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**PLANNING COMMISSION  
STAFF REPORT- DIVISION OF LAND  
AND COASTAL DEVELOPMENT PERMIT**

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**JULY 19, 2018  
CDMS\_2014-0001/  
CDP\_2014-0002**

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**SUMMARY**

**OWNER:** MICHAEL BUTLER/ AGNES LI  
PO BOX 1520  
FORT BRAGG, CA 95437

**APPLICANT:** MICHAEL BUTLER  
PO BOX 1520  
FORT BRAGG, CA 95437

**REQUEST:** Coastal Development Minor Subdivision to create two parcels of 1.84± and 2.67± acres from an existing 4.8± acre parcel, an Exception to MCC Sec. 17-48.5(A)(1)(e)(i) is requested to reduce the required easement width to twenty-five (25) feet where a forty (40) foot easement is required; and a Coastal Development Permit for conversion of an existing storage structure to a single-family residence, and relocation of a variety of existing buildings and road improvements.

**LOCATION:** In the Coastal Zone, 2.5± miles south of the City of Fort Bragg, lying north of Boice Lane (CR 413) and 200± feet west of its intersection with Highway 1 (SH1), located at 33110 Boice Lane, Fort Bragg (APN: 017-080-30).

**TOTAL ACREAGE:** 4.8± acres

**GENERAL PLAN:** Rural Residential, with a five-acre minimum with alternate density of one acre minimum (RR5(1))

**ZONING:** Rural Residential, with a five-acre minimum with alternate density of one acre minimum (RR5(1))

**SUPERVISORIAL DISTRICT:** 4

**ENVIRONMENTAL DETERMINATION:** Negative Declaration

**RECOMMENDATION:** Approve with Conditions

**STAFF PLANNER:** Julia Acker

**BACKGROUND**

**PROJECT DESCRIPTION:** Coastal Development Minor Subdivision to create two parcels of 1.84± and 2.67± acres from an existing 4.8± acre parcel, an Exception to MCC Sec. 17-48.5(A)(1)(e)(i) is requested to reduce the required easement width to twenty-five (25) feet where a forty (40) foot easement is required; and a Coastal Development Permit for conversion of an existing storage structure to a single-family residence, and relocation of a variety of existing buildings and road improvements. The remaining land (0.3± acres) is to be dedicated to Boice Lane (CR 413). Parcel 1 (Remainder Parcel) is developed with an existing residence, garage, pump house, leach field, well, a 840 square foot building (to be relocated to Parcel 2 (New Parcel)), and 144 square foot shed (to be demolished). Parcel 2 (New Parcel) is currently developed with an existing accessory building (to be converted to a residence), 120 square foot greenhouse, 880 square foot studio/workshop, and existing pumphouse (to be removed). The 840 square foot building currently located on Parcel 1 will be relocated to Parcel 2 to accommodate the needed access to Parcel 2.

**APPLICANT'S STATEMENT:**

"The proposal is to divide the existing 4.8 acre parcel into 2 parcels, 1 of 2 acres and one of approximately 2.5 acres that includes a 20' access corridor to Boice Lane ("flag" lot). The remaining land (approx. 0.3 acre), is to be dedicated to Boice Lane, County Road 413.

Per the conditions of approval resulting from a pre-application conference for this project, the existing 20 ft. wide Boice Lane will be formally deeded to the County, and an additional 10 ft. will be deeded to the County, making a total of 30 ft. (0.3 acre) deeded to Boice Lane from the south edge of the original parcel. Two paved turnouts meeting CalFire requirements will also be provided, in addition to paving the existing driveway approaches, per Mendocino County DOT requirements.

Other conditions of approval for this minor subdivision, relating to the required widening of the Boice Lane easement, include the replacement of the existing building at the southeast corner (to the north part of Lot 2), and the relocating of the existing shed at the existing encroachment (to the west part of Lot 3). These changes are required for encroachment, site distance, and setback requirements. A botanical survey has been completed.

A permit was issued previously for the construction of the 2,600 sq. ft. storage building, shown on Lot 2. The intent is for this building to become the SFR for Lot 2 when allowed. This building design conforms with planning requirements, both for the original parcel as it exists, and also as the subdivided parcels would be. Similarly, the CDP application would also be made for the proposed SFR on Lot 3. Regardless, the CDP application will include the removal of all eucalyptus trees, and the installation of a slow water-pumping windmill on lot 2.

Division into any parcel less than 2 acres requires corresponding hydrological and health approval, which are currently pending. The DEH has been consulted for their relevant requirements, and the wells and leach fields shown are in accordance. Wet weather monitoring has been completed previously. If DEH requirements cannot be satisfied for the 3 parcels as drawn, then the original parcel would be slit in to only 2 lots meeting the 2-acre minimum size. In this case, Lot 1 and Lot 3 would be combined into a 2-acre Lot 1, and the proposed new SFR is not applied for."

**RELATED APPLICATIONS:**

**On-Site:**

- Categorical Exclusion CE\_2015-0014 for the drilling of up to three test wells on the subject parcel, approved June 4, 2015.
- Pre-application Conference PAC\_2013-0008: pre-application conference for 3 parcel minor subdivision and coastal development permit (precursor to this permit).
- Minor Subdivision MS\_1976-0088: previously requested minor subdivision of this parcel into two parcels of 2.4 acres each. The request was denied based upon comments from the Division of Environmental Health on the need for additional information on the water and sewer problems of the site. There was a letter from the Soil Conservation Service stating that this land is not suited for subdivision purposes and until water and sewer are available it should not be less than five acres.

**Neighboring Property:**

- Coastal Development Use Permit CDU\_2000-0030 on APN: 017-080-04: authorized construction of a 45,000 square foot mini-warehouse storage building; including 293 storage units, 67% climate controlled; a caretakers apartment, garage, well and septic system; a new driveway, paving and landscaping; a 27,000 gallon runoff metering facility, a 40 square-foot sign; retaining walls; and demolition of an existing residence and accessory buildings.

**SITE CHARACTERISTICS:** The 4.8± acre parcel fronts on Boice Lane (CR 413) on the entire southern boundary. The property is a flat, grassy meadow. A small pond exists at the southern middle edge of the property, and a ditch-like creek, which flows from the pond, bisects the property. Presently the parcel is developed with an existing single-family residence, garage, and accessory buildings. Parcel 1 (labeled "Remainder" on Tentative Map) is to remain developed with the existing single-family residence and garage. Parcel 2 (labeled "New Parcel" on Tentative Map) will also remain developed with an existing accessory building, which is to be converted to a single-family residence under this permit.

**SURROUNDING LAND USE AND ZONING:**

	GENERAL PLAN	ZONING	LOT SIZES	USES
NORTH	RR5(1)	RR5(1)	1 Acre	Residential
EAST	C	C	2.4 Acres	Commercial
SOUTH	RR5(1)	RR5(1)	1.61 Acres	Residential
WEST	RR5(1)	RR5(1)	3 Acres	Vacant

**PUBLIC SERVICES:**

Access: BOICE LANE (CR 413)  
Fire District: FORT BRAGG RURAL  
Water District: NONE  
Sewer District: NONE  
School District: FORT BRAGG UNIFIED

**AGENCY COMMENTS:** On April 15, 2015 project referrals were sent to the following responsible or trustee agencies with jurisdiction over the Project. Their submitted recommended conditions of approval are contained in Exhibit A of the attached resolution. A summary of the submitted agency comments are listed below. Any comment that would trigger a project modification or denial is discussed in full as key issues in the following section.

REFERRAL AGENCIES	COMMENT
Department of Transportation	Comments
Planning- Ukiah	No Comment
Environmental Health- FB/Ukiah	Comments
Building Services- Fort Bragg	No Comment
Assessor	No Response
Air Quality Management District	No Comment
Archaeological Commission	Comments
Sonoma State University- NWIC	Comments
Caltrans	No Response
CalFire	Comments
California Department of Fish and Wildlife	No Response
California Coastal Commission	Comments
Regional Water Quality Control Board	No Response
Soil Conservation Service	No Response
County Addresser	No Comment
Fort Bragg School District	No Response
Fort Bragg Fire District	No Response
Fort Bragg City Planning	No Comment

### KEY ISSUES

**1. General Plan and Zoning Consistency:** The project is consistent with the Land Use Plan, Chapter 2.2 of the Coastal Element of the General Plan. The land use designation for the site is Rural Residential—5 acre minimum with an alternate density of 1 acre minimum (RR5(1)). The intent of the RR designation is “...to encourage local small scale food production (farming) in areas which are not well suited for large scale commercial agriculture, defined by present or potential use, location, micro-climate, slope, exposure, etc. The Rural Residential classification is not intended to be a growth area and residences should be located as to create minimal impact on agricultural viability.” The principally permitted use designated for this land use classification is “residential and associated utilities, light agriculture, [and] home occupation.”

The project includes a minor subdivision to create two parcels from an existing 4.8 acre parcel, and includes the development of a new 2,600 square foot single-family residence on Parcel 2, relocation of an existing 840 square foot storage building from Parcel 1 to Parcel 2 and removal of a 144 square foot shed on Parcel 1. Principally Permitted Uses within the RR designation include single-family dwelling units, its associated utilities and accessory structures. Therefore the proposed project is consistent with the RR land use designation

The zoning district for the site is Rural Residential - 5 acre minimum or alternate density of 1 acre minimum (RR5(1)) as described in Mendocino County Code. The intent of the RR District is “to encourage and preserve local small scale farming in the Coastal Zone in lands which are not well suited for large scale commercial agriculture. Residential uses should be located as to create minimal impact on agricultural viability.” The proposed project includes a minor subdivision to create two parcels from an existing 4.8 acre parcel, and includes the development of a new 2,600 square foot single-family residence on Parcel 2, relocation of an existing 840 square foot storage building from Parcel 1 to Parcel 2 and removal of a shed on Parcel 1. The project creates minimal impact on agricultural viability and is consistent with the intent of the RR District. Staff finds that the project is consistent with the development and land use standards for the RR District. The proposed project complies with standards for land use, yards, building heights, parking and lot coverage.

### **2. Local Coastal Program Consistency:**

Hazards: Mendocino County Coastal Element Chapter 3.4 titled *Hazards Management*, addresses seismic, geologic, and natural forces within the Coastal Zone. Mapping does not associate the following with the subject site: faults, bluffs, landslides, erosion, fire hazard, or flood hazard.

Seismic Activity: The property neither lies within, nor does it adjoin a mapped Alquist-Priolo Earthquake Fault Zone. The San Andreas Fault is located approximately 1.7 miles west of the project site and is the nearest active fault. This project does not conflict with any state or local seismic hazard policy or plan.

Flooding: There are no mapped 100 year flood zones on the subject parcel, and no conditions are necessary to ensure consistency with flood policy.

Fire: The parcel is located in an area classified with a “Very High Fire Hazard” severity rating. Fire protection services are provided by the California Department of Forestry and Fire Protection and the Fort Bragg Rural Fire District. The project application was referred to the California Department of Forestry and Fire Protection (CalFire) for input. CalFire responded stating that the applicant is required to adhere to 4290 Regulations (CalFire #1-14). Fort Bragg Rural Fire District did not return the referral.

Visual Resources: Protection of visual resources is a specific mandate of Section 30251 of the Coastal Act, and is subsequently addressed in Chapter 3.5 of General Plan’s Coastal Element and implemented by Mendocino County Code (MCC) Chapter 20.504. The subject parcel is not located in a Highly Scenic Area (HSA), as depicted on the LCP Map 14 *Beaver*. Exterior lighting is shown as down cast and shielded and there is a Condition of Approval requiring a note to be placed on the Parcel Map advising of the requirements for exterior lighting.



Natural Resources: A Botanical Survey was prepared for the proposed project by Darcie Mahoney dated June 24, 2010 to determine any presence of resources meeting the criteria for consideration as Environmentally Sensitive Habitat Areas (ESHA). No special status plant species were observed on the project site; however the biologist did recommend that the pond, stream and wet area noted on the site be protected from disturbance. The required buffer from these identified resources to proposed development is 100 feet. All buildings on both lots comply with the 100 foot buffer requirement. There is an existing fence within portions of the 100 foot ESHA buffer that is proposed for replacement. The replacement fence will be in the exact same location and within an already disturbed area. Additionally, there is an existing driveway approach that will be improved with pervious material to meet current Mendocino County Department of Transportation standards.

The applicant proposes removal of the non-native and invasive Eucalyptus trees that exist on the parcel. Removal of the Eucalyptus trees is encouraged; however, due to their proximity to the identified coastal waters, it is recommended that for removal of Eucalyptus trees that fall within the 100 foot ESHA buffer that no heavy equipment be utilized or that if heavy equipment is to be utilized that a biologist be on-site during the tree removal to ensure that the resource is not impacted by the removal activities. Staff finds the proposed project to be consistent with ESHA protection policies.

Utilities: The proposed project includes creation of two parcels from an existing 4.8 acre parcel, which includes conversion of an existing 2,600 square-foot accessory structure into a single-family residence on Parcel 2 and relocation of a 840 square foot workshop to Parcel 2. Electric service is available. Propane gas is available by a variety of local fuel companies. The Division of Environmental Health has reviewed the proposed project and recommended several conditions of approval as well as additional studies for determining water availability.

Parcel 1 has an existing septic system and alternative leachfield. Parcel 2 will be served by an on-site septic system and alternative leachfield, which has been approved by the Division of Environmental Health.

Parcel 1 (remainder parcel) is already served by an existing well and proposed Parcel 2 will be served by an existing test well, to be converted to a production well under this permit. The Division of Environmental Health standard for sufficient water supply for residential use is 1 gallon per minute, with 0.5 gallon per minute being acceptable where 2,500 gallons of water storage are provided to supplement the well. Parcel 1 has been served by the same well for many years and has been found to be sufficient to serve the existing development on the parcel. Due to the variable density zoning of the property, the designation of Marginal Water Resources under the 1982 Mendocino County Coastal Ground Water Study, and the requirements of the 1989 County of Mendocino Coastal Groundwater Development Guidelines, the test well on Parcel 2 required a Proof of Water test and that a Hydrological Study be performed.

A Proof of Water test was completed on the test well proposed to serve Parcel 2 in August 2016, which determined the test well to produce 4 gallons per minute over a 17 hour period, meeting the requirements for adequate water supply. Additionally, a Hydrological Study was completed for the proposed project dated November 14, 2017. The purpose of the hydrological study was to determine whether or not the proposed withdrawal of groundwater resulting from the project would have a significant adverse effect on water supplies serving neighboring properties. The Hydrological Study determined that the proposed subdivision does not cause significant adverse effects on water supplies serving adjacent properties. The Hydrologic Study was accepted by the Division of Environmental Health on May 22, 2018.

The existing development is served by adequate electric and propane services and, as conditioned, adequate services would serve the proposed minor subdivision and single-family residence on Parcel 2.

Access Roads: The parcel is currently accessed off of Boice Lane (CR 413), a 12 foot wide paved road. The Mendocino County Department of Transportation (MDOT) was invited to provide comment on the application. In the letter dated March 10, 2016, MDOT provided several comments based on the Subdivision Committee Checklist, which are reflected in the recommended conditions of approval. The applicant has requested an exception to MCC Section 17-48.5 (A)(1)(e)(i) to reduce the required easement width from 40 feet to 25 feet. Staff recommends approval of the requested exception, finding that there are special circumstances or conditions affecting the proposed division of land and that the granting of the exception will not be detrimental to the public welfare or injurious to surrounding property. The existing development is served by adequate access roads and, as conditioned, adequate access

roads would serve the proposed minor subdivision.

Division of the existing parcel into two parcels would generate few additional vehicle trips per day. The State Route 1 Corridor Study Update provides traffic volume data for State Highway 1. The subject property is located approximately 400 feet west of the intersection of Boice Lane and Highway 1, where the existing peak hour Level of Service is reported as "F". No change in service levels is anticipated.

Archaeological: The Mendocino County Archaeological Commission found that an Archaeological Survey was not required at its June 10, 2015 meeting and recommended that only the standard discovery clause condition be applied to the proposed project. A Standard Condition advises the property owner of the Discovery Clause, which prescribes the procedures subsequent to the discovery of any cultural resources during construction of the project.

Public Access: The site of the proposed project is located west of Highway 1, southeast of the Mendocino Botanical Gardens and is excluded from the Highly Scenic Area as depicted on LCP Map 14 *Beaver*. Coastal access is provided via the Mendocino Botanical Gardens Blufftop Shoreline Access, which is located northwest of the subject parcel and the Mitchell Creek Shoreline Access located southwest of the subject parcel. No additional public access is required for the proposed project.

Land Division Findings: The new lots created have or will have adequate sewage, including a long term arrangement for septage disposal, roadway and other necessary services to serve them. Parcel 1 has an existing septic system and designated reserve field. Parcel 2 will be served by an on-site septic system and reserve field, which has been approved by the Division of Environmental Health.

The new lots created will not have, individually or cumulatively, a significant adverse environmental effect on environmentally sensitive habitat areas or on other coastal resources. This is primarily because the two proposed parcels are already largely developed, and additional construction at either site would be reviewed individually for consistency with environmentally sensitive habitat area policies or other coastal resource policies.

The proposed project would not significantly adversely affect the long term productivity of adjacent agricultural or timberlands. Uses surrounding and adjacent to the site include single-family residences located immediately north and west of the parcel. A mini storage facility and associated parking is located on the adjacent parcel to the east and the parcel to the south is undeveloped.

Other public services, such as solid waste, have been considered and are adequate to serve the proposed parcels. The Caspar Transfer Station is located approximately 5.8 miles northeast of the project site, providing for the disposal of solid waste resulting from the residential use. Roadway capacity appears to be adequate to serve the proposed project.

The proposed land division meets the requirements of Chapter 20.524 and is consistent with all applicable policies of the Coastal Element. The Chapter contains required conditions for approval for Urban Land Divisions such as the current proposal. The proposed subdivision is in conformance with the requirements of Chapter 20.524.020 (B) as the parcels meet the minimum parcel size requirements, adequate septic facilities have been designed for the project, proof of adequate water supply has been demonstrated through a Hydrological Study including a Proof of Water test that met the requirements of the Mendocino County Groundwater Development Guidelines, and no agricultural or timber production lands are located adjacent to the site. Additionally, there will be no significant adverse impacts to coastal resources including environmentally sensitive habitat areas, the project is not located within an area of pygmy vegetation, other public services have been reviewed and determined to be adequate to serve the proposed parcels, and the proposed development is consistent with all other requirements of Division II of Title 20 of Mendocino County Code and all applicable policies of the Coastal Element

**3. Division of Land Regulations:** The project was reviewed by the Mendocino County Subdivision Committee on March 10, 2016, at which time the Subdivision Committee recommended conditional approval of the proposed minor subdivision to the Planning Commission per the required finding found in MCC Section 17-48.5. An exception is requested to MCC Section 17-48.5 (A)(1)(e)(i) to reduce the required easement width from 40 feet to 25 feet. Staff recommends approval of the requested exception, finding that there are special circumstances or conditions affecting the proposed division of land and that

the granting of the exception will not be detrimental to the public welfare or injurious to surrounding property.

**4. Environmental Protection:** An Initial Study for the proposed project was completed in accordance with the California Environmental Quality Act (CEQA). There are no significant impacts to the environment identified, which would result from the project, thus a Negative Declaration was prepared. It is noted in the Initial Study that the proposed subdivision could result in some impacts due to future development; however these were considered to be less than significant impacts.

**RECOMMENDATION**

By resolution, the Planning Commission adopt a Negative Declaration and grant Coastal Development Minor Subdivision CDMS\_2014-0001, Coastal Development Permit CDP\_2014-0002, and the requested Exception to Mendocino County Code Section 17-48.5(A)(1)(i) to reduce the required easement width from 40 feet to 25 feet, as proposed by the applicant, based on the facts and findings and subject to the conditions of approval in Exhibit A.

7/5/2018

DATE

Julia Acker

JULIA ACKER  
SENIOR PLANNER

Appeal Period: 10 Days

Appeal Fee: \$1,616.00

**ATTACHMENTS:**

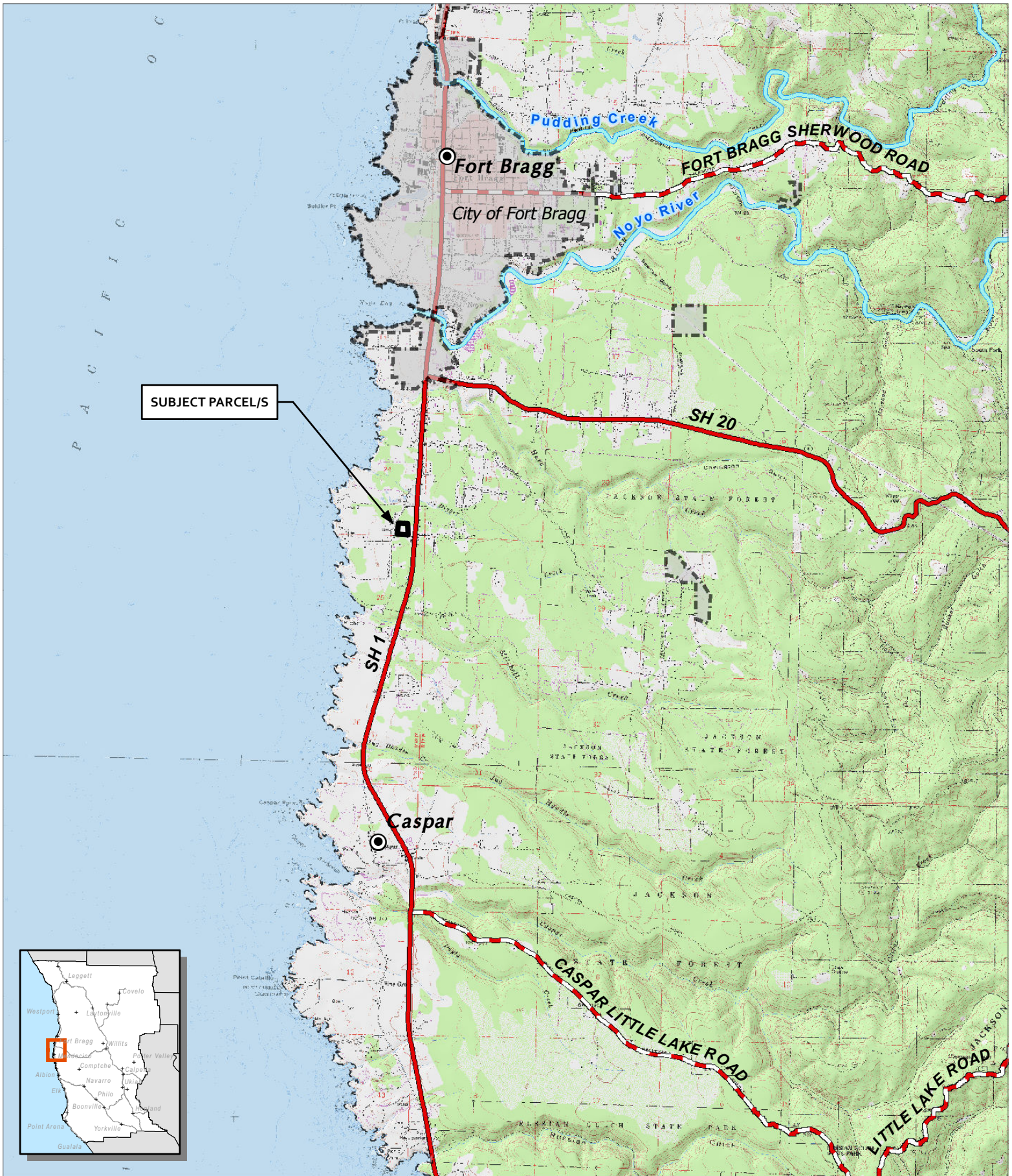
- A. Location Map
- B. Topographic Map
- C. Aerial Map (Vicinity)
- D. Aerial Map
- E. Site/Tentative Map
- F. Elevations
- G. Floor Plan & East Elevation
- H. Storage Building & Windmill
- I. Grading Plan
- J. Zoning Display Map
- K. General Plan Classifications
- L. LCP Land Use Map 14: Beaver
- M. LCP Land Capabilities & Natural Hazards
- N. LCP Habitats & Resources
- O. CDP Exclusion Areas
- P. Adjacent Parcels
- Q. Fire Hazard Zones & Responsibility Areas
- R. Ground Water Resources
- S. Local Soils
- T. Stormwater Permitting Zones

**RESOLUTION AND CONDITIONS OF APPROVAL (Exhibit A):**






**Initial Study available online at:**

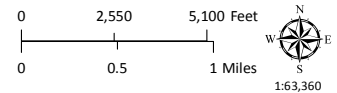
<https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas/planning-commission>





CASE: CDMS 2014-0001  
 OWNER: BUTLER, Michael  
 APN: 017-080-30  
 APLCT:  
 AGENT:  
 ADDRESS: 33110 Boice Lane, Fort Bragg

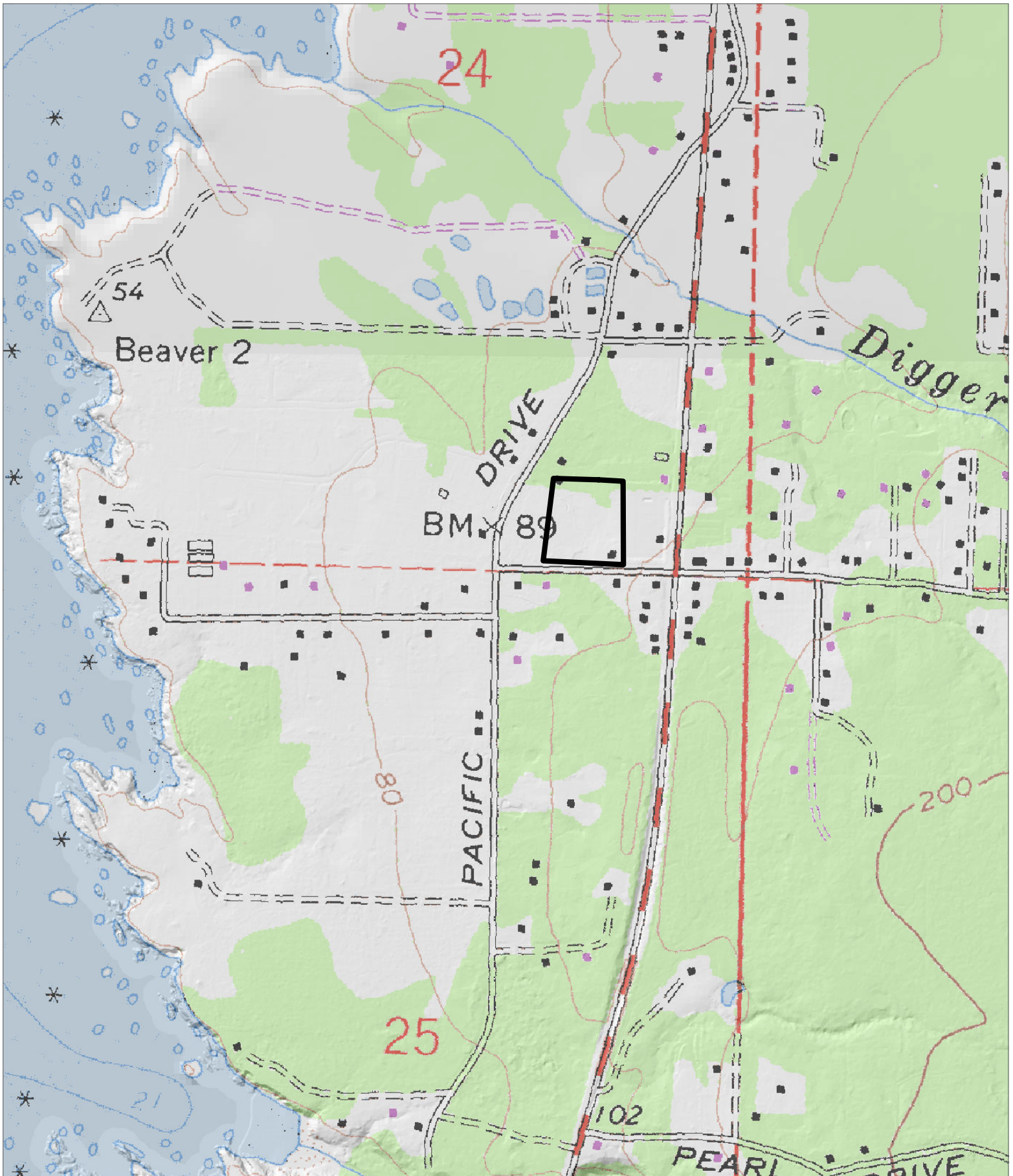
-  Major Towns & Places
-  City Limits
-  Major Rivers
-  Highways
-  Major Roads



LOCATION MAP

THIS MAP AND DATA ARE PROVIDED WITHOUT WARRANTY OF ANY KIND.  
 DO NOT USE THIS MAP TO DETERMINE LEGAL PROPERTY BOUNDARIES





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0 350 700 Feet  
0 0.05 0.1 Miles  
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TOPOGRAPHIC MAP  
CONTOUR INTERVAL IS 40 FEET

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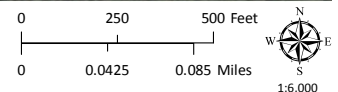




Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

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Named Rivers — — — Driveways/Unnamed Roads  
Public Roads  
Private Roads



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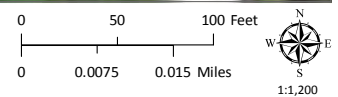


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Public Roads  
Private Roads

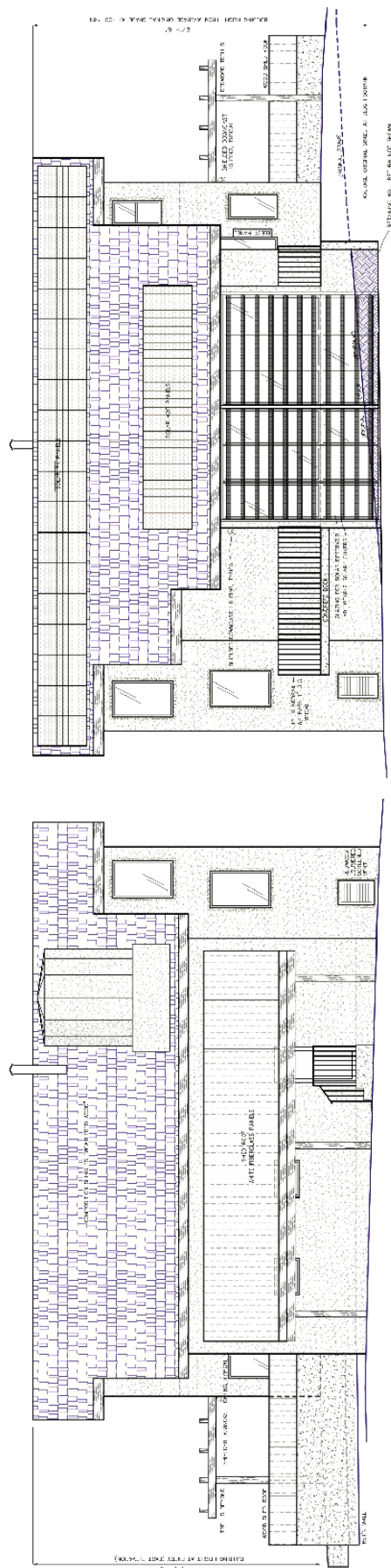


LOCATION MAP

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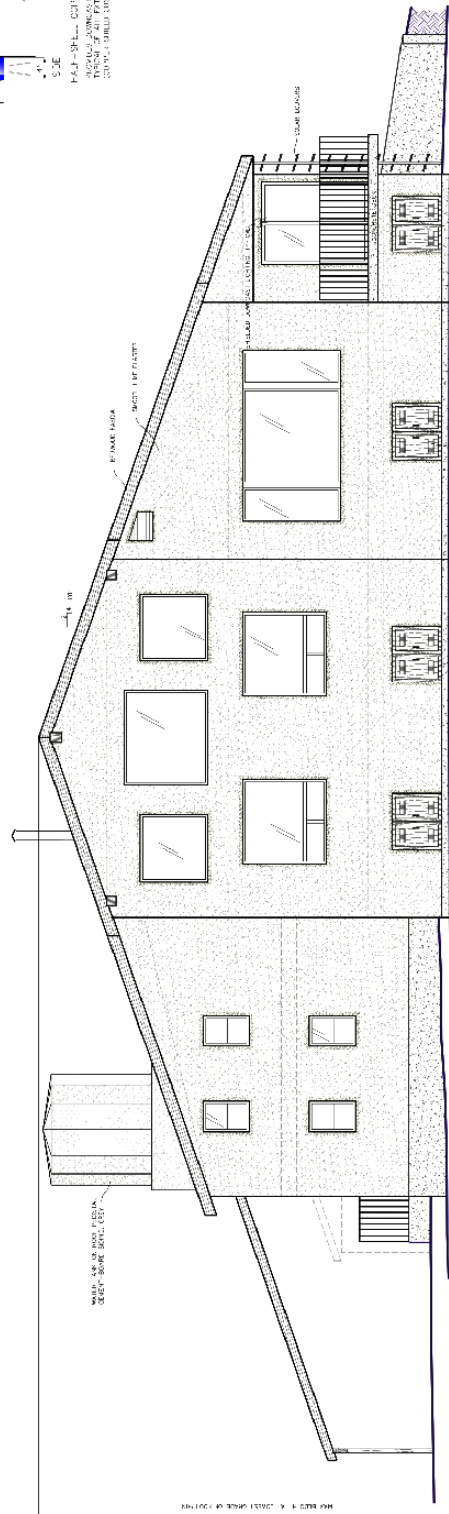
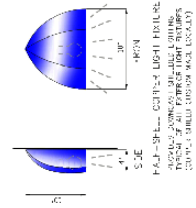






REAR ELEVATION

REAR ELEVATION



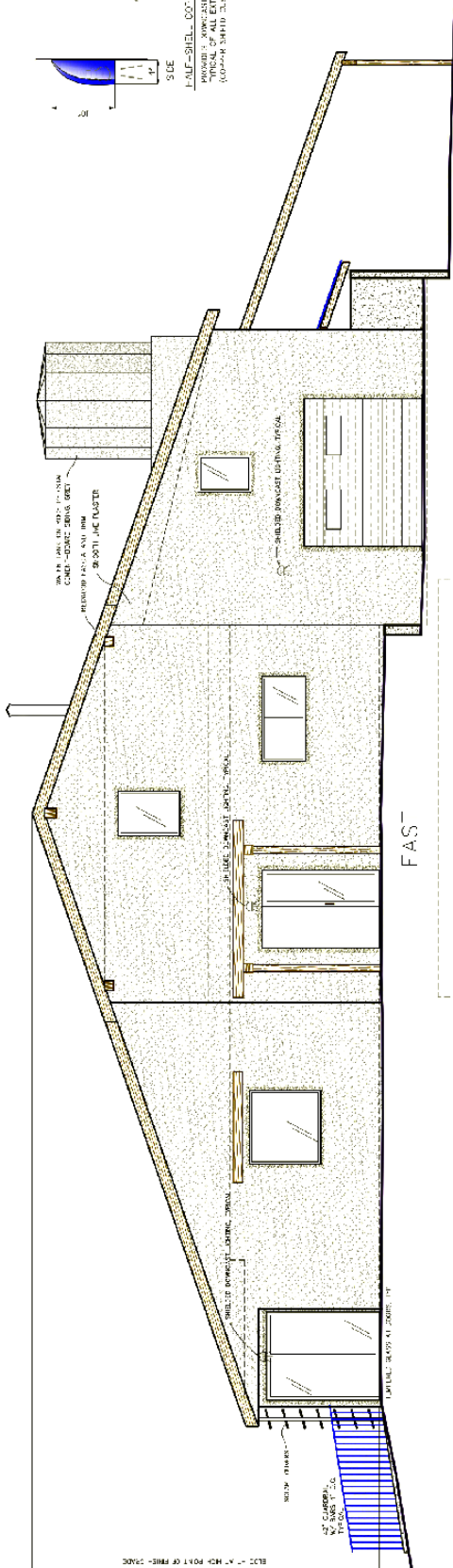
FRONT ELEVATION

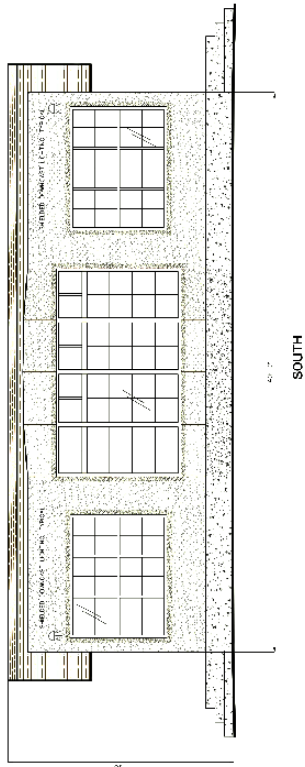
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ELEVATIONS

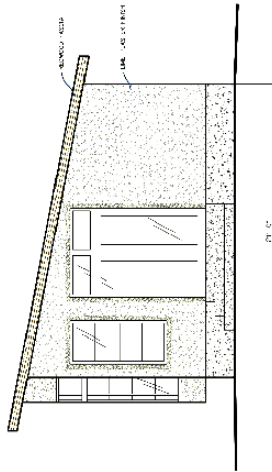
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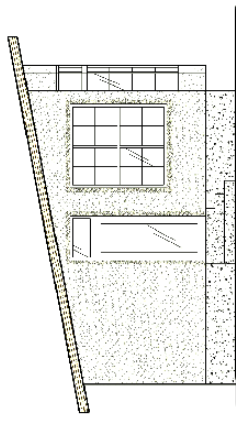




SOUTH

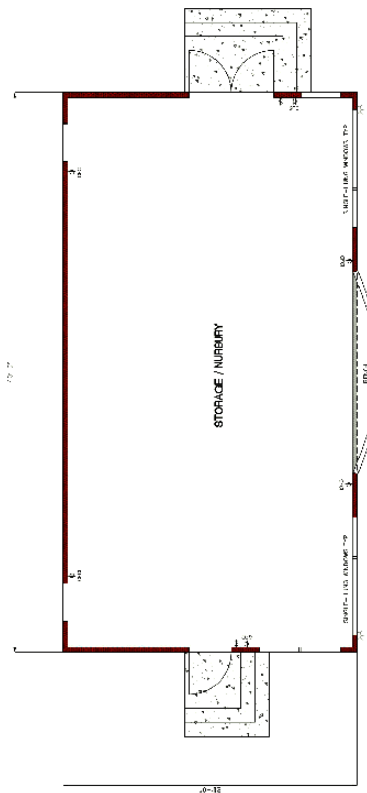


EAST

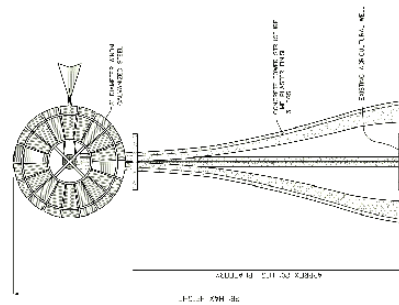
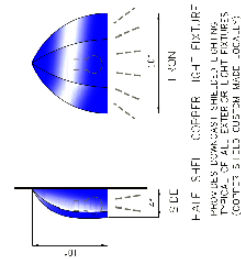


WEST

PROPOSED ELEVATIONS  
OF BUILDING BEING REPLACED



PROPOSED FLOOR PLAN  
OF BUILDING BEING REPLACED



WINDMILL / TOWER ELEVATION

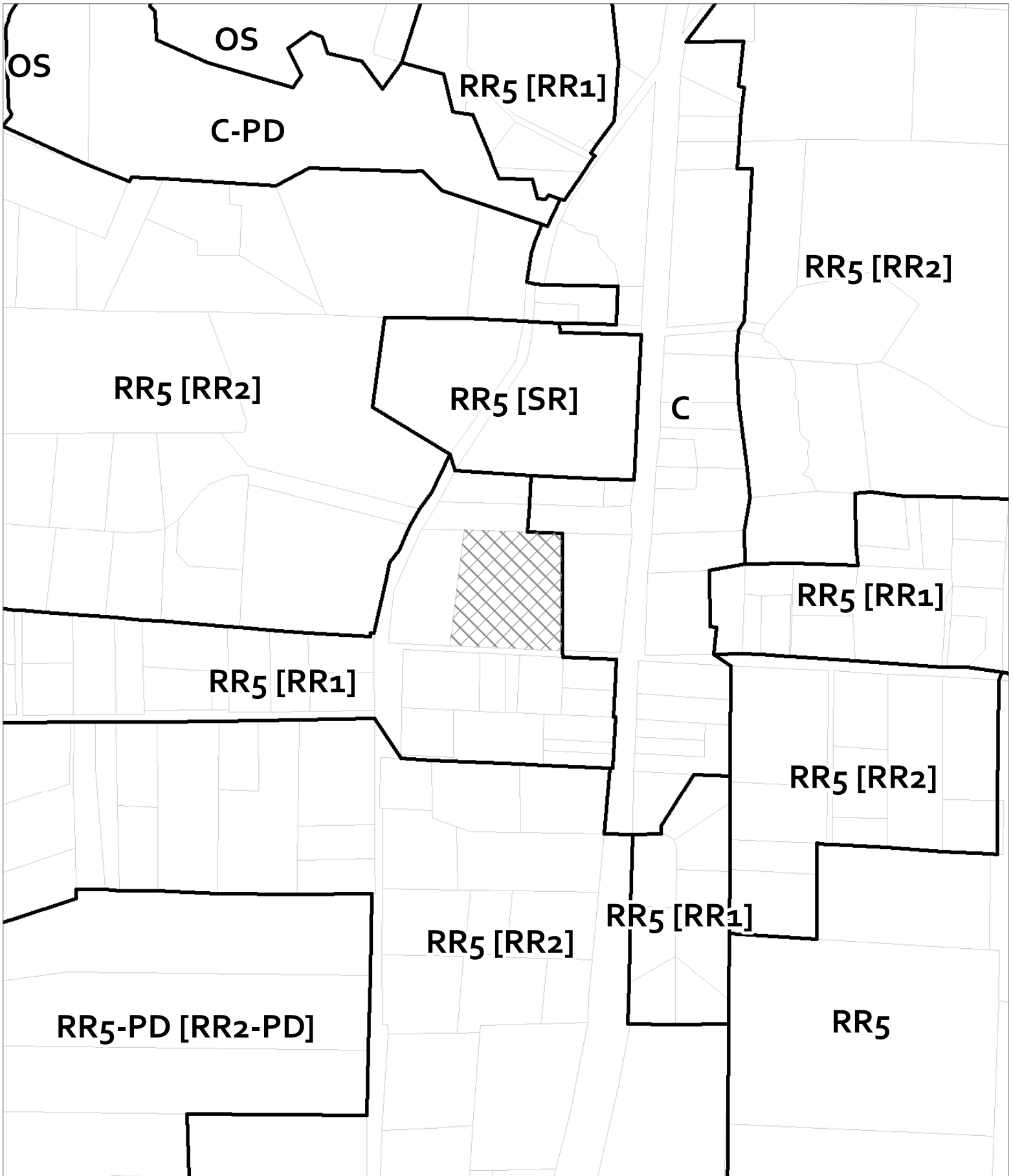
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NO SCALE


STORAGE BUILDING & WINDMILL

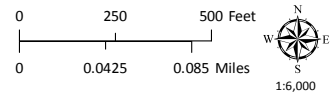






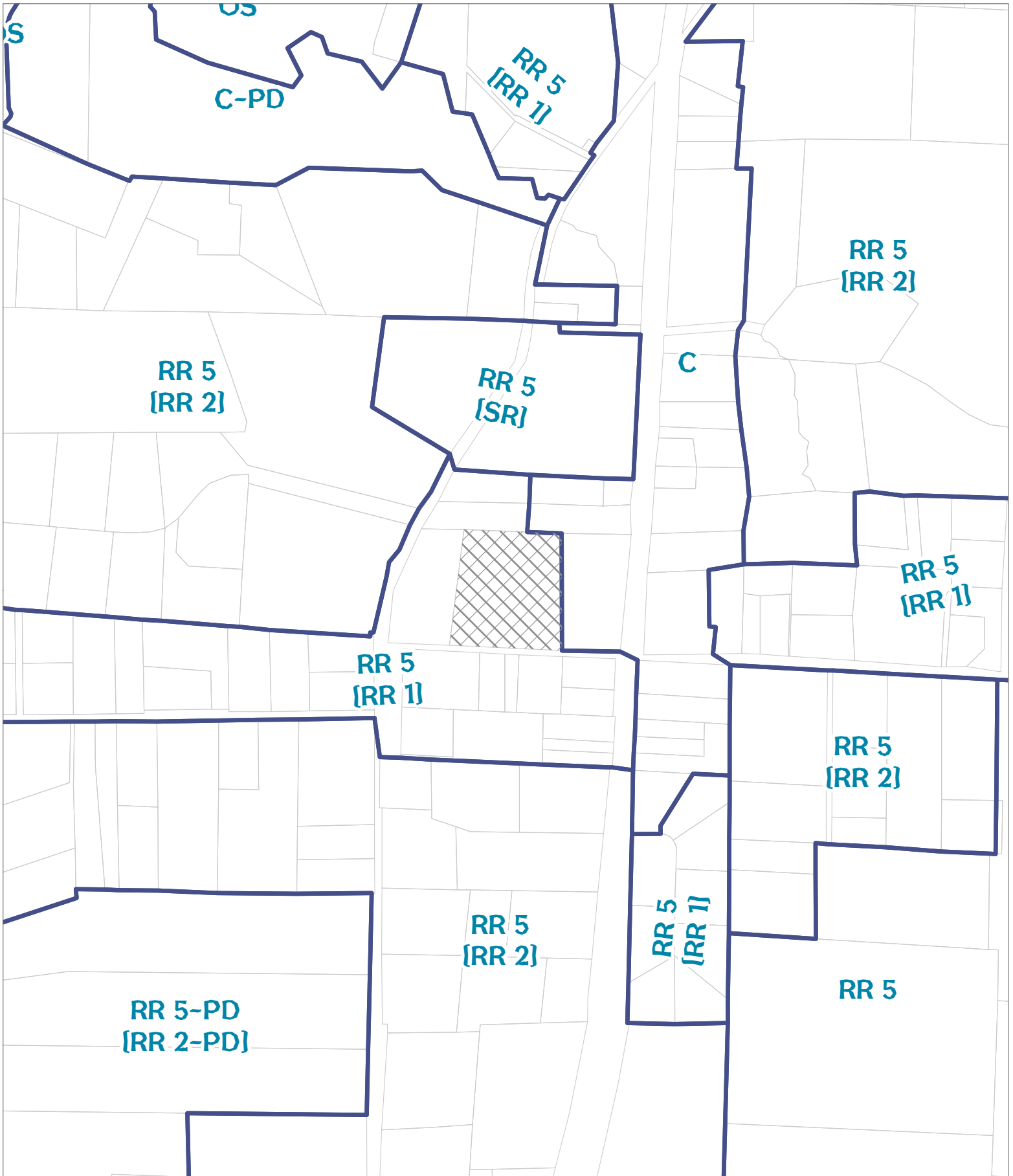
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 Zoning Districts



ZONING DISPLAY MAP

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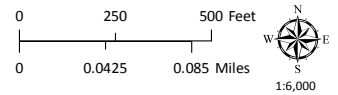
CASE: CDMs 2014-0001  
OWNER: BUTLER, Michael  
APN: 017-080-30

APLCT:

AGENT:

ADDRESS: 33110 Boice Lane, Fort Bragg

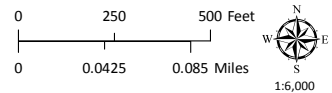
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## General Plan Classes

## GENERAL PLAN CLASSIFICATIONS



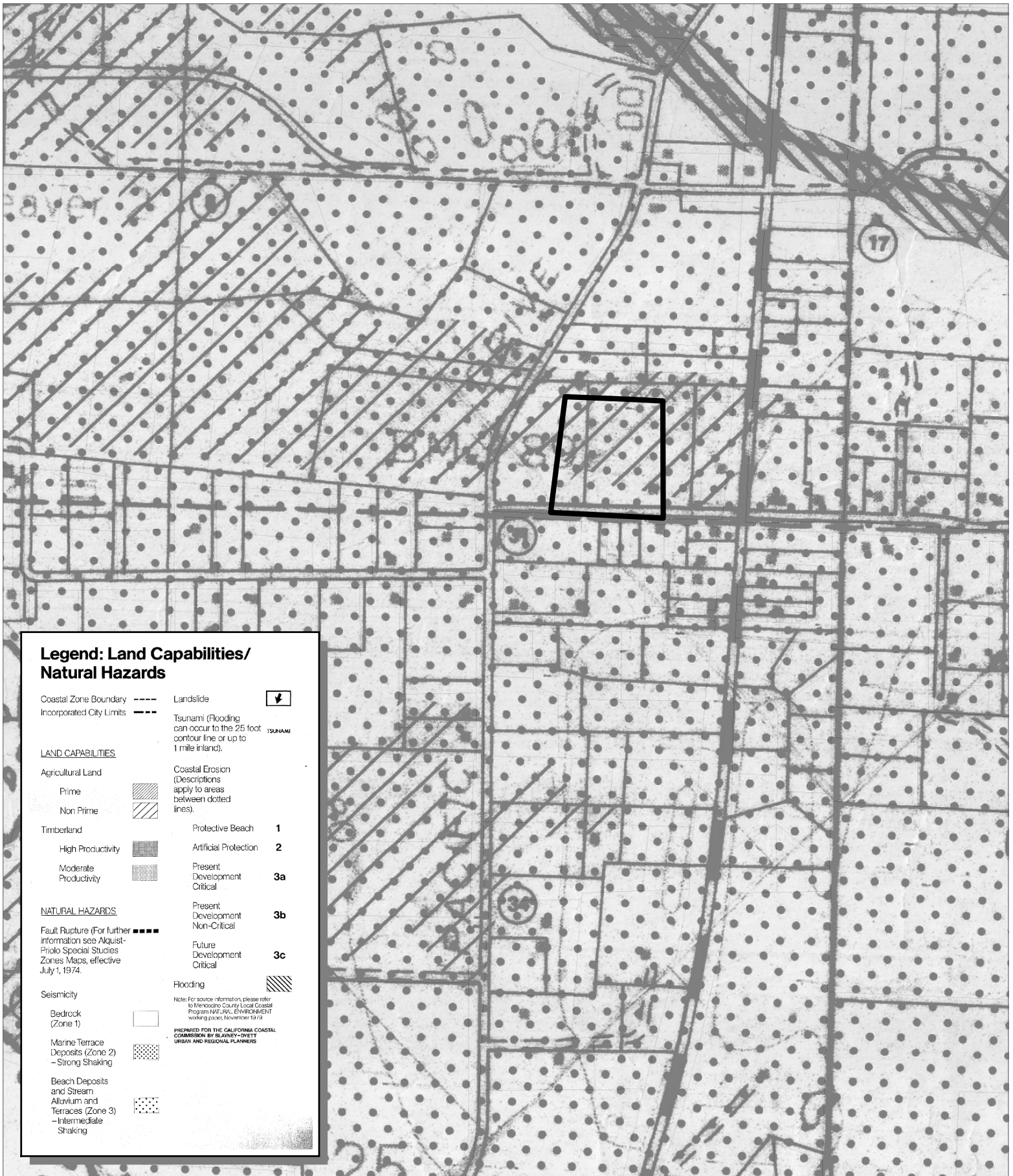


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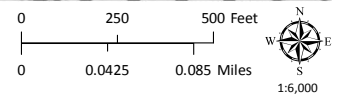
LCP LAND USE MAP 14: BEAVER

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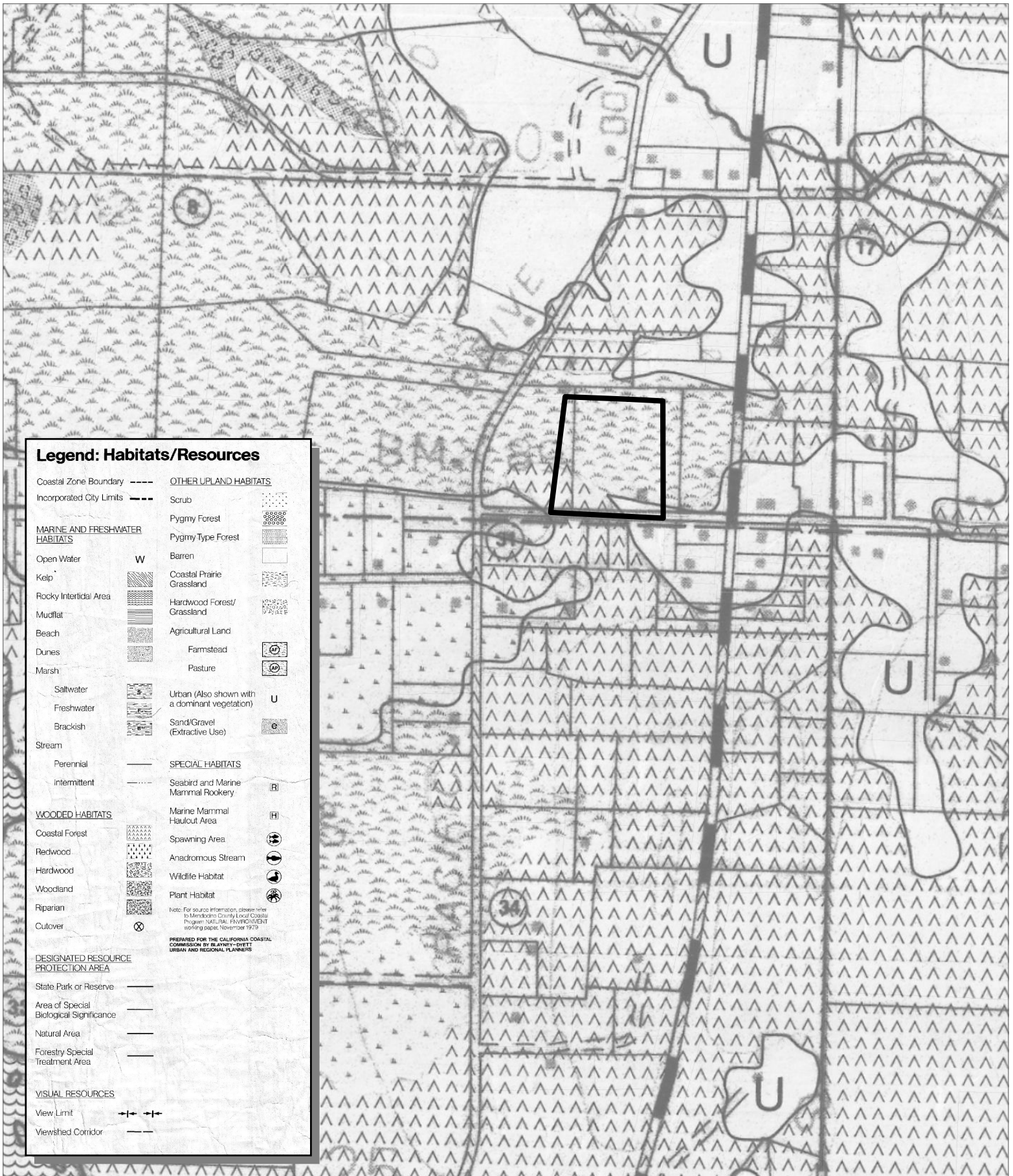
CASE: CDMS 2014-0001  
OWNER: BUTLER, Michael  
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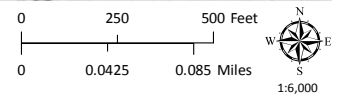
LCP LAND CAPABILITIES & NATURAL HAZARDS

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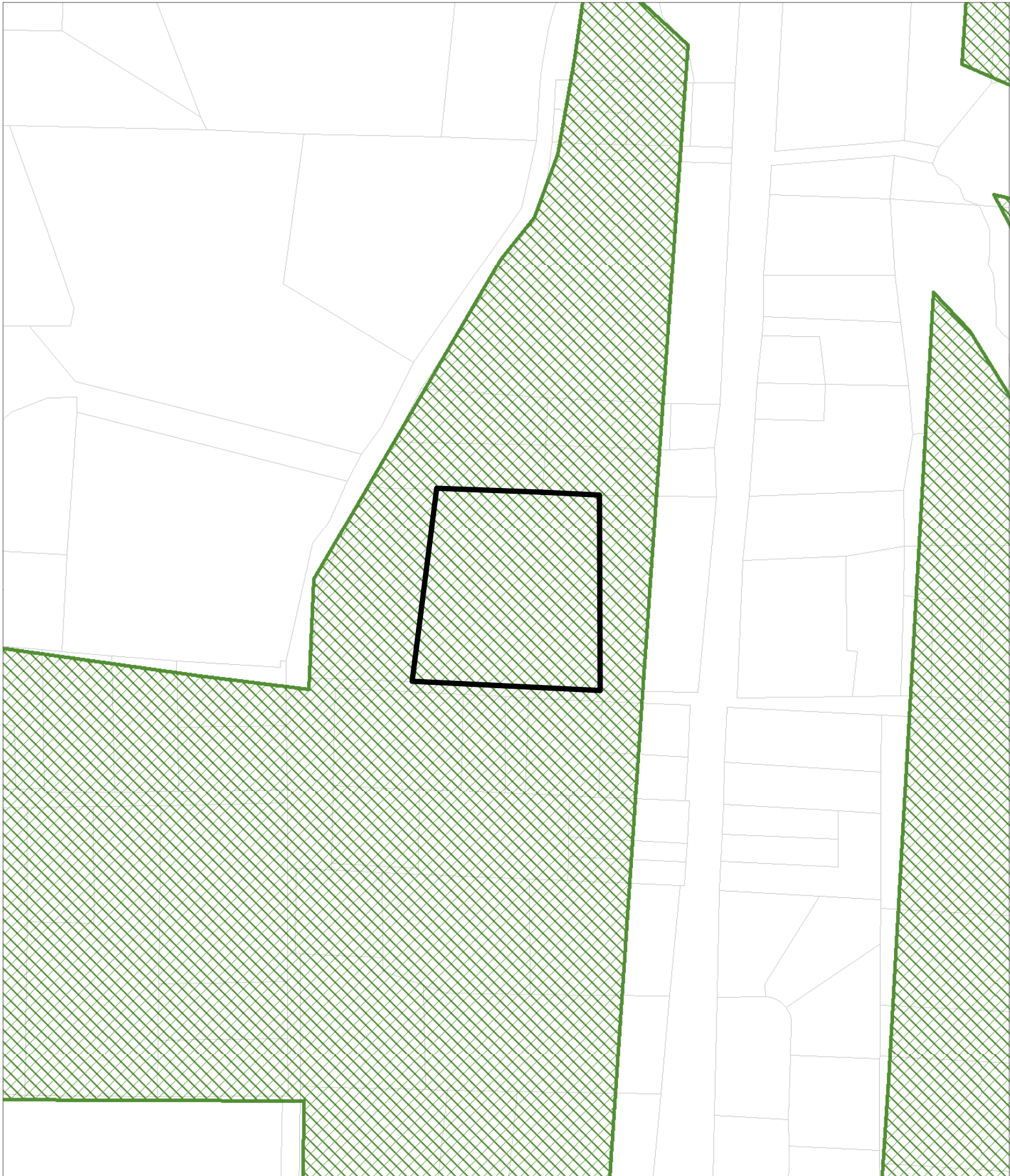
CASE: CDMS 2014-0001  
 OWNER: BUTLER, Michael  
 APN: 017-080-30  
 APLCT:  
 AGENT:  
 ADDRESS: 33110 Boice Lane, Fort Bragg



LCP HABITATS & RESOURCES

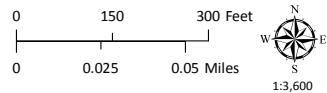
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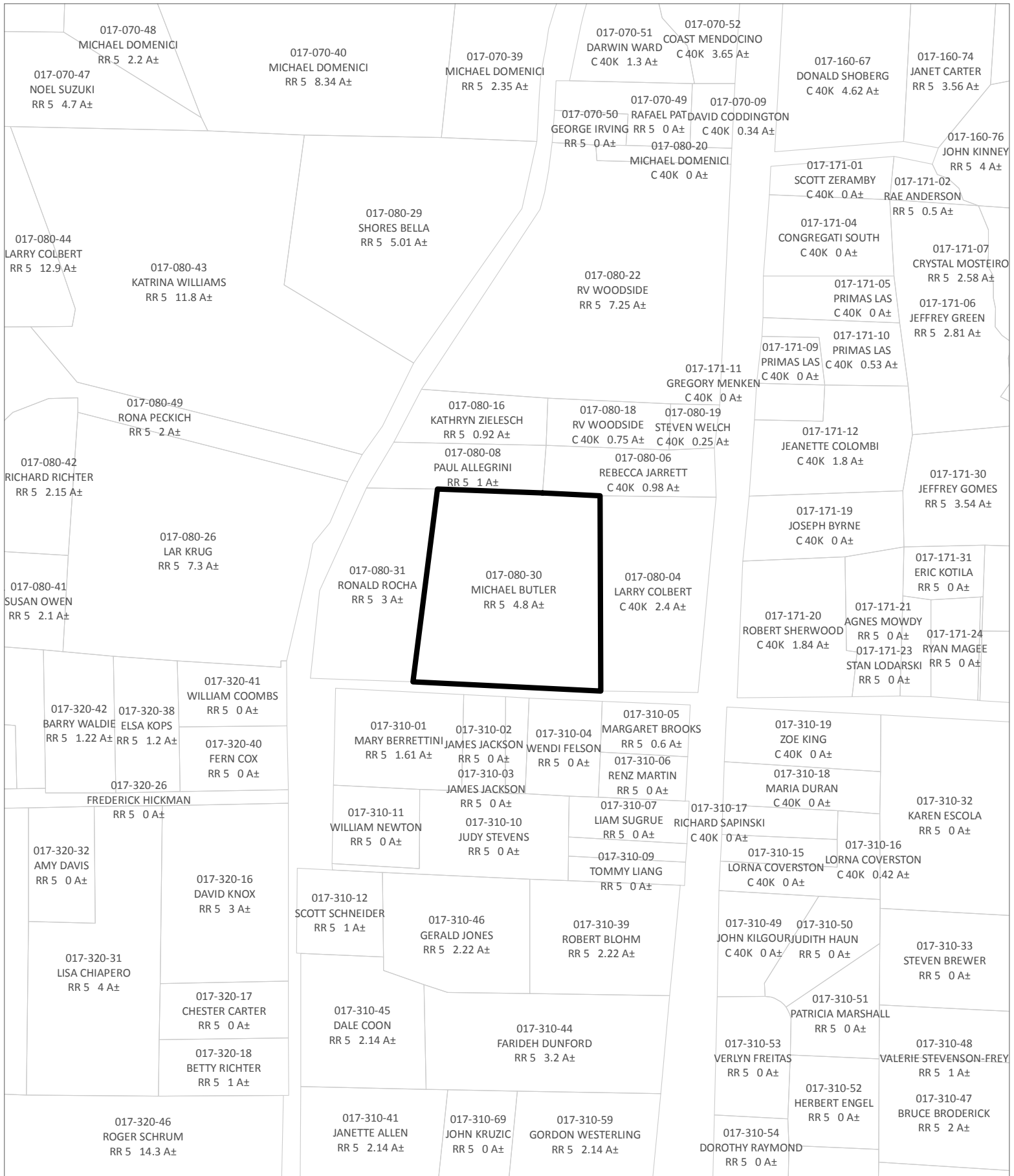
CASE: **CDMS 2014-0001**  
OWNER: **BUTLER, Michael**  
APN: **017-080-30**  
APLCT:  
AGENT:  
ADDRESS: **33110 Boice Lane, Fort Bragg**

 CDP Exclusion Areas

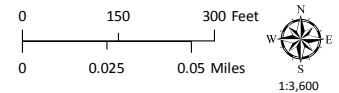


**CDP EXCLUSION AREAS**

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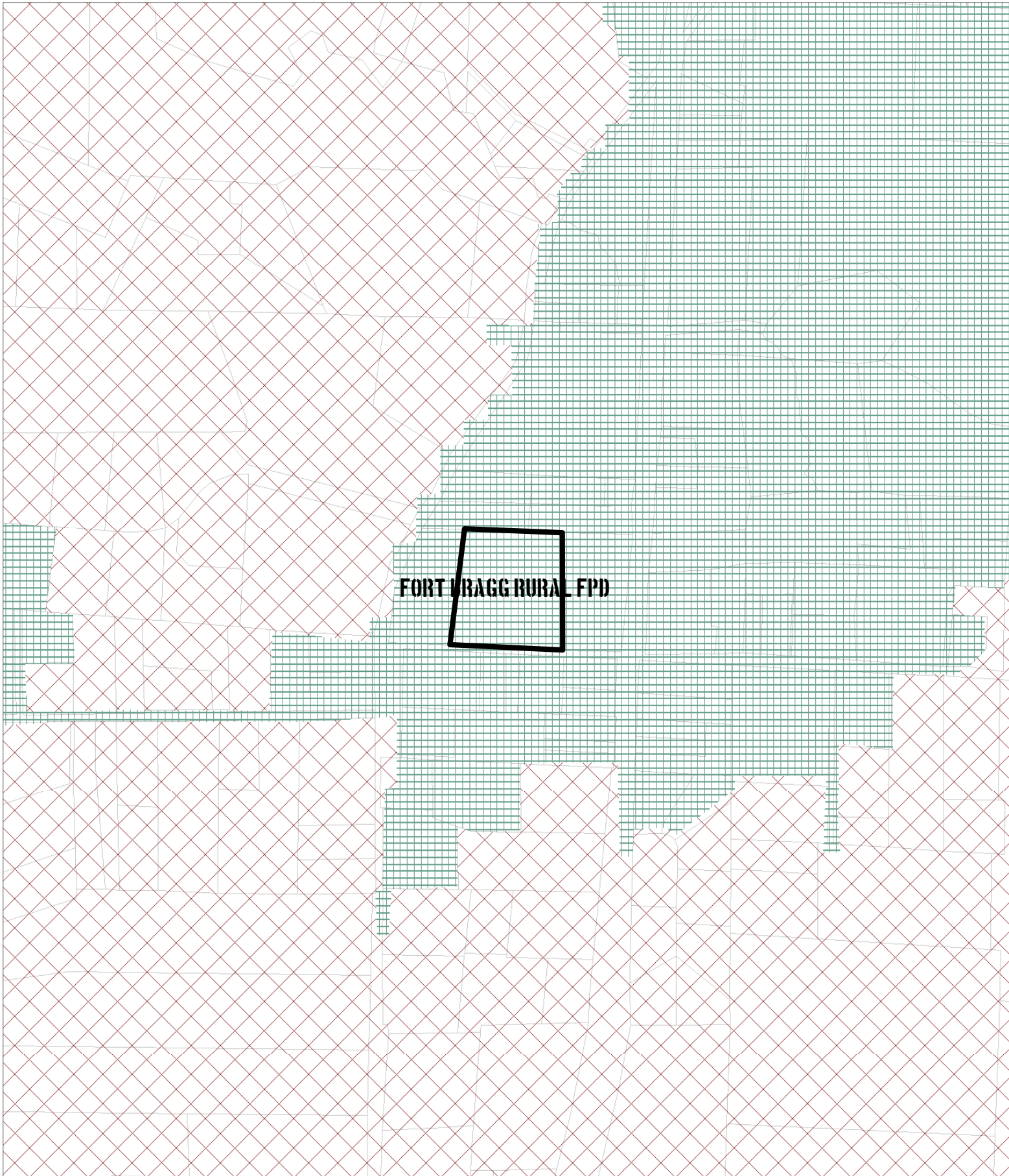


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OWNER: BUTLER, Michael  
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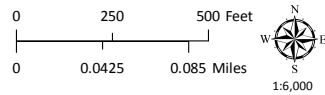
ADJACENT PARCELS

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-  County Fire Districts
-  High Fire Hazard
-  Moderate Fire Hazard

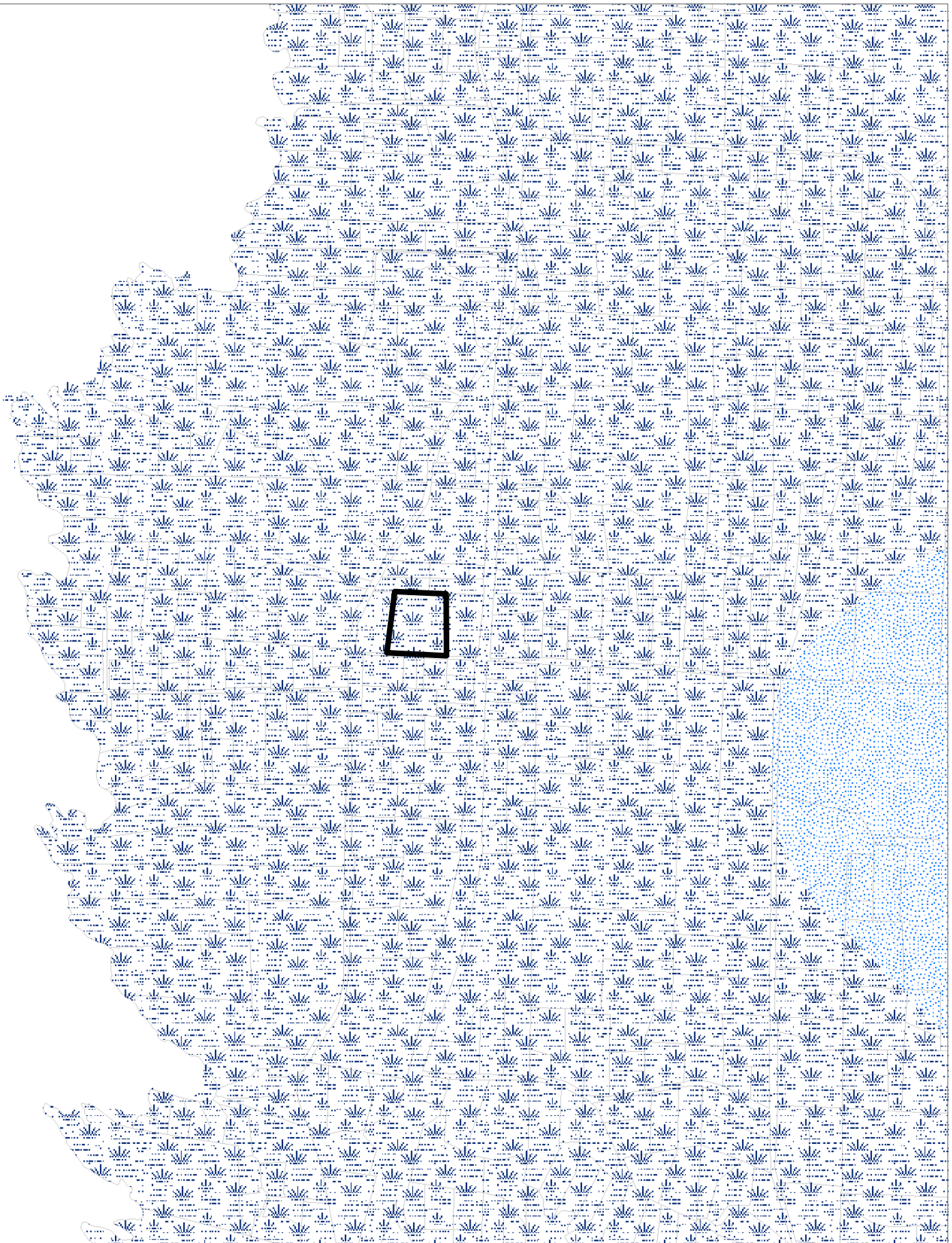


## FIRE HAZARD ZONES & RESPONSIBILITY AREAS



STATE RESPONSIBILITY AREA

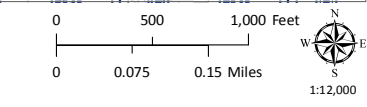
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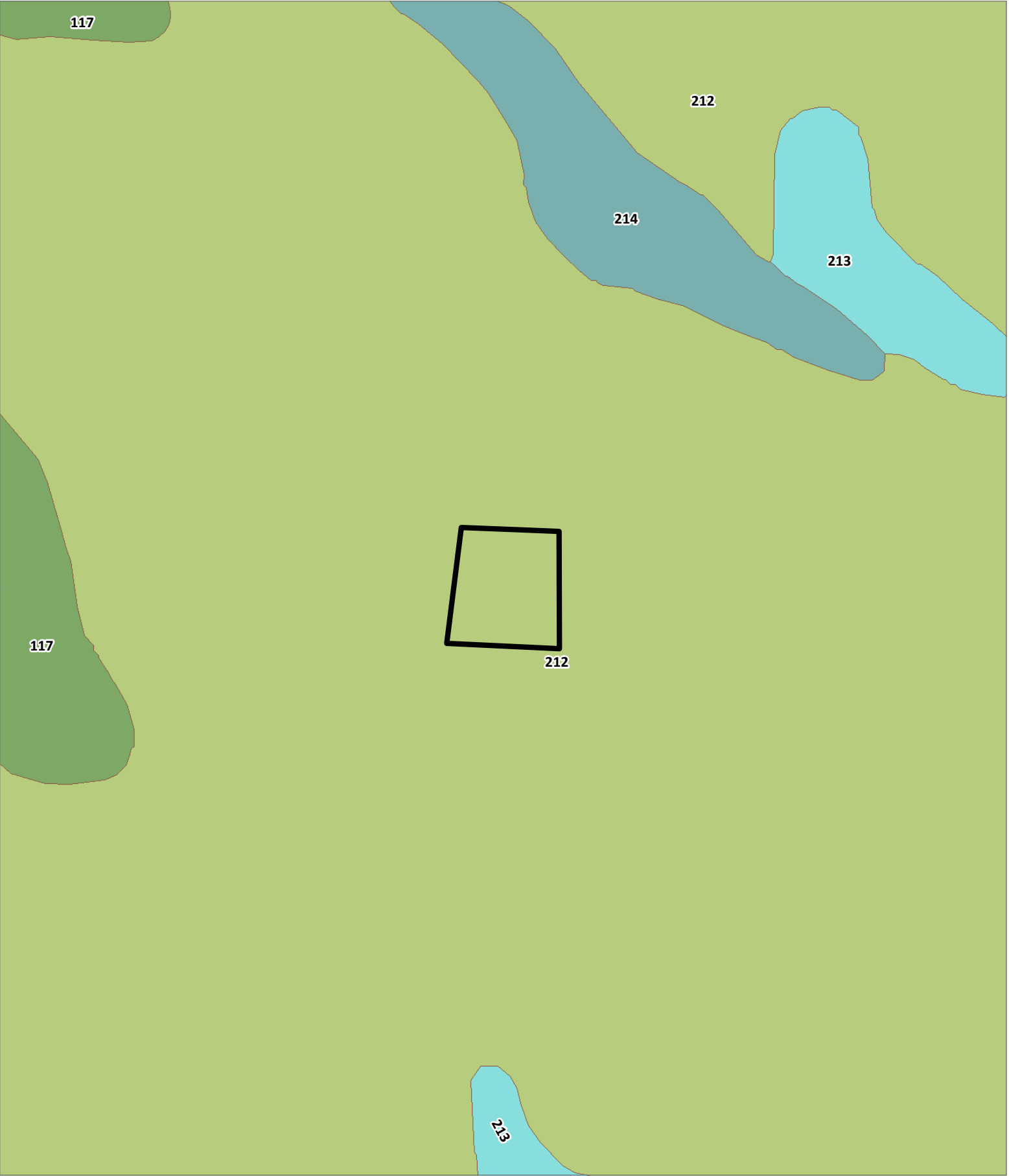
CASE: CDMS 2014-0001  
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 Sufficient Water Resources  
 Marginal Water Resources



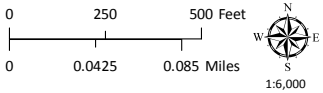
## GROUND WATER RESOURCES

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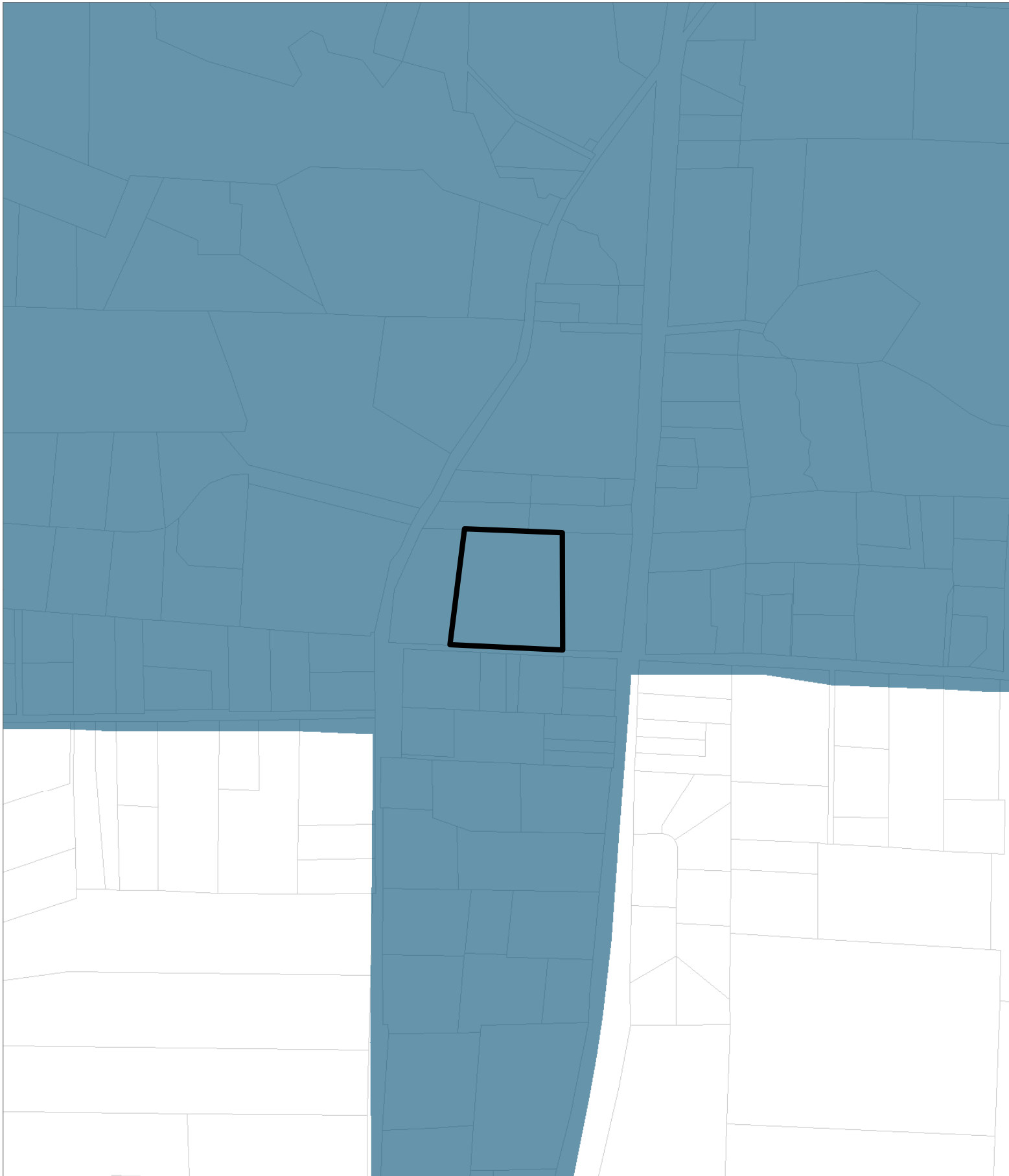
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 Western Study Soil Types




LOCAL SOILS

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 Fort Bragg Stormwater Areas

STORMWATER PERMITTING ZONES

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**Section I Description Of Project.****DATE:** June 5, 2018**CASE#:** CDMS\_2014-0001/CDP\_2014-0002**DATE FILED:** 1/13/2014**OWNER:** Michael Butler and Agnes Li**APPLICANT:** Michael Bulter**STAFF PLANNER:** Julia Acker, Senior Planner**REQUEST:** Coastal Development Minor Subdivision to create two parcels of 1.84± and 2.67± acres from an existing 4.8± acre parcel, an Exception to MCC Sec. 17-48.5(A)(1)(e)(i) is requested to reduce the required easement width to twenty-five (25) feet where a forty (40) foot easement is required; and a Coastal Development Permit for conversion of an existing storage structure to a single-family residence, and relocation of a variety of existing buildings and road improvements.**ENVIRONMENTAL DETERMINATION:** Negative Declaration**LOCATION:** In the Coastal Zone, 2.5± miles south of the City of Fort Bragg, lying north of Boice Lane (CR 413) and 200± feet west of its intersection with Highway 1 (SH1), at 33110 Boice Lane, Fort Bragg (APN: 017-080-30).**Section II Environmental Checklist.**

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

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

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

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

An explanation for all checklist responses is included, and all answers take into account the whole action involved, including off site as well as on-site; cumulative as well as project level; indirect as well as direct; and construction as well as operational impacts. The explanation of each issue identifies (a) the significance criteria or threshold, if any, used to evaluate each question; and (b) the mitigation measure identified, if any, to reduce the impact to less than significance. In the checklist the following definitions are used:



**"Potentially Significant Impact"** means there is substantial evidence that an effect may be significant.

**"Potentially Significant Unless Mitigation Incorporated"** means the incorporation of one or more mitigation measures can reduce the effect from potentially significant to a less than significant level.

**"Less Than Significant Impact"** means that the effect is less than significant and no mitigation is necessary to reduce the impact to a lesser level.

**"No Impact"** means that the effect does not apply to the Project, or clearly will not impact nor be impacted by the Project.

**INITIAL STUDY/ENVIRONMENTAL REVIEW:** This section assesses the potential environmental impacts which may result from the project. Questions in the Initial Study Checklist are stated and answers are provided based on analysis undertaken.

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

**a, b, c) No Impact:** No new development will take place on the subject site that will have impacts on any scenic vistas as the proposed single-family residence on proposed Parcel 2 is already an existing structure that will be converted. Most of the surrounding sites are also developed with single-family residences. Additionally, the site is not located within a mapped Highly Scenic Area.

**d) Less Than Significant Impact:** A Condition of Approval is recommended to mitigate any new source of light that may affect nighttime views in the area. The proposed exterior lighting, as shown on the submitted plans, will be downcast and shielded.

<b><u>II. AGRICULTURE AND FORESTRY RESOURCES.</u></b> Would the project:	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<b><u>II. AGRICULTURE AND FORESTRY RESOURCES.</u></b> Would the project:	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**a, b, c, d, e) No Impact:** No farmland or timberland conversion will take place. Under the Farmland Mapping and Monitoring Program (FMMP), the project site is primarily designated as "Residential" via the California Department of Conservation, Division of Land Resource Protection. No portion of the project site is currently under a Williamson Act contract.

<b><u>III. AIR QUALITY.</u></b> <b>Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Conflict with or obstruct implementation of any applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**a) No Impact:** The project will not conflict with or obstruct implementation of any air quality plan as there are no components of the project that would conflict with any existing air quality plans. Additionally, Conditions of Approval are recommended that will ensure that the project will achieve compliance with Mendocino County Air Quality Management District (AQMD) standards.

**b, c, d) Less Than Significant Impact:** The AQMD is in attainment for all State standards with the exception of particulate matter less than 10 microns in size (PM10). The most common source of PM10 is wood smoke from home heating or brush fires, and dust generated by vehicles traveling over unpaved roads. A

PM10 attainment plan was finalized in 2005 that provides regulations for construction and grading activities and unpaved roads. The proposed project has the potential to increase PM10 in the immediate vicinity of the site if new roadwork is to occur. Local impacts to the area during construction would be less than significant using standard dust control measures. Conditions of Approval are recommended that will ensure that the project will achieve compliance with AQMD standards.

- e) **No Impact:** Sensitive receptors can include schools, parks, playgrounds, day care centers, nursing homes, hospitals, and residential dwellings. The Project is proposed within a residential area and is not expected to generate objectionable odors given its proposed residential use.

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

- a, b, c, d, f) **No Impact:** A Botanical Survey was prepared for the proposed project by Darcie Mahoney dated June 24, 2010 to determine any presence of resources meeting the criteria for consideration as Environmentally Sensitive Habitat Areas (ESHA). No special status plant species were observed on the project site; however the biologist did recommend that the pond, stream and wet area noted on the site be protected from disturbance. The project biologist recommended a 50 foot buffer; however, since no Reduced Buffer Analysis was provided with the study, the required buffer from these identified resources to proposed development is 100 feet. All buildings on both lots comply with the 100 foot buffer requirement. Therefore, the project will not have a substantial adverse effect on any candidate, sensitive or special status species, riparian habitat or other sensitive habitat community, or federally protected wetlands. Additionally, the project will not substantially interfere with the movement of any wildlife species nor conflict with any provisions of a Habitat Conservation or Natural Community Conservation Plan.

- e) Less Than Significant Impact:** Due to the fact that the site contains existing development, there are several existing improvements that must be upgraded that fall partially within the 100 foot buffer to the identified pond, stream and wet area. There is an existing fence within portions of the 100 foot ESHA buffer that is proposed for replacement. The replacement fence will be in the exact same location and within an already disturbed area. Additionally, there is an existing driveway approach that will be improved with pervious material to meet current Mendocino County Department of Transportation standards. The applicant proposes removal of the non-native and invasive Eucalyptus trees that exist on the parcel. Removal of the Eucalyptus trees is encouraged; however, due to their proximity to the identified coastal waters, it is recommended that for removal of Eucalyptus trees that fall within the 100 foot ESHA buffer that no heavy equipment be utilized or that if heavy equipment is to be utilized that a biologist be on-site during the tree removal to ensure that the resource is not impacted by the removal activities. Staff finds the proposed project to have a less than significant impact.

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

- a, b, c, d) No Impact:** The Mendocino County Archaeological Commission found that an Archaeological Survey was not required at its June 10, 2015 meeting and recommended that only the standard discovery clause condition be applied to the proposed project. A Standard Condition advises the property owner of the Discovery Clause, which prescribes the procedures subsequent to the discovery of any cultural resources during construction of the project.

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

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

**a) Less Than Significant Impact:** The property neither lies within, nor does it adjoin a mapped Alquist-Priolo Earthquake Fault Zone. The San Andreas Fault is located approximately 1.7 miles west of the project site and is the nearest active fault. This project does not conflict with any state or local seismic hazard policy or plan. Mapping does not associate the following with the subject site: faults, bluffs, landslides, erosion, or flood hazard.

**b, c, d, e) No Impact:** No new development is being proposed that would result in any impacts to geology and soils, or to any existing structures. Displacement of soil within the project area resulting from future earth movement is expected to be minimal. Significant erosion from site and the related placement of additional structures is unlikely. Potential development impacts will be kept to a minimum with the uniform application of standard construction site erosion control requirements recommended in the Conditions of Approval, and those regulations found in MCC Chapter 16.30 Stormwater Runoff Pollution Prevention Procedure.

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

**a) Less Than Significant Impact:** Construction activities associated with the construction of a future residence and driveway could generate GHGs from the engine emissions. These activities are limited in scope and duration and would not contribute significantly to greenhouse gas emissions. Given the relatively small size of the project scale, the proposed project would not have a measurable or considerable contribution to the cumulative GHG impact at the local, regional or state level.

**b) No Impact:** The framework for regulating GHG emissions in California is described under Assembly Bill (AB) 32. In 2006, the California Global Warming Solutions Act (AB 32) definitively established the state's climate change policy and set GHG reduction targets (health & Safety Code §38500 et seq.), including setting a target of reducing GHG emissions to 1990 levels by 2020. AB 32 requires local governments to take an active role in addressing climate change and reducing greenhouse gas (GHG) emissions. The AQMD does not have rules, regulations, or thresholds of significance for non-stationary or construction-related GHG emissions.

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

**a, b) Less Than Significant Impact:** The project will establish a residential use involving the routine transport, use and disposal of hazardous materials in small or limited quantities. These materials include construction materials, household cleaning supplies, and other materials including but not limited to fuel, cleaning solvents, lubricants associated with automobiles, small craft engines, and power tools. Storage of these materials in the open may result in contaminated stormwater runoff being discharged into nearby water bodies, including the Pacific Ocean.

This potential hazard is not significant if these materials, particularly construction debris, are properly stored on the project site and then disposed at an approved collection facility. Cleaning supplies and other household hazardous materials are less of a concern as they are routinely collected with the household waste and transported by waste haulers to approved disposal facilities. Therefore, potential impacts involving the transport, use or disposal of hazardous materials is less than significant.

**c, d, e, f, g) No Impact:** The nearest existing or proposed school is located greater than one quarter mile away from the project site. No hazardous sites are located near the project site, nor is the site within an airport land use planning area or in the vicinity of a private airstrip. The proposed project will not impair the implementation of or physically interfere with an adopted emergency response plan. Conditions of

Approval are recommended to ensure that the appropriate responsible agencies provide clearance on the project prior to the subdivision being completed.

- h) Less Than Significant Impact:** The project is located within an area designated with a very high fire hazard severity rating and must comply with the fire safety standards set forth by the California Department of Forestry and Fire Protection (CalFire) in addition to any requirements of the local fire district, Fort Bragg Rural Fire Protection District. A preliminary clearance for the proposed project was obtained from CalFire and submitted with the project application. Conditions of Approval are recommended to ensure that the project receives clearance from both fire agencies before the subdivision can be completed and the new parcel created.

<b>IX. HYDROLOGY AND WATER QUALITY. Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Place housing within a 100 year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100 year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
k) Result in an increase in pollutant discharges to receiving waters considering water quality parameters such as temperature, dissolved oxygen, turbidity and other typical stormwater pollutants (e.g. heavy metals, pathogens,	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

IX. HYDROLOGY AND WATER QUALITY. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
petroleum derivatives, synthetic organics, sediment, nutrients, oxygen demanding substances, and trash)?				
l) Have a potentially significant impact on groundwater quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
m) Impact aquatic, wetland or riparian habitat?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a) **No Impact:** The project will be constructed in conformance with any water quality or waste discharge requirements within the County. There has been no evidence or indication that the proposed project would violate any existing requirements.

b) **Less Than Significant Impact:** Parcel 1 (remainder parcel) is already served by an existing well and proposed Parcel 2 will be served by an existing test well, to be converted to a production well under this permit. The Division of Environmental Health standard for sufficient water supply for residential use is 1 gallon per minute, with 0.5 gallon per minute being acceptable where 2,500 gallons of water storage are provided to supplement the well. Parcel 1 has been served by the same well for many years and has been found to be sufficient to serve the existing development on the parcel. Due to the variable density zoning of the property, the designation of Marginal Water Resources under the 1982 Mendocino County Coastal Ground Water Study, and the requirements of the 1989 County of Mendocino Coastal Groundwater Development Guidelines, the test well on Parcel 2 required testing and that a Hydrological Study be performed.

A Proof of Water test was completed on the test well proposed to serve Parcel 2 in August 2016, which determined the test well to produce 4 gallons per minute over a 17 hour period, meeting the requirements for adequate water supply. Additionally, a Hydrological Study was completed for the proposed project dated November 14, 2017. The purpose of the hydrological study was to determine whether or not the proposed withdrawal of groundwater resulting from the project would have a significant adverse effect on water supplies serving neighboring properties. The Hydrological Study determined that the proposed subdivision does not cause significant adverse effects on water supplies serving adjacent properties.

As a result of the existing well and test well, results of the Proof of Water Test, and results of the Hydrological Study, the proposed project will result in less than significant impacts to groundwater supplies and recharge.

c, d) **No Impact:** The proposed project will not substantially alter the existing drainage pattern of the site resulting in either substantial erosion or flooding on- or off-site. The proposed project is for the creation of one additional parcel and conversion of an existing structure to a single-family residence on the proposed new parcel. Minimal ground disturbance will be required to accommodate future development at the site, as the parcel is relatively level and all existing buildings will maintain a greater than 100 foot setback to the identified drainage area of the parcel. Therefore, no impact is anticipated.

e, f) **No Impact:** There are no existing or planned stormwater drainage systems that the runoff generated from the proposed project would cause to exceed its capacity nor will the project provide substantial new sources of polluted runoff. The project site is located within the Municipal Separate Storm Sewer System (MS4) area of Fort Bragg and will be subject to the requirements of the County of Mendocino standards related to projects within the MS4 area, which are required typically at the time of building permit/construction.

g, h, i) **No Impact:** The project is not located within a mapped 100 year flood hazard area, and therefore will not impede or redirect flood flows, and will not expose people or structures to a significant risk involving flooding, including flooding as a result of the failure of a levee or dam.

j) **No Impact:** The project site is not within a known area that is subject to inundation by seiche, tsunami, or mudflow based upon review of available mapping resources.



- k) **No Impact:** The proposed project is for one additional residential parcel within a residential area. The proposed project is not anticipated to create any pollutant discharges beyond those of a typical residential parcel. Therefore, the proposed project will not result in an increase in pollutant discharges to receiving waters.
- l) **No Impact:** The proposed septic system for proposed Parcel 2 has been designed in conformance with Mendocino County Division of Environmental Health standards for preventing impacts to groundwater quality. Therefore, the proposed project will not have a significant impact on groundwater quality.
- m) **No Impact:** The proposed project will not impact aquatic, wetland or riparian habitat as the existing and proposed development will maintain adequate buffers to identified resources such that there should be no impact to the resources.

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

- a, b, c) **No Impact:** The subject parcel is zoned Rural Residential. All parcels will meet the minimum parcel size requirement. The subject parcel is subject to the Mendocino County Local Coastal Program and does not conflict with any policies related to avoiding or mitigating an environmental effect. Some existing development is proposed for upgrades under the proposed project with portions falling within the required 100 foot buffer to identified resources; however, the work is limited to repair and maintenance activities and is in conformance with all other provisions of Mendocino County Code. The removal of the Eucalyptus trees is encouraged as this is an invasive non-native species. Land use conflicts are not anticipated, and the subdivision will not divide a community. No future roads or trail networks are planned near the site, and no habitat conservation plans are present.

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

- a, b) **No Impact:** There are no known mineral resources on site based upon available data with Mendocino County Planning and Building Services therefore there will be no loss in availability of a known mineral resources. No mitigation is required.

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

**a, b, c, d, e, f) No Impact:** Only limited new residential development is proposed with minimal grading proposed for private road improvements. As a result, no excessive noise will result from the project and no mitigation is required. All development within the Mendocino County Coastal Zone is subject to Exterior Noise Limit Standards specified in Appendix B of Title 20, Division II of Mendocino County Code.

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

**a, b, c) No Impact:** The project will not have any substantial impacts to housing in the area as the proposed project will result in creation of one additional parcel and one additional housing unit beyond that which exists today. The establishment of one additional parcel within this area will not induce substantial population growth nor will it displace any existing housing units or substantial numbers of people. No mitigation is required.

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

- a) **Less Than Significant Impact:** The project must comply with the fire safety standards set forth by the California Department of Forestry and Fire Protection (CalFire) in addition to any requirements of the local fire district, Fort Bragg Rural Fire Protection District. A preliminary clearance for the proposed project was obtained from CalFire and submitted with the project application. Conditions of Approval are recommended to ensure that the project receives clearance from both fire agencies before the subdivision can be completed and the new parcel created. No other public services require enhancement or alteration as a result of the proposed project as the project only creates one additional parcel beyond what exists today.

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

- a, b) **No Impact:** The project will not result in any impact to recreation in the area as the proposed project includes the establishment of one additional parcel and one additional housing unit. This small increase in residential parcels and units will not increase use of recreational facilities such that substantial physical deterioration will result nor require expansion of recreational facilities. No mitigation is required.

<b><u>XVI. TRANSPORTATION/TRAFFIC.</u></b> <b>Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

- a, b) No Impact:** The proposed project, which consists of creation of one additional parcel and one additional housing unit, will not conflict with any plan, ordinance or policy that establishes measures of effectiveness for the performance of the circulation system. Additionally, the proposed project will not conflict with any applicable congestion management program. The Mendocino County Department of Transportation reviewed the project at the pre-application conference, initial referral and again at the Subdivision Committee meeting held March 10, 2016 and provided no concerns or comments related to potential conflict of the project with the County circulation system or any congestion management program.
- c) No Impact:** The project site is not located within any designated County airport zones and therefore will not result in a change to air traffic patterns.
- d) No Impact:** The proposed project will not substantially increase hazards due to a design feature or establish incompatible uses as it relates to transportation and traffic. The proposed project includes creation of one additional parcel beyond that which presently exists and development of one additional housing unit. The proposed project is located in an area where residential use is common and the area is appropriately zoned to allow for further expansion of residential use within the area. Improvements will be made to the property and encroachments onto Boice Lane (CR 413), as recommended by the Mendocino County Department of Transportation, prior to being able to complete the subdivision.
- e) Less Than Significant Impact:** The proposed project will not result in inadequate emergency access. The project must comply with the fire safety standards set forth by the California Department of Forestry and Fire Protection (CalFire) in addition to any requirements of the local fire district, Fort Bragg Rural Fire Protection District. A preliminary clearance for the proposed project was obtained from CalFire and submitted with the project application. Conditions of Approval are recommended to ensure that the project receives clearance from both fire agencies before the subdivision can be completed and the new parcel created.

Additionally, the Mendocino County Department of Transportation reviewed the project at the pre-application conference, initial referral and again at the Subdivision Committee meeting held March 10,

2016 where recommendations were made for improvements on the parcels to ensure adequate vehicular access. An exception has been requested to MCC Section 17-48.5(A)(1)(e)(i) to reduce the required easement width to twenty-five (25) feet where forty (40) feet is required. This requested exception is not anticipated to result in inadequate emergency access.

- f) **No Impact:** The proposed project will not conflict with any adopted policies, plans or programs related to transportation and traffic or otherwise decrease the performance or safety of transportation facilities. The Mendocino County Department of Transportation reviewed the project at the pre-application conference, initial referral and again at the Subdivision Committee meeting held March 10, 2016 and provided no concerns or comments related to potential conflict of the project with any adopted policies, plans or programs.

<b><u>XVII. TRIBAL CULTURAL RESOURCES.</u></b> <b>Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- a, b) **No Impact:** The project will not result in any impact to tribal cultural resources. The Mendocino County Archaeological Commission found that an Archaeological Survey was not required at its June 10, 2015 meeting and recommended that only the standard discovery clause condition be applied to the proposed project. A Standard Condition advises the property owner of the Discovery Clause, which prescribes the procedures subsequent to the discovery of any cultural resources during construction of the project.

<b><u>XVIII. UTILITIES AND SERVICE SYSTEMS.</u></b> <b>Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

- a) **No Impact:** A septic system already exists on Parcel 1 (remainder parcel) and a septic system is proposed on proposed Parcel 2 (new parcel). Both systems are in conformance with the Division of Environmental Health standards and do not exceed wastewater treatment requirements of the North Coast Regional Water Quality Control Board.
- b) **Less Than Significant Impact:** The proposed project includes construction of a new septic system of proposed Parcel 2 (new parcel), which has been designed and approved to be in conformance with Division of Environmental Health standards. Proposed Parcel 2 will also be served by an existing test well, to be converted to a production well under this permit. The existing test well was approved by the Division of Environmental Health to be in conformance with health safety standards. Due to the fact that the proposed septic system and well are in conformance with required standards, their construction will not cause significant environmental effects. Parcel 1 (remainder parcel) is already served by an existing well and septic system, which will not require expansion and thus will not cause significant environmental effects.
- c) **No Impact:** The proposed project will not require construction or expansion of stormwater drainage facilities. The project site is located within the Municipal Separate Storm Sewer System (MS4) area of Fort Bragg and will be subject to the requirements of the County of Mendocino standards related to projects within the MS4 area, which are typically required at the time of building permit/construction. The proposed project does include the upgrade of existing access points to current County standards, but no comments were received from the Mendocino County Department of Transportation or other referral agencies with concerns related to potential significant environmental effects as a result of the proposed upgrades.
- d) **Less Than Significant Impact:** Parcel 1 (remainder parcel) is already served by an existing well and proposed Parcel 2 will be served by an existing test well, to be converted to a production well under this permit. The Division of Environmental Health standard for sufficient water supply for residential use is 1 gallon per minute, with 0.5 gallon per minute being acceptable where 2,500 gallons of water storage are

provided to supplement the well. Parcel 1 has been served by the same well for many years and has been found to be sufficient to serve the existing development on the parcel. Due to the variable density zoning of the property, the designation of Marginal Water Resources under the 1982 Mendocino County Coastal Ground Water Study, and the requirements of the 1989 County of Mendocino Coastal Groundwater Development Guidelines, the test well on Parcel 2 required testing and that a Hydrological Study be performed.

A Proof of Water test was completed on the test well proposed to serve Parcel 2 in August 2016, which determined the test well to produce 4 gallons per minute over a 17 hour period, meeting the requirements for adequate water supply. Additionally, a Hydrological Study was completed for the proposed project dated November 14, 2017. The purpose of the hydrological study was to determine whether or not the proposed withdrawal of groundwater resulting from the project would have a significant adverse effect on water supplies serving neighboring properties. The Hydrological Study determined that the proposed subdivision does not cause significant adverse effects on water supplies serving adjacent properties.

The existing well and test well, results of the Proof of Water test, and Hydrological Study demonstrate that the project will have sufficient water supplies available to serve the project and will not require new or expanded entitlements beyond the conversion of the existing test well to a production well serving proposed Parcel 2.

- e) **No Impact:** The proposed parcels are to be served by on-site septic systems and are not located within a wastewater district. Therefore, there will be no impact on the capacity of any wastewater treatment provider.
- f, g) **Less Than Significant Impact:** The proposed project will comply with federal, state, and local statutes and regulations related to solid waste. Curbside pickup is available for development within the area and there is also local transfer stations within 6 miles of the project site that can accommodate any solid waste generated from the proposed project.

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

- a) **No Impact:** The proposed project, if constructed in compliance with the Conditions of Approval, will not degrade the quality of the environment nor reduce the habitat of any sensitive resources. As is noted in the Biological Resources section of this study, the project will not cause any significant adverse effects to the resources present on the project site. Therefore, staff finds there to be no impact on sensitive biological resources.
- b) **No Impact:** The proposed project will result in the creation of one additional parcel and one additional dwelling unit over what presently exists today. This limited increase in density will not cause significant environmental effects and will not result in impacts that are cumulatively considerable.
- c) **No Impact:** The proposed project will not result in substantial adverse effects on human beings, either directly or indirectly. Appropriate studies have been conducted and Conditions of Approval are recommended to ensure that the creation of one additional parcel and one additional dwelling unit over what presently exists today at the project site will not cause significant adverse effects on human beings.

**DETERMINATION:** On the basis of this initial evaluation:

☒ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

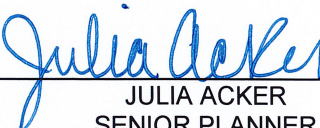
☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

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

7/5/2018

DATE

  
JULIA ACKER  
SENIOR PLANNER



Resolution Number \_\_\_\_\_

County of Mendocino  
Ukiah, California  
July 19, 2018

CDMS\_2014-0001/CDP\_2014-0002 - MICHAEL BUTLER/ AGNES LI

RESOLUTION OF THE PLANNING COMMISSION, COUNTY OF MENDOCINO, STATE OF CALIFORNIA, ADOPTING A NEGATIVE DECLARATION AND GRANTING A COASTAL DEVELOPMENT MINOR SUBDIVISION CREATING TWO PARCELS, EXCEPTION TO MENDOCINO COUNTY CODE SECTION 17-48.5(A)(1)(e)(i) TO REDUCE THE REQUIRED EASEMENT WIDTH FROM 40 TO 25 FEET, AND COASTAL DEVELOPMENT PERMIT FOR CONVERSION OF AN EXISTING STRUCTURE TO A SINGLE-FAMILY RESIDENCE.

WHEREAS, the applicant, Michael Butler and Agnes Li, filed an application for a Coastal Development Minor Subdivision, exception to MCC Sec. 17-48.5(A)(1)(e)(i), and Coastal Development Permit with the Mendocino County Department of Planning and Building Services for a two parcel subdivision and conversion of an existing structure to a single-family residence, in the Coastal Zone, 2.5± miles south of the City of Fort Bragg, lying north of Boice Lane (CR 413) and 200± feet west of its intersection with Highway 1 (SH1), at 33110 Boice Lane, Fort Bragg (APN 017-080-30); General Plan RR5(1):U; Zoning RR:5; Supervisorial District 4; (the "Project"); and

WHEREAS, a Negative Declaration was prepared for the Project and noticed and made available for agency and public review on June 21, 2018 in accordance with the California Environmental Quality Act (CEQA) and the State and County CEQA Guidelines; and

WHEREAS, in accordance with applicable provisions of law, the Planning Commission held a public hearing on July 19, 2018, at which time the Planning Commission heard and received all relevant testimony and evidence presented orally or in writing regarding the Negative Declaration and the Project. All interested persons were given an opportunity to hear and be heard regarding the Negative Declaration and the Project; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission makes the following findings based upon the evidence in the record;

1. **Coastal Development Permit Findings:** The Planning Commission finds that the application and supporting documents contain information and conditions sufficient to establish, as required by Division II of Title 20 of Mendocino County Code, that:
  - a. The proposed development is in conformity with the certified Local Coastal Program. The proposed parcels are in conformance with the requirements and standards of the Rural Residential Land Use Designation and Zoning District. No sensitive resources will be impacted by the proposed project. The project has been appropriately designed to reduce or eliminate risks from potential hazards and adequate utilities are provided or will be provided to the existing and proposed development on the parcel; and
  - b. The proposed development will be provided with adequate utilities, access roads, drainage and other necessary facilities. Parcel 1 is served by existing water and septic systems and new facilities have been designed and approved by the Division of Environmental Health for Parcel

2. Electrical and propane services are readily available to the site and are adequate to serve the proposed development. The parcel is currently accessed off of Boice Lane (CR 413), a 12 foot wide paved road and Conditions of Approval are recommended to improve access to meet current Mendocino County Department of Transportation standards. The applicant has requested an exception to MCC Section 17-48.5 (A)(1)(e)(i) to reduce the required easement width from 40 feet to 25 feet. The existing development is served by adequate access roads and, as conditioned, adequate access roads would serve the proposed minor subdivision; and

- c. The proposed development is consistent with the purpose and intent of the zoning district applicable to the property, as well as the provisions of the Coastal Zoning Code and preserves the integrity of the zoning district. The proposed development is consistent with the minimum parcel size requirements for the Rural Residential district and the proposed development meets the standards related to height, lot coverage, setbacks, etc. for the Rural Residential zoning district; and
- d. The proposed development will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act. An Initial Study for the proposed project was completed in accordance with the California Environmental Quality Act (CEQA). There are no significant impacts to the environment identified, which would result from the project, thus a Negative Declaration was prepared. It is noted in the Initial Study that the proposed subdivision could result in some impacts due to future development; however these were considered to be less than significant impacts; and
- e. The proposed development will not have any adverse impacts on any known archaeological or paleontological resource. The Mendocino County Archaeological Commission found that an Archaeological Survey was not required at its June 10, 2015 meeting and recommended that only the standard discovery clause condition be applied to the proposed project. A Standard Condition advises the property owner of the Discovery Clause, which prescribes the procedures subsequent to the discovery of any cultural resources during construction of the project; and
- f. Other public services, including but not limited to, solid waste and public roadway capacity have been considered and are adequate to serve the proposed development. The Caspar Transfer Station is located approximately 5.8 miles northeast of the project site, providing for the disposal of solid waste resulting from the residential use. Division of the existing parcel into two parcels would generate few additional vehicle trips per day. The subject property is located approximately 400 feet west of the intersection of Boice Lane and Highway 1, where the existing peak hour Level of Service is reported as "F". No change in service levels is anticipated. Roadway capacity appears to be adequate to serve the proposed project; and
- g. The proposed development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act and Coastal Element of the General Plan. The site of the proposed project is located west of Highway 1, southeast of the Mendocino Botanical Gardens. Coastal access is provided via the Mendocino Botanical Gardens Blufftop Shoreline Access, which is located northwest of the subject parcel and the Mitchell Creek Shoreline Access located southwest of the subject parcel. No additional public access is required for this project; and
- h. The Environmentally Sensitive Habitat Area (ESHA) as identified will not be significantly degraded by the proposed development, there is no feasible less environmentally damaging alternative and all feasible mitigation measures capable of reducing or eliminating project related impacts have been adopted. No special status plant species were observed on the project site; however the biologist did recommend that the pond, stream and wet area noted on the site be protected from disturbance. All buildings on both lots comply with the 100 foot buffer requirement. There is an existing fence within portions of the 100-foot ESHA buffer that is proposed for replacement. The replacement fence will be in the exact same location and within an already disturbed area.

- 2. Coastal Land Division Findings:** The Project is consistent with Chapter 17 of the Mendocino County Code, Division of Land Regulations. The project includes an Exception to Sections 17-48.5(A)(1)(i) of the Division of Land Regulations to reduce the roadway easement width from the required 40 feet to 25 feet. The site is physically suitable for the proposed subdivision, including the Exception, and the design would not result in nuisances or serious public health concerns. The site is also suitable for the resulting density of development. As required by Mendocino County Code Section 20.532.100(C), the Planning Commission further finds that:
- a. The new lots created have or will have adequate water, sewage, including a long term arrangement for septic disposal, roadway and other necessary services to serve them. Parcel 1 has an existing septic system and alternative leachfield. Parcel 2 will be served by an on-site septic system and alternative leachfield, which has been approved by the Department of Environmental Health. Parcel 1 (remainder parcel) is already served by an existing well and proposed Parcel 2 will be served by an existing test well, to be converted to a production well under this permit. Appropriate studies have been conducted to demonstrate that the water supplies within the vicinity of the project will not be significantly adversely affected by the proposed project. The subject property is located approximately 400-feet west of the intersection of Boice Lane and Highway 1, where the existing peak hour Level of Service is reported as "F". No change in service levels is anticipated. Roadway capacity appears to be adequate to serve the proposed project. The parcel is currently accessed off of Boice Lane (CR 413), a 12-foot wide paved road and Conditions of Approval are recommended to improve access to meet current Mendocino County Department of Transportation standards. The applicant has requested an exception to MCC Section 17-48.5 (A)(1)(e)(i) to reduce the required easement width from 40 feet to 25 feet. The existing development is served by adequate access roads and, as conditioned, adequate access roads would serve the proposed minor subdivision; and
  - b. The new lots created will not have, individually or cumulatively, a significant adverse environmental effect on Environmentally Sensitive Habitat Areas (ESHA) or on other coastal resources. The two proposed parcels are already largely developed, and additional construction at either site would be reviewed individually for consistency with environmentally sensitive habitat area policies or other coastal resource policies. A Botanical Survey was prepared for the proposed project. No special status plant species were observed on the project site; however the biologist did recommend that the pond, stream and wet area noted on the site be protected from disturbance. All buildings on both lots comply with the 100-foot buffer requirement. There is an existing fence within portions of the 100-foot ESHA buffer that is proposed for replacement. The replacement fence will be in the exact same location and within an already disturbed area. The applicant proposes removal of the non-native and invasive Eucalyptus trees that exist on the parcel. Removal of the Eucalyptus trees is encouraged; however, due to their proximity to the identified coastal waters, it is recommended that for removal of Eucalyptus trees that fall within the 100-foot ESHA buffer that no heavy equipment be utilized or that if heavy equipment is to be utilized that a biologist be on-site during the tree removal to ensure that the resource is not impacted by the removal activities. The proposed project will therefore, not have a significant adverse environmental effect on any coastal resources or Environmentally Sensitive Habitat Areas; and
  - c. The new lots created will not significantly adversely affect the long term productivity of adjacent agricultural or timber lands. Uses surrounding and adjacent to the site include single-family residences located immediately north and west of the parcel. A mini-storage facility and associated parking is located on the adjacent parcel to the east and the parcel to the south is undeveloped; and
  - d. Other public services, including but not limited to, solid waste and public roadway capacity, have been considered and are adequate to serve the proposed parcels. The Caspar Transfer Station is located approximately 5.8 miles northeast of the project site, providing for the

disposal of solid waste resulting from the residential use. Roadway capacity appears to be adequate to serve the proposed project; and

- e. The proposed land division meets the requirements of Chapter 20.524 and is consistent with all applicable policies of the Coastal Element. The Chapter contains required conditions for approval for Urban Land Divisions such as the current proposal. The proposed subdivision is in conformance with the requirements of Chapter 20.524.020 (B) as the parcels meet the minimum parcel size requirements, adequate septic facilities have been designed for the project, proof of adequate water supply has been demonstrated through a Hydrological Study including a Proof of Water test that met the requirements of the Mendocino County Groundwater Development Guidelines, and no agricultural or timber production lands are located adjacent to the site. Additionally, there will be no significant adverse impacts to coastal resources including environmentally sensitive habitat areas, the project is not located within an area of pygmy vegetation, other public services have been reviewed and determined to be adequate to serve the proposed parcels, and the proposed development is consistent with all other requirements of Division II of Title 20 of Mendocino County Code and all applicable policies of the Coastal Element.

- 3. Environmental Protection Findings:** The CEQA initial study completed by staff identified the Project to have less than significant impact on the environment, and any concerns are adequately addressed through the conditions of approval so that no adverse environmental impacts will result from the Project; therefore a Negative Declaration is adopted.

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

BE IT FURTHER RESOLVED that the Planning Commission hereby grants the requested Coastal Development Minor Subdivision, exception to MCC Sec. 17-48.5(A)(1)(e)(i), and Coastal Development Permit, subject to the Conditions of Approval in Exhibit "A", attached hereto.

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

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

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

ATTEST: VICTORIA DAVIS  
Commission Services Supervisor

By: \_\_\_\_\_

BY: IGNACIO GONZALEZ  
Interim Director

MADELIN HOLTKAMP, Chair  
Mendocino County Planning Commission

\_\_\_\_\_

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## EXHIBIT A

### CONDITIONS OF APPROVAL CDMS\_2014-0001/CDP\_2014-0002 – MICHAEL BUTLER & AGNES LI JULY 19, 2018

Coastal Development Minor Subdivision to create two parcels of 1.84± and 2.67± acres from an existing 4.8± acre parcel, an Exception to MCC Sec. 17-48.5(A)(1)(e)(i) is requested to reduce the required easement width to twenty-five (25) feet where a forty (40) foot easement is required; and a Coastal Development Permit for conversion of an existing storage structure to a single-family residence, and relocation of a variety of existing buildings and road improvements.

**CONDITIONS OF APPROVAL:** For a Minor Subdivision which has been approved according to the Mendocino County Code, the following "Conditions of Approval" shall be completed prior to filing a Parcel Map.

#### **ALL CONDITIONS OF APPROVAL MUST BE MET PRIOR TO EXPIRATION OF TWENTY-FOUR (24) MONTHS FROM DATE OF APPROVAL, UNLESS RENEWED PURSUANT TO THE MENDOCINO COUNTY CODE.**

1. This action shall become final on the 11th day following the decision unless an appeal is filed pursuant to Section 20.544.015 of the Mendocino County Code. The permit shall become effective after the ten working day appeal period to the Coastal Commission has expired and no appeal has been filed with the Coastal Commission. The permit shall expire and become null and void at the expiration of two years after the effective date except where construction and use of the property in reliance on such permit has been initiated prior to its expiration.
2. The use and occupancy of the premises shall be established and maintained in conformance with the provisions of Division II of Title 20 of the Mendocino County Code.
3. The application, along with supplemental exhibits, studies, surveys, reports and related material, shall be considered elements of this permit, and that compliance therewith is mandatory, unless an amendment has been approved by the Planning Commission.
4. This permit shall be subject to the securing of all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction.
5. The applicant shall secure all required building permits for the proposed project as required by the Building Inspection Division of the Department of Planning and Building Services.
6. This permit shall be subject to revocation or modification upon a finding of any one or more of the following:
  - a. The permit was obtained or extended by fraud.
  - b. One or more of the conditions upon which the permit was granted have been violated.
  - c. The use for which the permit was granted is conducted so as to be detrimental to the public health, welfare or safety, or to be a nuisance.
  - d. A final judgment of a court of competent jurisdiction has declared one or more conditions to be void or ineffective, or has enjoined or otherwise prohibited the enforcement or operation of one or more such conditions.
7. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit described boundaries. Should, at any time, a legal determination be made that the number, size or shape of parcels within the permit described boundaries are different than that which is legally required by this permit, this permit shall become null and void.

## **AESTHETICS/VISUAL RESOURCES**

8. The following note shall be placed on the Parcel Map stating:

*All future external lighting, whether installed for security, safety or landscape design purposes, shall be shielded, downcast or shall be positioned in a manner that will not shine or allow glare to exceed the boundaries of the parcel on which it is placed.*

## **AIR QUALITY**

9. A notation shall appear on the Parcel Map stating:

*Future development of building site(s), access roads or driveways may be subject to the grading requirements and drainage control measures identified in the Conditions of Approval.*

10. A note shall appear on the Parcel Map stating:

*The access road, driveway and interior circulation routes shall be maintained in such a manner as to insure minimum dust generation subject to Air Quality Management District Regulation 1 Rule 430. All grading must comply with Air Quality Management District Regulations Rule 430. Any rock material, including natural rock from the property, used for surfacing must comply with Air Quality Management District regulations regarding asbestos content.*

## **BIOLOGICAL RESOURCES**

11. An Exhibit Map shall be submitted to the Department of Planning and Building Services demonstrating a minimum 100-foot buffer along the identified intermittent stream as recommended in the Botanical Survey prepared by Darcie Mahoney dated June 2010.
12. Removal of the non-native and invasive Eucalyptus trees on the parcel is encouraged; however, due to the proximity to identified coastal waters, any removal of trees within 100 feet of the identified coastal waters shall not utilize heavy equipment. If heavy equipment is to be utilized then a biologist shall be on-site during the tree removal activities to ensure that the resource is not impacted by removal activities.
13. This entitlement does not become effective or operative and no work shall be commenced under this entitlement until the California Department of Fish and Wildlife filing fees required or authorized by Section 711.4 of the Fish and Game Code are submitted to the Mendocino County Department of Planning and Building Services. Said fee of \$ 2,330.75 or Current Fee shall be made payable to the Mendocino County Clerk and submitted to the Department of Planning and Building Services within 5 days of the end of any appeal period. Any waiver of the fee shall be on a form issued by the Department of Fish and Wildlife upon their finding that the project has "no effect" on the environment. If the project is appealed, the payment will be held by the Department of Planning and Building Services until the appeal is decided. Depending on the outcome of the appeal, the payment will either be filed with the County Clerk (if the project is approved) or returned to the payer (if the project is denied). Failure to pay this fee by the specified deadline shall result in the entitlement becoming null and void. **The applicant has the sole responsibility to insure timely compliance with this condition.**

## **CULTURAL RESOURCES**

14. A note shall appear on the Parcel Map stating:

*In the event that archaeological resources are encountered during development of the property, work in the immediate vicinity of the find shall be halted until all requirements of Chapter 22.12 of the Mendocino County Code relating to archaeological discoveries have been satisfied.*



## **GEOLOGY/SOILS**

15. The sub-divider shall acknowledge in writing to the Department of Planning and Buildings Services that all grading activities and site preparation, at a minimum, shall adhere to the following "Best Management Practices." The applicant shall submit to the Department of Planning and Building Services an acknowledgement of these grading and site preparation standards:
- a. That adequate drainage controls be constructed and maintained in such a manner as to prevent contamination of surface and/or ground water, and to prevent erosion.
  - b. The applicant shall endeavor to protect and maintain as much vegetation on the site as possible, removing only as much as required to conduct the operation.
  - c. All concentrated water flows, shall be discharged into a functioning storm drain system or into a natural drainage area well away from the top of banks.
  - d. Temporary erosion and sediment control measures shall be established and maintained until permanent protection is established.
  - e. Erosion control measures shall include, but are not limited to, seeding and mulching exposed soil on hill slopes, strategic placement of hay bales below areas subject to sheet and rill erosion, and installation of bioengineering materials where necessary. Erosion control measures shall be in place prior to October 1st.
  - f. All earth moving activities shall be conducted between May 15th and October 15th of any given calendar year unless wet weather grading protocols are approved by the Department of Planning and Building Services or other agencies having jurisdiction.
  - g. Pursuant to the California Building Code and Mendocino County Building Regulations a grading permit will be required unless exempted by the Building Official or exempt by one of the following:
    - i. An excavation that (1) is less than 2 feet (610 mm) in depth or (2) does not create a cut slope greater than 5 feet (1524 mm) in height and steeper than 1 unit vertical in 1½ units horizontal (66.7% slope).
    - ii. A fill less than 1 foot (305 mm) in depth and placed on natural terrain with a slope flatter than 1 unit vertical in 5 units horizontal (20% slope), or less than 3 feet (914 mm) in depth, not intended to support structures, that does not exceed 50 cubic yards (38.3 m<sup>3</sup>) on any one lot and does not obstruct a drainage.

## **HAZARDS/HAZARDOUS MATERIALS**

16. The sub-divider shall comply with those recommendations in the California Department of Forestry letter of July 14, 2017 (CalFire# 1-14) or other alternatives as acceptable to the Department of Forestry. Written verification shall be submitted from the Department of Forestry to the Department of Planning and Building Services that this condition has been met to the satisfaction of the Department of Forestry.
17. The sub-divider shall comply with any recommendations of the Fort Bragg Rural Fire District or other alternatives acceptable to the Fire District. Written verification shall be submitted from the Fire District to the Department of Planning and Building Services that this condition has been met to the satisfaction of the Fire District.

## **HYDROLOGY AND WATER QUALITY**

18. The applicant shall provide the Division of Environmental Health adequate advance written notice (minimum of 15 days) of the date and time of any field soil testing procedures for any proposed on-site sewage systems to allow the Division of Environmental Health staff to be present for soil testing.

19. The applicant shall submit to the Division of Environmental Health an acceptable site evaluation report (DEH FORM# 42.04) for Parcel 2 completed by a qualified individual demonstrating compliance with the North Coast Regional Water Quality Control Board's Basin Plan Policy for On-site Waste Treatment and Disposal and Mendocino County Division of Environmental Health's Land Division Requirements (DEH FORM# 26.09).
20. The applicant shall submit to the Division of Environmental Health an acceptable site evaluation report (DEH FORM# 42.04) for a replacement system for the existing structures located on Parcel 1 completed by a qualified individual demonstrating compliance with the North Coast Regional Water Quality Control Board's Basin Plan Policy for On-site Waste Treatment and Disposal and Mendocino County Division of Environmental Health's Land Division Requirements (DEH FORM# 26.09).
21. The applicant shall submit to the Division of Environmental Health an acceptable site development plan at a scale of not more than 1 inch = 50 feet showing all adjacent parcels on one sheet completed by a qualified individual showing the location and dimensions of the initial sewage disposal systems, 100% replacement areas, acceptable setback distances to water wells and other pertinent setback distances which may impact project site development.
22. The applicant shall submit to the Division of Environmental Health an acceptable water quantity evaluation consisting of a Hydrological Study including a Proof of Water Test (DEH FORM# 26.05) completed by a qualified individual of a water source located on Parcel 2 of the subdivision demonstrating an adequate water supply in compliance with the Division of Environmental Health's Land Division Requirements (DEH FORM# 26.09).
23. The applicant shall submit to the Division of Environmental Health an acceptable standard mineral analysis performed by a certified public health laboratory from an identified source on the subdivision. Compounds to be tested for, at a minimum are: Calcium, Iron (total), Magnesium, Manganese (total), Potassium, Sodium, Bicarbonate, Carbonate, Corrosivity (pH), Alkalinity (total), Total dissolved solids, Turbidity, Chloride, Fluoride, Nitrate, Sulfate, Calcium hardness, Magnesium hardness and Total hardness.

#### **LAND USE AND PLANNING**

24. The applicant is hereby notified that this proposed division lies within the Coastal Zone Boundary and additional action may be necessary. For information you should contact the California Coastal Commission Northern California Office, 1385 Eighth Street, Arcata, CA 95521, 707-826-8950.
25. All existing structures shall meet current setback requirements to newly proposed property lines. A site map shall be submitted to the satisfaction of Planning and Building Services clearly identifying compliance.

#### **TRANSPORTATION**

26. There shall be provided a 40 foot wide access easement to Parcel 2 from a publicly maintained road. Documentation of access easement shall be provided to the Mendocino County Department of Transportation for their review prior to final approval.
27. There shall be dedicated by Parcel Map, a 30 foot wide strip of land for County roadway and public utility easement purposes to provide for the ultimate improvement of Boice Lane (CR 413). This 30 foot wide strip of land shall be on the north side of, and measured from, the south line of the existing parcel.
28. If a Parcel Map is filed, all easements of record shall be shown on the parcel map. All utility lines shall be shown as easements with widths as shown of record or a minimum of 10 feet, whichever is greater.
29. If approval of the tentative map is conditioned upon certain improvements being made by the sub-divider, the sub-divider shall notify the Mendocino County Department of Transportation when such improvements have been completed.

30. All natural drainage and water courses shall be considered as easements. Minimum width shall be 20 feet, or to the high water level plus 5 feet horizontal distance, whichever is greater. If a Parcel Map is filed, such easements shall be shown on the final parcel map. (All parcels 5 acres and less).

31. ROAD IMPROVEMENT REQUIREMENTS:

- a. 22 foot wide road within the access easement to Parcel 2 including 8 inch minimum of new rock base, 125 foot minimum radius of horizontal curve, drainage culverts where necessary. New or replaced culverts shall be a minimum of 18 inches in diameter.
- b. A standard private driveway approach shall be constructed to serve Parcel 1 to a minimum width of 10 feet, area to be improved 15 feet from the edge of the County road, to be surfaced with asphalt concrete.
- c. A standard private road approach shall be constructed to serve Parcel 2 to a minimum width of 22 feet, area to be improved 20 feet from the edge of the County road, to be surfaced with asphalt concrete.
- d. Any proposed work within County right of way requires obtaining an encroachment permit from the Mendocino County Department of Transportation.
- e. A 40 foot radius turnaround be constructed within a 50 foot radius easement at terminus of access easements to the satisfaction of the Mendocino County Department of Transportation. If approved in writing by the applicable fire protection service provider(s), in lieu of the turnaround described above, sub-divider shall construct a "Hammerhead-T" turnaround within a 40 foot wide by 80 feet long easement at the terminus of the access easement. Turnaround shall be constructed with 4 inch minimum rock base, 18 feet wide and 60 feet long with 20 foot radius surfacing returns.

**ADDITIONAL CONDITIONS**

32. Building/Development Setbacks indicating Front/Rear/Side to all property boundary's (existing and proposed) and roadway/easements shall be designated on the Parcel Map.

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

34. Prior to issuance of the building permit for conversion of the accessory structure to a single-family residence, all conditions of the Subdivision shall be met and the approved Parcel Map recorded.

**THIS DIVISION OF LAND IS DEEMED COMPLETE WHEN ALL CONDITIONS HAVE BEEN MET, AND THE APPROVED PARCEL MAP IS RECORDED BY THE COUNTY RECORDER.**

DELETION OF THESE CONDITIONS MAY AFFECT THE ISSUANCE OF A NEGATIVE DECLARATION.