will maintain a minimum setback of 200 feet from all TP zoned parcels. **Condition 2** requires a notation on the unilateral agreement indicate that the parcels “may be subject to inconvenience and discomfort arising from use of agricultural chemicals”. No mitigation is required.

3. Air Quality:

| III. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project: | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|---------------------------------------|---|-------------------------------------|-------------------------------------|
| a) Conflict with or obstruct implementation of any applicable air quality plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

| | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Expose sensitive receptors to substantial pollutant concentrations? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Create objectionable odors affecting a substantial number of people? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

The Mendocino County Air Quality Management District reviewed the project and requested **Condition 5**, which will require that any new construction must comply with Air Quality Management District Regulations concerning wood burning appliances. Additionally, **Condition 5** notes that future development may be subject to grading requirements and drainage control measures.

4. Biological Resources:

| <u>IV. BIOLOGICAL RESOURCES:</u> Would the project: | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|---------------------------------------|---|-------------------------------------|-------------------------------------|
| a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

There is no known presence of a rare and/or endangered plant species or habitat on the subject parcel or in proximity to the subject parcel.

The California Natural Diversity Database (NDDDB), maintained by the California Department of Fish and Wildlife, is often relied upon by Planning Staff for documented resource information. The NDDDB indicated the potential for one rare or threatened species—the Townsend's big-eared bat. According to *Terrestrial Mammal Species of Special Concern in California* Townsend's big-eared bats are known to roost in "old, mostly abandoned buildings with darkened, enclosed cave-like attics... [and] on walls or ceilings, often near entrances." The species has restrictive roost requirements and roost "disturbance or destruction has been primarily responsible for population declines in most areas." The proposed subdivision would have no direct impact on the Townsend's big-eared bat since no developments currently exist on the site. No construction or demolition is proposed, but to limit any future impact **Condition 6** is recommended directing the applicant to have a qualified biologist inspect unoccupied buildings for signs of habitation by birds and bats in the event they are to be demolished.

Additionally, Staff received no comments from the Department of Fish and Wildlife regarding this application. While this application will not directly affect biological resources, the potential presence of Townsend's big-eared bat habitat should be protected in the event that any future development takes place. **Condition 7** will add protection to the threatened species that would not exist without approval of this application.

5. Cultural Resources:

| <u>V. CULTURAL RESOURCES.</u> Would the project: | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|---------------------------------------|---|-------------------------------------|-------------------------------------|
| a) Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Disturb any human remains, including those interred outside of formal cemeteries? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

While no Archeological Survey was required of this project, Code Sections 22.12.090 and 22.12.100 (Discovery Clause) would apply in the event that archaeological resources are encountered during any future excavation operations. **Condition 8** is recommended to increase the protection of cultural resources for any future ground disturbance activity.

6. Geology and Soils:

| <u>VI. GEOLOGY AND SOILS.</u> Would the project: | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|---------------------------------------|---|-------------------------------------|-------------------------------------|
| a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

| | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| ii) Strong seismic ground shaking? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| iii) Seismic-related ground failure, including liquefaction? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| iv) Landslides? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Result in substantial soil erosion or the loss of topsoil? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Approval of the proposed subdivision allows for one Single Family Residence and accessory buildings per parcel. The project is outside of all Alquist-Priolo Special Study Areas, and is not located near any other geological phenomena that may potential be cause for concern. **Condition 9** requires the applicant to adhere to "Best Management Practices" for grading resultant from the project.

7. Greenhouse Gas Emissions:

| <u>VII. GREENHOUSE GAS EMISSIONS.</u> Would the project: | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|---|---|---|-------------------------------------|
| a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Assembly Bill 32 (AB32), the California Global Warming Solutions Act, 2006 recognized that California is a source of substantial amounts of greenhouse gas (GHGs) emission which poses a serious threat to the economic well-being, public health, natural resources, and the environment of California. AB32 established a state goal of reducing GHG emission to 1990 levels by the year 2020 with further reductions to follow. In order to address global climate change associated with air quality impacts, CEQA statues were amended to require evaluation of GHG emission which includes criteria air pollutants (regional) and toxic air contaminants (local) As a result, Mendocino County Air Quality Management District (MCAQMD) adopted CEQA thresholds of significance for criteria air pollutants and GHGs, and issued updated CEQA guidelines to assist lead agencies in evaluating air quality impacts to determine if a project's individual emissions would be cumulatively considerable. According to the MCQAMD, these CEQA thresholds of significance are the same as those which have been adopted by the Bay Area Air Quality Management District (BAAQMD). Pursuant to the BAAQMD CEQA Guidelines, the threshold for project significance of GHG emissions is 1,100 Metric tons CO₂e (CO₂ equivalent) of operation emission on an annual basis. This project as proposed, creating one additional parcel with the no capacity for additional single family residences, will have no impact and be below the threshold for project significance of 1,100 Metric tons CO₂e.

8. Hazards and Hazardous Materials:

| <u>VIII. HAZARDS AND HAZARDOUS MATERIALS.</u> Would the project: | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|---------------------------------------|---|-------------------------------------|-------------------------------------|
| a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

All fire issues are discussed under Section 14, Public Services.

9. Hydrology and Water Quality:

| <u>IX. HYDROLOGY AND WATER QUALITY.</u> Would the project: | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|---------------------------------------|---|-------------------------------------|-------------------------------------|
| a) Violate any water quality standards or waste discharge requirements? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

| | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a level which would not support existing land uses or planned uses for which permits have been granted)? | | | | |
| c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Otherwise substantially degrade water quality? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| j) Inundation by seiche, tsunami, or mudflow? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

The proposed subdivision would create two parcels where one currently exists. Both of the proposed parcel will be undeveloped. Due to a moratorium on new hookups to the North Gualala Water Company's system, the applicant has been made aware that private wells will need to be used to provide the property with water.

The subject site is not served by public sewer. Currently, on-site septic systems serve both proposed parcels. The Department of Environmental Health is requesting that a replacement system be designed for both proposed parcels. North Gualala Water Company currently serves both proposed parcels. No impacts with regards to septic or water access are anticipated. **Conditions 10, 11, 12, 13 and 14** reflect the conditional approval of Environmental Health.

10. Land Use and Planning:

| <u>X. LAND USE AND PLANNING.</u> Would the project: | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|---|---|---|-------------------------------------|
| a) Physically divide an established community? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

| | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| mitigating an environmental effect? | | | | |
| c) Conflict with any applicable habitat conservation plan or natural community conservation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

The property is classified Rural Residential-Planned Development within the Coastal Plan and is also zoned Rural Residential-Planned Development-5 acre minimums (RR-PD-5). There is no conflict with the Coastal Land Use Classification in regards to density or use.

11. Mineral Resources:

| XI. MINERAL RESOURCES. Would the project: | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|---------------------------------------|---|-------------------------------------|-------------------------------------|
| a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

This subdivision application has no impact on mineral resources.

12. Noise:

| XII. NOISE. Would the project result in: | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|---------------------------------------|---|-------------------------------------|-------------------------------------|
| a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

The future potential residential development would likely create temporary noise impacts during the construction phase. This would not have a permanent impact on noise standards in the area. The parcels are located in the "B1" area of the Ocean Ridge Airport area map. The parcels are located directly under

the approaching flight path for the airport. **Condition 21** requires that the deed note potential noise impacts that may result from the passing of overhead planes. In addition, **Condition 20** is required for notification to future potential property owners of the proposed parcels for the long range protection of the continued use of the Ocean Ridge Airport.

13. Population and Housing:

| <u>XIII. POPULATION AND HOUSING.</u> Would the project: | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|---------------------------------------|---|-------------------------------------|-------------------------------------|
| a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

A total of two (2) residential units could be built on the proposed parcels if the subdivision is approved. This is equal to one home per 11.7± acres. While second single-family residential units typically are considered an accessory use to a parcel and are allowed by right, the projects location within the B1 zone of the Ocean Ridge Airport Comprehensive Plan allows for a maximum of one dwelling unit per 10 acres. These secondary homes cannot be sold individually. The maximum possible development of the proposed subdivision would create a less than significant impact.

14. Public Services:

| <u>XIV. PUBLIC SERVICES.</u> | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|---------------------------------------|---|-------------------------------------|-------------------------------------|
| a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Fire protection? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Police protection? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Schools? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Parks? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Other public facilities? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

The project site is served by CalFire and South Coast Fire Protection District. The increase of one additional parcel without an entitlement for additional single family residences (without a Coastal Development Permit) would not create additional service demands or result in adverse physical impacts associated with delivery of fire, police, parks or other public services. **Conditions 22 and 23** are recommended to provide for review and approval by CalFire and the South Coast Fire Protections District of fire safe measures to minimize fire hazards to potential residential development on the site.

15. Recreation:

| <u>XV. RECREATION.</u> | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|---------------------------------------|---|-------------------------------------|-------------------------------------|
| a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

The project would have no impact on public access or recreation.

16. Transportation/Traffic:

| <u>XVI. TRANSPORTATION/TRAFFIC.</u> Would the project: | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|---------------------------------------|---|-------------------------------------|-------------------------------------|
| a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Result in inadequate emergency access? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Both proposed parcels take access from Old Stage Road (CR 502), one directly and one from a private road that runs through the easement granted at the north edge of parcel 1. The two parcels resulting from this subdivision application will contain no development at present. Upon completion of the subdivision, a total of two (2) Single Family Residences could potentially be built. There would be no traffic or access impacts stemming from the approval of this application in excess of existing conditions.

The County Department of Transportation (DOT) reviewed the project with regards to circulation, ingress and egress. While this subdivision would create no increase in traffic or access hazards, DOT offered conditional approval that would improve the safety of the existing accesses. At Subdivision Committee on November 12, 2015, DOT approved this subdivision application, subject to conditions outlined by **Condition 15, 16, 17 and 18.**

DOT included a condition requiring all existing private driveway approaches serving the proposed parcels be improved to meet minimum sight distance standards. The applicant has revised the application to propose new means of access for each parcel, and proposes to abandon the old driveway approaches. DOT has reviewed the revised application, and, provided the abandoned driveways are fenced to prevent future access, finds that the new access approaches meet minimum sight distance requirements. **Condition 19** is recommended, requiring the applicant to abandon and fence the existing driveways prior to filing of the Unilateral Agreement.

The applicant should be aware that, prior to filing of the Unilateral Agreement, the roadway improvements must be inspected and approved by the Department of Transportation, and is subject to encroachment permitting. Upon completion of the roadway improvements, applicant should request inspection.

The approval of this application, subject to the conditions recommended by DOT, would not negatively impact traffic and would improve access safety beyond existing conditions.

17. Utilities and Service Systems:

| <u>XVII. UTILITIES AND SERVICE SYSTEMS.</u> Would the project: | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|---|---|---|-------------------------------------|
| a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

| | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| g) Comply with federal, state, and local statutes and regulations related to solid waste? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

The subject site is not served by public sewer. Currently, on-site septic systems serve both proposed parcels. The Department of Environmental Health is requesting that a replacement system be designed for both proposed parcels. North Gualala Water Company currently serves both proposed parcels. No impacts with regards to septic or water access are anticipated. **Conditions 10, 11, 12, 13 and 14** reflect the conditional approval of Environmental Health.

18. Mandatory Findings of Significance:

| <u>XVIII. MANDATORY FINDINGS OF SIGNIFICANCE.</u> | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|---------------------------------------|---|-------------------------------------|-------------------------------------|
| a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Overall, no significant environmental impacts are anticipated, and any less than significant impacts can be mitigated to a level of no impact. Therefore, a Mitigated Negative Declaration is recommended.

DETERMINATION:

On the basis of this initial evaluation:

- ☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

DATE

Signature on File

MARY LYNN HUNT
SENIOR PLANNER