UKIAH VALLEY AREA PLAN CEQA FINDINGS

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SECTION 1. Recitals.

The Board hereby finds that the foregoing recitals are true and correct.

SECTION 2. Purpose of the Findings.

The purpose of these Findings is to satisfy the requirements of Public Resources Code Section 21000, et seq., and Sections 15091, 15092, 15093 and 15097 of the CEQA Guidelines, 14 Cal. Code Regs. Sections 15000, et seq., associated with adoption of the Ukiah Valley Area Plan (UVAP). These Findings provide the written analysis and conclusions of the Board of Supervisors regarding the UVAP. They are divided into general sections. Each of these sections is further divided into subsections, each of which addresses a particular impact topic and/or requirement of law. At times, these findings refer to materials in the administrative record, which are readily available for review in the County's Planning & Building Services Department.

SECTION 3. Project Objectives.

The Ukiah Valley Area Plan (UVAP) is intended to reflect the wishes of its residents and decision-makers for the future development and operation of the UVAP planning area. Based upon input from the public, various public agencies, County staff, and local decision-makers, Mendocino County Board of Supervisors identified the following objectives for the UVAP:

- Support a mixed economy with both large and small employers providing jobs;
- Support businesses that retain and create new dollars within the community;
- Support development that provides a mix of housing types and prices;
- Support the development of adequate water, sewer and utility resources to support the future of the valley;
- Support industries and business that use resources wisely, respecting the carrying capacity of the valley;
- Support cultural, political and social institutions that involve as many citizens as possible in community life, and that interact effectively with one another.

SECTION 4. The Ukiah Valley Area Plan.

In 2005, the County proposed adoption of the Draft 2002 UVAP. A Draft EIR was prepared on that plan and circulated for public review in July 2005. After receipt of public comments on the Draft EIR, the County determined that revisions to the draft plan were needed to address the public concerns. Accordingly, a new draft plan was developed – the Draft 2007 UVAP. The BOS directed that a revised DEIR be prepared. It is important to note that the Draft 2007 UVAP has been updated by County staff to include information from the Water Assessment completed in 2010. In addition, background and supportive text was added to the Draft 2007 UVAP in support of goals and policies which were tentatively approved by the BOS in 2007. The current version of the UVAP is dated December 2010; however, it is in essence the

Draft 2007 UVAP. The County made minor changes to the UVAP during hearings on the Draft EIR and the Plan from March to June, 2011. These Findings apply to the UVAP as amended by minor changes identified in the Final EIR.

SECTION 5. Findings are Determinative.

The Board of Supervisors recognizes that there may be differences in and among the different sources of information and opinions offered in the documents and testimony that make up the EIR and the administrative record; that experts disagree; and that the Board of Supervisors must base its decision and these Findings on the substantial evidence in the record that it finds most compelling. Therefore, by these Findings, the Board of Supervisors ratifies, clarifies, and/or makes insignificant modifications to the FEIR and resolves that these findings shall control and are determinative of the significant impacts of the Project.

SECTION 6. Findings Associated With Less Than Significant Impacts Without Need for Imposition of Mitigation.

The Board of Supervisors has reviewed and considered the information in the Draft EIR and Final EIR, addressing environmental effects, mitigation measures, and alternatives. The Board of Supervisors, relying on the facts and analysis in the DEIR and FEIR, which were presented to the Board of Supervisors and reviewed and considered prior to any approvals for the UVAP, concurs with the conclusions of the DEIR and FEIR regarding the less than significant environmental effects.

The following policies and programs in the UVAP ensure that the potential impacts listed below associated with the implementation of the proposed Project are **less than significant and would not require mitigation:**

6.1: Land Use, Population and Housing

Impact 3.1-A: Land uses and development consistent with the UVAP could physically divide existing communities within the plan area. (DEIR p. 73)

Finding: By and large, the UVAP concentrates development potential along the State Street corridor. This area is already developed with various residential and non-residential uses. Future development would result in infill of developed areas or northern and southern extensions of greater Ukiah. The development allowed under the UVAP would not divide an existing community. Policies and implementation measures included in the UVAP would not result in any division of an existing community in the planning area. The impact is ***less than significant***, and no mitigation is required.

Reference: UVAP Policies and Implementation Measures LU1.1; LU1.1a; LU1.2; LU1.2a; LU1.2b; LU1.4; LU1.4a.

Impact 3.1-D: Land uses and development consistent with the UVAP could result in conversion of forest land to other uses. (DEIR p. 82)

Finding: None of the plan area is designated as Forest Land nor zoned for Timber Production Zone. However, there are areas within the plan area that contain woodland stands that the State would define as forest land. These areas are in the hills to the west and east of the valley. Development in those areas would be large lot residential development. Timber resources are not addressed in the UVAP. However, the new County General Plan contains numerous policies aimed at protecting these resources and preventing conversion of prime timberlands. It is not expected that new development would result in substantial timberland conversion. In addition, existing General Plan policies provide protection for these resources. Given these policies, the impact would be ***less than significant.***

Reference: UVAP Policies and Implementation Measures LU1.1; LU1.1a; LU1.2; LU1.2a; LU1.2b; LU1.4; LU1.4a.

Impact 3.1-E: Land uses and development consistent with the UVAP could result in projects that displace housing and people. (DEIR p. 86)

Finding: The UVAP does not contain a new Housing Section and does not directly address housing issues. The County's existing Housing Element applies to housing issues. By encouraging mixed land uses, the UVAP indirectly would result in additional multi-family housing units, and such units are more affordable than single-family residential development. At a program level, the existing Housing Element policies and actions address this impact and reduce it to a ***less than significant*** level.

Reference: Housing Element policies 1.2; 3.1; 3.4; 3.5; 6.1; 6.2.

6.2: Geology and Soils

Impact 3.2-D: Land uses and development consistent with the UVAP outside municipal wastewater service districts could be constrained by soils that cannot adequately dispose of treated wastewater. (DEIR p. 105)

Finding: Where municipal sewer services are unavailable, new development would be required to develop and operate on-site septic systems, including leachfields. The adverse effects of the impacts associated with septic suitability of soils can be avoided through proper soil percolation testing and septic system design, careful construction monitoring, as well as post construction system monitoring and maintenance. Procedures employed in soils testing and percolation testing are found in the present County regulations. Because the regulations discussed above would considerably reduce potential septic suitability of soils impacts, this would be a ***less than significant impact***.

Reference: UVAP Policies and Implementation Measures WM1.2; WM1.2a; WM1.2b; WM4.2; WM4.2a; WM4.2b.

6.3: Hydrology and Water Quality

Impact 3.3-H: Agricultural use will continue to generate sediments and other pollutants that will enter area streams and degrade the water quality. (DEIR p. 130)

Finding: Disking and ground preparation of the 6,216 acres of land in the plan area that is commercially cultivated results in bared earth that can erode when exposed to rainfall. The eroded sediments can be transported to area streams. Residues from the use of agricultural chemicals to produce crops on these lands can also be transported to area streams. Agricultural use is a source of sediment in the area. However, this is an existing situation. The UVAP does not contain any policies directed towards reducing water quality impacts from agricultural uses. However, because the plan would not increase agricultural use in the plan area, the impact is ***less than significant***, and no mitigation is required.

Reference: WM1.2.

6.4: Air Quality

Impact 3.7-D: Construction of future projects and use of unpaved roads may expose people to harmful levels of asbestos. (DEIR, p. 229)

Finding: There are areas of Naturally Occurring Asbestos (NOA) in the plan area, particularly near Lake Mendocino and Vichy Springs. Exposure to this NOA during construction or use could be harmful to the health of the people doing the work or living nearby. However, MCAQMD already requires a review of sites where NOA is possible and mitigation measures to control the asbestos when harmful levels of NOA are present. Continued compliance with MCAQMD requirements concerning NOA would be expected to reduce this impact to a less than significant level. The County will continue to submit project applications to MCAQMD for review, which should ensure that MCAQMD can require geologic examinations of projects on sites where NOA may be present. The impact is reduced to a ***less than significant*** level by continuing the MCAQMD oversight of projects at locations where NOA is present.

Reference: None.

6.5: Noise

Impact 3.8-E: New projects could cause significant increases in groundborne noise and vibrations. (DEIR, p. 250)

Finding: New development, particularly industrial development, may include industrial processes that substantially increase groundborne noise and vibrations. The railroad, if reopened for use, would cause some groundborne noise and vibration. New development generating

groundborne vibrations would generally require a Use Permit or Development Review if located in an Industrial zoning district, thereby providing the County with the ability to limit such development to ensure that it does not significantly affect surrounding uses. The impact would be reduced to a ***less than significant*** level, and no further mitigation is required.

Reference: None.

SECTION 7. Findings Associated With Potentially Significant Impacts Which Can Be Mitigated To A Less Than Significant Level.

According to Public Resources Code Section 21081 and CEQA Guidelines Section 15091, no public agency shall approve or carry out a project for which an environmental impact report has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:

(1) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.
(2) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.
(3) Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

The goals, policies, and implementation measures in the Ukiah Valley Area Plan listed below in ***bold italics*** have been incorporated into the project to mitigate the following impacts and reduce them to a less than significant level. Mitigation measures recommended in the EIR are shown as additions to the policy or implementation measure (shown as underlined text) or deletions form the policy or measure (shown as strike-out text), When the wording of the goals, policies, and implementation measures indicated is different from the mitigation measure it implements, the Board has determined that the differences do not substantively change the effectiveness of the measure or constitute significant new information pursuant to CEQA Guidelines Section 15088.5 or new information of substantial importance pursuant to CEQA Guidelines Section 15162.

7.1 Land Use, Population and Housing

Impact 3.1-C: Land uses and development consistent with the UVAP could result in conflicts with agricultural land uses or Williamson Act contracts resulting in cessation of farming on affected properties. (DEIR p. 79)

Mitigation Measures: ***Policy OC3.4*** ("Regulate land use to maintain compatibility with existing agricultural uses") and implementation measures under that policy mitigate this impact. In addition, the following additional language is added.

EIR-Recommended Mitigation Measures:

- Mitigation Measure 3.1-C.1: The County will minimize the impacts of new development on agricultural operators. To do so, the second bullet item in UVAP Implementation ***Measure OC3.4d*** shall be revised as follows:

  Building envelopes, clustered development, and commercial, industrial, civic, and sensitive uses shall be designed with buffers or setbacks from lands classified Agricultural or Range Lands. Buffers shall generally be defined as a physical separation of ~~200~~ 100 feet from pasture or range lands, 400 feet from pear and apple orchards, and 200 feet from vineyards or other crops with the potential for a reduced separation when a topographic feature, substantial tree-stand, landscaped berm, watercourse or similar existing or constructed feature is provided and maintained. ~~The 200-foot setback does not apply to land classified Rural Community that is zoned Rangeland or Agricultural; .~~

Finding: Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the Board hereby finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect to a **less than significant** level.

Rationale: Based upon the DEIR, FEIR and the administrative record, this potential impact on agricultural resources is mitigated by Policy OC2.4 and imposition of Mitigation Measure MM3.1-C.1, found on page 81 of the DEIR. With incorporation of this mitigation measure as Open Space and Conservation Implementation Measure OC3.4d into the UVAP, the impact would be reduced to a less than significant level as the measure further supports a strong framework for preserving agricultural in areas classified for Agriculture and Rangeland.

7.2 Geology and Soils

Impact 3.2-B: Land uses and development consistent with the UVAP has the potential of exposing additional people and structures to slope failure hazard. (DEIR p. 102).

Mitigation Measures: The UVAP contains Implementation Measure HS1.1c that requires geotechnical evaluations in risk zones and Implementation Measures HS1.5a and HS1.1b, which all require appropriate mitigation or avoidance of areas subject to landsliding. Landsliding impacts would be generally reduced to a less than significant level for new development through implementation of the UVAP and existing County policies (including enforcement of the current UBC). The following UVAP policies address the impact:

- ***Policy HS1.1***: Minimize risks to people and property from earthquake and landslide danger.
- ***Policy HS1.5:*** Minimize development in hazardous areas.

Finding: Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the Board hereby finds that changes or alterations have been required in, or

incorporated into, the project which avoid or substantially lessen the significant environmental effect to a **less than significant** level.

Rationale: Based upon the DEIR, FEIR and the administrative record, this potential impact on slope failure hazards is mitigated by imposition of UVAP Policies HS1.1 and HS 1.5. This potential impact would be reduced to a less than significant level as the UVAP policies further support a strong framework for minimizing risk associated with this issue.

Impact 3.2-C: Land uses and development consistent with the UVAP could be damaged by improper construction or siting due to soil constraints. (DEIR p. 104)

Mitigation Measures: The same measures described for Impact 3.2-B above apply to this impact.

Finding: Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the Board hereby finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect to a **less than significant** level.

Rationale: Based upon the DEIR, FEIR and the administrative record, this potential impact from soil constraints is mitigated by imposition of UVAP Policies HS1.1 and HS 1.5. This potential impact would be reduced to a less than significant level as the UVAP policies further support a strong framework for minimizing risk associated with this issue.

Impact 3.2-E: Land uses and development consistent with the UVAP could result in the loss of known mineral resources or mineral resource recovery sites. (DEIR p. 108)

Mitigation Measures: The UVAP contains ***Policy OC1.4 (***"Manage gravel levels within the Russian River.") that will establish minimum riverbed elevation that limits gravel harvesting to levels that do not exceed resupply of Russian River gravel. Policy RM-65 in the General Plan states that environmental protection is a high priority during mineral extraction and associated processing operations, and in site reclamation.

Finding: Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the Board hereby finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect to a **less than significant** level.

Rationale: The UVAP would have a less than significant impact on known mineral resources and mineral resource recovery sites. In addition, the County General Plan has several policies protecting mineral resources. The County Surface Mining and Reclamation Ordinance also regulates possible future extraction and reclamation, and requires a reclamation plan for sites with Vested Rights. Given these polices and measures, mineral resources and mineral resource recovery sites would be protected for utilization of those resources.

7.3 Hydrology and Water Quality

Impact 3.3-A: Land uses and development consistent with the UVAP could occur within flood zones and would expose more people and property to flood hazards. (DEIR p. 116)

Mitigation Measures: Constructing new residences or businesses within the 100-year floodplain would expose people to injury or death and result in substantial damage to structures and other improvements should a flood occur. The UVAP addresses this flooding impact in several polices and implementation measures contained in the Health and Safety Section as follows:

- ***Policy HS1.2***: Minimize impacts from flooding through flood mitigation components and ongoing flood management practices including implementation of the "No Adverse Impacts" (NAI), as recommended by the Association of Flood Plain Managers.

However, until the floodplain mapping is completed and the flood management plan and the No Adverse Impact Standards are adopted and codified into the Zoning Ordinance, the guidance that the UVAP provides for regulating new development within the floodplain is limited. Increased flood protection is addressed in the EIR as follows:

EIR-Recommended Mitigation Measures:

- Mitigation Measure 3.3-A.1: The County shall not approve new discretionary permits for development within the 100-year floodplain of any stream in the plan area unless it can be shown that new development would not be subject to flooding. To accomplish this mitigation, the following implementation measures shall be revised or added to the UVAP:

  HS1.2a Flood Hazard Mapping: ~~Collaborate with the~~ Request that Federal Emergency Management Agency and other relevant agencies to update flood hazard mapping for the Russian River watershed.

  HS1.2d 100-Year Floodplain Development Standards and Restrictions: Enforce standards and restrictions for development within the 100-year floodplain. Update standards and restrictions based on Flood Management Plan recommendations. ~~Preliminary development standards and restrictions should:~~ Until the Flood Management Plan and the No Adverse Impact Standards are adopted and the revised 100-year floodplain mapping is completed, new development within the 100-year floodplain will be required to comply with the following conditions:
  - Each discretionary project within the 100-year floodplain will be required, using an methodology acceptable to FEMA, to identify the 100-year floodplain elevation on the site given buildout under the 2007 UVAP;
  - The first floor of each new development will be constructed at least one foot above the 100-year flood elevation as defined by the above-described modeling;
  - Design and condition discretionary projects within the 100-year floodplain (including subdivision and use permits) and future site development to minimize fill, encroachments and impervious surfaces; and

- Amend the Floodplain Combining District to require local performance standards to minimize encroachments, fill and impervious surfaces lacking stormwater runoff retention features.
- To the maximum extent practical, avoid constructing critical facilities within the designated 100-year floodplain areas or areas potentially subject to inundation by dam failures (or other water impoundment facilities) or seiche.

Finding: Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the Board hereby finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect to a **less than significant** level.

Rationale: The revisions and additions to the policies would require that new development is constructed so that finish floors are above the predicted 100-year flood elevation. This would reduce the impacts to below the significance criterion.

Impact 3.3-B: Land uses and development consistent with the UVAP could occur in areas subject to seiche, mudflow, or dam inundation. (DEIR p. 121)

Mitigation Measures: The UVAP shows the area that would be inundated if the dam were to fail. Much of Calpella, The Forks, the North State Street area, the Masonite area, and eastern Ukiah would be inundated. To address this impact, the UVAP includes the following policy:

- ***Policy HS1.2***: Minimize impacts from flooding through flood mitigation components and ongoing flood management practices including implementation of the "No Adverse Impacts" (NAI), as recommended by the Association of Flood Plain Managers.

Mitigation also includes the recommended mitigation for Measure HS1.2d listed under Impact 3.3-A.

Finding: Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the Board hereby finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect to a **less than significant** level.

Rationale: The EIR prepared for the County General Plan found this impact to be less than significant because the dam is regulated by the Division of Safety of Dams of the California Department of Water Resources and is routinely inspected during its impoundment life, which includes monitoring for compliance with seismic stability standards.

Impact 3.3-C: Land uses and development consistent with the UVAP would result in increases in stormwater runoff and peak discharge. Existing storm drain systems, including urban creeks

and the Russian River, may be incapable of accommodating increased flows, potentially resulting in on- or off-site flooding. (DEIR p. 122)

Mitigation Measures: Policies and implementation measures of the UVAP address potential drainage and flooding issues associated with future development and land uses as follows:

- ***Policy HS1.2***: Minimize impacts from flooding through flood mitigation components and ongoing flood management practices including implementation of the "No Adverse Impacts" (NAI), as recommended by the Association of Flood Plain Managers.
- ***Policy WM4.1:*** Integrate storm water management practices that utilize and mimic natural hydrology into all aspects of development and community design, including streets and parking, homes and buildings, parks and public landscaping.

Since at this time the location and type of construction and the amount of impervious surfaces are not known, it is not possible to provide quantitative calculations and mapping of the possible increase in flood elevations or flood frequency. However, the increased amount of impermeable surface will increase overall runoff which will potentially increase the severity, duration, and/or frequency of flooding. It is likely that future floodplains could exceed those shown on the current FIRM maps. The following EIR recommended mitigation measure would reduce this impact to a less than significant level:

EIR-Recommended Mitigation Measures:
The previously described recommended mitigations for Measure 1.2d listed under Impact 3.3-A applies to this impact. In addition, the following is required:

- Mitigation Measure 3.3-C.1: The County shall not approve new discretionary permits for development unless it can be shown that the development will not cause flooding of downstream properties. To accomplish this standard, the following implementation measures shall be added to the Draft 2007 UVAP:

  HS1.2g Interim Stormwater Plan
  Until such time as the County completes and adopts the No Adverse Impact Standards, individual project applications shall be required to analyze and mitigate drainage impacts. If such analysis identifies unmitigated and cumulative significant effects, including impacts on downstream flooding, further environmental documentation may be required. In the event that the County Department of Planning and Building Services determines that the project, when considered cumulatively with other projects to be undertaken in the drainage basin, will result in a significant effect with respect to downstream flooding, the project applicant will either: a) prepare a supplemental environmental impact report on such effect, or b) agree to modify the project to construct improvements or participate in a funding mechanism necessary to mitigate any downstream flooding impacts (such as posting a bond on funds prior to recordation of the final map in an amount to be determined by the County Department of Planning and Building Services). Failure to modify the project or to propose further environmental documentation shall be grounds for finding the project inconsistent with the UVAP. Payment of costs for drainage

facilities to handle the surface runoff from new development shall be the responsibility of developers.

Finding: Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the Board hereby finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect to a **less than significant** level.

Rationale: The policies and the revised measure listed above provide for retaining or reducing runoff to prevent flooding and ensuring that downstream drainage systems can adequately transport project-generated flows. The recommended implementation measure ensures that until such time as the County develops and adopts floodplain and drainage plans that new discretionary development would not cause additional flooding. Flooding will still occur within the floodplain, but this flooding is part of the existing setting. The policies and measures of the UVAP would ensure that new development does not increase the area affected by flooding, the depth of flooding, or the increase in flood velocity.

Impact 3.3-D: Land uses and development consistent with the UVAP could be located within the floodplain, displacing floodplain storage and expanding floodplain elevations. This increased runoff and floodplain displacement can result in secondary flooding, including bank instability and erosion. (DEIR p. 124)

Mitigation Measures: Same policies and mitigations listed under Impact 3.3-C apply. In addition, the UVAP contains several policies that would reduce displacing floodplain storage and ensure that new development does not exacerbate flooding. These policies are listed in the discussion of Impact 3.3-C. Structures placed in the floodplain are allowed, but only outside the floodway such that they would not be expected to substantially impede or substantially redirect flood flows. However, these regulations and policies would not avoid alteration of the channel environment nor would they avoid new construction in flood hazard areas. The following EIR mitigation measure would address this issue:

EIR-Recommended Mitigation Measures:

- Mitigation Measure 3.3-D.1: The County shall design new drainage improvements to minimize streambank erosion by adding the following implementation measure to Policy WM4.1:

  WM 4.1e: Streambank Protection: Develop, adopt, and oversee Best Management Practices for bank stabilization and erosion control to prevent erosion and siltation in drainage swales and streams.

Finding: Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the Board hereby finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect to a **less than significant** level.

Rationale: The policies and the revised measure listed above provide for retaining or reducing runoff to prevent flooding and ensuring that downstream drainage systems can adequately transport project-generated flows. The recommended implementation measure ensures that until such time as the County develops and adopts floodplain and drainage plans that new discretionary development would not cause additional flooding. Flooding will still occur within the floodplain, but this flooding is part of the existing setting. The policies and measures of the UVAP would ensure that new development does not increase the area affected by flooding, the depth of flooding, or the increase in flood velocity.

Impact 3.3-F: Land uses and development consistent with the UVAP could result in changes to drainage patterns that could increase erosion along overland flow paths and in drainage swales and streams. (DEIR p. 127)

Mitigation Measures: New development could alter existing streams or streamcourses. This alteration could result from a substantial increase in site runoff, which results in the cutting of a new streambed, widening or altering the existing streambed, or from purposely covering or altering a stream channel. Mitigation Measure 3.3-D.1 listed previously also applies to this impact. The policies and implementation measures of the UVAP and the recommended mitigation provide an adequate policy framework for the County to maintain the basic streamcourse alignment of the plan area. However, the policies do not specifically address streambank erosion caused by increased runoff and changes in the drainage pattern.

Finding: Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the Board hereby finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect to a **less than significant** level.

Rationale: The additional implementation measure addresses erosion impacts to drainage courses. This measure ensures that at a program level drainagecourses would not be cause any substantial new erosion.

Impact 3.3-G: Land uses and development consistent with the UVAP would increase the transport of sediments, oils, greases, and other residues and chemicals to receiving waterways and the groundwater. (DEIR p. 128)

Mitigation Measures: The Russian River has been characterized as impaired, and at times, in violation of water quality standards listed in the Basin Plan for one or more pollutants, mainly sediment and elevated temperature. While many of the pollutants that have impaired the river can be attributed to historical agricultural practices and similar land uses, runoff from development in the unincorporated area has contributed to water quality degradation. Continued impairment of water quality could potentially threaten adopted water quality standards and the

beneficial uses of water bodies, as defined by the RWQCBs in the Basin Plan for the North Coast area. The following UVAP policies apply:

- ***Policy OC1.2***: Protect and maintain the Russian River Corridor channel elevation and banks.
- ***Policy WM4.1***: Integrate storm water management practices that utilize and mimic natural hydrology into all aspects of development and community design, including streets and parking, homes and buildings, parks and public landscaping.

Finding: Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the Board hereby finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect to a **less than significant** level.

Rationale: With the County's recent adoption of a Stormwater Ordinance and a Standard Urban Storm Water Mitigation Plan, the County now has the ability to review SWPPPs and SWMPs. This ordinance and plan along with the cited policies allow the County to provide adequate protections for water quality when approving new development.

Impact 3.3-I: Land uses and development consistent with the UVAP not served by municipal water suppliers will withdraw groundwater from local aquifers, and in the future, municipal water suppliers might withdraw groundwater. (DEIR p. 131)

Mitigation Measures: ***Policy WM1.2*** ("Protect and enhance quality of the Valley's groundwater system and long-term sustained yield") is aimed at protecting groundwater resources in the plan area. It would develop a groundwater protection program that would identify the available groundwater resources, annual recharge, and measures needed to ensure long-term viability. t is assumed that the groundwater protection plan would include an update of these standards. New development proposing to use groundwater would be assessed for impacts to the resource. The groundwater protection program would be an intermediate-term project, though the requirement to assess project impacts on aquifers would be an ongoing and short-term action.

Finding: Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the Board hereby finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect to a **less than significant** level.

Rationale: The aquifer underlying the Ukiah Valley is substantial. It is not expected that additional development of rural residences scattered through the plan area would result in the aquifer being depleted. In addition, possible municipal use of this aquifer (given the estimated safe yield of 10,000 acre-feet per year) would not adversely affect the aquifer, since this annual yield far surpasses the total amount of water needed to serve new development.

Impact 3.3-J: Land uses and development consistent with the UVAP could reduce the area available to recharge the aquifer in the plan area, thereby adversely affecting groundwater supplies. (DEIR p. 132)

Mitigation Measures: Currently, annual rainfall is replenishing groundwater aquifers in the plan area. New development will increase impervious surfaces and potentially block water from percolating into the ground and replenishing the aquifer. To address this issue, the UVAP includes several policies that are aimed at protecting groundwater resources, including recharge areas as listed below:

- ***Policy OC 1.1***: Protect the river corridor and riparian habitat while accommodating responsible development.
- ***Policy WM1.2***: Protect and enhance quality of the Valley's groundwater system and long-term sustained yield.
- ***Policy HS1.2:*** Minimize impacts from flooding through flood mitigation components and ongoing flood management practices including implementation of the "No Adverse Impacts" (NAI), as recommended by the Association of Flood Plain Managers.

Several commentors on the Draft EIR prepared for the 2002 UVAP suggested that the UVAP limit impervious surfaces where the alluvial fans intersect the Franciscan Formation; use multilevel parking lots rather than large lots; and limit impervious surfaces in the floodplain. These recommendations would further reduce the impact and have been added to Implementation Measure HS1.2e below.

EIR-Recommended Mitigation Measures:

- Mitigation Measure 3.3-J.1: The County shall not approve new development that significantly reduces groundwater recharge. To meet this standard, the following revision to Implementation Measure HS1.2e will be made:

  Implementation Measure HS1.2e. Land Development Code: Flood Management - Update the zoning code to reflect Flood Management Plan recommendations. The code should also address:

  • Standards for retention or reduction of stormwater runoff from large paved areas as a means of reducing flood potential;
  • Design options for street-side infiltration;
  • A maximum allowable total area of impervious surfacing and mitigation measures to offset impervious areas; and
  • Requirements for incorporating drainage controls to retain on-site stormwater;
  • Limit impervious surfaces to a practical minimum where alluvial fans intersect the Franciscan Formation and within 100-year floodplain; and
  • For non-residential projects that include more than 200,000 square feet of development, consider requiring multi-level parking lots to minimize impervious surfaces.

Finding: Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the Board hereby finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect to a **less than significant** level.

Rationale: With the addition of the revised language the aquifer recharge area for the plan area's main aquifer would be protected.

Impact 3.3-K: Land uses and development consistent with the UVAP could cause sewer- and septic-related water quality problems. (DEIR p.133)

Mitigation Measures: The UVAP contains Policy WM4.2 that states that the County will reduce water quality impacts from community sewage systems and onsite septic systems by limiting sewer extensions. The policy also states that the County will protect water quality by supporting increased treatment facility capacity, though areas outside existing service districts would be served by alternative treatment systems. The municipal systems also must meet all State mandate requirements for protecting water quality. All private septic systems must be designed and constructed to meet all County Division of Environmental Health requirements. Septage must be hauled to an approved receiving facility.

- ***Policy WM 4.2***: Protect water supplies from adverse impacts.

Finding: Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the Board hereby finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect to a **less than significant** level.

Rationale: Conformance with existing County requirements for regulating private septic systems would be expected to reduce health and environmental impacts arising from those systems. County implementation of the Division of Environmental Health's recommendation regarding a "Long-term Septage Management Plan" would address any future problems associated with disposal of that septage. No additional mitigation measures are required at a program level. Continued compliance with the Waste Discharge Requirements (WDRs) for the two municipal treatment and disposal systems would reduce water quality impacts from those facilities.

7.4 Biological Resources

Impact 3.4-A: Land uses and development consistent with the UVAP could adversely affect special status species of vegetation. (DEIR p. 152)

Mitigation Measures: While it is not expected that there are many areas supporting special status plants, it is always possible that future development sites could contain populations of these species. New development that removed these populations or altered the site conditions necessary for their survival (e.g., altered the site drainage needed for vernal pool species) would

have a potentially significant impact. The UVAP contains policies and measures that address this potential impact.

- ***Policy OC2.1***: Prioritize open space resources with targeted conservation and restoration efforts.
- ***Policy OC2.2***: Protect natural resources while providing opportunities for compatible development.

Existing policies and proposed policies as well as existing CEQA requirements would reduce the potential impact to special status plants. However, the proposed measure that would develop the guidelines to protect priority resources would not be completed and adopted until the intermediate-term timeframe. The General Plan policy calling for these guidelines has no timeline associated with it. In addition, the implementation measures are overly general in defining the sensitive resources that need to be protected.

EIR-Recommended Mitigation Measures:

- Mitigation Measure: 3.4-A.1 - The County shall protect special status plant species. To realize this standard, ***the time for implementation of Implementation Measures OC2.1b and OC2.2a will be revised from "intermediate" to "short-term***."

Finding: Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the Board hereby finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect to a **less than significant** level.

Rationale: The change to the implementation measures would ensure the necessary protection for special status species and would reduce this impact. No additional mitigation is required at a program level of analysis. The County must implement these implementation measures prior to the approval of large-scale projects in order to ensure that the project-level impacts are actually mitigated.

Impact 3.4-B: Land uses and development consistent with the UVAP could result in the injury to or death of special status species of wildlife and/or destruction of habitat required by those species. (DEIR p. 155)

Mitigation Measures: New development allowed by the UVAP could destroy habitat needed by special status species of wildlife. The Open Space and Conservation Section of the UVAP addresses this impact with the following policies".

- ***Policy OC2.1***: Prioritize open space resources with targeted conservation and restoration efforts.
- ***Policy OC2.2***: Protect natural resources while providing opportunities for compatible development.

In addition, previously described ***EIR Mitigation Measures 3.3-A.1 and 3.4-A.1 apply to this impact***.

Finding: Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the Board hereby finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect to a **less than significant** level.

Rationale: The addition of the recommended mitigation measures would ensure the necessary protection for special status wildlife species and would reduce this impact to those species to a less than significant level.

Impact 3.4-C: Land uses and development consistent with the UVAP could adversely affect the aquatic habitat of the Russian River and its tributaries thereby adversely affecting fish and aquatic wildlife. It could also adversely affect the riparian habitat along the streams as well as other sensitive habitat types in the area. (DEIR p. 156)

Mitigation Measures: New development allowed under the UVAP could aggravate historic land use impacts. Control of sediment and reducing stream temperatures by increasing riparian vegetation are likely the most important tasks facing the County and other agencies wishing to enhance the fishery habitat of the Russian River system. The UVAP contains a number of policies and implementation measures that address this impact. Policies and measures that address the potential impacts of erosion, chemical pollution, and aggregate mining are included in UVAP Geology and Hydrology sections. The UVAP Open Space and Conservation Section also contains policies and measures directed specifically at this impact. The following policies are in the UVAP:

- ***Policy OC1.1***: Protect the river corridor and riparian habitat while accommodating responsible development.
- ***Policy OC1.2***: Protect and maintain the Russian River Corridor channel elevation and banks.
- ***Policy OC1.3***: Enhance the fisheries in the Russian River and its tributaries within the Ukiah Valley.

EIR-Recommended Mitigation Measures:
EIR recommended Mitigation 3.3-A.1 and 3.4-A.1 also apply to this impact. In addition, the following mitigation is required in order to reduce this impact to a less than significant level.

- EIR Mitigation Measure 3.4-C.1: The County shall protect riparian corridors and habitat. To realize this standard, Implementation Measures OC1.1a and OC1.1b will be revised and Implementation Measure OC1.1h will be added as follows:

  OC1.1a: River Corridor Planning Area

Define the river planning corridor and extent of surrounding riparian areas within which proposed development will trigger design review, performance standard requirements and use of river design guidelines. Classify "Riparian Corridors" designated in the Open Space and Conservation Section as follows:

(1) "Russian River Riparian Corridor" is the corridor adjacent to the main stem of the Russian River, excluding lands located within the urban land use categories or within the jurisdiction of a city. The corridor is 200 feet from the top of the higher bank on each side of the stream as determined by the County Department of Planning and Building Services.
(2) "Other Riparian Corridors" are the corridors within other land use categories along the Russian River and the designated corridors along other rivers and streams. The corridor will be 50 feet from the top of the higher bank on each side of the stream as determined by the County Department of Planning and Building Services.
(3) Establish a River Corridor Combining Zoning District. Rezone all lands within the River Corridor areas to this combining district.

OC1.1b Stream Setbacks
Determine appropriate development setback distances from ~~watercourses~~ all perennial and intermittent streams, as shown on USGS topographic maps as of January 2011 (utilizing current ecological and scientific data) and specify setback requirements in the zoning code.

OC1.1h River Corridor Uses
Develop and adopt regulations establishing standards applicable to River Corridors. Until the regulations and the final Stream Setbacks are adopted, require that land use and development comply with the following principles. Allow or consider allowing the following uses within any River Corridor area:

- Streamside maintenance, fire fuel management, and restoration.
- Livestock grazing.
- Agricultural cultivation, but not within 100 feet of top of bank for the Russian River and 25 feet for Other Riparian Corridors.
- Public projects, including water-dependent public recreational facilities.
- Timber operations conducted in accordance with an approved timber harvest plan.
- Mining operations conducted in accordance with the County Surface Mining regulations.
- Road, street, and utility crossings
- Streamside maintenance, fire fuel management, and restoration.
- Permitted summer dams.
- Equipment turnaround and access roads associated with agricultural cultivation, provided that the affected area is the minimum necessary for these turnaround and access roads and that a minimum 25' vegetative filter strip is provided and maintained between the affected area and the top of the bank.

• Vegetation removal as part of an integrated pest management program administered by the Agricultural Commissioner.

Prohibit, except as otherwise listed above, grading, vegetation removal, agricultural cultivation, structures, roads, utility lines and parking lots within any streamside conservation area. Consider an exception to this prohibition if:

• It makes a lot unbuildable and if vegetation removal is minimized, or
• The use involves only the maintenance, restoration, or minor expansion of an existing structure or other existing use, or
• It can be clearly demonstrated through photographs or other information that the affected area has no substantial value for riparian functions, or
• A conservation plan is approved that provides for the appropriate protection of the biotic resources, water quality, flood management, bank stability, groundwater recharge, and other applicable riparian functions.

Finding: Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the Board hereby finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect to a **less than significant** level.

Rationale: The policies and measures of the UVAP (as amended by EIR-recommended additions), General Plan policies, CEQA review requirements, and the County's participation in other existing programs aimed at improving habitat values of the Russian River and protecting other sensitive habitat types reduce this impact at a program level to a less than significant level. Future project applications that would affect the river would be assessed per these policies and implementation measures.

Impact 3.4-D: Land uses and development consistent with the UVAP could result in the loss of or damage to wetlands. (DEIR p. 161)

Mitigation Measures: Future development could result in filling or dewatering of vernal pools, marshes, wet meadows, or other wetlands. This type of habitat is considered a sensitive habitat due to its increasing rarity in California and because it supports a unique assemblage of plants and, often, animals, many of which are special status species.

Mitigation consists of the same policies listed above under Impact 3.4-A.

Finding: Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the Board hereby finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect to a **less than significant** level.

Rationale: The policies of the UVAP, County General Plan policies, and the protection wetlands are given through CEQA review, and review by the Army Corps and CDFG would provide protection for remaining wetlands.

Impact 3.4-E: Land uses and development consistent with the UVAP within the plan area will result in the loss of woodland plant communities. (DEIR p. 162)

Mitigation Measures: Some of the development allowed under the UVAP would occur on lands currently supporting oak woodlands and other native forest communities. State PRC Code Section 21083.4 requires preservation of oak woodlands or specific mitigations in the case oak woodlands would be removed. The contains the following policy relating to this issue:

- ***Policy OC2.3:*** Preserve and restore native oak woodland and hillside habitats.

In order to reduce this potential impact to a less than significant level, the following EIR mitigation measure is recommended:

EIR-Recommended Mitigation Measures
Mitigation Measure 3.1-B.1 also applies to this impact. The mitigation gives priority to projects that do not convert substantial acreage of oak woodlands. In addition, the following is required:

- Mitigation Measure 3.4-E.1: The County shall require that new development minimize the removal of true oaks (*Quercus* sp.) to the maximum extent feasible. To realize this standard, Implementation Measure OC2.3a will be revised and Implementation Measure OC2.3e will be added as follows:

  OC2.3a Oak Woodland Habitat Inventory and ~~Preservation~~ Conservation Plan
  Using the map of contiguous oak woodland (defined as a site where oaks provide at least 10% canopy cover), develop a preservation plan to bring focus to conservation efforts. Use the GIS database to record critical information about the resources. Assess current protection of these woodlands.

  Designate critical resource areas for ~~preservation~~ conservation and priority restoration projects based on woodlands that are most significantly intact and those that offer the highest potential for successful restoration. Work with the U.C. Extension Office, the Department of Fish and Game, and the Inland Ukiah Valley Land Trust to develop this program. Identify unique "heritage" specimen trees for special protection.

  OC2.3e Oak Preservation and Mitigation
  Require the identification, conservation and protection of native true oaks in the design of discretionary projects. To the maximum extent practicable (through clustering development or avoiding development in areas containing oaks), minimize the removal of oaks and other native trees and fragmentation of woodlands, require any trees removed to

be replaced, preferably on the site, and provide permanent protection of other existing woodlands where replacement planting does not provide adequate mitigation. Replacement planting will be done at a ratio of at least 3:1, and planted trees will be maintained for at least 5 years with trees not surviving being replaced and maintained for 5 years.

Where oak woodland conversion or fragmentation would occur, require the applicant to pay an in lieu fee equivalent to the conservation values of the site, which would require an appraisal of the site. These fees shall be used to fund the restoration projects listed in Implementation Measure OC2.3a.

Finding: Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the Board hereby finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect to a **less than significant** level.

Rationale: These policies and measures, plus the recommended additional measure, provide a strong policy framework for protecting plan area oak woodlands and other woodlands. The policies and measures would ensure County compliance with the requirements set forth in Public Resources Code 21083.4.

Impact 3.4-F: Land uses and development consistent with the UVAP could interfere with wildlife movement and nursery sites. (DEIR p. 165)

Mitigation Measures: In urban and agricultural areas, the most important wildlife movement routes are typically along streams. Streams not only provide unimpeded passage (i.e., lack of fences) but provide cover from predators, water, and food. Maintaining an adequate undeveloped buffer along streams is important for wildlife movement as well as for maintaining the other habitat values of riparian habitat. The following UVAP policies and EIR mitigation measures address this issue:

The same policies as listed under Impact 3.4-A to 3.4-C apply, plus:

Previously listed ***EIR-Recommended Mitigation Measures 3.4-A.1 and 3.4-C.1 also apply to this impact.***

Finding: Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the Board hereby finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect to a **less than significant** level.

Rationale: With the addition of the two EIR mitigation measures, the UVAP would provide sufficient protection of wildlife travel corridors and nest and den sites to reduce the impact at a program level to a less than significant level.

7.5 Circulation and Transportation

Impact 3.6-A: Traffic generated by land uses and development consistent with the UVAP will cause sections of County and City roads and certain intersections to operate at an unacceptable Level of Service. (DEIR p. 186)

Mitigation Measures: New development allowed under the UVAP would add traffic to the roadway system and result in congested traffic conditions. The UVAP Circulation and Transportation Section contains policies and measures directed at ensuring that an adequate roadway system is maintained and to not allow new development if there is not an adequate roadway system serving the development. The following policies in the UVAP apply:

- ***Policy CT1.1***: Promote the development of an integrated transportation corridor through the Valley.
- ***Policy CT1.2***: Maintain an acceptable level of service conditions on existing roadways.
- ***Policy CT1.3***: Improve freeway access.
- ***Policy CT3.1***: Work with Mendocino Council of Governments and the City of Ukiah to maintain an updated Regional Transportation Plan and traffic model**,** including a system for evaluating multiple modes of transportation within the valley.
- ***Policy CT3.2***: Evaluate proposed new development impacts on roadways.

In addition, adopted General Plan Policies DE-120, 121, 131, 137, 141, and 148 apply to this impact.

Finding: Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the Board hereby finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect to a **less than significant** level.

Rationale: The policies of the UVAP and the County General Plan policies assure that new development will not be approved if it causes unacceptable traffic conditions, plus the policies provide for developing funding sources to finance needed roadway system improvements to serve long-term development.

Impact 3.6-B: Traffic generated by land uses and development consistent with the UVAP would increase the risk of accidents involving motorists, bicyclists, and pedestrians. (DEIR p. 198)

Mitigation Measures: New development allowed under the UVAP could add traffic to the roadway system and result in unsafe traffic conditions potentially resulting in accidents involving motorists and other motorist, bicyclists, and/or pedestrians. The UVAP Circulation and

Transportation Section contains policies and measures directed specifically at this impact. The following policies are in the UVAP:

- ***Policy CT2.1:*** Integrate pedestrian access into the circulation system of the urbanized areas of the Ukiah Valley.
- ***Policy CT3.2***: Evaluate proposed new development impacts on roadways.

In addition, the previously ***mentioned Mitigation Measure 3.1-B.1 applies to this impact***. In addition, adopted General Plan Policies DE-128, 138, 152, and 153 apply to this impact.

Finding: Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the Board hereby finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect to a **less than significant** level.

Rationale: UVAP policies and General Plan policies will reduce the safety impact of new traffic and/or new roadways. In particular, General Plan Policy DE-128 states that the circulation system will be required to accommodate the safety and mobility of all users. It gives priority to infill projects near public transit.

Impact 3.6-C: Traffic generated by land uses and development consistent with the UVAP could conflict with adopted policies, plans, or programs supporting alternative transportation. (DEIR p. 199)

Mitigation Measures: New development allowed under the UVAP result in land use development that conflicts with plans that encourage alternate transit modes. The UVAP provides policies and measures to encourage the use of mass transit and other alternatives to the private vehicle, including:

- ***Policy CT1.4***: Comprehensively plan for the future of the Ukiah Valley rail corridor.
- ***Policy CT2.1***: Integrate pedestrian access into the circulation system of the urbanized areas of the Ukiah Valley.
- ***Policy CT2.2***: Develop a safe and integrated bicycle transportation system in order to promote the use of bicycles as a viable and attractive alternative to the automobile.
- ***Policy CT2.3***: Increase public transportation use by improving services.
- ***Policy CT3.1***: Work with Mendocino Council of Governments and the City of Ukiah to maintain an updated Regional Transportation Plan and traffic model**,** including a system for evaluating multiple modes of transportation within the valley.
- ***Policy CT3.2***: Evaluate proposed new development impacts on roadways.
- ***Policy LU 1.4***: Continue to allow growth in High Intensity Development Corridors.
- ***Policy LU4.1***: Apply growth management strategies to improve the community's ability to support and fund facilities and services.

EIR-Recommended Mitigation Measures:

- 3.1-B.1 The County shall focus future development on lands that do not contain valuable or sensitive resources. Development of sites that do not meet the following criteria will be discouraged. The following language shall be added to the end of ***Implementation Measure LU4.1a***:

  Priority shall be given to projects that:

  a) Do not displace existing commercial agricultural activities;
  b) Do not develop sites containing prime agricultural soils or Unique Farmland;
  c) Convert less than one acre of oak woodland;
  d) Maximize green building techniques, energy conservation, and alternative energy systems;
  e) Maximize access to and provision of alternate transportation modes;
  f) Do not significantly adversely affect views from major roads or plan area gateways;
  g) Are not located in "high" or "very high" fire hazard areas; and/or
  h) Are infill projects near public transit.

- Mitigation Measure 3.5-C.1 Future land use approvals shall not cause conflicts with rail service, the following additional measures shall be added to Policy CT1.4:

  Measure CT1.4e Acoustic Studies
  Applications for residential development within 500 feet of the railroad tracks shall require an acoustic study to show how noise levels at residences can be reduced to a level consistent with the Exterior Noise Limit Standards included in Appendix C of the Zoning Ordinance.

  Measure CT1.4f Notification of Rail Activity
  New residential development approved within 1,000 feet of the railroad will include a disclaimer that the owner and any occupant is aware of and agrees to accept any inconvenience, discomfort or disturbance associated with train traffic (including but not limited to noise, vibration, railroad crossing safety, dust, and potential risk of spills and releases of a wide variety of materials). This disclaimer will be filed with the deed for each property.

Finding: Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the Board hereby finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect to a **less than significant** level.

Rationale: UVAP policies encourage the development and use of mass transit and other alternative to private vehicles. In addition, Mitigation Measure 3.1-B.1 applies to this impact. It gives priority to infill projects near public transit.

7.6 Air Quality

Impact 3.7-B: Traffic increases associated with the UVAP would affect local air quality in terms of carbon monoxide concentrations. (DEIR p. 226)

Mitigation Measures: New development allowed under the UVAP would generate traffic, which correspondingly would generate carbon monoxide. At intersections where this pollutant can become concentrated, it can harm human health. Existing regulations of the Mendocino County Air Quality Management District requiring study of the impact and mitigation when warranted apply to these emissions.

Finding: Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the Board hereby finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect to a **less than significant** level.

Rationale: The existing regulations are sufficient to regulate carbon monoxide emissions.

Impact 3.7-C: Land use maps associated with the UVAP do not propose new sources of odors or toxic air contaminants. However, they show sensitive land uses near sources of odors and toxic air contaminants. (DEIR p. 226)

Mitigation Measures: New development allowed under the UVAP could be exposed to harmful substances, including diesel particulate matter (DPM). The UVAP Health and Safety Section and Energy and Air Quality Section contain policies and measures requiring the County to limit development in hazardous areas and to conduct actions to maintain good air quality. These are:

- ***Policy EA1.3***: Maintain and improve air quality.
- ***Policy HS1.5***: Minimize development in hazardous areas.

In order to reduce this potential impact to a less than significant level, the following EIR mitigation measure is recommended:

EIR-Recommended Mitigation Measures:

- Mitigation Measure 3.7-C.1 The County shall not expose future residents to hazardous air contamination or substantial odors. To accomplish this standard, the following measure shall be added to Policy EA1.3:

  EA1.3e Separate Air Pollutant Emission or Odor Sources and Sensitive Land Uses
  Do not allow land uses that emit toxic air contaminants and/or odors near residential uses or other sensitive receptors. Do not allow residential and other sensitive land uses in the vicinity of air pollution sources (which may include freeways, manufacturing, agricultural, hazardous materials storage, painting shops, landfills, food processing, wastewater treatment, and other similar uses). Require that project

applications involving sensitive receptors proposed near Highway 101, truck access roadways, truck distribution centers, or chemical dry cleaning operations include an analysis of the potential health risks and mitigation measures to reduce these risks.

Finding: Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the Board hereby finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect to a **less than significant** level.

Rationale: The UVAP policy plus the recommended mitigation will require separation of residential development from projects emitting hazardous substances.

7.7 Noise

Impact 3.8-A: New land uses proposed as a part of the UVAP could be located in areas with excessive noise. (DEIR p. 246)

Mitigation Measures: New development allowed under the UVAP could be exposed to harmful levels of noise generated by traffic or noise-producing land uses. The already-adopted County General Plan Noise Element contains policies and measures directed specifically at this impact see General Plan Policies DE-98 and DE-99.

Finding: Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the Board hereby finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect to a **less than significant** level. This is consistent with the finding the County adopted when it adopted the General Plan Noise Element.

Rationale: General Plan Noise Element policies limit or require noise mitigation for new development in areas with excessive noise.

Impact 3.8-B: Traffic resulting from new development within the plan area would increase noise levels at sensitive receptors in the area. (DEIR p. 247)

Mitigation Measures: New development allowed under the UVAP could be exposed to harmful levels of noise. The County General Plan Noise Element contains policies and measures directed specifically at this impact. See General Plan Policies DE-98 and DE-99.

Finding: Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the Board hereby finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect to a **less than significant** level. This is consistent with the finding the County adopted when it adopted the General Plan Noise Element.

Rationale: General Plan Noise Element policies require noise studies for projects generating substantial new traffic.

Impact 3.8-C: New development can generate new noise that adversely affects residential neighborhoods and other sensitive receptors (DEIR p. 249)

Mitigation Measures: Construction of new development allowed under the UVAP could generate to harmful levels of construction noise. The County General Plan Noise Element contains policies and measures directed specifically at this impact. See General Plan Policies DE-98 through DE-1-9.

Finding: Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the Board hereby finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect to a **less than significant** level. This is consistent with the finding the County adopted when it adopted the General Plan Noise Element.

Rationale: General Plan Noise Element policies ensure that new development does not cause unacceptable noise at existing uses.

Impact 3.8-D: New development can generate new noise that adversely affects residential neighborhoods and other sensitive receptors (DEIR p. 249)

Mitigation Measures: Construction of new development allowed under the UVAP could generate to harmful levels of construction noise. The County General Plan Noise Element contains policies and measures directed specifically at this impact. In order to reduce this potential impact to a less than significant level, the following EIR mitigation measure is recommended:

EIR-Recommended Mitigation Measures:

- ***Mitigation Measure-D.1*** The County will amend its Zoning Code noise standards to include standards to address and mitigate the temporary impacts of construction noise and ground vibration. Such standards will include restriction of construction hours to daytime periods and requirements to utilize construction noise reduction measures (e.g., use of temporary sound barriers, setbacks, equipment noise control devices, and ground vibration control measures).

Finding: Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the Board hereby finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect to a **less than significant** level.

Rationale: General Plan Noise Element policies plus the recommended mitigation will reduce the construction noise impact to normally acceptable levels.

7.10 Public Services and Infrastructure

Impact 3.10-B: New development in the plan area would increase the demand for police response by the Mendocino County Sheriff's Office and by the Ukiah Police Department. (DEIR p. 274)

Mitigation Measures: New development allowed under the UVAP would increase the demand for police protection. The UVAP Health and Safety Section and Land Use Section contains a policies and measures to ensure adequate public services and infrastructure when approving new development, including:

- ***Policy LU4.2***: Promote balanced development to improve the community's ability to support and fund facilities and services.

Finding: Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the Board hereby finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect to a **less than significant** level.

Rationale: The UVAP policies requiring adequate public services be available before approving new development reduce this impact to a less than significant level.

Impact 3.10-D: Development under the UVAP would increase the demands on the fire protection agencies serving the plan area, creating the need for the Ukiah Valley Fire District and possibly the Redwood Valley-Calpella Fire Protection District and the City of Ukiah Fire Department to acquire new facilities and equipment. (DEIR p. 290)

Mitigation Measures: New development allowed under the UVAP would increase the demand for fire protection services. Without adequate services lives and property would be at risk. The UVAP contains policies to ensure there are adequate fire protection resources and to avoid approving new development if those resources are not available, including:

- ***Policy LU4.1***: Apply growth management strategies when reviewing discretionary projects.
- ***Policy LU4.2***: Promote balanced development to improve the community's ability to support and fund facilities and services.
- ***Policy LU7.1***: Collaborate with the City of Ukiah to fund programs and evaluate planning issues in the Valley.
- ***Policy HS1.4***: Maintain an interagency comprehensive disaster preparedness program.

Finding: Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the Board hereby finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect to a **less than significant** level.

Rationale: The UVAP policies requiring adequate public services be available before approving new development reduce this impact to a less than significant level.

Impact 3.10-J: Future development under the UVAP would generate wastewater that could exceed the collection, treatment, and/or disposal capacities of wastewater facilities serving the plan area and cause exceedances of the wastewater treatment standards established by the Regional Water Quality Control Board. (DEIR p. 322)

Mitigation Measures: There is inadequate municipal wastewater treatment and disposal capacity to serve area buildout. The UVAP ensures that new development will not be approved if capacity in unavailable, plus it calls for expanding capacity to meet projected needs. Policies include: policies listed under Impact 3.10-B also apply to this impact. In addition, the following policy applies:

- ***Policy WM 4.2***: Protect water supplies from adverse impacts.
- ***Policy LU4.1***: Apply growth management strategies when reviewing discretionary projects.
- ***Policy LU 4.2***: Promote balanced development to improve the community's ability to support and fund facilities and services.

Finding: Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the Board hereby finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect to a **less than significant** level.

Rationale: The UVAP policies requiring adequate public services be available before approving new development reduces this impact to a less than significant level. An implementation measure under Policy WM4.2 calls for increasing wastewater capacity as warranted, which further reduces the impact.

Impact 3.10-L: Development in the plan area would generate solid waste that would need to be accommodated at the Ukiah Valley Transfer Station and the Potrero Hills Regional Landfill. (DEIR p. 329)

Mitigation Measures: Buildout under the UVAP will generate solid waste that must be disposed of at permitted landfills. If there is inadequate capacity at landfills, then new ones would need to

be developed. The UVAP Health and Safety Section and Land Use Section contain policies and measures directed specifically at this impact, including:

- ***Policy LU4.1***: Apply growth management strategies when reviewing discretionary projects.
- ***Policy LU4.2***: Promote balanced development to improve the community's ability to support and fund facilities and services.

Finding: Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the Board hereby finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect to a **less than significant** level.

Rationale: The UVAP policies requiring adequate public services be available before approving new development reduces this impact to a less than significant level.

7.11 Hazards and Hazardous Materials

Impact 3.11-A: Land use and development consistent with the UVAP would result in increased transport, use, and disposal of hazardous materials that could expose the public and environment to a significant hazard through either their routine use or an accidental release. (DEIR p. 344)

Mitigation Measures: Constructing new development and providing materials to new industry and business will require movement and storage of hazardous material that if they escape could kill or injure people and the environment. The UVAP Health and Safety Section contains policies and measures to limit new development in areas where these hazards exist as well as to ensure a comprehensive response approach in the case of a spill. These are:

- ***Policy HS1.4***: Maintain an interagency comprehensive disaster preparedness.
- ***Policy HS1.5***: Minimize development in hazardous areas.

Finding: Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the Board hereby finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect to a **less than significant** level.

Rationale: The UVAP policies requiring that new residential development not be allowed in areas where there are hazardous conditions and that the County will encourage a comprehensive disaster preparedness approach will reduce this impact to a less than significant level.

Impact 3.11-B: New development near the Ukiah Municipal Airport could expose people to risk of injury or death due to aircraft accidents. (DEIR p. 347)

Mitigation Measures: Constructing new residential development near the airport could put people at risk from airplane crashes. The UVAP Land Use Section contains a policy and measures directed specifically at this impact. This is:

- ***Policy LU2.1***: Define acceptable standards for development in the vicinity of the airport.

In addition, there is an existing land use plan for the airport that limits what development can occur in various zones around the airport.

Finding: Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the Board hereby finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect to a **less than significant** level.

Rationale: The UVAP policy and the airport land use plan that require that new residential development not be allowed in areas where there are hazardous conditions near the airport will reduce this impact to a less than significant level.

7.12 Energy

Impact 3.12-A: The UVAP land use plan could affect energy usage by creating a land use pattern that could increase the dependence on single occupancy vehicles, which would use more energy.(DEIR p. 351)

Mitigation Measures: Constructing new development could result in a land use plan that results in inefficient use of private vehicles, resulting in energy waste. The UVAP Circulation and Transportation Section and Land Use Section contain policies and measures to encourage conservation and efficient use of energy, including:

- ***Policy CT1.1***: Promote the development of an integrated transportation corridor through the Valley.
- ***Policy CT2.1***: Integrate pedestrian access into the circulation system of the urbanized areas of the Ukiah Valley.
- ***Policy CT2.2***: Develop a safe and integrated bicycle transportation system in order to promote the use of bicycles as a viable and attractive alternative to the automobile.
- ***Policy CT2.3***: Increase public transportation use by improving services.
- ***Policy LU1.4***: Continue to allow growth in High Intensity Development Corridors.

Finding: Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the Board hereby finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect to a **less than significant** level.

Rationale: The UVAP focuses development near urban centers and provides for alternatives to the private vehicle, which will reduce this impact to a less than significant level.

Impact 3.12-B: Land uses and development consistent with the UVAP could result in inefficient and excessive use of energy resources. (DEIR p.352)

Mitigation Measures: New development will increase the consumption of energy. The UVAP Circulation and Transportation Section and Land Use Section contain policies and measures directed specifically at this impact. These are:

- ***Policy EA1.1*** Promote energy efficient planning practices.
- ***Policy CD1.1***: Develop and adopt guidelines that create a sense of place for the community and protect and enhance the visual character of the Ukiah Valley.

In addition, the following mitigation is required.

EIR-Recommended Mitigation Measures:

- Mitigation Measure 3.12-A: Energy shall be conserved to the degree feasible by requiring the following changes and additions to Policy EA1.1:

  EA1.1a Energy Efficiency
  Coordinate with recommendations from the Energy Working Group to revise zoning code and develop design review guidelines to promote responsible design through the use of energy efficient techniques and equipment; setbacks and height limitations to promote optimal heating, cooling and cogeneration opportunities; materials and construction practices that minimize adverse environmental effects. Adopt energy efficient standards and conservation requirements and integrate them as an energy efficiency ordinance into the development review and building permit process.

  EA1.1b Energy Incentives
  Offer permitting incentives to encourage the use of energy-efficient construction practices and technology to minimize impacts to the local infrastructure and environment. Provide incentives such as fee reductions and expedited processing for facilities that use renewable resources for energy production. Projects that conserve more energy than the minimum required by new County energy efficient building standards will be given priority in obtaining building permits under the Growth Management Program developed under UVAP Policy LU4.1.

  EA1.1c Solar Design
  Integrate requirements for passive solar building design into design review guidelines. Ensure that building design maximizes air circulation, natural lighting, views, solar orientation, and shading areas to interior and exterior spaces. Require orientation of buildings to maximize solar heating during cool seasons, avoid solar heat gain during

hot periods, enhance natural ventilation, promote effective use of daylight, and optimize opportunities for on-site solar generation.

EA1.1d County Facilities
The County shall adopt and implement energy efficient standards and conservation requirements for new County facilities. The County shall strive to replace its vehicle fleet with fuel-efficient vehicles

EA1.1e Renewable Resources
Preserve opportunities for development of renewable energy resources. Promote renewable energy.

EA1.1f Community Choice Aggregation
Evaluate and pursue implementation of Community Choice Aggregation if it proves to be a cost-effective and low-risk strategy to accelerate the use of renewable resources.

EA1.1g Green Building Standards
New construction shall comply with the California Green Building Code. Adopt and integrate green building standards into the development review and building permit process. Offer incentives to encourage green building practices.

Finding: Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the Board hereby finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect to a **less than significant** level.

Rationale: The UVAP policies plus the mitigation will ensure that energy is not used in a wasteful manner and will reduce this impact to a **less than significant** level.

SECTION 8. Findings Associated With Significant Unavoidable, Growth Inducing, and/or Cumulative Significant Impacts Which Cannot Feasibly Be Mitigated To A Less Than Significant Level.

8.1 Land Use

Impact 3.1-B: Land uses and development consistent with the UVAP would convert farmland and prime agricultural soils to non-agricultural uses. (DEIR p. 73)

Mitigation Measures: Constructing new development would convert prime agricultural soils and areas currently being farmed to alternate uses. The UVAP Open Space and Conservation Section contain policies and measures directed at preserving prime agricultural soils and commercial farming, including:

- ***Policy OC3.1***: Maintain viable Agricultural Land classifications.
- ***Policy OC3.3***: Conserve agricultural lands and reduce development pressure

The EIR recommended several additional measures to reduce the impact to agricultural resources.

EIR-Recommended Mitigation Measures:

- Mitigation Measure 3.1-B.1 The County shall focus future development on lands that do not contain valuable or sensitive resources. Development of sites that do not meet the following criteria will be discouraged. The following language shall be added to the end of ***Implementation Measure LU4.1a:***

  Priority shall be given to projects that:

  a) Do not displace existing commercial agricultural activities;
  b) Do not develop sites containing prime agricultural soils and Unique Farmland;
  c) Convert less than one acre of oak woodland;
  d) Maximize green building techniques, energy conservation, and alternative energy systems;
  e) Maximize access to and provision of alternate transportation modes;
  f) Do not significantly adversely affect views from major roads or plan area gateways;
  g) Are not located in "high" or "very high" fire hazard areas; and/or
  h) Are infill projects near public transit.

Finding: Even with implementation of the UVAP policies and the recommended mitigation measure, the impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level. Consequently, this impact is **significant and unavoidable.** Pursuant to Public Resources Code Section 21081 (a) and CEQA Guidelines Section 15091(a), the Board hereby finds that specific economic, legal, social, technological, and other benefits of the proposed Ukiah Valley Area Plan outweigh this significant impact, as further set forth in the Statement of Overriding Considerations in Section 11 below.

Rationale: It is expected that lands used for agriculture and prime agricultural soils will be developed and removed from agricultural production. Even if the County did not approve any discretionary projects that would convert agricultural lands or soils, non-discretionary development of existing legal parcels would result in conversions.

Impact 3.1-F: Implementation of the UVAP would induce growth of population in the plan area by accommodating new residences and businesses. (DEIR p. 84)

Mitigation Measures: Buildout under the UVAP will increase the number of living units and the population of the area. The overall increase in population and housing increases the overall congestion of the plan area. ***Policy LU4.1***, with EIR-recommended revision, provides the County with a mechanism to control the amount of residential and/or commercial development.

Finding: Even with implementation of the UVAP policies, the impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level. Consequently, this impact is **significant and unavoidable.** Pursuant to Public Resources Code Section 21081 (a) and CEQA Guidelines Section 15091(a), the Board hereby finds that specific economic, legal, social, technological, and other benefits of the proposed Ukiah Valley Area Plan outweigh this significant impact, as further set forth in the Statement of Overriding Considerations in Section 11 below.

Rationale: The growth management plan may limit new development to a level that reduces the impact of growth to a less than significant level. However, without knowing when that plan will be approved and what the growth targets will be, the impact remains significant and unavoidable.

Impact 3.1-H: Construction of new commercial development and residential development could have social and economic effects that result in a physical adverse change in the environment.(DEIR p. 88)

Mitigation Measures: Constructing large, new commercial projects could displace existing businesses and result in blight of existing commercial areas. The UVAP does not contain policies that address this impact.

EIR-Recommended Mitigation Measures:

- Mitigation Measure 3.1-H.1 The County shall require an urban decay assessment for large commercial development applications. To accomplish this objective, the following implementation measure shall be added to Policy LU7.1.

  LU7.1d Fiscal and Economic Impact Assessment
  Assess the fiscal and economic impacts of each new commercial development proposals that includes over 100,000 square feet of new retail commercial development.

Finding: Even with implementation of the recommended mitigation measure, the impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level. Consequently, this impact is **significant and unavoidable.** Pursuant to Public Resources Code Section 21081 (a) and CEQA Guidelines Section 15091(a), the Board hereby finds that specific economic, legal, social, technological, and other benefits of the proposed Ukiah Valley Area Plan outweigh this significant impact, as further set forth in the Statement of Overriding Considerations in Section 11 below.

Rationale: While the recommended mitigation reduces the impact, it does not eliminate the possibility that the County would approve a project even if the required urban decay study showed that there was some potential for urban decay. It is possible that the County would override such an impact because the project and other aspects that outweighed this impact.

8.2 Geology and Soils

Impact 3.2-A: Land uses and development consistent with the UVAP would increase the number of persons exposed to risk of injury and death and the amount of property damage resulting from seismic events in the plan area, including impacts from surface rupture, strong seismic shaking, liquefaction, and landsliding. (DEIR p.101)

Mitigation Measures: Constructing new development in a seismically active area exposes more people to harm when a large earthquake occurs. The Health and Safety Section of the UVAP contains policies and measures to address this impact, including:

- ***Policy HS1.1***: Minimize risks to people and property from earthquake and landslide danger.
- ***Policy HS1.5***: Minimize development in hazardous areas.

Finding: Even with implementation of the UVAP policies, the impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level. Consequently, this impact is **significant and unavoidable.** Pursuant to Public Resources Code Section 21081 (a) and CEQA Guidelines Section 15091(a), the Board hereby finds that specific economic, legal, social, technological, and other benefits of the proposed Ukiah Valley Area Plan outweigh this significant impact, as further set forth in the Statement of Overriding Considerations in Section 11 below.

Rationale: These policies and measures in the UVAP provide substantial protection against seismic damage and would reduce the impact of seismic ground shaking. However, it would not be possible to fully mitigate the impact for the more severe seismic events that may occur. For small and moderate seismic events, the impact of strong seismic shaking would be generally reduced to less-than-significant levels. However in the case of more severe seismic events such as the maximum credible earthquake, the potential for property damage and bodily injury would remain.

8.3 Hydrology and Water Quality

Impact 3.3-E: Land uses and development consistent with the UVAP could result in the need for new or enlarged storm drain facilities whose construction could result in adverse environmental effects. (DEIR p.125)

Mitigation Measures: The County may need to construct new storm drain system improvements to serve area buildout. Construction of those improvements (specific future projects will be identified when needed) would have unknown, but potentially significant site-specific environmental effects.

Finding: Even with implementation of the UVAP policies, the impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level. Consequently, this impact is **significant and unavoidable.** Pursuant to Public Resources Code Section 21081 (a) and CEQA Guidelines Section 15091(a),

the Board hereby finds that specific economic, legal, social, technological, and other benefits of the proposed Ukiah Valley Area Plan outweigh this significant impact, as further set forth in the Statement of Overriding Considerations in Section 11 below.

Rationale: Because it is possible that one or more of these improvements might have significant effects that cannot be satisfactorily mitigated, the impacts will be considered significant and unavoidable at this program level of analysis.

8.4 Cultural Resources

Impact 3.5-A: Land uses and development consistent with the UVAP has the potential to adversely affect areas of archaeological or historical importance. (DEIR p. 171)

Mitigation Measures: New development allowed by the UVAP could destroy currently undiscovered cultural resources. ***All the policies contained in the Historical and Archaeological Preservation Section*** provide protection for these resources when conditioning discretionary projects.

In addition, previously described ***EIR Mitigation Measures 3.3-A.1 and 3.4-A.1 apply*** to this impact.

Finding: Even with implementation of the UVAP policies, the impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level. Consequently, this impact is **significant and unavoidable.** Pursuant to Public Resources Code Section 21081 (a) and CEQA Guidelines Section 15091(a), the Board hereby finds that specific economic, legal, social, technological, and other benefits of the proposed Ukiah Valley Area Plan outweigh this significant impact, as further set forth in the Statement of Overriding Considerations in Section 11 below.

Rationale: The policies and attendant measures, along with existing overview of archaeological resources, provide a strong policy framework for protecting cultural resources for discretionary projects. However, a substantial amount of growth in the plan area would not require discretionary approvals (these are ministerial projects, such as requests for building permits or agricultural grading). This development and actions could damage or destroy cultural resources.

Impact 3.5-B: Land uses and development consistent with the UVAP has the potential to adversely affect areas containing significant paleontological resources. (DEIR p. 173)

Mitigation Measures: New development allowed by the UVAP could destroy paleontological resources. Adopted General Plan Policy DE-116 requires paleontological resources studies at the County's discretion for all project applications. The studies should identify paleontological resources in a project area and provide mitigation measures for any resources in a project area that cannot be avoided.

Finding: Even with implementation of the UVAP policies, the impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level. Consequently, this impact is **significant and unavoidable.** Pursuant to Public Resources Code Section 21081 (a) and CEQA Guidelines Section 15091(a), the Board hereby finds that specific economic, legal, social, technological, and other benefits of the proposed Ukiah Valley Area Plan outweigh this significant impact, as further set forth in the Statement of Overriding Considerations in Section 11 below.

Rationale: The General Plan policy provides protection of these resources for discretionary projects. However, as was the case for the previous impact, there is no mitigation for the impact from nondiscretionary projects, and the impact would remain significant and unavoidable.

8.5 Air Quality

Impact 3.7-A: Land uses and development consistent with the UVAP and buildout of the City of Ukiah would increase traffic volumes and could generate harmful emissions of air pollutants that could result in exposure of people to substantial pollution, violate air quality standards, and/or conflict or obstruct MCAQMD's air quality plan. (DEIR p. 220)

Mitigation Measures: New development allowed by the UVAP will increase traffic and that traffic will emit hazardous air pollutants, which can adversely affect human health and other environmental resources The UVAP provide many policies to address these air quality impacts, including:

- ***Policy EA1.3***: Maintain and improve air quality.
- ***Policy LU1.4***: Continue to allow growth in High Intensity Development Corridors.
- ***Policy CT1.2***: Maintain an acceptable level of service conditions on existing roadways.
- ***Policy CT1.4***: Comprehensively plan for the future of the Ukiah Valley rail corridor.
- ***Policy CT2.1***: Integrate pedestrian access into the circulation system of the urbanized areas of the Ukiah Valley.
- ***Policy CT2.2***: Develop a safe and integrated bicycle transportation system in order to promote the use of bicycles as a viable and attractive alternative to the automobile.
- ***Policy CT2.3***: Increase public transportation use by improving services

Finding: Even with implementation of the UVAP policies, the impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level. Consequently, this impact is **significant and unavoidable.** Pursuant to Public Resources Code Section 21081 (a) and CEQA Guidelines Section 15091(a), the Board hereby finds that specific economic, legal, social, technological, and other benefits of the proposed Ukiah Valley Area Plan outweigh this significant impact, as further set forth in the Statement of Overriding Considerations in Section 11 below.

Rationale: While the plan would not result in exceedances of ozone standards and is consistent with the District's Clean Air Plan, it would increase the vehicle miles traveled (VMT) more than the population increase that could occur under the Existing General Plan. This appears to meet the District's criterion of a significant impact regarding plans. As such, the plan would have a significant and unavoidable air quality impact.

8.6 Aesthetics

Impact 3.9-A: Future development, unless carefully sited and designed, may be inconsistent with the existing scale and character of existing development in the surrounding area. This development could result in views that are aesthetically offensive. (DEIR p. 256)

Mitigation Measures: New development allowed by the UVAP will replace open space views with views of development. Such an impact is a necessary result of allowing substantial new development in the plan area. The Open Space and Conservation Section and the Community Design Section provide many policies to concentrate growth in already developed areas and to preserve open space resources, including:

- ***Policy CD1.1***: Develop and adopt guidelines that create a sense of place for the community and protect and enhance the visual character of the Ukiah Valley.
- ***Policy CD1.2***: Encourage development that is attractive and reflects the small-town character of the Valley.
- ***Policy CD2.1***: Enhance the visual appearance of the City-County transition areas, the Valley's gateways, State Street, and US Highway 101 within the Valley.
- ***Policy CD2.3***: Encourage and design the placement of utilities in a manner which improves visual appearances.
- ***Policy OC1.2***: Protect and maintain the Russian River Corridor channel elevation and banks.
- ***Policy OC2.1***: Prioritize open space resources with targeted conservation and restoration efforts.
- ***Policy OC2.2***: Protect natural resources while providing opportunities for compatible development.
- ***Policy OC2.3***: Preserve and restore native oak woodland and hillside habitats.
- ***Policy OC3.1***: Maintain viable Agricultural Land classifications
- ***Policy LU 1.4***: Continue to allow growth in High Intensity Development Corridors

In addition, the EIR recommends the mitigation presented below to address new development in the Brush Street Triangle area and the Lovers Lane area (though the County is not currently proposing a plan that allows urban development of the latter area).

EIR-Recommended Mitigation Measures:

- Mitigation Measure 3.9-A.1To ensure that development of visually sensitive areas adjacent to Highway 101 is developed in a coordinated fashion to maximize open space and minimize visual impacts, add the following implementation measure:

LU1.2f Master Plans

Prior to any new discretionary project approvals in the Brush Street Triangle (except for the existing application for an affordable housing project), a master plan shall be prepared for the Brush Street Triangle to coordinate area wide circulation and infrastructure, preserve open space, provide recreational facilities, and maximize ultimate development potential.

Finding: Even with implementation of the UVAP policies and the recommended mitigation measure, the impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level. Consequently, this impact is **significant and unavoidable.** Pursuant to Public Resources Code Section 21081 (a) and CEQA Guidelines Section 15091(a), the Board hereby finds that specific economic, legal, social, technological, and other benefits of the proposed Ukiah Valley Area Plan outweigh this significant impact, as further set forth in the Statement of Overriding Considerations in Section 11 below.

Rationale: With the recommended mitigation, the UVAP policies would provide a solid planning framework for preserving important open space views. However, the loss of open space views is inevitable when allowing the development of thousands of new residential units and possibly over four million square feet of new non-residential development. In addition, new development could be approved prior to the County adopting and using the proposed design review guidelines, and this development could adversely affect views. This loss of open space views would remain a significant and unavoidable impact.

Impact 3.9-B: Future development, unless carefully sited and designed, may be inconsistent with the existing scale and character of existing development in the surrounding area. This development could result in views that are aesthetically offensive.(DEIR p. 262)

Mitigation Measures: New development allowed by the UVAP will replace open space views with views of development. New development may be out of character or scale with surrounding development and land uses, and may be aesthetically offensive. The Draft 2007 UVAP contains many policies and measures to ensure that new development is aesthetically designed, especially the measure calling for the development and adoption of design review guidelines. ***The same policies and EIR-recommended mitigation listed under Impact 3.9-A apply to this impact.***

Finding: Even with implementation of the UVAP policies and the recommended mitigation measure, the impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level. Consequently, this impact is **significant and unavoidable.** Pursuant to Public Resources Code Section 21081 (a) and CEQA Guidelines Section 15091(a), the Board hereby finds that specific economic, legal, social, technological, and other benefits of the proposed Ukiah Valley Area

Plan outweigh this significant impact, as further set forth in the Statement of Overriding Considerations in Section 11 below.

Rationale: At a program level, the impact would be reduced to a less than significant level once the recommended design review guidelines are adopted and used. However, until these guidelines are developed, new development would not be subject to design review. As such, the impact is significant and unavoidable until the County adopts the new guidelines.

Impact 3.9-C: New development will create new glare and include new lights that will adversely affect nighttime views. (DEIR p. 263)

Mitigation Measures: New development allowed by the UVAP will affect existing nighttime views due to the addition of new lights. ***Policy CD2.2*** addresses this impact by stating the County will develop design review guidelines to reduce excessive new light. ***The same policies and EIR-recommended mitigation listed under Impact 3.9-A apply to this impact.*** The EIR recommends a mitigation to address impacts until such time as these guidelines are adopted.

EIR-Recommended Mitigation Measure:

- Mitigation Measure 3.9-C.1The nighttime visual environment shall be protected by adding the following implementation measure to Policy CD2.2:

  CD2.2b Interim Design Guidelines
  Until the design guidelines and landscape guidelines are adopted, the County will conduct design review of proposed discretionary projects. Outdoor lighting for new projects will not be allowed to cause light trespass and will limit light pollution to the degree feasible. The County will use as interim guidelines the *Simple Guidelines for Outdoor Lighting Regulations*[1] developed by the International Dark-Sky Association.

Finding: Even with implementation of the UVAP policies and the recommended mitigation measure, the impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level. Consequently, this impact is **significant and unavoidable.** Pursuant to Public Resources Code Section 21081 (a) and CEQA Guidelines Section 15091(a), the Board hereby finds that specific economic, legal, social, technological, and other benefits of the proposed Ukiah Valley Area Plan outweigh this significant impact, as further set forth in the Statement of Overriding Considerations in Section 11 below.

Rationale: This policy, including the recommended additional implementation measure, could lead to a substantial reduction in light pollution from new development. However, it is unknown at this time whether the standards, when adopted, would provide an adequate reduction in light pollution or whether adequate light reduction would occur under the proposed interim guidelines. In addition, even if a substantive reduction in new lighting was required, the cumulative effect of

[1] See: *www.darksky.org/programs/simple-guidelines-for-lighting-ordinances.php.*

adding thousands of new residences, new nonresidential development, new streets, etc. could be substantial. The impact on the nighttime visual environment would remain a significant and unavoidable impact on visual resources.

8.7 Public Services and Infrastructure

Impact 3.10-A: New development resulting from buildout of the plan area would generate sufficient students to require the construction of new schools. The construction of those schools could have significant impacts on the environment. (DEIR p. 268)

Mitigation Measures: New development allowed by the UVAP will generate new students. It is possible that in the future, new schools will need to be built to house some of these additional students. Without knowing where the new school(s) would be built, it is assumed that their construction could have significant impacts. The UVAP addresses the need to provide adequate schools in the following Land Use Section policies:

- ***Policy LU4.1***: Apply growth management strategies when reviewing discretionary projects.
- ***Policy LU4.2***: Promote balanced development to improve the community's ability to support and fund facilities and services.

Finding: Even with implementation of the UVAP policies, the impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level. Consequently, this impact is **significant and unavoidable.** Pursuant to Public Resources Code Section 21081 (a) and CEQA Guidelines Section 15091(a), the Board hereby finds that specific economic, legal, social, technological, and other benefits of the proposed Ukiah Valley Area Plan outweigh this significant impact, as further set forth in the Statement of Overriding Considerations in Section 11 below.

Rationale: Thought speculative, a new school(s) may be needed to house buildout development, and construction of that school(s) could have potentially significant impacts.

Impact 3.10-C: New development would increase the demand for a new criminal justice center.(DEIR p. 281)

Mitigation Measures: New development allowed by the UVAP will exacerbate the existing need for a new criminal justice center. Without knowing where the center would be built, it is assumed that its construction could have significant impacts.

Finding: Even with implementation of the UVAP policies, the impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level. Consequently, this impact is **significant and unavoidable.** Pursuant to Public Resources Code Section 21081 (a) and CEQA Guidelines Section 15091(a), the Board hereby finds that specific economic, legal, social, technological, and other benefits of

the proposed Ukiah Valley Area Plan outweigh this significant impact, as further set forth in the Statement of Overriding Considerations in Section 11 below.

Rationale: Depending on the final site and building design, construction of this center could have potentially significant impacts.

Impact 3.10-E: Future development could be placed in locations where people and structures would be exposed to potential wildland fires. (DEIR p. 293)

Mitigation Measures: New development allowed by the UVAP may be constructed in areas of the valley with high or very high fire hazard ratings. This will place people and improvements at risk from wildfires. The Health and Safety Section of the UVAP contains the following policies that address this impact:

- ***Policy HS1.3***: Maintain land use and building regulations that promote fire safety.
- ***Policy HS1.4***: Maintain an interagency comprehensive disaster preparedness program.

The EIR recommended two additional measures as described below.

EIR-Recommended Mitigation Measures
Mitigation Measure 3.1-B.1 also applies to this impact. In addition, the following is recommended:

- Mitigation Measure 3.10-E.1 The County shall not allow new development in high fire hazard areas unless it can be shown that such development would not place people in danger. To realize this standard the following implementation measures shall be added to Policy HS1.3:

  HS1.3b Fire Hazard Areas
  Do not approve subdivision of existing parcels in areas designated by CAL FIRE as having "high" or "very high" fire hazard rating unless the responsible fire protection agency determines in writing that adequate access, evacuation routes, emergency response, and fireflow are available, and that the project complies with the most current State requirements for development in wildlands.

  HS1.3 Wildfire Protection Plan
  Implement the recommendations of the Wildfire Protection Plan when approving new development. Support the proposed signage and address project included in that plan and support maintenance of improvements constructed as part of the Westside Vegetation Management Plan

Finding: Even with implementation of the UVAP policies and the recommended mitigation, the impact would remain significant, and there are no other feasible mitigation measures or

alternatives that would reduce this impact to a less than significant level. Consequently, this impact is **significant and unavoidable.** Pursuant to Public Resources Code Section 21081 (a) and CEQA Guidelines Section 15091(a), the Board hereby finds that specific economic, legal, social, technological, and other benefits of the proposed Ukiah Valley Area Plan outweigh this significant impact, as further set forth in the Statement of Overriding Considerations in Section 11 below.

Rationale: Despite the UVAP policies, there are many vacant parcels in high fire hazard areas where the County cannot prohibit development of a residence on a legal parcel. Even if these residences are constructed consistent with State regulations, they would be at risk during a major wildfire. In addition, there is no funding source to develop the proposed Disaster Preparedness Plans. The impact cannot be avoided without eliminating the development potential in these high hazard areas. The impact remains significant and unavoidable.

Impact 3.10-F: Future development in the plan area could cause conflicts with emergency response and evacuation plans.(DEIR p. 295)

Mitigation Measures: New development allowed under the UVAP could cause interference with emergency medical response and evacuation. ***The same UVAP policies and mitigation measures described above for Impact 3.10-E apply to this impact***. In addition, the following policy applies:

- ***Policy HS1.5***: Minimize development in hazardous areas.

Finding: Even with implementation of the UVAP policies and the recommended mitigation, the impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level. Consequently, this impact is **significant and unavoidable.** Pursuant to Public Resources Code Section 21081 (a) and CEQA Guidelines Section 15091(a), the Board hereby finds that specific economic, legal, social, technological, and other benefits of the proposed Ukiah Valley Area Plan outweigh this significant impact, as further set forth in the Statement of Overriding Considerations in Section 11 below.

Rationale: The recommended mitigation would limit the County from approving new discretionary development in high fire hazard zones unless there is adequate access and evacuation. As noted for the previous impact, this would not necessarily apply to development where the County does not need to approve a discretionary permit, so the impact would remain significant and unavoidable. The infrequent large flood events could also strand people on the east side of the valley and lead to inadequate evacuation and emergency response, though this would be expected to occur very infrequently and be of relatively short duration. The impact remains significant and unavoidable.

Impact 3.10-G: Development under the UVAP would increase the demands on emergency medical agencies serving the plan area, potentially creating the need for the Ukiah Valley Fire District, the Redwood Valley-Calpella Fire Protection District, Ukiah Fire Department, and Ukiah Ambulance Service to acquire new facilities and equipment. (DEIR p. 299)

Mitigation Measures: New development allowed under the UVAP would require additional emergency medical response. The UVAP contains several policies that address this impact, including:

- ***Policy LU4.1***: Apply growth management strategies when reviewing discretionary projects.
- ***Policy L 4.2***: Promote balanced development to improve the community's ability to support and fund facilities and services.
- ***Policy HS1.4***: Maintain an interagency comprehensive disaster preparedness program.

Finding: Even with implementation of the UVAP policies, the impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level. Consequently, this impact is **significant and unavoidable.** Pursuant to Public Resources Code Section 21081 (a) and CEQA Guidelines Section 15091(a), the Board hereby finds that specific economic, legal, social, technological, and other benefits of the proposed Ukiah Valley Area Plan outweigh this significant impact, as further set forth in the Statement of Overriding Considerations in Section 11 below.

Rationale: While the Draft 2007 UVAP does contain policies that state that new development would not be approved if there are inadequate services, some new development in the plan area would not require discretionary approval from the County (e.g., projects where only a building permit is needed). Absent additional funding of the EMS, new development would have a significant and unavoidable impact on the emergency medical system.

Impact 3.10-H: New development will increase the demand for potable water. It is possible that local water purveyors may be unable to meet the demand. Development of new sources of water could have significant environmental effects. (DEIR p. 312.)

Mitigation Measures: Buildout allowed under the UVAP would require additional water supplies. Developing those additional sources could have significant impacts on the environment. The UVAP contains several policies that address this impact, including:

- ***Policy WM 1.1***: Maintain and increase water supplies and systems for existing and future water system needs.
- ***Policy WM2.1***: Strive for efficient delivery of public water services.
- ***Policy LU4.1***: Apply growth management strategies when reviewing discretionary projects.

Finding: Even with implementation of the UVAP policies, the impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level. Consequently, this impact is **significant and unavoidable.** Pursuant to Public Resources Code Section 21081 (a) and CEQA Guidelines Section 15091(a), the Board hereby finds that specific economic, legal, social, technological, and other benefits of the proposed Ukiah Valley Area Plan outweigh this significant impact, as further set forth in the Statement of Overriding Considerations in Section 11 below.

Rationale: The secondary impacts that could result from developing new water sources needed to mitigate for the potential shortage of water remain unknown at this time. Nevertheless, it is expected that they could be significant secondary significant and unavoidable impacts.

Impact 3.10-I: The increased demand for potable water could require constructing new treatment, storage, or supply facilities, and construction of these facilities could have significant environmental effects. (DEIR p. 318.)

Mitigation Measures: New development allowed under the UVAP would require new water system improvements (e.g., water tanks, water lines, and pump stations). Constructing those improvements could have significant impacts on the environment.

Finding: Even with implementation of the UVAP policies, the impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level. Consequently, this impact is **significant and unavoidable.** Pursuant to Public Resources Code Section 21081 (a) and CEQA Guidelines Section 15091(a), the Board hereby finds that specific economic, legal, social, technological, and other benefits of the proposed Ukiah Valley Area Plan outweigh this significant impact, as further set forth in the Statement of Overriding Considerations in Section 11 below.

Rationale: The development of new facilities may have significant, but currently unknown, environmental effects. At this time, it will be assumed that the construction of those facilities may have significant and unavoidable impacts.

Impact 3.10-K: Because future demand for wastewater services may exceed facility capacity, new or expanded facilities may need to be constructed. The construction of these facilities could have adverse environmental effects. (DEIR p. 326.)

Mitigation Measures: Buildout allowed under the Draft 2007 UVAP would require new wastewater system improvements. Constructing those improvements could have significant impacts on the environment.

Finding: Even with implementation of the UVAP policies, the impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact

to a less than significant level. Consequently, this impact is **significant and unavoidable.** Pursuant to Public Resources Code Section 21081 (a) and CEQA Guidelines Section 15091(a), the Board hereby finds that specific economic, legal, social, technological, and other benefits of the proposed Ukiah Valley Area Plan outweigh this significant impact, as further set forth in the Statement of Overriding Considerations in Section 11 below.

Rationale: The development of new facilities may have significant, but currently unknown, environmental effects. At this time, it will be assumed that the construction of those facilities may have significant and unavoidable impacts.

Impact 3.10-M: Future development under the UVAP would increase the plan area population, thereby increasing the demand for parks and recreational facilities. This increased demand could result in significant deterioration of existing facilities and the need for new or expanded facilities. (DEIR p. 334)

Mitigation Measures: New development allowed under the UVAP would require new parks and recreational facilities in order to provide normally acceptable levels of recreational facilities. The Parks and Recreation Section of the UVAP contain numerous policies to ensure that the County provides adequate recreational facilities. However, the UVAP cannot provide mitigations to cover the effects of future park construction. Constructing those improvements could have significant impacts on the environment. The pertinent policies include:

- ***Policy PR1.1***: Provide a geographically balanced network of parks and community facilities.
- ***Policy PR1.2***: Provide a comprehensive trail network. Along with pedestrian and bicycle connections, to recreational destinations throughout the Valley.
- ***Policy PR1.3***: Provide a variety of community-based recreational and educational programs.
- ***Policy PR2.1***: Pursue creative funding solutions to implement park and facility development, expansion and improvements.
- ***Policy PR2.2***: Pursue strategic outside funding solutions to implement program improvements.
- ***Policy LU4.1***: Apply growth management strategies when reviewing discretionary projects.
- ***Policy LU 4.2:*** Promote balanced development to improve the community's ability to support and fund facilities and services.

To reduce the impact further, the EIR recommends a new implementation measure presented below to provide park funding.

EIR- Recommended Mitigation Measure

- Mitigation Measure 3.10-M.1 The County shall provide for ongoing park operations and maintenance, the following implementation measure shall be added to the Parks, Recreation and Community Facilities Section:

  PR2.2d Ongoing Park Operations and Maintenance
  Provide for ongoing funding of park operations and maintenance through assessment districts, homeowners associations, and other means.

Finding: Even with implementation of the UVAP policies and the recommended mitigation measure, the impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level. Consequently, this impact is **significant and unavoidable.** Pursuant to Public Resources Code Section 21081 (a) and CEQA Guidelines Section 15091(a), the Board hereby finds that specific economic, legal, social, technological, and other benefits of the proposed Ukiah Valley Area Plan outweigh this significant impact, as further set forth in the Statement of Overriding Considerations in Section 11 below.

Rationale: The development of new park facilities may have significant, but currently unknown, environmental effects. At this time, it will be assumed that the construction of those facilities may have significant and unavoidable impacts.

8.8 Global Climate Change

Impact 3.13-A: Land uses and development consistent with the UVAP could result in greenhouse gas emissions that exceed State emission targets and would adversely affect climate.(DEIR p. 359)

Mitigation Measures: New development allowed under the UVAP would generate emissions of greenhouse gases that would contribute to global climate change. ***Previously described policies and mitigations for the Air Quality and Energy impacts apply to this impact***. In addition, the EIR recommends the following mitigation measure.

EIR-Recommended Mitigation Measures:

- Mitigation Measure 3.13-A.1 Greenhouse gas emissions shall be reduced to the degree feasible by requiring the following changes and new measures:

  EA1.1h Building Code Standardization
  The County of Mendocino will work together with the incorporated cities to establish a uniform set of building standards for all new construction.

  EA1.1i Fleet Vehicle Replacement Program
  Mendocino County will replace their vehicle fleet with more fuel efficient and/or clean-burning models and will encourage other entities to do the same. The County promotes the use of all-electric vehicles for local use, hybrids for extended replacements.

EA1.1j Electric Vehicle Incentives

Mendocino County shall investigate potential electric vehicle purchase incentives for individuals and/or businesses.

EA1.1k Prepare and Adopt a Qualified Greenhouse Gas Reduction and Energy Management Plan

Mendocino County shall prepare and adopt a Qualified Greenhouse Gas Reduction and Energy Management Plan that establishes a baseline inventory of GHG emissions from all sources, GHG reduction targets that are consistent with the goals of AB32, and enforceable GHG emission reduction strategies and performance measures. Unless revised by additional analysis done while preparing this plan, the targets will be to reduce emissions 22% countywide from today's levels by 2020 and by 83% by 2050. The plan will include enforcement and monitoring tools to ensure regular review of progress in meeting the reduction targets to allow revising the plan as needed.

Finding: Even with implementation of the UVAP policies and mitigation measures, the impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level. Consequently, this impact is **significant and unavoidable.** Pursuant to Public Resources Code Section 21081 (a) and CEQA Guidelines Section 15091(a), the Board hereby finds that specific economic, legal, social, technological, and other benefits of the proposed Ukiah Valley Area Plan outweigh this significant impact, as further set forth in the Statement of Overriding Considerations in Section 11 below.

Rationale: Emissions from the various goods and services that new residents and businesses will be responsible for generating are not possible to mitigate within the context of a land use plan. Nor can a plan for new development reduce emissions from existing development. Only the preparation of a separate Qualified Greenhouse Gas Reduction Plan (that addresses existing sources) and implementation of that plan can reduce overall emission rates within the timeframe set by the State of California. This report recommends that the UVAP include a measure to prepare such a plan within a timely manner. However, until the Qualified Greenhouse Gas Reduction Plan is prepared and adopted, it is unknown whether the County can meet AB32 goals. As such, the project would make a cumulatively considerable contribution to this significant and unavoidable impact.

Impact 3.13-B: The changing climate could cumulatively result in a decrease in water supply, increase in air pollution, and increase in health hazards. (DEIR p. 366.)

Mitigation Measures: The changing global climate may adversely impact the area water supply and cause other adverse impacts. ***The same policies and mitigate recommend for Impact 3.13-A apply to this impact.***

Finding: Even with implementation of the UVAP policies and recommended mitigation measures, the impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level.

Consequently, this impact is **significant and unavoidable.** Pursuant to Public Resources Code Section 21081 (a) and CEQA Guidelines Section 15091(a), the Board hereby finds that specific economic, legal, social, technological, and other benefits of the proposed Ukiah Valley Area Plan outweigh this significant impact, as further set forth in the Statement of Overriding Considerations in Section 11 below.

Rationale: The project would made a cumulatively considerable contribution to climate change, and this change would have significant impacts on the area's environment. This climate change would adversely affect the environment of the Ukiah Valley.

8.9 Growth-Inducing Impacts

Growth-Inducing Impact: The UVAP would allow substantial new development. (DEIR p. 368.)

Mitigation Measures: The plan would allow substantial new development and an increase in population. This added population will adversely affect the environment. The UVAP contains policies listed in previous impacts to regulate this growth.

Finding: Even with implementation of the UVAP policies and recommended mitigation measures, the impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level. Consequently, this impact is **significant and unavoidable.** Pursuant to Public Resources Code Section 21081 (a) and CEQA Guidelines Section 15091(a), the Board hereby finds that specific economic, legal, social, technological, and other benefits of the proposed Ukiah Valley Area Plan outweigh this significant impact, as further set forth in the Statement of Overriding Considerations in Section 11 below.

Rationale: Development under the plan will induce growth in the plan area. This is an inevitable result of a plan that allows for future development.

SECTION 9. Rejection of Infeasible Mitigation Measures.

A) Authority.

CEQA does not require that a lead agency adopt every mitigation measure recommended in an EIR. However, when an agency rejects any of the mitigation measures identified in the EIR for a significant impact, it must make specific findings that the rejected measures are infeasible. These findings must show the agency's reasons for rejecting the mitigation measures that the EIR recommends. An agency may reject a mitigation measure recommended in an EIR if it finds that it would be infeasible to implement the measure because of "specific legal, economic, social, technological, or other considerations, including the provision of employment opportunities for highly trained workers." (Public Resources Code Section 21081(a)(3); 14 CCR Section 15091 (a)(3).)

The DEIR and FEIR recommend adoption of various mitigation measures for the proposed Ukiah Valley Area Plan. The Board finds that all of the recommended measures as listed in the Final EIR, are feasible, and will be adopted as, goals, policies, or implementation measures in connection with the Ukiah Valley Area Plan.

SECTION 10. Project Alternatives.

A) Legal Requirements.

The purpose of the alternatives analysis is to describe a range of reasonable alternatives to the proposed Ukiah Valley Area Plan. The analysis evaluates alternatives that would obtain most of the basic objectives of the project and the comparative merits of those alternatives (State CEQA Guidelines Section 15126.6[a]). In accordance with State CEQA Guidelines, an EIR does not need to consider every conceivable alternative to a project, nor is it required to consider alternatives that are clearly infeasible. State CEQA Guidelines Section 15126.6(b) states that an alternatives analysis shall focus on those alternatives that are capable of avoiding or substantially lessening any significant effects of the project, even if they impede to some degree the attainment of the project objectives or would be more costly.

CEQA requires an EIR to identify project alternatives and to indicate the manner in which a project's significant effects may be mitigated or avoided, but does not mandate that the EIR itself contain an analysis of the feasibility of the various project alternatives or mitigation measures it identifies (Public Resources Code, §§ 21002.1, subd. (a); 21100, subd. (b)(4); *Sierra Club v. County of Napa* (2004) 121 Cal.App.4th 1490, 1503, citing *San Franciscans Upholding the Downtown Plan v. City and County of San Francisco* (2002) 102 Cal.App.4th 656, 689-690). As the lead agency, Mendocino County bears the responsibility for the decisions that must be made before a project can go forward, including determinations of feasibility and whether the benefits of a project outweigh the significant effects the project will have on the environment (Public Resources Code §§ 21002.1, subds. (b) & (c), 21081). In addition, CEQA specifically provides that in making these determinations, the County shall base its findings on substantial evidence in the record, a provision reflecting an understanding that the Board of Supervisors will not limit its review to matters set forth in the EIR, but will base its decision on evidence found anywhere in the record (*Sierra Club v. County of Napa*, 121 Cal.App.4th at p. 1503; citing Public Resources Code, §§ 21081.5).

According to State CEQA Guidelines, an EIR need only examine in detail those alternatives that could feasibly meet most of the basic objectives of the project. When addressing feasibility, State CEQA Guidelines Section 15126.6 states that "among the factors that may be taken into account when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, jurisdictional boundaries, and whether the applicant can reasonably acquire, control or otherwise have access to alternative sites." The State CEQA Guidelines also specify that the alternatives discussion should not be remote or speculative. However, discussion of alternatives need not be presented in the same level of detail as the assessment of the proposed project.

State CEQA Guidelines indicate that several factors need to be considered in determining the range of alternatives to be analyzed in an EIR and the level of analytical detail that should be provided for each alternative. These factors include (1) the nature of the significant impacts to the proposed project; (2) the ability of alternatives to avoid or lessen the significant impacts associated with the project; (3) the ability of the alternatives to meet the objectives of the project; and (4) the feasibility of the alternatives. These factors are unique for each project.

B) Range of Alternatives.

Section 4.4 of the DEIR describes the alternatives considered and compares their impacts to the proposed Ukiah Valley Area Plan impacts. Consistent with a Plan's focus on policy review, the alternatives are based upon alternative policies guiding future land uses and development in the Ukiah Valley planning area. Given the nature of the project (adoption of a Ukiah Valley Area Plan), it would not be pertinent to address another area outside of the planning area boundaries. Further, this alternative would not meet the basic project objectives identified in Section 3.0, Project Description. For these reasons, an off-site alternative is considered infeasible pursuant to State CEQA Guidelines 15126.6(c).

The DEIR evaluated four alternatives to the proposed Ukiah Valley Area Plan: Alternative 1 – No Project – Existing General Plan Alternative, Land Use Alternative A, Land Use Alternative B, and Land Use Alternative C – Policy Only. (DEIR, p.6.0-2)

C) No Project – Existing General Plan Alternative.

Description: Under the No Project - Existing General Plan Alternative (described on page 380 of the DEIR), the proposed UVAP and its associated Land Use Map would not be adopted. The existing 2009 Mendocino County General Plan policy document and Land Use Map would remain in effect. The County would utilize its existing zoning and other regulations regarding development within the County's jurisdiction. Existing General Plan objectives and policies would continue to be in effect. Any future development would be required to adhere to the policies in the existing General Plan. The Existing General Plan would allow substantially less development - a maximum of 1,726 additional residential units as compared to a maximum of 5,430 units under the UVAP - a 72% reduction in residential development). New development would occur primarily in Calpella, the South Ukiah Valley, and the South State Street areas, and as scattered rural residential development in areas outside the main nine discussion areas. There would be minimal development in the North State Street area, and virtually no additional residential development in the Brush Street Triangle, Lovers Lane, East Ukiah Hills, and Masonite areas. There also would be a substantial decrease in the maximum amount of new commercial and industrial development that would occur under this alternative.

This substantial reduction in residential and non-residential development potential would result in a similar decrease in most impacts to environmental resources. On the other hand, the policies of the Existing General Plan are not as detailed and strong regarding plan area resources

compared to the UVAP policies, nor do they address the specific issues and impacts of future development of the plan area as completely as the Draft 2007 UVAP.

The Existing General Plan Alternative would have 18 of the 23 significant, unavoidable impacts identified for the UVAP, since growth in population, employment, traffic and associated noise and air pollutant emissions would occur even if the UVAP were not adopted. Specifically, the No Project alternative would result in the same significant and unavoidable impacts related to: farmland conversion (Impact 3.1-B); seismic hazard (Impact 3.2-A); new storm drain construction (Impact 3.3-E); loss of cultural resources (Impact 3.5-A); loss of paleontological resources (Impact 3.5-B); impacts to views (Impacts 3.9-A, 3.9-B, and 3.9-C); school construction impacts (Impact 3.10-A); criminal justice center construction impacts (Impact 3.10-C); development in high fire hazard areas (Impact 3.10-F); effects on the emergency medical response system (Impact 3.10-G); development of new water sources (Impact 3.10-H); construction of water system improvements (Impact 3.10-K); park construction impacts (Impact 3.10-M); greenhouse gas emissions (Impact 3.13-A); climate change effects (Impact 3.13-B); and growth inducement (Section 4.1 of the DEIR).

The overall area of development (i.e., the area of land developed with some form of improvement) would be approximately the same – land that would be potentially developed with industrial uses under the EGP is reclassified by the project to allow additional residential, commercial, and mixed use development.

The principal environmental advantages of the alternative as compared to the project are: 1) a reduction in the future population of the area; 2) less Farmland converted to non-agricultural use; 3) fewer new residents located within the 100-year floodplain and the Coyote Dam inundation area; 4) elimination of several new road extensions; 5) less traffic congestion; 6) reduced risk of accidents involving motor vehicles; 7) reduced emission of air pollutants; 8) reduced emission of greenhouse gases; 9) reduced traffic-generated noise; 10) reduced demand for public services; and 11) no impacts from construction of new schools or a new municipal wastewater treatment and disposal facility.

The principal environmental disadvantages are that Existing General Plan policies do not provide as strong protection for environmental resources, including: 1) preservation of Farmlands; 2) regulation of development in floodplains; 3) protection of water quality from new runoff; 4) protection of wetlands, riparian habitat, oak woodlands, and wildlife travel corridors; and 5) protection of views.

Finding: Pursuant to Public Resources Code Section 21081 (b)(3) and CEQA Guidelines Section 15091 (a), the Board finds that the No Project Alternative is less desirable and infeasible because of specific economic, legal, social, technological, or other considerations, and is rejected for the following reasons:

1) The Existing General Plan does not provide specific guidelines to guide development in the most populous portion of the County. It provides insufficient land designated to accommodate new residential development. It does not meet the County's mandated housing

needs requirements. As such, it will further the past pattern of requests for General Plan Amendments in scattered parts of the plan area, resulting in sprawl rather than focusing development near urban centers and services.

2) This Alternative would maintain the existing General Plan and would not update the Land Use Map to account for changing land use patterns, environmental conditions, economic conditions, socioeconomic changes, or technological advances.

3) This Alternative either would not identify or contains weaker policy guidance with respect to: preservation of scenic resources, protection of fisheries and natural ecosystems, development of community design guidelines, protection of: sensitive receptors from objectionable odors, reduction of GHG emissions, cultural and paleontological resources, prevention of erosion, septic system capability, airport and wildland fire hazards, groundwater quality, groundwater decline, alteration of drainage patterns, conflicts with relevant land use plans, non-transportation noise, roadway safety hazards, emergency access, water and wastewater supplies and services, and electrical, natural gas, and telecommunications services.

4) Although the General Plan includes policies to protect and preserve the natural environment, it contains fewer specific policies, action items, and programs that are designed to protect natural ecosystems. This Alternative provides less focus of development in community areas which reduces opportunities for GHG reduction, and would result in more pressure to convert agricultural lands in comparison to the UVAP.

6) This Alternative does not offer significant benefits compared to the proposed UVAP.

The Board finds that the impacts under the No Project – Existing General Plan Alternative would be substantially the same or greater than for the UVAP. While five significant impacts would be reduced to a less than significant level, the impacts to other resources would be more severe due to less policy protection and the potential sprawl effects from there being insufficient land classified for residential development. For the reasons specified above under Section 10 (C), the Board finds the No Project – Existing General Plan is less desirable, and is hereby rejected.

Reference: The DEIR, Section 4.4 Alternatives provides an analysis of the environmental effects of this Alternative as compared to the proposed UVAP.

D) Land Use Alternative A

Description: Under the Land Use Alternative A (described on page 394 of the DEIR), the proposed UVAP policies would be adopted, but the Land Use Map would be revised to include the following:

1. The existing land use designations of Suburban Residential and Agriculture would be maintained on 8.5 acres in the North State Street area instead of being reclassified as Mixed Use (Site 13, shown on Figure 1-4 of the DEIR).

2. The existing land use designation of Agriculture would be maintained on 56 acres south of Lake Mendocino Drive instead of being reclassified as Mixed Use (Site 15).

3. The existing land use designation of Industrial would be maintained on 29 acres in the North State Street area instead of being reclassified as Mixed Use (Site 16) (this designation is now part of the UVAP).

4. The existing land use designation of Commercial would be maintained on 25 acres in the North State Street area instead of being reclassified as Mixed Use (Site 17).

5. Most of the Lovers Lane area (Site No. 21) would be maintained as Agriculture rather than designated as Mixed Use (this designation is now part of the final UVAP).

Using the Land Use Alternative A to guide and regulate future development in the plan area would reduce the development potential from a maximum of 5,430 new residential units to a maximum of 3,948 residential units. This alternative would decrease the residential buildout potential for the plan area by up 27% and the commercial development potential by 15%; it would increase the industrial development potential by 8%. The overall area of development (i.e., the area of land developed with some form of improvement) would be approximately the same – land that would be potentially developed with industrial uses under this alternative is reclassified by the project to allow additional commercial development.

The alternative reduces all project impacts. However, the 23 impacts identified as significant and unavoidable for the project would also be significant and unavoidable for this alternative, since growth in population, employment, traffic and associated noise and air pollutant emissions would occur under this alternative. Specifically, the Land Use Alternative A would result in the same significant and unavoidable impacts related to: farmland conversion (Impact 3.1-B); population growth (Impact 3.1-F); blight from new commercial development (Impact 3.1-H); seismic hazard (Impact 3.2-A); new storm drain construction (Impact 3.3-E); loss of cultural resources (Impact 3.5-A); loss of paleontological resources (Impact 3.5-B); air pollution (Impact 3.7-A); impacts to views (Impacts 3.9-A, 3.9-B, and 3.9-C); school construction (Impact 3.10-A); criminal justice center construction (Impact 3.10-C); development in high fire hazard areas (Impact 3.10-F); effects on the emergency medical response system (Impact 3.10-G); development of new water sources (Impact 3.10-H); construction of water system improvements (Impact 3.10-K); park construction (Impact 3.10-M); greenhouse gas emissions (Impact 3.13-A); climate change effects (Impact 3.13-B); and growth inducement (Section 4.1 of the DEIR).

The overall area of development (i.e., the area of land developed with some form of improvement) would be approximately the same – though about 250 acres of land designated for urban development would remain in Agriculture under the alternative.

The principal environmental advantages of the alternative are:

1. A reduction in the future population of the area
2. Less Farmland converted to non-agricultural use
3. Fewer new residents located within the 100-year floodplain and the Coyote Dam inundation area
4. Elimination of several new road extensions
5. Less traffic congestion
6. Reduced risk of accidents involving motor vehicles
7. Reduced emission of air pollutants
8. Reduced emission of greenhouse gases
9. Reduced traffic-generated noise
10. Reduced demand for public services

Finding: Pursuant to Public Resources Code Section 21081 (b)(3) and CEQA Guidelines Section 15091 (a), the Board finds that the Land Use Alternative A is less desirable and infeasible because of specific economic, legal, social, technological, or other considerations, and is rejected for the following reasons:

1) This Alternative does not offer significant benefits compared to the proposed UVAP. The main land use change under this alternative (the Lovers Lane area) that would allow less development has been incorporated into the final UVAP.
2) The alternative does not reduce any of the 23 significant adverse impacts to a less-than-significant level.
3) Allowing mixed use on the three areas in the North State Street area will provide for an orderly growth pattern in the North State Street area. This alternative would not allow this orderly growth.

The Board finds that the impacts under the Land Use Alternative A would be substantially the same as for the UVAP and that it would not allow for the orderly growth provided by the UVAP. For the reasons specified above under Section 10 (C), the Board finds the Land Use Alternative A is less desirable, and is hereby rejected.

Reference: The DEIR, Section 4.4 Alternatives provides an analysis of the environmental effects of this Alternative as compared to the proposed UVAP.

E) Land Use Alternative B

Description: Under the Land Use Alternative B (described on page 405 of the DEIR), the proposed UVAP policies would be adopted, but the Land Use Map would be to revised include the following:

1. Several parcels south of Calpella (Site Nos. 3, 5, and 10 as shown on DEIR Figure 1-4) would be maintained as Agriculture rather than as Rural Residential;

2. Residential and Rural Residential designations on several parcels in the Calpella area (Site Nos. 6 and 7) would be maintained;

3. Existing lands use designations for much of the North State Street area would be maintained rather than allowing Mixed Use or Commercial designations (Site Nos. 13 through 17 and 24) (this designation is now part of the final UVAP for Site No. 16);

4. 15.6 acres on Tollini Lane would be maintained as Rural Residential rather than be designated as Suburban Residential (Site No. 18);

5. The Masonite site (Site No. 20) would be maintained as Industrial rather than designated as Mixed Use (this designation is now part of the final UVAP);

6. Most of the Lovers Lane area (Site No. 21) would be maintained as Agriculture rather than designated as Mixed Use (this designation is now part of the final UVAP);

7. An the Brush Street Triangle area would be maintained as Industrial rather than be designated as Commercial or Mixed Use (Site Nos. 24, 25, and 27);

8. The Eastern Hills area would be maintained as Rangeland rather than be designated as Rural Residential (Site No. 30);

9. 13 acres north of Stipp Lane would be maintained as Suburban Residential rather than be designated as Mixed Use (Site No. 37); and

10. 100+ acres south of Ukiah would be maintained as Rural Residential rather than be designated as Agriculture or Rangeland (Site Nos. 40 and 41).

Using Land Use Alternative B to guide and regulate future development in the plan area would reduce the development potential from a maximum of 5,430 new residential units to a maximum of 2,782 residential units. This alternative would decrease the residential buildout potential for the plan area by up 49% and the commercial development potential by 52%; it would increase the industrial development potential by 33%.

The alternative reduces all project impacts. However, the 23 impacts identified as significant and unavoidable for the project would also be significant and unavoidable for this alternative, since growth in population, employment, traffic and associated noise and air pollutant emissions would occur under this alternative. Specifically, the Land Use Alternative B would result in the same significant and unavoidable impacts related to: farmland conversion (Impact 3.1-B); population growth (Impact 3.1-F); blight from new commercial development (Impact 3.1-H); seismic hazard (Impact 3.2-A); new storm drain construction (Impact 3.3-E);); loss of cultural resources (Impact 3.5-A); loss of paleontological resources (Impact 3.5-B); air pollution (Impact 3.7-A); impacts to views (Impacts 3.9-A, 3.9-B, and 3.9-C); school construction (Impact 3.10-A); criminal justice center construction (Impact 3.10-C); development in high fire hazard areas

(Impact 3.10-F); effects on the emergency medical response system (Impact 3.10-G); development of new water sources (Impact 3.10-H); construction of water system improvements (Impact 3.10-K); park construction (Impact 3.10-M); greenhouse gas emissions (Impact 3.13-A); climate change effects (Impact 3.13-B); and growth inducement (Section 4.1 of the DEIR).

The overall area of development (i.e., the area of land developed with some form of improvement) would be approximately the same. The principal environmental advantages of the alternative are:

1. A reduction in the future population of the area;
2. Less Farmland converted to non-agricultural use;
3. Fewer new residents located within the 100-year floodplain and the Coyote Dam inundation area;
4. Elimination of several new road extensions;
5. Less traffic congestion;
6. Reduced risk of accidents involving motor vehicles;
7. Reduced emission of air pollutants;
8. Reduced emission of greenhouse gases;
9. Reduced traffic-generated noise; and
10. Reduced demand for public services.

Finding: Pursuant to Public Resources Code Section 21081 (b)(3) and CEQA Guidelines Section 15091 (a), the Board finds that the Land Use Alternative B is less desirable and infeasible because of specific economic, legal, social, technological, or other considerations, and is rejected for the following reasons:

1) This Alternative does not offer significant benefits compared to the proposed UVAP. The two main land use changes under this alternative (the Lovers Lane area and the Masonite site) that would allow less development have been incorporated into the final UVAP.
2) The alternative does not reduce any of the 23 significant adverse impacts to a less-than-significant level.
3) Allowing mixed use on the three areas in the North State Street area will provide for an orderly growth pattern in the North State Street area. This alternative would not allow this orderly growth.

The Board finds that the impacts under the Land Use Alternative B would be substantially the same as for the UVAP and that it would not allow for the orderly growth provided by the UVAP. For the reasons specified above under Section 10 (C), the Board finds the Land Use Alternative B is less desirable, and is hereby rejected.

Reference: The DEIR, Section 4.4 Alternatives provides an analysis of the environmental effects of this Alternative as compared to the proposed UVAP.

F) Land Use Alternative C - Policy Only

Description: Under the Land Use Alternative C – Policy Only (described on page 416 of the DEIR), the proposed UVAP policies would be adopted and the land use map would retain the land use designations of the Existing County General Plan.

This alternative would result in the reduced level of potential development that was described for the No Project Alternative above. It would retain the stronger environmental policy protection included in the UVAP. Specifically, residential development potential would decrease from a maximum of 5,430 new units under the UVAP to a maximum of 1,726 units. Commercial development would decrease from a maximum of about 4.6 million square feet to about 1.8 million square feet. Maximum of new industrial development would expand from about 2.4 million square feet under UVAP to about 3.7 million square feet under the alternative.

The Land Use Alternative C – Policy Only would have 18 of the 23 significant, unavoidable impacts identified for the UVAP, since growth in population, employment, traffic and associated noise and air pollutant emissions would occur even if the UVAP were not adopted. Specifically, the No Project alternative would result in the same significant and unavoidable impacts related to: farmland conversion (Impact 3.1-B); seismic hazard (Impact 3.2-A); new storm drain construction (Impact 3.3-E); loss of cultural resources (Impact 3.5-A); loss of paleontological resources (Impact 3.5-B); impacts to views (Impacts 3.9-A, 3.9-B, and 3.9-C); school construction (Impact 3.10-A); criminal justice center construction (Impact 3.10-C); development in high fire hazard areas (Impact 3.10-F); effects on the emergency medical response system (Impact 3.10-G); development of new water sources (Impact 3.10-H); construction of water system improvements (Impact 3.10-K); park construction (Impact 3.10-M); greenhouse gas emissions (Impact 3.13-A); climate change effects (Impact 3.13-B); and growth inducement (Section 4.1 of the DEIR).

The overall area of development (i.e., the area of land developed with some form of improvement) would be approximately the same – land that would be potentially developed with industrial uses under the EGP is reclassified by the project to allow additional residential, commercial, and mixed use development. The principal environmental advantages of the alternative as compared to the project are:

1. A reduction in the future population of the area;
2. Less Farmland converted to non-agricultural use;
3. Maintenance of the Lovers Lane area in Agriculture;
4. Fewer new residents located within the 100-year floodplain and the Coyote Dam inundation area;
5. Less traffic congestion;
6. Reduced risk of accidents involving motor vehicles;
7. Reduced emission of air pollutants; reduced emission of greenhouse gases;
8. Reduced traffic-generated noise;
9. Reduced demand for public services;

10. No impacts from construction of new schools or a new municipal wastewater treatment and disposal facility; and
11. Stronger environmental protections for most environmental resources.

Finding: Pursuant to Public Resources Code Section 21081 (b)(3) and CEQA Guidelines Section 15091 (a), the Board finds that the Land Use C Alternative – Policy Only Alternative is less desirable and infeasible because of specific economic, legal, social, technological, or other considerations, and is rejected for the following reasons:

1) This Alternative does not offer significant benefits compared to the proposed UVAP. The two main land use changes under this alternative (the Lovers Lane area and the Masonite site) have been incorporated into the final UVAP.
2) The alternative does not provide sufficient developable sites to meet the County's legally-required housing needs requirements.
3) The alternative does not promote centralized growth near the City of Ukiah, and therefore does not promote "smart growth" planning principles.

The Board finds that the impacts under the Land Use Alternative C – Policy Only would not provide sufficient land to allow balanced growth in the plan area and would not meet the County's mandated housing needs allotment. The growth allowed under this alternative would still result in 18 significant impacts. For the reasons specified above under Section 10 (C), the Board finds the Land Use Alternative C – Policy Only is less desirable, and is hereby rejected.

Reference: The DEIR, Section 4.4 Alternatives and provides an analysis of the environmental effects of this Alternative as compared to the proposed UVAP.

SECTION 11. Statement of Overriding Considerations.

In approving the proposed Ukiah Valley Area Plan, the Board makes the following Statement of Overriding Considerations in support of its findings on the FEIR. The Board has considered the information contained in the FEIR (the Draft EIR, Comments on the Draft EIR, Response to Comments on the Draft EIR, and all other public comments, responses to comments, and accompanying technical memoranda and staff reports included in the public record.

The Board has carefully balanced the benefits of the project against any adverse impacts identified in the EIR that could not be feasibly mitigated to a level of insignificance. Notwithstanding the identification and analysis of impacts that are identified in the FEIR as being significant and which have not been eliminated, lessened or mitigated to a level of insignificance, the Board, acting pursuant to CEQA Guidelines Section 15092 and 15093, hereby determines that remaining significant effects on the environmental found to be unavoidable in Section 8 above, are acceptable due to overriding concerns described herein. Specifically, the benefits of the project outweigh the unmitigated adverse impacts and the project should be approved.

Based on the objectives identified in the proposed Ukiah Valley Area Plan, DEIR and FEIR, and through extensive public participation, the Board has determined that the Project should be approved, and any remaining unmitigated environmental impacts attributable to the project are outweighed by the following specific environmental, economic, fiscal, social, housing and other overriding considerations, each one being a separate and independent basis upon which to approve the Project. Substantial evidence in the record demonstrates the County would derive the following benefits from adoption and implementation of the Ukiah Valley Area Plan:

A) <u>Environmental.</u>

1) The Project incorporates all feasible mitigation measures to reduce potential environmental impacts to the greatest extent feasible.

2) The Project reiterates and reinforces the County's commitments to protection of agriculture as a basic industry important to the economy and quality of life and food security of the county by maintaining extensive agricultural land areas and limiting incompatible uses.

3) The General Plan recognizes the wide range of County natural systems, open spaces and recreational opportunities by protecting and enhancing resources. Consistent with this approach, development opportunity is focused in community areas that will support more compact urban development patterns, where such development can be supported by necessary infrastructure and public services, agriculture and open space are preserved, and energy is conserved, all of which reduce congestion and greenhouse gas emissions and improve air quality.

4) The Project supports ecologically sustainable agricultural operations and protection and enhancement of important natural resources through encouraging research, vegetation management programs, best management practices, and technical assistance for agricultural operators while encouraging farmers, land owners and property managers to protect sensitive environments, and minimize the effects of recreation, tourism, agriculture and development on these resources.

5) The Project includes goals, objectives, and policies that provide additional protection of the County's important natural resources, such as water resources, biotic resources, freshwater and marine environments, scenic resources, timber and agricultural resources. The General Plan contains a comprehensive set of policies and actions (located in the Resource Management Element), which seek to address how Mendocino County manages water supply and quality issues. Key among these recommendations is the need to gather more information to supplement what is already known about water supplies so that future decisions will be based on the best knowledge available. The Project protects and enhances the county's natural ecosystems and valuable resources through prevention of loss of the county's biological resources and fragmentation of oak woodlands, forests, and wildlands and preservation of their economic and ecological values and benefits.

6) The Project includes new policies and programs for climate protection and sustainability and commits the County to being proactive in monitoring and addressing climate

change. Directing new growth to the State Street Corridor and established communities and increasing bike, pedestrian and transit systems will help lower transportation related GHG emissions. Improving building energy efficiency standards and promoting the use of renewable sources (wind, sun, thermal) will lower emissions as well as consumption of fossil fuels.

7) The Project provides updated General Plan policies that specifically address conditions in the Ukiah Valley and protect water resources. The County will work with agencies in developing long-term water supplies to meet the growth needs planned in this Area Plan.

8) The Project includes goals, policies and programs to reduce energy and resource consumption by promoting solid waste reduction, reuse, recycling, composting and environmentally safe transformation of waste, educating businesses and residents on options for implementing waste reduction targets, encouraging "green building" design, development and construction, and evaluating new technologies for energy generation and conservation and solid waste disposal as they become available.

9) The Project promotes "smart growth" by focusing future development in already-developed area that contain circulation and infrastructure systems that can serve that growth. The Project thereby provides ample protection for agriculture and open space in much of the Ukiah Valley.

B) <u>Economic and Fiscal.</u>

1) The Project focuses on the long term relative to creation of permanent jobs for local residents, consistent with each community planning area's vision for development. Creation of new employment opportunities will be balanced with protection of the environment and natural resources, with the goal of developing new businesses that utilize sustainable systems. Agricultural and timber-based operations are to be protected. Expansion of the tourism industry and County recreational activities will be encouraged.

2) The Project emphasizes long-term and sustainable economic and community needs over short-term gains by promoting sustainable and innovative business practices and technologies that advance work force and community health, environmental protection, and use of clean, reliable and renewable energy sources.

3) The Project facilitates a variety of land uses and employment opportunities in community areas, consistent with local community needs and environmental constraints and promotes diversified employment opportunities in the industrial sector and agricultural processing operations. In all instances, the Project promotes and encourages land uses that incorporate environmentally sound practices.

4) The Project creates opportunity for new commercial development by designating sufficient lands for commercial use, including an emphasis on mixed-use development. Additionally, policies call for business retention, expansion and diversification, with an emphasis

on compatibility between land uses by requiring the use of buffers and setbacks, reducing the potential for environmental and other impacts and protecting natural resources.

5) The Project recognizes the importance and value of agricultural production and the wine industry's annual economic contribution.

C) <u>Social.</u>

1) The Project includes policies, goals, and objectives which conform to the County's longstanding growth history, defining a rate of population growth that perpetuates County residents' quality of life.

2) The Project best reflects the community's expressions of quality of life and community values and guides the County's future growth in line with those values. The Project supports a balance between agriculture, housing, environmental preservation and restoration, population growth and economic development. Planning efforts will emphasize local culture, reflecting the historic, physical, and social values of each community. This will be accomplished, in part, through the eventual adoption of community design guidelines for physical factors and sustainable development practices.

3) The Project reflects the County's commitment to the health and well-being of all its residents, and the General Plan land use plans, policies and programs are designed to promote health through promoting an active, inclusive county, where healthy habits are encouraged rather than discouraged by the built environment. The policies also emphasize development of walkable communities.

4) The Project development pattern policies provide for new development in the in areas where infrastructure and public services are available. In these areas, compact forms of development will be emphasized, using infill and redevelopment of underutilized sites. This approach will create better-defined urban boundaries, minimizing urban sprawl and preserving the predominantly rural character of the county.

5) The Project emphasizes local culture, reflecting the historic, physical, and social values of each community. This will be accomplished, in part, through the eventual adoption of community design guidelines for physical factors and sustainable development practices.

6) The Project encourages coordination and partnering with the City of Ukiah is encouraged to develop appropriate land use patterns at the city/county interface, minimize environmental and economic impacts, and maximize environmental and economic benefits.

6) The Project protects the wide range of historic, cultural, and archaeological resources through a variety of actions, including working closely with the County Museum, Native American Tribes, other organizations, and agencies. New development projects will be

evaluated for potential impact to cultural resources.

7) The Project incorporates a wide range of policy approaches addressing transportation needs. Primary among these is an emphasis on multiple modes of transportation, rather than focusing solely on vehicular transportation, while stressing community livability. The County will support programs intended to reduce the number and extent of vehicle trips by working with major employers, supporting carpool and vanpool facilities and incentive programs reducing single-occupant vehicle use. Policies in the Plan provide for expanded pedestrian and bicycle systems in support of improved community livability. Connecting or expanding the system of pedestrian, bicycle, and trail routes is emphasized, as is providing improved linkages between modes of transportation. New development will be required to construct or support pedestrian and bicycle systems.

8) The Project establishes a wide range of parks and recreational opportunities for county residents. The policies call for a needs assessment of parks and recreation, followed by actions to provide needed facilities incorporating multiple uses of parks and school facilities and open spaces in urban communities. The County will work closely with local agencies and school districts in developing its parks and recreation plans and programs. With an emphasis on community livability, policies call for development of trails and bicycle lanes and paths throughout the county.

9) The Project recognizes the need and importance of providing adequate law enforcement services for the county, calling for regulation of development patterns and designs as a means of ensuring public safety, working with law enforcement agencies as part of the development process, and maintaining adequate development codes enforcement capabilities.

D) <u>Housing.</u>

1) The State of California has made the attainment of decent housing and a suitable-living environment for every Californian a statewide priority. As set forth in Government Code section 65580, the County of Mendocino must facilitate the improvement and development of housing to make adequate provision for the housing needs of all economic segments of the community. Similarly, CEQA recognizes the importance of balancing the prevention of environmental damage with the provision of a "decent home and satisfying living environment for every Californian." (*See* Public Resources Code section 21000(g).)

2) The County is obligated under state law to assume its fair share of regional growth, particularly housing for all income levels. The Project accommodates this obligation while at the same time minimizing impacts by concentrating growth in areas where urban services are available. The County has agreed to a legal settlement requiring that the UVAP designate sufficient land to provide 480 affordable residential units on 24 acres, and the UVAP provides the required land use designation to meet this target as well as future Housing Needs targets.

3) The Project intent is to provide a range of flexibility in how the Plan is implemented, through updates to the Zoning Ordinance and other development codes. Similarly, flexibility in development standards helps implement the Housing Element.

E) Legal and Regulatory.

1) The Project provides for cooperative planning between the County and the City of Ukiah, numerous other state and federal jurisdictions, and private and non-profit sectors to provide needed services and facilities such as housing, transportation, economic development, parks and recreation, open space and other needed services and infrastructure to County residents.

2) The Project balances the protection of ecologically sensitive resources with the protection of property rights, the importance of agriculture and the need for affordable housing, transportation, and economic growth. The Project represents the best compromise in terms of satisfying the County's obligations to social, environmental, and housing considerations, all within the constraints of the County's limited budget.

3) The Project ensures that private property owners will continue to have economically viable use of their lands, promotes economic development, spreads the public burdens fairly, and protects the County from regulatory takings challenges.

4) The Project is consistent with the rule that, in mitigating or avoiding a significant effect on the environment, a public agency may exercise only those express or implied powers provided by law other than the California Environmental Quality Act. (*See* Public Resources Code section 21004.)

SECTION 12. Annual Reporting.

According to CEQA Guidelines Section 15097(b), "Where the project at issue is the adoption of a general plan, specific plan, community plan or other plan-level document (zoning, ordinance, regulation, policy), the monitoring plan shall apply to policies and any other portion of the plan that is a mitigation measure or adopted alternative. The monitoring plan may consist of policies included in plan-level documents.

Pursuant to CEQA Guidelines Section 15097(b), the review and reporting on the adopted UVAP Policies and Action items will occur as described in the attached Mitigation Monitoring and Reporting Program.

SECTION 13. Recirculation is Not Required.

In the course of responding to comments received during the public review and comment period on the Draft EIR, certain portions of the Draft EIR have been modified and some new information amplifying and clarifying information in the Draft EIR has been added to the Final

EIR. The UVAP was modified by the County to make the following changes to the Draft UVAP Land Use Map as shown on Figure 1-4 of the DEIR:

Site No.	Location	Acreage	Existing General Plan Designation	Draft 2007 UVAP Designation	Final UVAP Designation
1	North Calpella	16.7	Agriculture (AG); Suburban Residential (SR) (4.3 acres); and Commercial (C) (11.4 acres)	Mixed Use-3 (MU-3)	Mixed Use-2 (MU-2)
16	East of N. State Street	29	Industrial (I)	Mixed Use – N. State Street (MUNS)	Industrial (I)
20	Masonite site	79	Industrial (I)	Mixed Use – Masonite (MUN)	Industrial (I)
21	Lovers Lane area	187	Agriculture (AG)	Mixed Use-3 (MU-3)	Agriculture (AG)
22	South of Lovers Lane	17	Agriculture (AG)	Mixed Use-3 (MU-3)	Suburban Residential (SR)
23	South of Lovers Lane	14.5	Industrial (I) (10.8 acres) & Com-mercial (C) (3.7 acres)	Mixed Use-3 (MU-3)	Mixed Use-2 (MU-2)

The County has determined that the 6 land use changes result in less development than could occur under the UVAP Land Use map. The County has also determined that clarifications and minor policy modifications to the UVAP analyzed in the Final EIR do not trigger the thresholds for recirculation as identified in Public Resources Code Section 21092.1 and in Section 15088.5 of the CEQA Guidelines. The UVAP adopted by the Board falls within the scope of the Draft EIR analysis of impacts and project alternatives, including some of the parcel land use changes addressed under Draft EIR Alternatives (see Draft EIR p. 378 through 419). The changes to the 6 sites and the minor policy changes would not trigger new significant environmental impacts or a substantial increase in severity of environmental impacts identified in the Draft and Final EIR that would trigger the requirement for recirculation.

Adoption and implementation of the Ukiah Valley Area Plan will not result in any significant environmental impacts not identified in the Draft EIR or result in a substantial increase in the severity of a significant environmental impact identified in the Draft EIR. There are no substantial changes in the Project or the circumstances under which the Project is being undertaken that necessitate revisions of the Draft EIR, nor has significant new information become available. "Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR." 14 Cal Code Regs. Section 15088.5(b). The Board of Supervisors hereby determines, based on the standards provided in Public Resources Code Section 21092.1 and Section 15088.5 of the CEQA Guidelines, that recirculation of the Draft EIR is not required prior to adoption of the Ukiah Valley Area Plan.

SECTION 14. Record of Proceedings.

The environmental analysis provided in the Draft and Final EIR and the Findings provided herein are based on and are supported by the following document, materials and other evidence, which constitute the Administrative Record for the Ukiah Valley Area Plan;

1) The NOP, comments received on the NOP and all other public notices issued by the County in relation to the General Plan EIR (e.g., Notice of Availability).

2) The Draft EIR, associated appendices to the Draft EIR and technical materials cited in the document.

3) The Final EIR, including comment letters, oral testimony and technical materials cited in the document.

4) All non-draft and/or non-confidential reports and memoranda prepared by the County and consultants related to the EIR, its analysis and findings.

5) Minutes and transcripts of the discussions regarding the Project and/or Project components at public hearings or scoping meetings held by the Planning Commission and the Board of Supervisors.

6) Staff reports associated with Planning Commission and Board Meetings on the Ukiah Valley Area Plan and supporting technical memoranda.

7) Ukiah Valley Area Plan, the various public drafts of the Ukiah Valley Area Plan.

SECTION 15. Location and Custodian of Records.

The documents and other materials that constitute the record of proceedings on which the Board's findings regarding the mitigation measures and statement of overriding considerations are based are located at the office and in the custody of the Mendocino County Planning and Building Department, 501 Low Gap Road, Room 1440, Ukiah, California. The location and custodian of these documents is provided in compliance with Public Resources Code Section 21081.6(a)(2) and 14 Cal. Code of Regulations section 15091(e).