



**COUNTY OF MENDOCINO**  
**DEPARTMENT OF PLANNING AND BUILDING SERVICES**

860 NORTH BUSH STREET • UKIAH • CALIFORNIA • 95482  
120 WEST FIR STREET • FORT BRAGG • CALIFORNIA • 95437

BRENT SCHULTZ, DIRECTOR  
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September 12, 2019

NOTICE OF PUBLIC HEARING AND AVAILABILITY OF DRAFT NEGATIVE  
DECLARATION FOR PUBLIC REVIEW

NOTICE IS HEREBY GIVEN THAT the Mendocino County Planning Commission at its regular meeting on Thursday, October 17, 2019, at 9:00 a.m., to be held in the Board of Supervisors Chambers, 501 Low Gap Road, Ukiah, California, will conduct a public hearing on the following project and the Draft Negative Declaration at the time listed or as soon thereafter as the item may be heard.

**CASE#:** GP\_2019-0002/R\_2019-0003

**DATE FILED:** 1/28/2019

**OWNER/ APPLICANT:** DONALD J LUCCHESI

**AGENT:** JAMES BARRETT AND JIM RONCO

**REQUEST:** Rezoning and General Plan Amendment from AG:40 (Zoning) and AG40 (General Plan) to Suburban Residential (SR) [Zoning and General Plan] to allow for future subdivision and residential housing.

**ENVIRONMENTAL DETERMINATION:** Negative Declaration

**LOCATION:** 3± miles south of Ukiah city center, on the north side of Talmage Road (State Highway 222), to the south and east of Sanford Ranch Road (CR 200), 0.4± miles north of its intersection with Talmage Rd., located at 1251 Sanford Ranch Rd., Talmage (APNs: 181-050-30 and 181-050-31x).

**SUPERVISORIAL DISTRICT:** 1

**STAFF PLANNER:** SUSAN SUMMERFORD

The staff report and notice will be available for public review 21 days prior to the hearing at 860 North Bush Street, Ukiah, and at 120 West Fir Street, Fort Bragg, California and on the Department of Planning and Building Services website at <https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas/PC>.

Your comments regarding the above project and/or the Draft Negative Declaration are invited. Written comments should be submitted to the Department of Planning and Building Services Commission Staff, at 860 North Bush Street, Ukiah, California, no later than October 16, 2019. Oral comments may be presented to the Planning Commission during the public hearing.

The Planning Commission's action regarding this item shall be a recommendation to the Board of Supervisors and the Board of Supervisors decision is final. If you challenge the project in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Department of Planning and Building Services or the Planning Commission at, or prior to, the public hearing. All persons are invited to appear and present testimony in this matter.

Additional information regarding the above noted item may be obtained by calling the Department of Planning and Building Services at 234-6650, Monday through Friday, 8:00 a.m. through 5:00 p.m. Should you desire notification of the Planning Commission's decision you may do so by requesting notification in writing and providing a self-addressed stamped envelope to the Department of Planning and Building Services.

BRENT SCHULTZ, Director of Planning and Building Services



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September 26, 2019

Fort Bragg Planning & Building Services  
Department of Transportation  
Environmental Health - Ukiah  
Building Inspection - Ukiah

CalFire – Prevention  
Department of Fish and Wildlife  
RWQCB

**NOTICE OF PUBLIC HEARING AND AVAILABILITY OF DRAFT NEGATIVE  
DECLARATION FOR PUBLIC REVIEW**

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**CASE#:** GP\_2019-0002/R\_2019-0003

**DATE FILED:** 1/28/2019

**OWNER/APPLICANT:** DONALD J LUCCHESI

**AGENT:** JAMES BARRETT AND JIM RONCO

**REQUEST:** Rezoning and General Plan Amendment from AG:40 (Zoning) and AG40 (General Plan) to Suburban Residential (SR) [Zoning and General Plan] to allow for future subdivision and residential housing.

**ENVIRONMENTAL DETERMINATION:** Negative Declaration

**LOCATION:** 3± miles south of Ukiah city center, on the north side of Talmage Road (State Highway 222), to the south and east of Sanford Ranch Road (CR 200), 0.4± miles north of its intersection with Talmage Rd., located at 1251 Sanford Ranch Rd., Talmage (APNs: 181-050-30 and a portion of 181-050-31).

**STAFF PLANNER:** SUSAN SUMMERFORD

**RESPONSE DUE DATE:** October 16, 2019. If no response is received by this date, we will assume no recommendation or comments are forthcoming and that you are in agreement with the contents of the Draft Negative Declaration. A copy of the Draft Negative Declaration is attached for your review.

The staff report and notice will be available for public review 21 days prior to the hearing at 860 North Bush Street, Ukiah, and 120 W Fir Street, Fort Bragg, California and on the Department of Planning and Building Services website at: <https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas/PC>

It should be noted that the decision making body may consider and approve modifications to the requested project(s). Your comments regarding the above project(s) are invited. Written comments should be submitted to the Department of Planning and Building Services Commission Staff, at 860 North Bush Street Ukiah, California. Oral comments may be presented to the Planning Commission during the public hearing(s).

The Planning Commission's action regarding this item shall be a recommendation to the Board of Supervisors and the Board of Supervisors decision is final. If you challenge the project in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Department of Planning and Building Services or the Planning Commission at, or prior to, the public hearing. All persons are invited to appear and present testimony in this matter. If you challenge the project in court, you may be limited to raising only those issues you or someone else raised at the public hearing(s) described in this notice, or in written correspondence delivered to the Department of Planning and Building Services or the Planning Commission at, or prior to, the public hearing(s). All persons are invited to appear and present testimony in this matter.

Additional information regarding the above noted item may be obtained by calling the Department of Planning and Building Services at 234-6650, Monday through Friday, 8:00 a.m. through 5:00 p.m. Should you desire notification of the Planning Commission decision you may do so by requesting notification in writing and providing a self-addressed stamped envelope to the Department of Planning and Building Services.

BRENT SCHULTZ, Director of Planning and Building Services



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September 12, 2019

**TO:** Ukiah Daily Journal  
**FROM:** James F. Feenan, Commission Services Supervisor  
**SUBJECT:** Publication of Legal Notice.

Please publish the following notice one time on September 18, 2019 in the Legal Notices Section of the Ukiah Daily Journal.

NOTICE OF PUBLIC HEARING AND AVAILABILITY OF DRAFT MITIGATED NEGATIVE  
DECLARATION FOR PUBLIC REVIEW

NOTICE IS HEREBY GIVEN THAT the Mendocino County Planning Commission at its regular meeting on Thursday, October 17, 2019 at 9:00 a.m., to be held in the Board of Supervisors Chamber, 501 Low Gap Road, Ukiah, California, will conduct a public hearing on the following project and the Draft Mitigated Negative Declaration at the time listed or as soon thereafter as the item may be heard.

**CASE#:** GP\_2019-0002/R\_2019-0003

**DATE FILED:** 1/28/2019

**OWNER/ APPLICANT:** DONALD J LUCCHESI

**AGENT:** JAMES BARRETT AND JIM RONCO

**REQUEST:** Rezoning and General Plan Amendment from AG: 40 (Zoning) and AG40 (GP) to Suburban Residential (SR) [Zoning and General Plan] to allow for future subdivision and residential housing.

**ENVIRONMENTAL DETERMINATION:** Negative Declaration

**LOCATION:** 3± miles south of Ukiah city center, on the north side of Talmage Road (State Highway 222), to the south and east of Sanford Ranch Road (CR 200), 0.4± miles north of its intersection with Talmage Rd., located at 1251 Sanford Ranch Rd., Talmage (APNs: 181-050-30 and a portion of 181-050-31).

**STAFF PLANNER:** SUSAN SUMMERFORD

The staff report and notice will be available for public review 21 days prior to the hearing at 860 North Bush Street, Ukiah, and at 120 West Fir Street, Fort Bragg, California and on the Department of Planning and Building Services website at <https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas/PC>.

Your comments regarding the above project and/or the Draft Negative Declaration are invited. Written comments should be submitted to the Department of Planning and Building Services Commission Staff, at 860 North Bush

Street, Ukiah, California 95482, no later than October 16, 2019. Oral comments may be presented to the Planning Commission during the public hearing.

The Planning Commission's action regarding this item shall be final unless appealed to the Board of Supervisors. The last day to file an appeal is the 10th day after the Planning Commission's decision. To file an appeal of the Planning Commission's decision, a written statement must be filed with the Clerk of the Board with a filing fee prior to the expiration of the above noted appeal period. If you challenge the project in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Department of Planning and Building Services or the Planning Commission at, or prior to, the public hearing. All persons are invited to appear and present testimony in this matter.

Additional information regarding the above noted item may be obtained by calling the Department of Planning and Building Services at 234-6650, Monday through Friday, 8:00 a.m. through 5:00 p.m. Should you desire notification of the Planning Commission's decision you may do so by requesting notification in writing and providing a self-addressed stamped envelope to the Department of Planning and Building Services.

BRENT SCHULTZ, Director of Planning and Building Services





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**PLANNING COMMISSION STAFF REPORT  
GENERAL PLAN AMENDMENT/REZONE**

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**OCTOBER 17, 2019  
GP\_2019-0002/R\_2019-0003**

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**SUMMARY**

**OWNER/ APPLICANT:** DONALD LUCCHESI  
PO BOX 5  
TALMAGE, CA 95481

**AGENT:** JAMES BARRETT/ JIM RONCO  
PO BOX 1448  
UKIAH, CA 95482

**REQUEST:** General Plan Amendment and Rezoning to change 10.7± acres (APN: 181-050-30 [7.42± acres] and APN: 181-050-31 [3.28± acres]) from Agricultural (AG40) to Suburban Residential (SR-12K) for the General Plan designation and from Agricultural (AG:40) to Suburban Residential (SR:12K) for zoning

**LOCATION:** 3± miles south of Ukiah city center, on the north side of Talmage Road (State Highway 222), to the south and east of Sanford Ranch Road (CR 200), 0.4± miles north of its intersection with Talmage Rd., located at 1251 Sanford Ranch Rd., Talmage (APN's: 181-050-30 and a portion of 181-050-31).

**TOTAL ACREAGE:** 10.7± Acres

**GENERAL PLAN:** Agricultural (AG40)

**ZONING:** Agricultural (AG:40)

**SUPERVISORIAL DISTRICT:** 1<sup>st</sup> District (Brown)

**ENVIRONMENTAL DETERMINATION:** Negative Declaration

**RECOMMENDATION:** Approval to the Board of Supervisors of the General Plan Land Use Amendment and the Rezone

**STAFF PLANNER:** SUSAN SUMMERFORD

**BACKGROUND**

**PROJECT DESCRIPTION:** The project is a Rezoning and General Plan Amendment to change 10.7± acres (APN: 181-050-30 and portion of APN: 181-050-31) from Agricultural [AG:40 (Zoning)] and [AG40 (General Plan)] to Suburban Residential (SR-12K and SR:12K), Zoning and General Plan, respectively. The request is intended to facilitate future development of the site for land subdivision with the goal of constructing residential housing that will be principally permitted under the new zoning and general plan designation. The desired new land use classification of Suburban Residential, minimum lot size 12,000 square feet, reflects the site's limitations for development, per Mendocino County General Plan (MCGP), which bases site density upon availability of infrastructure, specifically water and sewer. The subject site is located within a water district (Rogina Water District), but lacks inclusion in an established sewer district. MCGP Policy DE-13 states,

*"The Suburban Residential classification is intended to be applied to transitional lands adjacent to cities or towns, including in portions of Community Planning Areas where only residential activities are considered desirable, which lands are appropriate to accommodate future growth. Lands within the Suburban Residential classification should have moderate to light constraints for residential development, should be served by the publicly-maintained road network, and should be located within public service districts or the logical extensions thereof. Portions of lands within the Suburban Residential classification will be appropriate for development of residential subdivisions. Such areas should be developed as major subdivisions, not minor subdivisions; or retained in parcels of sufficient size to be economically developed as subdivisions at some future time.*

**Minimum Parcel Size:** Within water or sewer districts: 12,000 square feet

**Maximum Dwelling Density:** One single family dwelling per legally created parcel. County review and approval required for more than one dwelling per legally created parcel, except as provided below:

*Within water or sewer districts: 1 single family dwelling per 12,000 square feet of lot area, or 1 multiple family dwelling unit per 12,000 square feet of lot area. Higher residential densities (up to one dwelling unit per 2,000 square feet) may be allowed where alternative sewage disposal is provided to the satisfaction of the County."*

The current project is limited to reclassification of lands from agricultural to residential; the foregoing General Plan policy addresses one component of the potential future development constraints for the parcels.

**SITE CHARACTERISTICS:** The site is located approximately 3± miles south of Ukiah city center, on the north side of Talmage Road (State Highway 222), to the south and east of Sanford Ranch Road (CR 200), 0.4± miles north of its' intersection with Talmage Road. The proposed project site is located within the unincorporated community of Talmage, which lies east of the City of Ukiah, the County Seat of Mendocino, located at 1251 Sanford Ranch Road. The setting for the subject parcels is primarily single family residences developed at approximately 1 unit per 0.05± acres. The former use of the site as well as lands immediately contiguous was agricultural. Over the past thirty years, the area has been converted from primarily pear orchards and vineyards to small residential lots. A neighborhood serving commercial area, including a United States Post Office is located on the adjacent stretch of Talmage Road, on State Highway 222. The former state mental hospital, currently in use as a religious, educational and residential campus known as The City of 10,000 Buddhas occupies approximately 400 acres to the east of the subject property.

The site is relatively flat, having been in use as an active vineyard since initial planting in 1940. The Applicant states that the economic viability of the vineyards has waned in recent years and that a higher and better use of the site is desired. The Applicant also owns the adjacent land to the east of the proposed project site, and will continue to farm the vineyards located there.

The subject site is listed under the State of California Department of Conservation's Farmland of Statewide Importance Mapping and Monitoring Program (FMMP) as housing both Unique and Prime Farmland. Per the Important Farmlands Classification Codes, Unique Farmland is defined as, "Lesser quality soils used for the production of the state's leading agricultural crops. This land is usually irrigated, but may include non-irrigated orchards or vineyards as found in some climatic zones in California. Land must have been cropped at some time during the four years prior to the mapping date." Prime Farmland is defined as, "Irrigated land with the best combination of physical and chemical features able to sustain long term production of agricultural crops. This land has the soil quality, growing season, and moisture supply needed to produce sustained high yields. Land must have been used for production of irrigated crops at some time during the four years prior to the mapping date." The FMMP was established in 1982 to continue the Important Farmland mapping efforts begun in 1975 by the U.S. Department of Agriculture,

Natural Resources Conservation Service (NRCS). The intent of the NRCS was to produce agricultural resource maps based on soil quality and land use across the nation. As part of this nationwide mapping effort, NRCS developed a series of definitions known as the Land Inventory and Monitoring (LIM) criteria. The LIM criteria classifies the land's overall suitability for agricultural production, which includes physical and chemical characteristics of soils, as well as specified land use characteristics. Important Farmland Maps are derived from NRCS soil survey maps using LIM criteria. About 90% of FMMP's study area is covered by NRCS soil surveys. Technical ratings of the soils and current land use information are combined to determine the appropriate map category. Information derived from communication with the local district conservation office resulted in the determination that 42% of the soil on the subject parcel can be defined as Prime Farmland. A custom soil resource report generated for the project site by the NRCS clearly states that the dominant soil classifications onsite are map unit 177, Pinole gravelly loam, 0-2% slopes comprising 42.2% of the parcel; map unit 203, Talmage gravelly sandy loam, 0-2% slopes comprising 42.3% of the parcel; map unit 216, Xerocherepts-Haploxeralfs-Argixerolls complex, 30-50% slopes, high ffd, comprising 4.5% of the parcel, and map unit 188, Russian loam, 0-2% slopes comprising 11.1% of the parcel. It must be noted; however, that the soil resource report is reflective of an analysis that surveyed the entire two parcels that comprise a portion of the subject site, and that the actual portion to be rezoned and reclassified is presented in such a way as to not include the portion of the parcel that contains Russian loam. This is significant for two reasons; one, Russian loam is a soil type that is defined as being present in Prime Farmland, and may have contributed to the designation of the site as being wholly deemed either Prime or Unique Farmland, and two, that the remainder of the parcel that represents the current subject site does not contain more than 50% of soil composition that could be deemed Prime or Unique Farmland. According to the document submitted by the local NRCS, map unit 177, Pinole gravelly loam is only designated as Prime Farmland if irrigated.

**APPLICANT'S STATEMENT:** "The subject property consisting of about 12 acres was acquired with adjacent lands by my Grandfather in the late 30's or early 40's. When it was purchased the acreage was covered in poison oak, chamise brush and oak trees which were cleared by my Grandfather and father and then planted in 1944. All but 3 acres of the 12-acre vineyard are the original vines planted in 1944 (75 years ago) (the 3-acre portion was replanted from golden Shasta's in 1999).

Subsequent to the plantings the grape industry has evolved to the point where grape harvest contracts are more and more difficult to secure. This year I am advised that the winery who historically purchased my fruit is willing to take the fruit again in 2019 but at reduction of 28% per ton of the previous year's price (popularity of some varieties impacts price per ton). I am advised that I will not be able to secure a contract to rip and replant the vineyard with fruit becoming available in 4+ years. Production has continued to diminish due to the age of the vines, oak root fungus (the result of ancient viticulture practices) and constraints on farming operations.

- Replanting without a secured contract would still involve:
- Removing the existing vines
- Fumigation for oak root fungus
- Installation of a new irrigation system
- Installation of vertical trellises
- Purchase of vines
- Planting of vines (labor and materials)

At a cost of between \$16,000.00 and \$20,000.00 per acre (\$192K – 240K) without guaranteed return on the investment. During the 4-year period of maturing of the vines viticultural practices must be carried on which could cost as much \$5,000.00 per acre (labor, material and water) per year (60K X 4 = 240K).

Currently the vineyard is served by an agricultural well. The existing soil (gravelly loam) requires more irrigation water due to the rapid permeability. Future control of the aquifer by governmental agencies and the lack of available water from the purple pipe project being undertaken by the City of Ukiah add to the uncertainty of ongoing vineyard development and water use.

The property has never been included in a Williamson Act Agricultural Preserve. The soils are not prime agricultural bottomland soils nor has the property been designated, to my knowledge, as "farmland of importance". The lands gravelly- porous bench land soils require greater amount of irrigation water than prime agricultural lands thereby reducing its potential for future productivity and limits agricultural crops that can be planted. The viability of future production on the site given the limitations of soil, water and lack of grape contracts makes future farming a risk that would not be considered prudent or profitable. Given the current production and contract prices continued harvests on the site will be become unprofitable if not this year surely within the next two years.

The lands have reached the point of transition where a more compatible use other than farming is necessary."

**SURROUNDING LAND USE AND ZONING:**

	GENERAL PLAN	ZONING	LOT SIZES	USES
NORTH	Suburban Residential (SR)	Residential: 1 acre minimum parcel size (R:1)	Approximately 9 parcels ranging from 0.2 acres to 2 acres in size	Residential
EAST	Agricultural (AG40)	Agricultural: 40 acre minimum parcel size (AG:40)	15.06± acres	Agricultural
SOUTH	Suburban Residential (SR)	Suburban Residential (SR)	Approximately 7 parcels averaging 0.4± acres in size	Residential
WEST	Rural Residential: 5 acre minimum parcel size (RR5)	Rural Residential: 5 acre minimum parcel size (RR:5)	Approximately 5 parcels averaging 0.4± in size	Residential

**PUBLIC SERVICES:**

Access: Sanford Ranch Road via Talmage Road (State Highway 222)  
Fire District: Ukiah Valley Fire Protection District  
Water District: Rogina Water District  
Sewer District: None  
School District: Ukiah Unified

**AGENCY COMMENTS:**

On April 16, 2019 project referrals were sent to the following responsible or trustee agencies with jurisdiction over the Project. Their required related permits, if any, are listed below. Their submitted recommended conditions of approval are contained in Exhibit A of the attached resolution. Any comment that would trigger a project modification or denial are discussed in full as key issues in the following section.

REFERRAL AGENCIES	COMMENT
Department of Transportation	No comment
Ukiah Valley Fire District	No comment
Environmental Health-Ukiah	Recommend conditional approval. Standard water and septic requirements



	will apply at the time of subdivision.
CalFire	No comment
Building Services-Ukiah PBS	No comment
County Assessor	No comment
Russian River Flood Control	No response
Rogina Water District	Will serve letter from Rogina Water District for up to twenty (20) residential lots.
Agriculture Commissioner	No response
CA Department of Fish & Wildlife	No comment
Air Quality Management District	No response
Farm Advisor	No response
County Addresser	No comment
LAFCO	No response
Sonoma State University-NWIC	Comments. Recommend archeological survey prior to subdivision.
Ukiah City Planning Department	Comment letter received not in support of the proposal.
Archaeological Commission	Comments. An archeological survey will be required prior to subdivision.
CA Native Plant Society	No response
Russian River Flood Control	No response
CALTRANS	No response
Regional Water Quality Control	No response
Resource Lands Protection Committee	No response
Dept. of Fish & Wildlife	No comment
CA Department of Conservation	No response
Army Corp. of Engineers	No response
MTA	No response

### KEY ISSUES

#### **1. General Plan, Zoning and Ukiah Valley Area Plan (UVAP) Consistency:**

When considering an agricultural land conversion in Mendocino County (MC), which is largely rural and economically dependent on agriculture, there are several criteria that must be satisfied prior to recommending approval. Present in the primary governing documents, the County-wide General Plan and area specific plan, the Ukiah Valley Area Plan (UVAP), a discussion of these criteria follows.

#### **Policy RM-106 (Agricultural Resources Policies) and OC3.1B (Agricultural Land Conversion Criteria):**

*Land shall not be converted from Agricultural Lands or Range Lands classifications to non-agricultural classifications unless all of the following criteria are substantiated:*

1. *The project will not result in a need for unintended expansion of infrastructure in conflict with other policies.*

'Infrastructure' as defined by the (MC) General Plan includes, "facilities designed to provide water supply, wastewater collection and treatment, storm drainage collection, and transportation." The subject site is located in an established community that is characterized by a mix of small scale residential and agricultural uses, with a small neighborhood serving commercial district on the adjacent roadway. The improvements necessary to facilitate a new residential development are largely in place to serve the subject parcel. No expansion of roads would be required; the site is served by power and a will serve letter for twenty (20) single family units from the local water district (Rogina Water District) is on file. While improvements to existing facilities to accommodate a higher density and residential standards would need to be pursued, it cannot be stated that the project, as proposed, would result in "unintended" expansion of infrastructure; nor would it conflict with any policies that prohibit land conversion without specific findings. The County does not have a moratorium on Prime and/or Unique Farmland land conversions; however, the Ukiah Valley Area Plan, **Chapter 3; Land Use and Community Development Policy LU 1.4a** directs projects that displace commercial agricultural activities or developments that occur on Prime or Unique Farmland to be considered as a low priority. This policy doesn't disallow such conversions; merely provides procedures and protocol to ensure that such actions are not spurious or incompatible with surrounding land uses, and do not exacerbate non-conforming conditions while recognizing and deferring to neighborhood land use trends.

2. *The project will not adversely affect the long-term integrity of the agricultural areas or agricultural uses in the area.*

The site of the proposed land use re-designation is not located in an exclusively agricultural area. There is a mix of small scale residential interspersed with agricultural uses in the vicinity of the parcel that has been slowly expanding to encroach on the remaining agricultural uses. The site was historically in use as a vineyard, planted by the Applicant's family 75 years ago. In many areas of unincorporated Mendocino County, large tracts of single-owner farms and ranches have been increasingly bifurcated by such actions as Boundary Line Adjustments and small subdivision of lands as economic factors evolve and demands for housing stock have increased. The subject site is a good example of a historic agricultural use that now appears to be out of place in the increasingly residential enclave.

3. *The proposed use in the subject location will achieve the long-range objectives of the General Plan.*

The two main Development Goals of the MC General Plan call for an increase in appropriately located uses to be developed in harmony with stated policies and objectives that allow for walkability, availability of services and support of commercial activities. **Policy DE-1** states, in part, that, "Future development should be on infill parcels and areas contiguous to existing development." The proposed zoning designation change and General Plan amendment is part of a future development project to convert an agricultural parcel to a residential one, facilitating construction of 20 units on approximately 10 acres in the unincorporated Talmage area of Mendocino County. This area is recognized in the MCGP as one of the areas under the auspicious of the Ukiah Valley Area Plan (UVAP), adopted in 2011. As stated on page 1-5 of the UVAP, "If a policy or implementing action is in conflict with the adopted General Plan, the policy or implementing action from the UVAP shall take precedence over the General Plan." Therefore, a review of policies and directives from the UVAP shall be evaluated in concert with the MCGP. The following statements are listed as "Visions" in the UVAP to guide community development; "Vision: A diverse mix of housing types meets the needs of residents of different ages, income levels, and social needs within the valley. Vision: The community's ability to expand its population base is supported by compact, infill development and mixed use development. Vision: Create town/village centers that provide mixed use opportunities that support community life with infill and mixed use; focusing on the existing small town centers of Calpella, the Forks, and Talmage."

4. *The project site is substantially unusable for agricultural purposes due to encroaching adjacent nonagricultural uses.*

The subject site is located in the community of Talmage, and is within walking distance to the commercial district therein. The parcel has been in use as an active vineyard since 1944. The site is surrounded by residential uses and can be interpreted as being anachronous to the future of the area. As mentioned on page 2-9 of the UVAP, it is understood that irreversibility of agricultural conversions may have impacts, but conversion of the subject site cannot be interpreted as initiating this trend in the immediate area. **Goal LU-4** states, *"Manage future growth to ensure that essential support infrastructure is in place prior to development."* This goal may be satisfied as a result of the zoning and General Plan land use designation change on the subject parcels. Therefore, it is reasonable to conclude that the subject site is facing an uncertain future as a viable agricultural endeavor. With the confirmation that the local water district provider can supply the future potential twenty residential units with water, the Applicant may have more economic security by pursuing a land reclassification to develop the site than to continue with agricultural activities. Therefore, while the proposed project does seek to convert agricultural land designated as "prime" or "unique" farmland to residential, it can be supported by documented goals, policies and actions that under certain circumstances, and provided specific characteristics are present, the reclassification of such lands potentially provide a boon to the community.

It can be stated as well that other implicit and implied goals regarding housing and land conversion are similarly satisfied. In particular, **Action 3.1d** of the Mendocino County Housing Element, which expressly identifies rezoning as a tool for achieving the desired goals of providing appropriately located housing that complies with infrastructure constraints while meeting community needs. As well, **Action 3.1a** directs regulators to, *"Work with developers to include a variety of housing types, such as smaller single-family homes, second units, duplexes, and multi-family units, including rental units for lower-income large families and developments exceeding ten residential units, during pre-subdivision consultation and through the Inclusionary Housing development planning process. Consider development incentives such as reduced setbacks, density bonuses, fee assistance, etc."*

Reclassifying and designating the subject parcels to residential introduces the potential for a variety of housing stock that could also satisfy **Policy 3.2**, *"Promote the development of second units"*. Per Chapter 20.164.015(K), which governs **Accessory Dwelling Units**:

*"An accessory dwelling unit shall be permitted in all zoning districts which allow single-family dwellings subject to the following standards and criteria:*

- (1) The lot contains an existing single-family dwelling unit or a building permit for the single-family dwelling unit (primary residence) has been applied for.*
- (2) An adequate water system as approved by the Division of Environmental Health is available to serve the accessory dwelling unit.*
- (3) An adequate sewage disposal system as approved by the Division of Environmental Health is available to serve the accessory dwelling unit.*
- (4) The accessory dwelling unit shall conform to height, setback, lot coverage, architectural review, site plan review, fees, charges and other zoning requirements generally applicable to residential construction within the zone in which the second residential unit is located. Total area of floor space for a detached accessory dwelling unit may not exceed one thousand two hundred (1,200) square feet. Increased floor area of an attached accessory dwelling unit does not exceed fifty (50) percent of the existing living area, with a maximum increase in floor area of one thousand two hundred (1,200) square feet.*
- (5) The accessory dwelling unit shall comply with appropriate local building code requirements. Fire sprinklers, however, shall not be required in an accessory unit if they are not required in the primary residence.*

- (6) *An accessory dwelling unit shall not be allowed if more than one (1) dwelling unit (including farm employee housing, farm labor housing, temporary family care unit) is located on the parcel, or if there currently exists two (2) accessory residential units (any combination of guest cottages and detached bedrooms) on the parcel.*
- (7) *Where dwelling group or parcel clustering is approved, no accessory dwelling unit shall be allowed.*
- (8) *Nothing in this Section shall prohibit a detached bedroom, guest house or family care unit from being converted into an accessory dwelling unit, consistent with the other provisions of this Section.*
- (9) *Accessory Dwelling Units may be either attached to the existing dwelling or they may be detached, separate structures.*
- (10) *Attached or detached accessory dwelling units are not intended for sale but may be rented."*

Therefore, the future development of the site, although with potential for impacts on the community, also contains a number of constraints designed to guide the infill of lands with inherent limitations. All proposed land subdivisions, entitlements or development would be subject to County review and approval.

**Chapter 10A.13 Consistency:**

Chapter 10A.13 of the Mendocino County Code (MCC), or, the "Right to Farm" Ordinance, is present in the Code to clearly state and codify the intent of the County to promote, protect and preserve existing agricultural endeavors. The two (2) subject parcels are currently active agricultural sites, and a portion of one (1) of the parcels shall remain agriculturally zoned after the rezoning and general plan redesignation takes effect. Therefore, it merits reiterating that the remaining portion of the parcel not subject to rezoning and general plan reclassification maintains its' principally permitted rights to engage in agricultural activities. MCC Section 10A.13.020 states, *"No existing or future agricultural operation or any of its appurtenances, conducted or maintained for commercial purposes, and in a manner consistent with proper and accepted customs and standards, shall become or be a nuisance, private, or public, for adjacent land uses in or about the locality thereof after the same has been in operation for more than three (3) years, when such action was not a nuisance at the time it began; provided that the provisions of this subsection shall not apply whenever a nuisance results from the negligent or improper operation of any such agricultural operation or its appurtenances."* As previously stated, the subject parcels have been active vineyards for seventy-five (75) years, unequivocally vesting the agricultural rights for the site under the "Right to Farm" Ordinance as written and intended.

**2. Environmental Protection:**

Per the California Environmental Quality Act, an Initial Study was prepared by staff and has been circulated. No potentially significant impacts were identified during the environmental review. A Negative Declaration has been prepared for the General Plan Amendment and Rezoning request.

**RECOMMENDATION**

By resolution, the Planning Commission recommends that the Board of Supervisors adopt a Negative Declaration, approve the General Plan Land Use Amendment to change 10.7± acres (7.2± acres, APN 181-050-30 and 3.28± acres, APN 181-050-31) from AG40 (Agricultural, minimum parcel size 40 acres) to SR-12K (Suburban Residential, 12,000 square feet minimum parcel size) and, by ordinance, Rezone 10.7± acres (7.2± acres, APN 181-050-30 and 3.28± acres, APN 181-050-31) from AG:40 (Agricultural, minimum parcel size 40 acres) to SR:12K (Suburban Residential, 12,000 square feet minimum parcel size).



9/26/19

DATE

  
SUSAN SUMMERFORD  
PLANNER III

**ATTACHMENTS:**

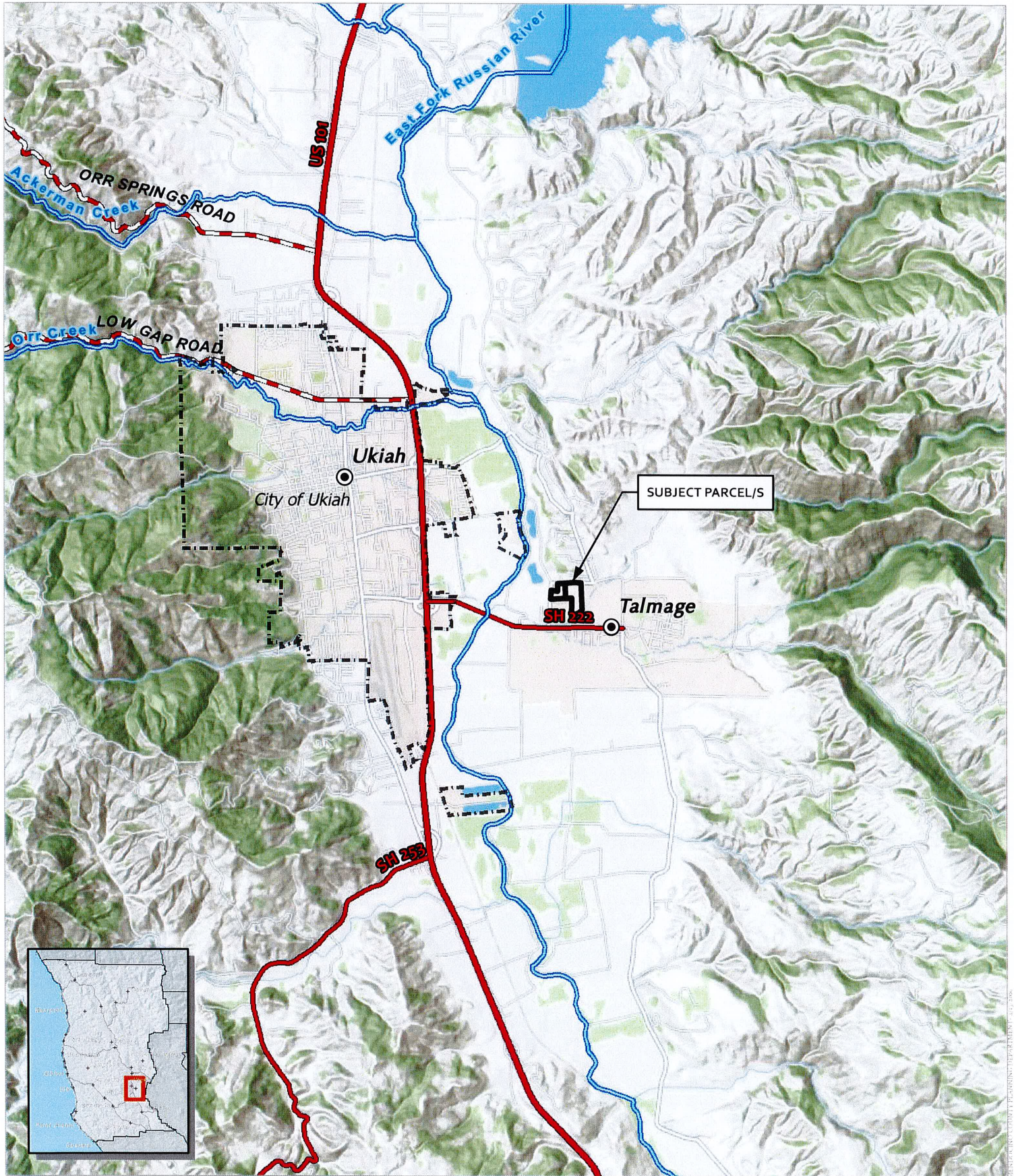
- A. Location Map
- B. Adjacent Owner Map
- C. Rezone Exhibit
- D. General Plan Exhibit
- E. Farmland Map

**RESOLUTION OF THE PLANNING COMMISSION:**

**NEGATIVE DECLARATION/Initial Study available online at:**

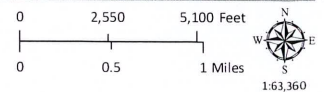
<https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas/planning-commission>





CASE: GP 2019-0002 / R 2019-0003  
 OWNER: LUCCHESI, Donald J.  
 APN: 181-050-30  
 APLCT: Donald Lucchesi  
 AGENT: J.R. Barrett  
 ADDRESS: 1251 Sanford Ranch Road, Talmage

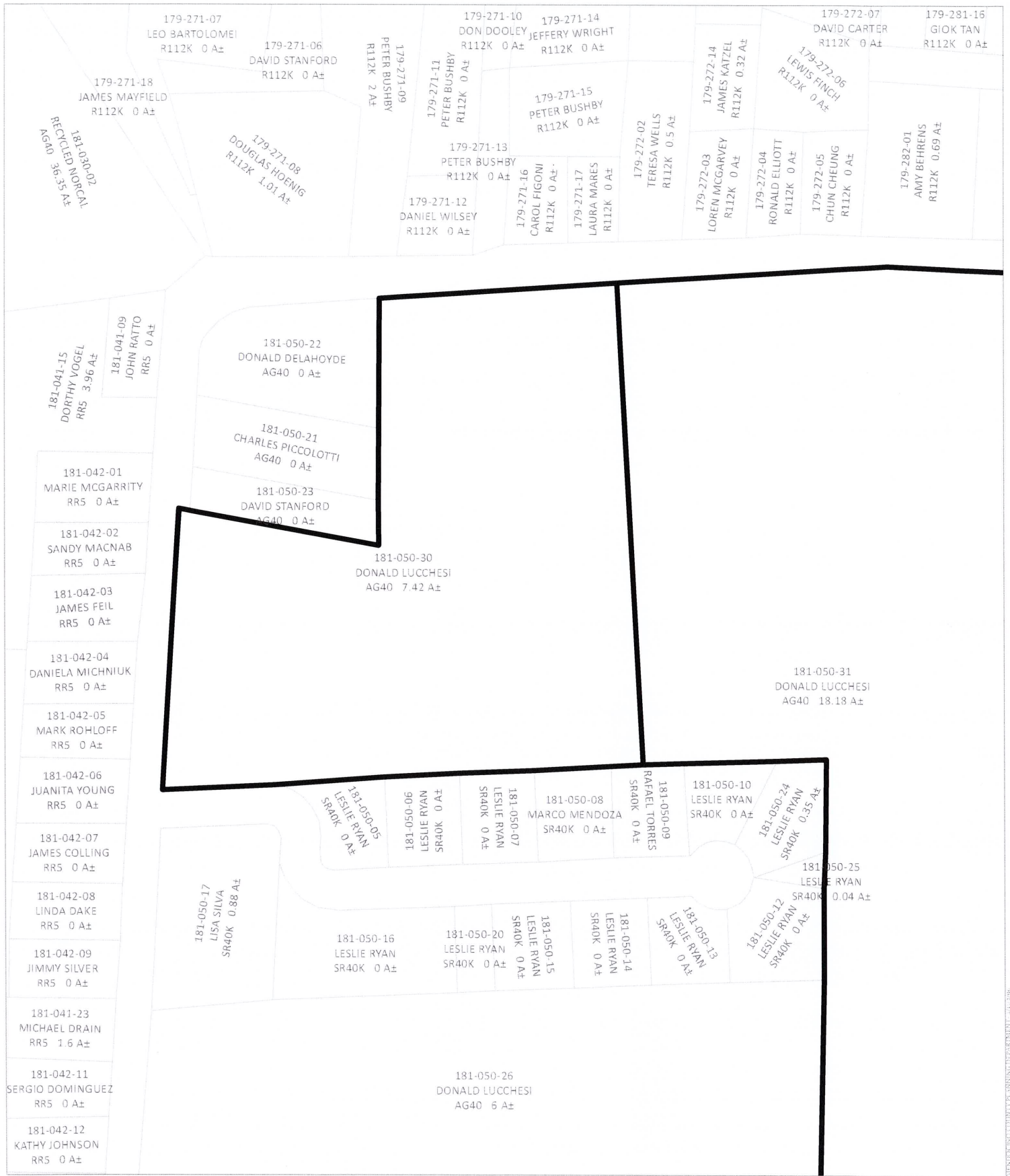
- Major Towns & Places
- City Limits
- Major Rivers
- Highways
- Major Roads



LOCATION MAP  
 ATTACHMENT A

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CASE: GP 2019-0002 / R 2019-0003

OWNER: LUCCHESI, Donald J.

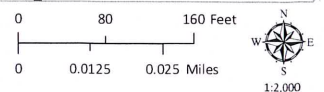
APN: 181-050-30

APLCT: Donald Lucchesi

AGENT: J.R. Barrett

ADDRESS: 1251 Sanford Ranch Road, Talmage



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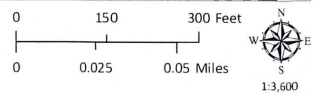


ADJACENT PARCELS  
ATTACHMENT B



CASE: GP 2019-0002 / R 2019-0003  
 OWNER: LUCCHESI, Donald J.  
 APN: 181-050-30  
 APLCT: Donald Lucchesi  
 AGENT: J.R. Barrett  
 ADDRESS: 1251 Sanford Ranch Road, Talmage

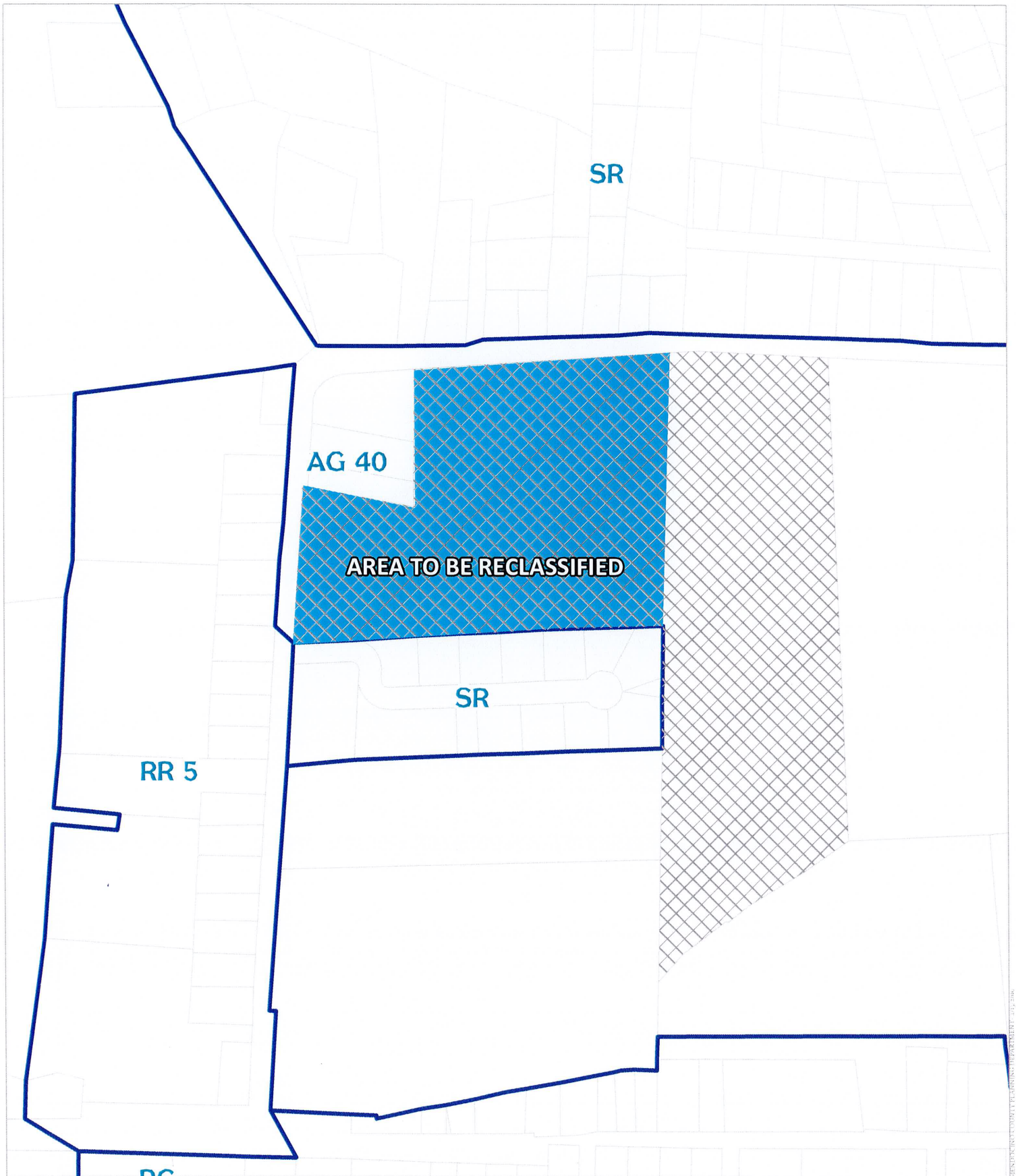
 Zoning Districts  
 Public Roads




ZONING DISPLAY MAP  
 ATTACHMENT C

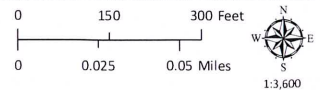
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CASE: GP 2019-0002 / R 2019-0003  
OWNER: LUCCHESI, Donald J.  
APN: 181-050-30  
APLCT: Donald Lucchesi  
AGENT: J.R. Barrett  
ADDRESS: 1251 Sanford Ranch Road, Talmage

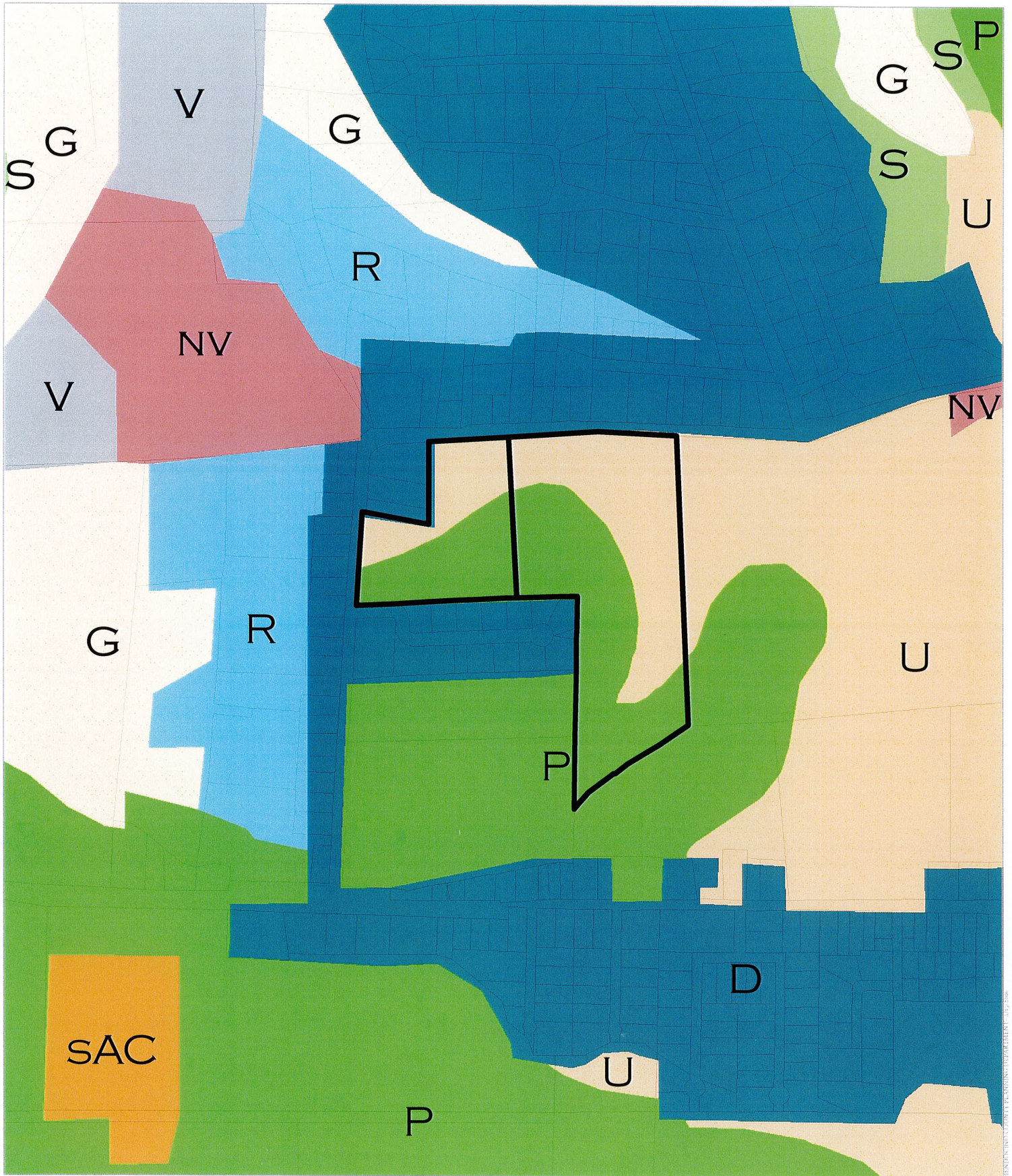
 General Plan Classes



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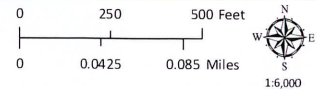
GENERAL PLAN CLASSIFICATIONS  
ATTACHMENT D





CASE: GP 2019-0002 / R 2019-0003  
 OWNER: LUCCHESI, Donald J.  
 APN: 181-050-30  
 APLCT: Donald Lucchesi  
 AGENT: J.R. Barrett  
 ADDRESS: 1251 Sanford Ranch Road, Talmage

- Urban & Built-Up Land (D)
- Prime Farmland (P)
- Grazing Land (G)
- Non-Ag & Natural Vegetation (nv)



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**IMPORTANT FARMLAND**  
**ATTACHMENT E**



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

County of Mendocino  
Ukiah, California  
October 17, 2019

GP\_2019-0002/R\_2019-0003 – LUCCHESI

RESOLUTION OF THE PLANNING COMMISSION, COUNTY OF MENDOCINO, STATE OF CALIFORNIA, RECOMMENDING THE BOARD OF SUPERVISORS ADOPT A NEGATIVE DECLARATION AND GRANT A GENERAL PLAN AMENDMENT TO CHANGE APN 181-050-30 [7.42± ACRES] AND A PORTION OF APN 181-050-31 [3.28± ACRES] {TOTAL 10.7± ACRES} FROM AGRICULTURAL (AG40) TO SUBURBAN RESIDENTIAL (SR-12K), AND REZONE OF APN 181-050-30 [7.42± ACRES] AND APN 181-050-31 [3.28± ACRES] FROM AGRICULTURAL (AG:40) TO SUBURBAN RESIDENTIAL (SR:12K)

WHEREAS, the applicant, DONALD LUCCHESI, filed an application for Rezone and General Plan Amendment with the Mendocino County Department of Planning and Building Services to change the general plan land use designation of 10.7± acres (7.42± acres of APN 181-050-30, and 3.28± acres (a portion) of APN 181-050-31) from Agricultural - 40 acre minimum parcel size (AG40) to Suburban Residential – 12,000 square feet minimum parcel size (SR-12K), as depicted in Exhibits “A” and “B” attached hereto and incorporated by this reference, and Rezone 10.7± acres (7.42± acres of APN 181-050-30, and 3.28± acres (a portion) of APN 181-050-31) from Agricultural – 40 acres minimum parcel size (AG:40) to Suburban Residential – 12,000 square feet minimum parcel size (SR:12K), as depicted in Exhibit “B” attached hereto and incorporated by this reference, 3± miles south of Ukiah city center, on the north side of Talmage Road (State Highway 222), to the south and east of Sanford Ranch Road (CR 200), 0.4± miles north of its; intersection with Talmage Road, located at 1251 Sanford Ranch Road; Talmage; Supervisorial District 1; (the “Project”); and

WHEREAS, a Negative Declaration was prepared for the Project and noticed and made available for agency and public review on September 26, 2019 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 October 17, 2019, 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 Project.

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

1. **General Plan and Zoning Consistency Findings:** The proposed project is for a general plan amendment and rezone to result in the parcel being reclassified from Agricultural (AG40, general plan and AG:40, zoning) to Suburban Residential (SR-12K, general plan and SR:12K, zoning). The Project request is to facilitate the future development of the site for residential use. The subject site is located in an area of unincorporated Mendocino County that houses other residential land uses, including most of the surrounding parcels. The general plan identifies several constraints for agricultural land conversions that provide guidance for the project. As well, the general plan directs all discretionary projects to consider impacts to agricultural activities as a result of land conversions. The proposal has been determined to be consistent with applicable provisions of Mendocino County General Plan and Zoning Code.

2. **Ukiah Valley Area Plan Consistency Findings:** Per the UVAP, proposals to convert agricultural lands must meet specific criteria in order to be compliant. The application meets these requirements in that it no expansion of infrastructure is necessary; no net effects on agricultural uses in the vicinity results; encroaching residential uses surround the site; and the subject parcel is located within a largely residential area, including the majority of surrounding parcels under the same ownership and involved in the same or similar solid waste activities.
3. **Environmental Protection Findings:** The environmental impacts identified in the Initial Study for the Project have been deemed to be less than significant and therefore a Negative Declaration is adopted.

BE IT FURTHER RESOLVED that the Planning Commission recommends the Board of Supervisors grant the requested General Plan Amendment and Rezone as shown in Exhibits "A" and "B", attached hereto and incorporated herein by this reference.

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 Board of Supervisors 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.

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

ATTEST: JAMES F. FEENAN  
Commission Services Supervisor

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

BY: BRENT SCHULTZ  
Director

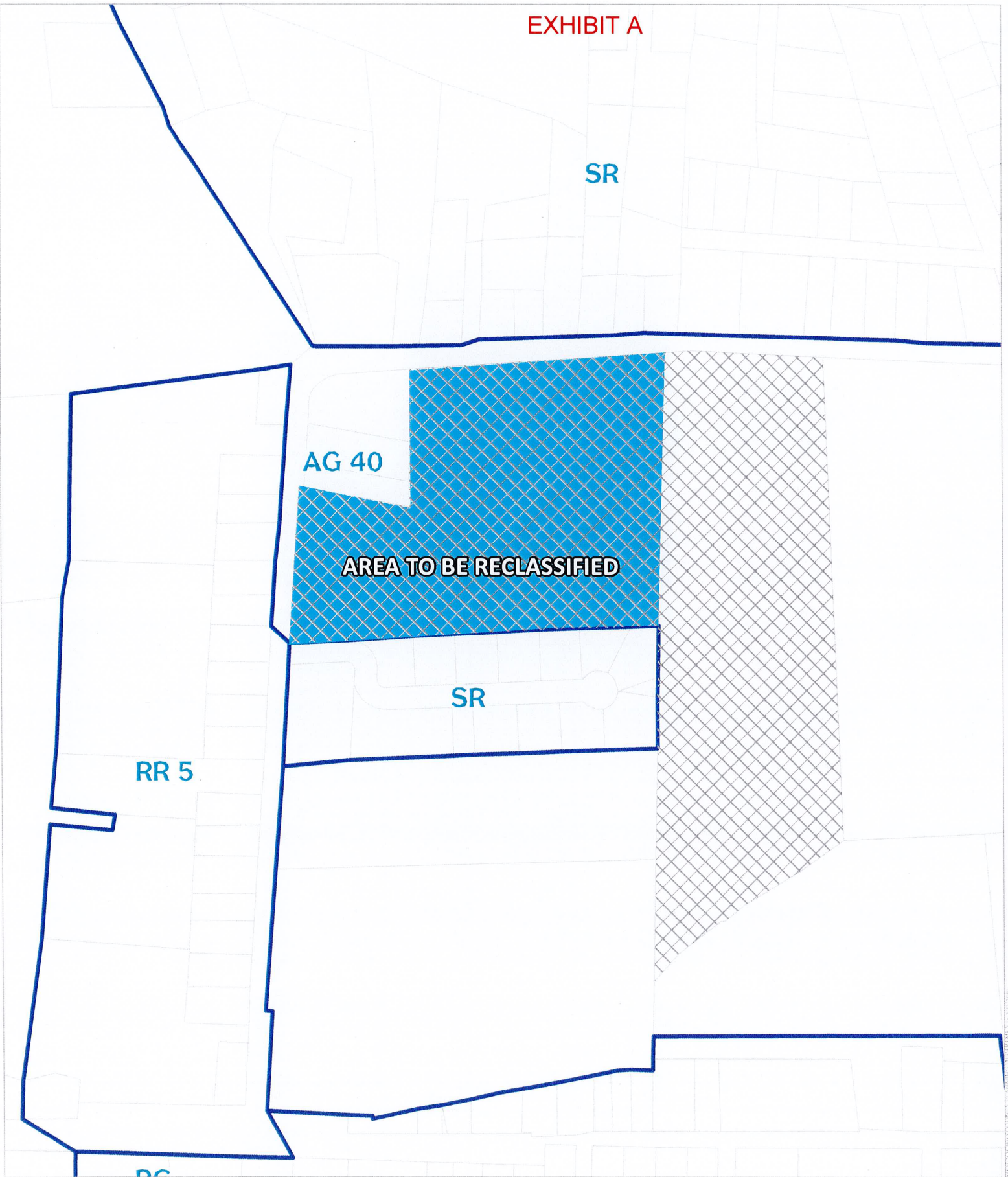
MARILYN OGLE, Chair  
Mendocino County Planning Commission

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**EXHIBIT A: GENERAL PLAN EXHIBIT MAP, APN 181-050-30 and portion of APN 181-050-31**  
**EXHIBIT B: REZONE EXHIBIT MAP, APN 181-050-30 and portion of APN 181-050-31**

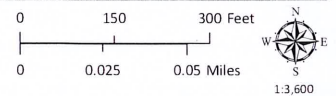


EXHIBIT A



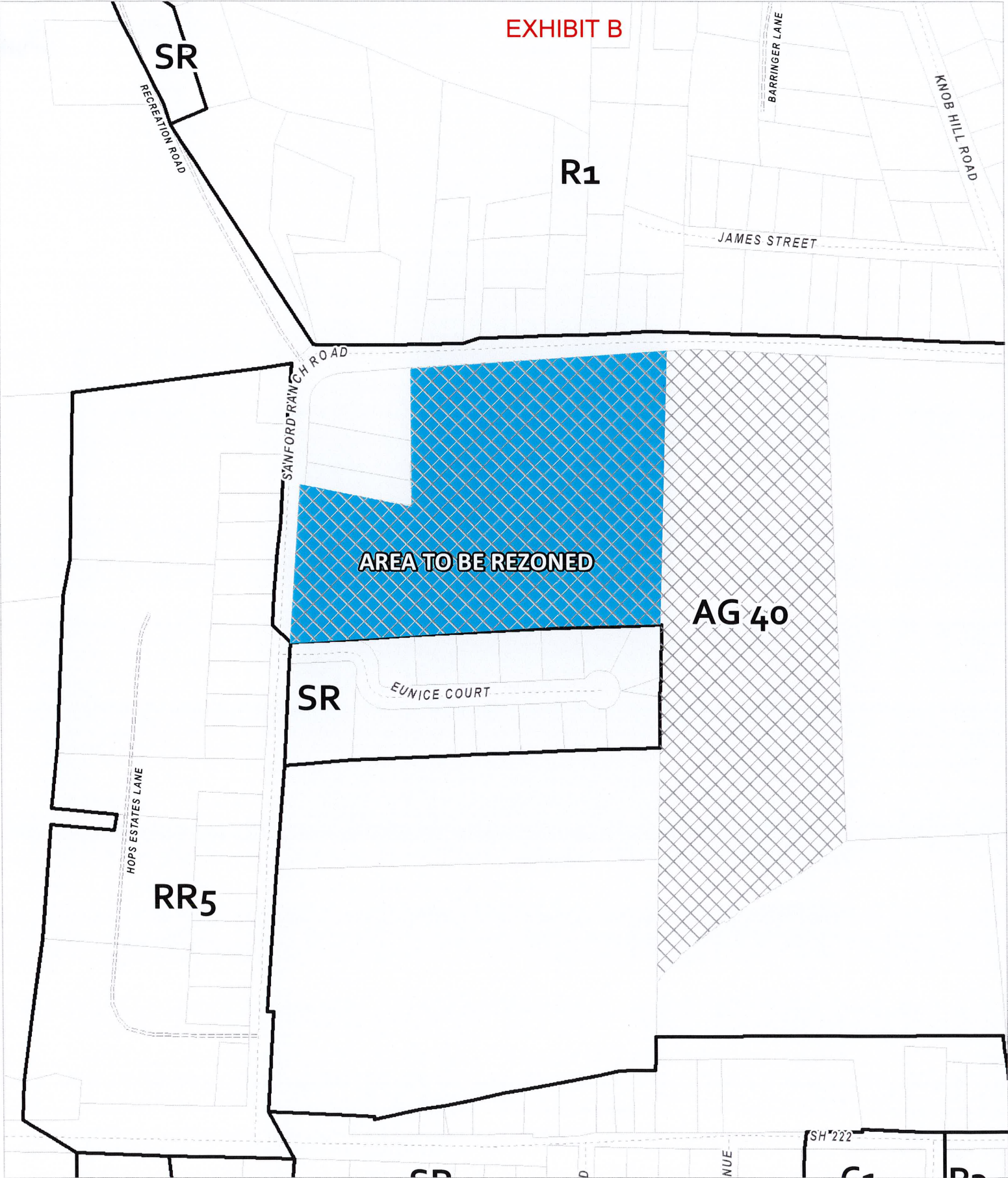
CASE: GP 2019-0002 / R 2019-0003  
OWNER: LUCCHESI, Donald J.  
APN: 181-050-30  
APLCT: Donald Lucchesi  
AGENT: J.R. Barrett  
ADDRESS: 1251 Sanford Ranch Road, Talmage

 General Plan Classes



GENERAL PLAN CLASSIFICATIONS

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CASE: GP 2019-0002 / R 2019-0003  
OWNER: LUCCHESI, Donald J.  
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PUBLIC DRAFT  
INITIAL STUDY and ENVIRONMENTAL CHECKLIST  
FOR  
*LUCCHESI GENERAL PLAN AMENDMENT AND REZONING*

**September 25, 2019**

**Lead Agency:**  
**County of Mendocino**

**Lead Agency Contact:**  
Susan H. Summerford, Planner III  
Mendocino County Planning and Building Services  
860 North Bush Street, Ukiah, CA 95482  
(707) 234-6650

**Section I Description Of Project/Project Summary**

**DATE:** September 10, 2019

**PROJECT TITLE:** GP\_2019-0001/R\_2019-0003 (Lucchesi General Plan Amendment and Rezoning)

**DATE FILED:** January 28, 2019

**APPLICANT:** Donald J. Lucchesi

**PROJECT COORDINATOR:** Susan H. Summerford, Planner III; (707-234-6650)

**REQUEST:** Rezoning and General Plan Amendment from AG:40 (Zoning) and AG40 (General Plan) to Suburban Residential SR:12K (Zoning) and SR-12K (General Plan) to allow for future subdivision and residential housing.

**ENVIRONMENTAL DETERMINATION:** Based on the attached Initial Study, the proposed General Plan Amendment and Rezoning would not have a substantial adverse impact on the environment, and a Negative Declaration is recommended.

**LOCATION:** 3± miles south of Ukiah city center, on the north side of Talmage Road (State Highway 222), to the south and east of Sanford Ranch Road (County Road 200), 0.4± miles north of its' intersection with Talmage Road. Located at 1251 Sanford Ranch Road, Talmage (APN 181-050-30 and portion of 181-050-31).

**Section II Project Description**

**INTRODUCTION:** The proposal is a General Plan Amendment and Rezoning request to allow for the subject parcels to change the land use designations from Agricultural [(AG:40) Zoning and (AG40) General Plan, respectively] to Suburban Residential [(SR:12K) Zoning and (SR-12K) General Plan].

**PROJECT OBJECTIVES:** The Applicant is requesting to amend the General Plan of Mendocino County for 7.42± acres of APN 181-050-30 and 2.58± acres of 181-050-31 currently designated as Agricultural in both the General Plan and Zoning Code. The requested new land use designation of Suburban Residential will allow for the future subdivision and development of the site for single family residential lots, which are principally permitted in the Suburban Residential Zoning District.

**SETTING AND LOCATION:** The proposed project site is located within the unincorporated community of Talmage, which lies east of the City of Ukiah, located at 1251 Sanford Ranch Road. The setting for the subject parcels is primarily single family residences developed at approximately 1 unit per 0.05± acres. The use of the site as well as lands immediately contiguous is agricultural. Over the past thirty years, the area has been converted from primarily pear orchards and vineyards to small residential lots. A neighborhood serving commercial area, including a United States Post Office is located on the adjacent stretch of Talmage Road, State Highway 222. The former state mental hospital, currently in use as a religious, educational and residential campus known as The City of 10,000 Buddhas occupies approximately 400 acres to the east of the subject property.

The site is relatively flat, having been in use as an active vineyard since initial planting in 1940. The Applicant states that the economic viability of the vineyards has waned in recent years and that a higher and better use of the site is desired. The Applicant also owns the adjacent land to the east of the proposed project site, and will continue to farm the vineyards located there.

**BASELINE CONDITIONS:** Pursuant to CEQA Guidelines Section 15125, the Project Description is required to identify the existing baseline set of physical characteristics. For this project, the baseline conditions include a historic agricultural site that is surrounded largely by small plots of single family residential homes proposing to change its' designation from Agricultural to Suburban Residential to allow for future residential development of the site to be principally permitted. Conversion of agricultural lands for residential uses is common to address housing deficiencies and facilitate community growth; especially in areas that are historically agricultural in nature for whom transitioning to alternative economic bases may be hindered by lack of essential services and infrastructure.



**Section III 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 checked="" type="checkbox"/>	<input 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) **Discussion A-C:** A scenic vista is defined as a location that offers a high quality, harmonious, and visually interesting view. Although there are scenic resources throughout Mendocino County that are visible from roads and highways, only one roadway in Mendocino County, State Route 128, has recently been designated as a State Scenic Highway by California State Assembly Bill 998, approved on July 12, 2019.<sup>1</sup> The site of the proposed land use designation change is not adjacent to major roadways or thoroughfares, nor is it located within the scenic vista of State Route 128. Therefore, the project would result in no impact on scenic resources, including degradation of existing visual character or quality. No impact.
- b) **Discussion D:** The proposed project does not include a plan for construction; however, it is reasonable to assume that increasing the allowable density would facilitate site development in the future. Compliance with provisions of the Mendocino County Code (hereinafter MCC) regarding standards for lighting would be sufficient to reduce the impact from additional structures, if constructed. Less than significant impact.

<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 checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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"/>

<sup>1</sup> [https://leginfo.ca.gov/faces/billNavClient.xhtml?bill\\_id=201920200AB998](https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB998)

<b>II. AGRICULTURE AND FORESTRY RESOURCES. 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>
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 checked="" type="checkbox"/>	<input type="checkbox"/>

- a) **Discussion A:** The subject site is listed under the State of California Department of Conservation's Farmland of Statewide Importance Mapping and Monitoring Program (FMMP) as housing both Unique and Prime Farmland. Per the Important Farmlands Classification Codes, Unique Farmland is defined as, "Lesser quality soils used for the production of the state's leading agricultural crops. This land is usually irrigated, but may include non-irrigated orchards or vineyards as found in some climatic zones in California. Land must have been cropped at some time during the four years prior to the mapping date." Prime Farmland is defined as, "Irrigated land with the best combination of physical and chemical features able to sustain long term production of agricultural crops. This land has the soil quality, growing season, and moisture supply needed to produce sustained high yields. Land must have been used for production of irrigated crops at some time during the four years prior to the mapping date."<sup>2</sup> The FMMP was established in 1982 to continue the Important Farmland mapping efforts begun in 1975 by the U.S. Department of Agriculture, Natural Resources Conservation Service (NRCS). The intent of the NRCS was to produce agricultural resource maps based on soil quality and land use across the nation. As part of this nationwide mapping effort, NRCS developed a series of definitions known as the Land Inventory and Monitoring (LIM) criteria. The LIM criteria classifies the land's overall suitability for agricultural production, which includes physical and chemical characteristics of soils, as well as specified land use characteristics. Important Farmland Maps are derived from NRCS soil survey maps using LIM criteria. About 90% of FMMP's study area is covered by NRCS soil surveys. Technical ratings of the soils and current land use information are combined to determine the appropriate map category.<sup>3</sup> Information derived from communication with the local district conservation office resulted in the determination that 42% of the soil on the subject parcel can be defined as Prime Farmland.<sup>4</sup> A custom soil resource report generated for the project site by the NRCS clearly states that the dominant soil classifications onsite are map unit 177, Pinole gravelly loam, 0-2% slopes comprising 42.2% of the parcel; map unit 203, Talmage gravelly sandy loam, 0-2% slopes comprising 42.3% of the parcel; map unit 216, Xerocherepts-Haploxeralfs-Argixerolls complex, 30-50% slopes, high ffd, comprising 4.5% of the parcel, and map unit 188, Russian loam, 0-2% slopes comprising 11.1% of the parcel.<sup>5</sup> It must be noted; however, that the soil resource report is reflective of an analysis that surveyed the entire two parcels that comprise a portion of the subject site, and that the actual portion to be rezoned and reclassified is presented in such a way as to not include the portion of the parcel that contains Russian loam. This is significant for two reasons; one, Russian loam is a soil type that is defined as being present in Prime Farmland, and may have contributed to the designation of the site as being wholly deemed either Prime or Unique Farmland, and two, that the remainder of the parcel that represents the current subject site does not contain more than 50% of soil composition that could be deemed Prime or Unique Farmland. According to the document submitted by the local NRCS, map unit 177, Pinole gravelly loam is only designated as Prime Farmland if irrigated.<sup>6</sup> A letter provided by the Applicant and Agent states, "Currently, the vineyard is served by an agricultural well. The existing soil (gravelly loam) requires more irrigation water due to the rapid permeability. Future control of the aquifer by government agencies and the lack of available water from the purple pipe project being undertaken by the City of Ukiah add to the uncertainty of ongoing vineyard development and water use."<sup>7</sup> Therefore, it is reasonable to conclude that the subject site is facing an uncertain future as a viable agricultural endeavor, largely based upon water availability to continue operations. With the confirmation that the local water district provider can supply the future proposed

<sup>2</sup> State of California Farmland Classification Codes (Department of Land Conservation

<sup>3</sup> California Department of Conservation, Division of Land Resources, Date Accessed: May 9, 2019, Available at: [https://www.conservation.ca.gov/dlrp/fmmp/Documents/fmmp\\_guide\\_2004.pdf](https://www.conservation.ca.gov/dlrp/fmmp/Documents/fmmp_guide_2004.pdf)

<sup>4</sup> Email exchange with Carol Mandel, Natural Resources Conservation Service, dated June 12, 2019.

<sup>5</sup> Custom Soil resource Report for APN 181-050-30, 181-050-31, dated June 13, 2019

<sup>6</sup> Custom Soil resource Report for APN 181-050-30, 181-050-31, page 14

<sup>7</sup> Applicant and Agent statement, received June 27, 2019

twenty residential units with water, the Applicant may have more economic security by pursuing a land reclassification to develop the site than to continue with agricultural activities.

Talmage gravelly sandy loam, which is the other dominant soil classification present onsite is defined in the NRCS document as “Not Prime Farmland”. This soil classification represents approximately half of the subject parcel soil composition, and therefore indicates a split in the hierarchy of mapping importance. It is worth noting that the State Department of Conservation, Division of Land Resource Protection updates its’ mapping about every two years, relying on locally produced soil survey data. The data provided in the site specific analysis referenced here constitutes the latest survey of the subject site, and can be used to demonstrate the subject parcels’ adherence to local policies vis-à-vis agricultural land conversions. As the subject site is only partially located in an area designated “Prime”, there is a lesser impact than presumed for County-wide loss of farmland.

The classification of the subject parcel being both “Prime” and “Unique” indicates that the soil composition at the time of mapping led to the determination that the site was ideal for farmland and should be included in the state’s land resources system. The NRCS document notes “Unique Farmland” as being, “not based on national criteria. It commonly is in areas where there is a special microclimate, such as the wine country of California.”<sup>8</sup> However, as stated by the Applicant, the site has been degrading over the years in both productivity and economic viability. This site was planted with grapes in 1944 and has been farmed continuously. The owner of the site also owns properties both adjacent and throughout the County that are currently in use as active vineyards. The Applicant statement in support of the proposed land use designation change cites both a sharp decline in productivity due to root fungus as a result of ancient viniculture practices, and declining revenue in terms of this years’ fruit contracts as well as the ability to secure future profitable contracts for a “rip and replanting” action resulting in fruit available in four years’ time<sup>9</sup>. That economic decline, coupled with the encroaching residential uses surrounding the site has contributed to the Applicant requesting to avail themselves of alternative approaches to agricultural endeavors. An economic feasibility study conducted by Highland Economics that analyzed vineyard and crop acreages in Mendocino County reports that, “for the time period of 2006 to 2012 for which data from California Department of Conservation (CDC) are available, the important farmland acreage in Mendocino County actually increased from 28,824 acres to 29,958 acres (although important farmland acreage peaked in 2010 at 30,092 acres, with a decrease of 134 acres of important farmland from 2010 to 2012). In summary, total agricultural acreage in the county has been steady over the last fifteen years, indicating that conversion of working agricultural lands has not undermined or weakened the agricultural economy in Mendocino County.”<sup>10</sup> Although typically not supported, the conversion of agricultural lands to more intense uses may be considered if General Plan Policy RM-106<sup>11</sup> (and echoed by Ukiah Valley Area Plan Open Space and Conservation Policy 3.1b) can be demonstrated to be satisfied. The Policy and a discussion of the way the proposed project can be found to be in compliance with the stated regulations follows:

*“Land shall not be converted from the Agricultural Lands or Range Lands classifications to non-agricultural classifications unless all of the following criteria are substantiated:*

- The project will not result in a need for unintended expansion of infrastructure in conflict with other policies.*

‘Infrastructure’ as defined by the (MC) General Plan includes, “facilities designed to provide water supply, wastewater collection and treatment, storm drainage collection, and transportation.”<sup>12</sup> The subject site is located in an established community that is characterized by a mix of small scale residential and agricultural uses, with a small neighborhood serving commercial district on the adjacent roadway. The improvements necessary to facilitate a new residential development are largely in place to serve the subject parcel. No expansion of roads would be required; the site is served by power and a will serve letter for twenty (20) single family units from the local water district is on file.<sup>13</sup> While improvements to

<sup>8</sup> Custom Soil resource Report for APN 181-050-30, 181-050-31, page 22

<sup>9</sup> Applicant statement, received June 27, 2019

<sup>10</sup> Vineyard Crossing Agricultural and Economic Feasibility and Economic Impact Study, dated December 30, 2016

<sup>11</sup> Mendocino County General Plan, Page 4-50

<sup>12</sup> Mendocino County General Plan, Page 3-21

<sup>13</sup> Letter from Rogina Water District, Dated May 10, 2019



existing facilities to accommodate a higher density and residential standards would need to be pursued, it cannot be stated that the project, as proposed, would result in “unintended” expansion of infrastructure; nor would it conflict with any policies that prohibit land conversion without specific findings. The County does not have a moratorium on Prime and/or Unique Farmland land conversions; however, the Ukiah Valley Area Plan, Chapter 3; Land Use and Community Development Policy LU 1.4a directs projects that displace commercial agricultural activities or developments that occur on Prime or Unique Farmland to be considered as a low priority.<sup>14</sup> This policy doesn't disallow such conversions; merely provides procedures and protocol to ensure that such actions are not spurious or incompatible with surrounding land uses, and do not exacerbate non-conforming conditions while recognizing and deferring to neighborhood land use trends.

*•The project will not adversely affect the long-term integrity of the agricultural areas or agricultural uses in the area.*

The site of the proposed land use re-designation is not located in an exclusively agricultural area. There is a mix of small scale residential interspersed with agricultural uses in the vicinity of the parcel that has been slowly expanding to encroach on the remaining agricultural uses. The site was historically in use as a vineyard, planted by the Applicant's family 75 years ago, adjacent to the family home, which sits on a neighboring parcel. In many areas of unincorporated Mendocino County, large tracts of single-owner farms and ranches have been increasingly bifurcated by such actions as Boundary Line Adjustments and small subdivision of lands as economic factors evolve and demands for housing stock have increased. The subject site is a good example of a historic agricultural use that now appears to be out of place in the increasingly residential enclave.

*•The proposed use in the subject location will achieve the long-range objectives of the General Plan.*

The two main Development Goals of the MC General Plan call for an increase in appropriately located uses to be developed in harmony with stated policies and objectives that allow for walkability, availability of services and support of commercial activities. Policy DE-1 states, in part, that, “*Future development should be on infill parcels and areas contiguous to existing development.*”<sup>15</sup> The proposed zoning designation change and General Plan amendment is part of a future development project to convert an agricultural parcel to a residential one, facilitating construction of 20 units on approximately 10 acres in the unincorporated Talmage area of Mendocino County. This area is recognized in the MCGP as one of the areas under the auspicious of the Ukiah Valley Area Plan, adopted in 2011. As stated on page 1-5 of the UVAP, “*If a policy or implementing action is in conflict with the adopted General Plan, the policy or implementing action from the UVAP shall take precedence over the General Plan.*”<sup>16</sup> Therefore, a review of policies and directives from the UVAP shall be evaluated in lieu of the MCGP. The following statements are listed as “Visions” in the UVAP to guide community development; “*Vision: A diverse mix of housing types meets the needs of residents of different ages, income levels, and social needs within the valley. Vision: The community's ability to expand its population base is supported by compact, infill development and mixed use development. Vision: Create town/village centers that provide mixed use opportunities that support community life with infill and mixed use; focusing on the existing small town centers of Calpella, the Forks, and Talmage.*”<sup>17</sup>

The subject site is located in the community of Talmage, and is within walking distance to the commercial district therein. The parcel has been in use as an active vineyard since 1944. The site is surrounded by residential uses and can be interpreted as being anachronous to the future of the area. As mentioned on page 2-9 of the UVAP, it is understood that irreversibility of agricultural conversions may have impacts, but conversion of the subject site cannot be interpreted as initiating this trend in the immediate area. Goal LU-4 states, “*Manage future growth to ensure that essential support infrastructure is in place prior to development.*”<sup>18</sup> This goal may be satisfied as a result of the zoning and general plan land use designation change on the subject parcel. As well, the other implicit and implied goals regarding housing and land conversion are also similarly satisfied. In particular, Action 3.1d of the Mendocino County

<sup>14</sup> Ukiah Valley Area Plan, Chapter 3, Page 3-15

<sup>15</sup> Mendocino County General Plan, Page 3-63

<sup>16</sup> Ukiah Valley Area Plan, Page 1-5

<sup>17</sup> Ukiah Valley Area Plan, Page 2-9

<sup>18</sup> Ukiah Valley Area Plan, Page 3-3

Housing Element, which expressly identifies rezoning as a tool for achieving the desired goals of providing appropriately located housing that complies with infrastructure constraints while meeting community needs.<sup>19</sup> Therefore, while the proposed project does seek to convert land designated as “prime” or “unique” farmland to residential, it can be supported by documented goals, policies and actions that under certain circumstances, and provided specific characteristics are present, the reclassification of such lands provide a boon to the community and can be recommended for approval at the discretion of regulatory bodies with jurisdiction over such matters. Less than significant impact.

- b) **Discussion B:** The Williamson Act (officially the California Land Conservation Act of 1965) is a California law that provides relief of property tax to owners of farmland and open-space land in exchange for a ten year agreement that the land will not be developed or otherwise converted to another use. The intent of the Williamson Act is to preserve a maximum amount of a limited supply of prime agricultural land to discourage premature and unnecessary conversion of prime agricultural land to urban uses. The subject parcel is not now, nor has never been, in a Williamson Act contract. The site is, however, designated “Agricultural” in both the MC Zoning Code and General Plan, and therefore requires analysis prior to project approval. As previously discussed, there are many specific findings and development goals that must be satisfied before an agricultural land designation may be converted to residential. In general, it can be said that the proposed project is in compliance with stated goals, visions and policies that govern land use conversions in Mendocino County. The proposed conversion from agricultural to residential will, in turn, also serve to satisfy long-term goals of the County to locate viable housing sites that cluster around established communities with abilities to serve the site and enhance the area. Less than significant impact.
- c) **Discussion C and D:** The Timberland Production Zone (TPZ) was established in 1976 in the California Government Code as a designation for lands for which the Assessor’s records as of 1976 demonstrated that the “highest and best use” would be timber production and accessory uses. Public improvements and urban services are prohibited on TPZ lands except where necessary and compatible with ongoing timber production. The original purpose of TPZ Zoning District was to preserve and protect timberland from conversion to other more profitable uses and ensure that timber producing areas not be subject to use conflicts with neighboring lands. The current proposal does not impact existing or potential forest lands. No impact.
- d) **Discussion E:** The current proposal consists of a rezoning and reclassification in the General Plan of an agricultural parcel to a residential designation. The potential impacts as a result of this action cannot be stated to reach levels of significance based upon the analysis contained in this document. As discussed in subsection “A” of this section, elements of the Mendocino County General Plan and Ukiah Valley Area Plan allow for farmland conversions if certain findings, site specific factors and infrastructure amenities are satisfied and/or identified. Highlighting the overarching need for development of housing stock for the larger community, the proposed project will convert previously economically viable agriculture land into what appears to now be a higher and better use of the subject site by developing it for residential uses. Goal 3 of the Housing Element of the Mendocino County General Plan states, *“Increase the supply of housing especially for low and moderate income households.”*<sup>20</sup> The Housing Element is the working document that identifies the opportunities and challenges for providing the local jurisdiction adequate and appropriately priced housing to meet demands. Mendocino County has been largely successful at satisfying the Regional Housing Needs Allocation (RHNA) allotment ascribed by the State Housing office; however there has been static growth within the County, with infrastructure and existing environmental constraints providing many of the hurdles to development. As well, appropriately located infill parcels that are well served by necessary development infrastructure are limited. The current proposal does meet the intent of Policy 3.4, which states, *“Promote new residential development in or adjacent to towns and cities that facilitate infill and compact development and assist in the creation and improvement of community water and sewer services.”*<sup>21</sup> The rezoning and general plan redesignation is proposed to occur on a parcel that would constitute infill development, as it is surrounded by residential development and small scale agricultural activities. As of this date, the future development of the site has been identified as being limited by the amount of residential water connections available, among other constraints. Small scale residential development exists in the surrounding parcels, and it can be stated that the predominate

<sup>19</sup> Ukiah Valley Area Plan, Page 3-7

<sup>20</sup> Mendocino County General Plan, Page 5-10

<sup>21</sup> Mendocino County General Plan, Page 5-11

use for the immediate area is residential. Stated long range goals for the community and County are to provide more, and varied housing stock. Vetting each conversion through these criteria ensures that the reclassification meets the needs of the community, achieves stated goals through policy directives, and provides alternatives to land owners who wish to avail themselves of diversified economic activities. Therefore, the proposal to rezone and reclassify in the general plan a parcel that has been declining in value and revenue from agricultural to residential would also serve to satisfy stated goals and policies of the County in terms of providing adequate and moderately priced housing stock for the local community of Talmage, and thus the County at large. Less than significant impact.

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

**a-e) Discussion:** Air pollution control in the State of California is based on federal, state, and local laws and regulations. The federal Environmental Protection Agency, Cal EPA, and regional clean air agencies, all regulate air quality. Federal and State agencies establish maximum concentrations for a wide variety of pollutants such as particulate matter (PM10 and PM2.5), ozone, and other smog precursors (NOX and ROG). Mendocino County is part of the North Coast Air Basin, consisting of Del Norte, Humboldt, Trinity, Mendocino, and northern Sonoma Counties, and is within the jurisdiction of the Mendocino County Air Quality Management District (MCAQMD). Air basins bordering the North Coast Air Basin include the Northwest Plateau, Sacramento Valley, Lake, and San Francisco Area air basins. The topography of the North Coast Air Basin is similar to that of Mendocino County in that it varies with mountain peaks, valleys, and coastline. The climate of Mendocino County transitions between that of the coast and that of the interior of California. The eastern portion of the County is characterized by warm, dry summers and cool, wet winters. Coastal Mendocino County has a mild Mediterranean climate with abundant rainfall. MCAQMD operates air monitoring stations in Fort Bragg, Ukiah, and Willits. Based on the results of monitoring, the entire County has been determined to be in attainment for all Federal criteria air pollutants and in attainment for all State standards except Particulate Matter less than 10 microns in size (PM10). Throughout the inland portions of the County, MCAQMD identifies the following as sources of PM10:

- 1) Woodstoves;
- 2) Fireplaces;
- 3) Outdoor burning, including agricultural waste;
- 4) Fugitive dust;

- 5) Automobile traffic; and
- 6) Industry.

In January of 2005, MCAQMD adopted a Particulate Matter Attainment Plan establishing a policy framework for the reduction of PM10 emissions, and has adopted Rule 1-430 which requires specific dust control measures during all construction operations, the grading of roads, or the clearing of land as follows:

- 1) All visibly-dry, disturbed soil road surfaces shall be watered to minimize fugitive dust emissions;
- 2) All unpaved surfaces, unless otherwise treated with suitable chemicals or oils, shall have a posted speed limit of 10 miles per hour;
- 3) Earth or other material that has been transported by trucking or earth moving equipment, erosion by water, or other means onto paved streets shall be promptly removed;
- 4) Asphalt, oil, water, or suitable chemicals shall be applied on materials stockpiles and other surfaces that can give rise to airborne dusts;
- 5) All earthmoving activities shall cease when sustained winds exceed 15 miles per hour;
- 6) The operator shall take reasonable precautions to prevent the entry of unauthorized vehicles onto the site during non-work hours; and
- 7) The operator shall keep a daily log of activities to control fugitive dust. In December, 2006, MCAQMD adopted Regulation 4, Particulate Emissions Reduction Measures, which establishes emissions standards and use of wood burning appliances to reduce particulate emissions. These regulations applied to wood heating appliances, installed both indoors and outdoors for residential and commercial structures, including public facilities. Where applicable, MCAQMD also recommends mitigation measures to encourage alternatives to woodstoves/fireplaces, to control dust on construction sites and unpaved access roads (generally excepting roads used for agricultural purposes), and to promote trip reduction measures where feasible. In 2007, the Air Resources Board (ARB) adopted a regulation to reduce diesel particulate matter (PM) and oxides of nitrogen (NOx) emissions from in-use (existing) off-road heavy-duty diesel vehicles in California. Such vehicles are used in construction, mining, and industrial operations. The regulation imposes limits on idling, requires a written idling policy, and requires disclosure when selling vehicles. Off-road diesel powered equipment used for grading or road development must be registered in the Air Resources Board DOORS program and be labeled accordingly. The regulation restricts the adding of older vehicles into fleets and requires fleets to reduce their emissions by retiring, replacing, or repowering older engines or installing Verified Diesel Emission Control Strategies. In 1998, the California Air Resources Board established diesel exhaust as an Air Toxic, leading to regulations for categories of diesel engines. Diesel engines emit a complex mixture of air pollutants, including both gaseous and solid material which contributes to PM2.5. All stationary and portable diesel engines over 50 horse power need a permit through the MCAQMD.

Like many counties in Northern California, Mendocino County has areas that contain Naturally Occurring Asbestos (NOA). State regulations, enforced by MCAQMD, may affect grading and surfacing projects. The District uses a map prepared by County Information Services to identify areas likely to have asbestos containing geologic features. The map was derived from maps produced by the CA Bureau of Mines and Geology and the USDA Natural Resource Conservation Service. For projects in areas identified as potentially containing NOA, such as the subject parcel, the District requires an evaluation and report by a State registered geologist to determine that any observed NOA is below levels of regulatory concern in the areas being disturbed (Title 17, CCR, Section 93105(c)(1)). The Air Pollution Control Officer may, upon being provided a report detailing the geologic evaluation, grant an exemption from other requirements of the regulation. If the State registered geologist determines that NOA is present at levels above regulatory concern, or the applicant chooses not to have the testing and evaluation conducted, the District requires dust control measures in accordance with Title 17, CCR, Section 93105(d) and (e). Such measures generally include, maintaining vehicle speeds at less than 15 mph, washing down vehicles prior to moving off the property and cleaning visible track-out as needed at least once a day. All fill removed from areas containing NOA must be disposed of in accordance with applicable laws and regulations, approved dust suppressants must be used on unpaved surfaces and all on-site workers must be informed of possible presence of NOA. These practices will be codified as conditions of approval for the development aspect of the current proposal, and MCAQMD will have jurisdictional authority over the



mechanics and operational procedures associates with any grading or ground disturbance activities that may occur in the future. No impact.

<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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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 type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- a) **Discussion A:** The California Natural Diversity Database (CNDDB) provides location and natural history information on special status plants, animals, and natural communities to the public, other agencies, and conservation organizations. The data help drive conservation decisions, aid in the environmental review of projects and land use changes, and provide baseline data helpful in recovering endangered species and for research projects.<sup>22</sup> Currently, the CNDDB has 32 species listed for Mendocino County that range in listing status from Candidate Threatened to Threatened to Endangered.<sup>23</sup> Mendocino County General Plan Resource Management Policy RM-28 states:

*“All discretionary public and private projects that identify special-status species in a biological resources evaluation (where natural conditions of the site suggest the potential presence of special-status species) shall avoid impacts to special-status species and their habitat to the maximum extent feasible. Where impacts cannot be avoided, projects shall include the implementation of site-specific or project-specific effective mitigation strategies developed by a qualified professional in consultation with state or federal resource agencies with jurisdiction (if applicable) including, but not limited to, the following strategies:*

<sup>22</sup> <https://www.wildlife.ca.gov/Data/CNDDB/About>

<sup>23</sup> <https://map.dfg.ca.gov/bios/?tool=cnddbQuick>

- *Preservation of habitat and connectivity of adequate size, quality, and configuration to support the special-status species. Connectivity shall be determined based on the specifics of the species' needs.*
- *Provision of supplemental planting and maintenance of grasses, shrubs, and trees of similar quality and quantity to provide adequate vegetation cover to enhance water quality, minimize sedimentation and soil transport, and provide adequate shelter and food for wildlife.*
- *Provide protection for habitat and the known locations of special-status species through adequate buffering or other means.*
- *Provide replacement habitat of like quantity and quality on- or off-site for special-status species.*
- *Enhance existing special-status species habitat values through restoration and replanting of native plant species.*
- *Provision of temporary or permanent buffers of adequate size (based on the specifics of the special-status species) to avoid nest abandonment by nesting migratory birds and raptors associated with construction and site development activities.*
- *Incorporation of the provisions or demonstration of compliance with applicable recovery plans for federally listed species."*

As well, Action Item RM-28.1 further expounds:

*"The County shall develop CEQA standards that require disclosure of impacts to all sensitive biotic communities during review of discretionary projects. These standards shall require the following mitigation:*

- *Sensitive Biotic Communities – For all sensitive biotic communities, restore or create habitat at a no net loss standard of habitat value lost. Where it is determined that restoration or creation are ecologically infeasible, preserve at a 2:1 ratio for habitat loss.*
- *Oak Woodland – Maintain and improve oak woodland habitat to provide for slope stabilization, soil protection, species diversity and wildlife habitat through the following measures:*
  - *Preserve, to the maximum extent possible, oak trees and other vegetation that occur near the heads of drainages or depressions to maintain diversity of vegetation type and wildlife habitat as part of agricultural projects.*
  - *Comply with the Oak Woodlands Preservation Act (PRC Section 21083.4) regarding oak woodland preservation to conserve the integrity and diversity of oak woodlands, and retain, to the maximum extent feasible, existing oak woodland and chaparral communities and other significant vegetation as part of residential, commercial, and industrial approvals.*
  - *Provide appropriate replacement of lost oak woodlands or preservation at a 2:1 ratio for habitat loss."*

The subject site has had a species identified on or near it that has been categorized by the California Department of Fish and Wildlife (CDFW) as being a California Species of Special Concern. Federal

agencies with the ability to provide status listings have declined to do so, save for the International Union for Conservation of Nature (IUCN), who have designated the species as “LC”, which stands for a species of Least Concern for conservation activities. Based upon review of the site’s location and proximity to an established year-round water source, it is unlikely that approval of the current proposal to redesignate agriculturally zoned land for residential uses would result in an impact of significance to the identified species. The habitat of the species of concern, *Taricha rivularis* (red-bellied newt), is two-fold based upon seasons. While the breeding season is underway, *Taricha rivularis* migrate from terrestrial to aquatic environs, as amplexus occurs aquatically. Little is known about the species’ terrestrial habitats<sup>24</sup>, or the habitats of juveniles. Observances are typically made during the breeding season, as the species are more easily spotted during amplexus. The site of the proposed land use change is approximately 0.15 miles from McClure Creek, which may have a likelihood of *Taricha rivularis* populations. The project was referred to California Department of Fish and Wildlife, who declined to provide comment or direction. Less than significant impact.

- b) **Discussion B:** The California State Wildlife Action Plan (SWAP) published in 2015 found that housing is a potential impact to riparian habitats in the Northern California ecoregion<sup>25</sup>. A riparian habitat or riparian zone is a type of wildlife habitat found along the banks of a river, stream, or other actively moving source of water such as a spring or waterfall. The term generally refers only to freshwater or mildly brackish habitats surrounded by vegetation and may include marshes, swamps, or bogs adjacent to rivers. Riparian is not generally used to describe coastal shorelines, beach areas, or pelagic environments. Barren areas, such as a river moving through bare rock, are also not considered riparian zones.<sup>26</sup> Mendocino County is rich in natural resources and diverse biomes and can be generally divided into sixteen watersheds adjacent to the three main rivers located partially in the County; the Coastal, Eel and Russian River basins.<sup>27</sup> The Eel River has been designated as both a federal and California Wild and Scenic River, to be “preserved in (its’) free-flowing state, together with (their) immediate environments”<sup>28</sup>, although official preservation or management guidelines for protection are yet to be drafted. The County employs the use of Best Management Practices (BMP’s) under the guidance of the National Pollutant Discharge Elimination Standards (NPDES Phase II regulations) that limit and regulate how and in what manner development and construction projects handle surface runoff water and developments in the region of sensitive riparian corridors. County policy RM-1 and the associated Action Item RM-1.1, state:

*“Protect stream corridors and associated riparian habitat.”*

*“Require adequate buffers for all projects potentially impacting stream corridors and/or their associated riparian habitat.”<sup>29</sup>*

As the construction of housing in remote or un-urbanized areas has the potential to negatively impact riparian habitats, Federal, State and County policies have been drafted and adopted in response to anticipated impacts. The current proposal can best be described as infill development that is occurring in a previously agriculturally dominant area that has evolved in terms of land use and density with little potential for impacts to riparian or sensitive environmental areas. Less than significant impact.

- c) **Discussion C:** Section 404 of the Clean Water Act (CWA) establishes a program to regulate the discharge of dredged or fill material into waters of the United States, including wetlands. Activities in waters of the United States regulated under this program include infill for development, water resource projects (such as dams and levees), infrastructure development (such as highways and airports) and mining projects. Section 404 requires a permit before dredged or fill material may be discharged into waters of the United States, unless the activity is exempt from Section 404 (e.g., certain farming and forestry activities).<sup>30</sup> If an activity is exempt but represents a *new use* of the water, and the activity would result in a *reduction in reach or impairment of flow or circulation* of regulated waters, including wetlands, the activity is *not* exempt. Both conditions must be met in order for the activity to be considered non-exempt. In general, any discharge of dredged or fill material associated with an activity that converts a

<sup>24</sup> <https://amphibiaweb.org/species/4289>

<sup>25</sup> <https://www.wildlife.ca.gov/SWAP>

<sup>26</sup> <https://www.thespruce.com/riparian-habitat-characteristics-386910>

<sup>27</sup> Mendocino County General Plan, Page 4-2 and Figure 4-1

<sup>28</sup> Ibid, Page 4-31

<sup>29</sup> Ibid, Page 4-34

<sup>30</sup> <https://www.epa.gov/cwa-404/section-404-permit-program>

wetland to upland is not exempt and requires a Section 404 permit.<sup>31</sup> The project, as proposed, would not be defined as an exempt activity under the parameters of the CWA, and would be subject, if applicable, to a permit for dredging and filling activity as defined by the CWA. There are no Section 404 wetlands on the parcel. No impact.

- d) **Discussion D:** The proposed project is not deemed to have any potential to impact movement of native residents, migratory patterns of fish or wildlife species, established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites. County General Plan policies are staunch in the established policies regarding biological and aquatic resources to which all proposed projects much adhere. Specifically, Resource Management Policies 71-99 speak to the protection and preservation of existing biological and aquatic resources and direct development to avoid sensitive areas and environments such that no net loss occurs; preservation and enhancement are preferred to removal and replacement, and promotion of conservation corridors to formalize limitations on incompatible uses. Policy 75 may best state the overall intent of the Mendocino County General Plan regarding native species. It states (in part) that; *"Protection of existing resources is the highest priority."*<sup>32</sup> A California Department of Fish and Game Stream Inventory Report for McClure Creek, (located approximately 0.15 miles from the subject parcel boundary, assessed in 2001), and revised April 14, 2006, indicated little potential for migratory activities to be undertaken in the area assessed closest to the project site due to upstream agricultural activities and degradation of stream bank vegetation<sup>33</sup>. No impact.
- e) **Discussion E:** Whilst there is no formal tree preservation policy or ordinance for the County, approximately 46% of Mendocino County consists of forestland managed by the U.S. Forest service or in private Timber Protection Zones.<sup>34</sup> These forests are subject to a variety of state and federal laws, including the Endangered Species Act, Clean Water Act, Z'berg-Nejedly Forest Practice Act, Wild and Scenic Rivers Act, as well as policies and directives enshrined in both the adopted Zoning Code and General Plan of the County. The California Department of Forestry and Fire Protection (CalFire) also must be consulted, and a Timber Harvest Plan submitted and approved for any commercial timber harvests. In this way, the forests and trees of the County are managed and protected for their potential use as commercial products. The forgoing discussions in Sections A-D of resource protection also apply to any native, or heritage trees located in existing or potentially sensitive environmental areas. No impact.
- f) **Discussion F:** County policies, federal and state laws, local regional plans, and land trust easements form the basis of conservation efforts in the County. The current proposal would not conflict with any adopted plans. No 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"/>

**Discussion A and B:** Per California Code of Regulations, Title 14, Chapter 3, Sub Section 15064.5(b)(1); a *"substantial adverse change in the significance of a historical resource means physical demolition,*

<sup>31</sup><https://www.epa.gov/cwa-404/exemptions-permit-requirements>

<sup>32</sup> Mendocino County General Plan, Pages 4-45 to 4-49

<sup>33</sup> CDFW Report, Dated 2005, revised 2006

<sup>34</sup> Ibid, Page 4-27



*destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an (sic) historical resource would be materially impaired.”* The project is a rezoning and general plan amendment request to facilitate the use and development of an existing agricultural parcel that has historically been in use as an active vineyard. Archaeological resources are governed by MCC Sec. 22.12.090, which echoes state law regarding discovery of artifacts and states, in part, *“It shall be unlawful, prohibited, and a misdemeanor for any person knowingly to disturb, or cause to be disturbed, in any fashion whatsoever, or to excavate, or cause to be excavated, to any extent whatsoever, an archaeological site without complying with the provisions of this section”*. It is not anticipated that the proposal would have a potential to impact cultural resources. No impact.

**Discussion C:** Pursuant to California Code of Regulations, Title 14, Chapter 3, Sub Section 15064.5(c)(4), *“If an archaeological resource is neither a unique archaeological nor an historic resource, the effects of the project on those resources shall not be considered a significant effect on the environment.”* No unique paleontological resources or geologic features have been identified as being directly or indirectly impacted as a result of the proposed project. Any new construction proposed will be subject to discretionary review, be it entitlement based or for adherence to International Building Code standards. Identification of any unique resources or features with the potential to be affected would occur at that point, which would trigger the application of California Code of Regulations, Title 14, Chapter 3; California Environmental Quality Act Section 21083.2; and Mendocino County Code, Division IV, governing discovery or identification of potential resources or features. No impact.

**Discussion D:** No component of the proposed rezoning and general plan amendment intends to allow for or facilitate disturbance of sites that contain human remains or internment locations. MCC Section 22.12.090 governs discovery and treatment of archaeological resources, while Section 22.12.100 speaks directly to the discovery of human remains and codifies the procedures by which said discovery shall be handled. Per Mendocino County General Plan Development Policy DE-113: *The County and other public agencies are encouraged to protect, maintain and restore historical, archaeological and cultural resources under their ownership or management.* And Policy DE-114 further requires; (to) *Fully evaluate and protect historical, archaeological and cultural resources through the development process, including resources of national, state or local significance.* No impact.

<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 type="checkbox"/>	<input checked="" type="checkbox"/>
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion A-E:** The State of California is located in one of the most seismically active environments in the nation. In addition to the famed San Andreas Fault that traverses the southwest corner of the County and continues offshore, there are five other active or potentially active fault zones with a probability to adversely affect life in the County.<sup>35</sup> The California Department of Conservation and the California Geologic Survey are tasked with maintaining databases of seismic activity and to develop strategies and policies to mitigate the effects of living in so-called “earthquake country”. State laws, including requiring geotechnical studies to determine ideal building locations, as well as building code requirements that hold health, life and safety as paramount standards for construction proposals are benchmarks to which all projects must adhere. Preliminary soil reports are required for all unmapped areas in the State of California<sup>36</sup>, which serves to direct development in appropriate areas, and provide guidelines for construction practices. Most of the County derives water and septic services in a piecemeal fashion, with several private water districts and much of the rural county environs being served by private on-site well water. New septic systems are subject to review and approval from the County Department of Environmental Health. Specific County policies have been crafted to address the existing geologic conditions that are present in the area. Policy DE-232 states:

*“All new buildings and structures shall comply with the uniform construction codes and other regulations adopted by the County and State to minimize geologic hazards.*

*Action Item DE-232.1: Where appropriate, require geologic, seismic and soil engineering information to evaluate, locate and design development, especially critical and high occupancy structures, to minimize seismic and other geologic hazards.”*

As well, Action Item DE-233.3 requires “geologic, seismic, and/or soil engineering reports in areas of known or potential geologic hazards prior to final approval of discretionary permits”<sup>37</sup>

Nothing in the current proposal to rezone and amend the general plan to facilitate development can be stated to heighten existing safety concerns surrounding potential seismic activity and associated liquefaction, tsunami or landslide conditions. No impact.

<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 type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion A and B:** Mendocino County General Plan identifies climate change as an emerging issue for the County, and the emission of greenhouse gases as a primary contributing factor. On April 29, 2015 Governor’s Executive Order #B-30-15 was passed for the State of California and set a greenhouse gas

<sup>35</sup> Mendocino County General Plan Pages 3-49 to 3-50

<sup>36</sup> California Building Code 2016, Section 1803.1.1.1

<sup>37</sup> Mendocino County General Plan, Pages 3-114 and 3-115

emissions target for 2030 to be 40% below accepted 1990 levels.<sup>38</sup> The anticipated results of the rezoning and general plan redesignation would not conflict with any applicable plan, policy or regulation adopted by the County of Mendocino regarding the production or plans to reduce greenhouse gas emissions. It can be stated that the current proposal would not contribute significantly to increased greenhouse gas emissions either at large, or to levels that could be considered significant in terms of emissions targets set by EO #B-30-15. No impact.

<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 type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion A-H:** Nothing in the proposed rezoning and general plan amendment can be construed as exacerbating existing hazardous conditions in the County. The provisions in Government Code Section 65962.5 are commonly referred to as the "Cortese List". The list, or a site's presence on the list, has bearing on the local permitting process as well as on compliance with the California Environmental Quality Act (CEQA).<sup>39</sup> The Department of Toxic Substances Control (DTSC), under Government Code

<sup>38</sup> California Climate Change Executive Orders; [http://www.climatechange.ca.gov/state/executive\\_orders.html](http://www.climatechange.ca.gov/state/executive_orders.html)

<sup>39</sup> <https://calepa.ca.gov/sitecleanup/corteselist/section-65962-5a/>

Section 65962.5(a), Section 65962.5(a)(1) requires that DTSC “shall compile and update as appropriate, but at least annually, and shall submit to the Secretary for Environmental Protection, a list of all the following: ....(1) [a]ll hazardous waste facilities subject to corrective action pursuant to Section 25187.5 of the Health and Safety Code (“HSC”).”<sup>40</sup> Should a site be present on the “Cortese List”, no residential development would likely be proposed or approved, thereby reducing the potential impact of hazards and hazardous material as a result of the current project to a negligible level. The subject parcel does not appear on the Cortese List, and no impacts are anticipated. No impact.

<b>IX. HYDROLOGY AND WATER QUALITY.</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) 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 type="checkbox"/>	<input checked="" 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, petroleum derivatives, synthetic organics,	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<sup>40</sup> <https://calepa.ca.gov/sitecleanup/corteselist/section-65962-5a/>



<b>IX. HYDROLOGY AND WATER QUALITY.</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>
sediment, nutrients, oxygen-demanding substances, and trash)?				
l) Have a potentially significant impact on groundwater quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
m) Impact aquatic, wetland or riparian habitat?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Discussion A-M:** The proposed rezoning and general plan amendment will have no cumulative negative effects on the quality of water resources, groundwater supplies or recharge ability, or existing drainage patterns. Nor can it be stated that the proposal would contribute to increased volume of or degradation in the quality of surface water through exceeding the capacity of manageable runoff. The County employs the "Best Management Practices" (BMP's) method of monitoring and controlling surface runoff and, as previously discussed, subjects all applicable projects to the NPDES Phase II stormwater control permits. The main source of all groundwater in Mendocino County is rainfall. No new harvesting of surface water resources has been implemented since the construction of the Lake Mendocino and Van Arsdale reservoirs.<sup>41</sup> Therefore, the existing water resources in the County are a valued and well maintained natural asset. No new proposals, development or construction occurs within the County without a thorough vetting through the Environmental Health Department for sufficient and robust water sources that do not increase pollutant discharges into the systems.<sup>42</sup> "The most critical surface water quality problem in Mendocino County is sedimentation—the carrying of dust and soils into bodies of water. Major sources of sediment include erosion from barren or poorly vegetated soils, erosion from the toes of slides along stream channels, and sediments from roads. Manmade sources of sedimentation are a byproduct of current and historical land uses, including logging, agriculture, mining, processing of alluvial aggregate material, road construction and erosion from unpaved roads, and other development-related projects within the county."<sup>43</sup> A rezoning and general plan amendment in unincorporated Mendocino County cannot be construed to incentivize inappropriate development such that groundwater, surface water or excess sedimentation in existing watercourses would result. In addition, there is a will serve letter on file from Rogina Water Company that indicates a potential to serve up to twenty (20) units.

*Policy RM-20: Require integration of storm water best management practices, potentially including those that mimic natural hydrology, into all aspects of development and community design, including streets and parking lots, homes and buildings, parks, and public landscaping.*

In addition to the State of California Department of Water Resources, the County also regularly consults with and requests direction from the North Coast Water Resources Control Board to aid in reviewing and regulating proposals that have the potential to affect water in the area. In terms of affecting riparian habitats, aquatic resources or wetlands, Section IV, Discussions B and C of this Initial Study speak to the potential of the proposed project to these resources and have determined and expounded upon the indicated less than significant impact. No impact.

<b>X. LAND USE AND PLANNING.</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"/>

<sup>41</sup> Mendocino County General Plan, Pages 4-6 and 4-7

<sup>42</sup> Ibid, Policies RM-17 and RM-18

<sup>43</sup> Ibid, Page 4-7

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 checked="" type="checkbox"/>	<input 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"/>

**Discussion A and C:** The proposal is a request for a rezoning and general plan amendment to reclassify a parcel from agricultural to residential. The subject parcel is located in unincorporated lands of inland Mendocino County, governed by Division I of the Mendocino County Zoning Code. The proposal is allowable through the provisions of MCC 20.212, which details the mechanisms by which rezoning requests are made and processed. Environmental review, approval by the Planning Commission and Board of Supervisors (BOS), and the ability of the BOS to add conditions “so as not to create problems inimical to the public health, safety, or general welfare of the County of Mendocino” are components of this process. No physical bifurcation of established communities or conflict for existing communities, whether human or biotic, is anticipated to occur as a result of the proposed change in zoning and general plan land use classification.

**Discussion B:** The subject parcel is also governed by the Ukiah Valley Area Plan (UVAP), which takes precedence over the General Plan for the valley area of the County located nearest to the City of Ukiah. A more thorough and updated analysis of activities and uses for the Ukiah valley are contained therein. The Open Space and Conservation chapter of the UVAP has a section that speaks to agricultural land conversion and the criteria by which said lands are able to be converted. The criteria and a discussion of how the project complies with each are discussed in Section II, Discussion A. The proposed rezoning and general plan amendment to reclassify the site from agricultural to residential will have no impact to existing agricultural uses in the vicinity of the project site. Residential uses are and have historically been encroaching upon the existing vineyard. Small scale residential development exists in the surrounding parcels, and it can be stated that the predominate use for the immediate area is residential. Stated long range goals for the community and County are to provide more, and varied housing stock. Vetting each conversion through these criteria ensures that the reclassification meets the needs of the community, achieves stated goals through policy directives, and provides alternatives to land owners who wish to avail themselves of diversified economic activities. While the conversion of prime or unique farmland can be seen as a deficit for a largely rural and agricultural county, landowners have the ability to request a reclassification; a request that may be considered given economic uncertainties as well as the desire for land to be used at the highest and best use possible. Less than significant impact.

<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"/>

**Discussion A-B:** The County is the administrator of the California Surface Mining and Reclamation Act (SMARA). Therefore, all activities undertaken regarding this essentially non-renewable resource are subject to review and approval from the local jurisdiction. Mendocino County has many aggregate mineral resources, the demand for which varies. However, any negative impacts to either active mining

activities or mining reclamation efforts would be required to be reviewed and approved by the County. These uses are inherently incompatible with residential uses, and there are no identified active mining sites on or in the vicinity of the project. No impact.

<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 checked="" type="checkbox"/>	<input type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- a) **Discussion A-F:** Per the County General Plan, “Noise policies are intended to protect county communities from excessive noise generation from stationary and non-stationary sources. Land uses would be controlled to reduce potential for incompatible uses relative to noise. Residential and urban uses will be restricted near agriculture lands to prevent incompatible uses being placed near inherently noisy agricultural operations. Noise-sensitive environments, including schools, hospitals, and passive recreational use areas, would be protected from noise-generating uses. Structural development would be required to include noise insulation and other methods of construction to reduce the extent of excessive noise.”<sup>44</sup> The proposed zoning and general plan amendment may result in the construction of some housing that lies within the vicinity of both mobile and stationary sources of noise, be they roadways or the Ukiah Valley Municipal Airport. These are existing conditions within the County and are not expected to experience a substantial increase as a result of the current proposal. As well, existing standards of development are still applicable. Appendix C of the Mendocino County Zoning Code, Division I lists adopted allowable noise limit standards for residential and public land use categories.<sup>45</sup> These standards and the associated levels not to be exceeded for a sustained period of time are echoed in the County General Plan through Tables 3-J, 3-K and 3-L.<sup>46</sup> No impact.

<sup>44</sup> Mendocino County General Plan, Page 3-10

<sup>45</sup> Mendocino County Zoning Code, Division I, Appendix C

<sup>46</sup> Mendocino County General Plan, Pages 3-90 to 3-93

<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 checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- a) **Discussion A-C:** The proposed project would not induce a substantial population growth, or displace any housing or people. The subject site that is proposed to be rezoned and reclassified in the General Plan is an active vineyard that the applicant states has been declining in economic value for a number of years. The applicant has been unable to secure the typical long-term contracts for grape harvests necessary to continue operations at a profit, and are therefore availing themselves of existing local laws that govern changes to land use. All subsequent development, beyond principally permitted uses, at the site will be subject to discretionary review and, if applicable, inclusionary housing policies as defined in the MCC and Housing Element section of the General Plan.

The Housing Element of the County-wide General Plan seeks to provide an overview of existing housing stock as well as evaluate opportunities and challenges to development of housing at every level of affordability. The proposed General Plan reclassification and rezoning of the subject site would indirectly promote population growth in the area through the facilitation of a higher density and more intense land usage on the parcel. As discussed in previous sections, there is adequate infrastructure to support the development of the site; including roadways and access to services. As well, the local water provider has indicated there is capacity for twenty (20) new lots to be created and served. Goal #3 of MC General Plan states, *"Increase the supply of housing especially for low and moderate income households."*<sup>47</sup> The action of rezoning and changing the General Plan classification for the site will facilitate the subdivision and subsequent development of the site for up to twenty (20) residential lots. Sec. 20.238.015 of the MCC is the Inclusionary Housing Unit Requirement, which echoes state law regarding affordable housing development as a required part of discretionary housing developments in the County. Should the applicant pursue the development of the site for 20 units, it would trigger a requirement for 10% of the homes to be affordable; which is defined as extremely low, very low, low, or moderate income households. The stated goal of providing housing stock for the County could be satisfied as a result of project approval. Policy 3.4 states, *"Promote new residential development in or adjacent to towns and cities that facilitate infill and compact development and assist in the creation and improvement of community water and sewer services."*<sup>48</sup> The project site can be deemed to be an infill development site, as the surrounding lots are developed with small scale residential, with a smaller amount of surrounding lots dedicated to agricultural uses. The subject site represents one of the last parcels devoid of development in the area.

The Housing Element also details portions of the Ukiah Area Valley Plan (UVAP), which takes precedence over the MCGP in the Ukiah Valley. The UVAP identifies specific areas representing a variety of land use choices that could serve to provide more housing opportunities for the community. As well, Table 5-3-22<sup>49</sup> analyzes water supplies by the various water agencies that provide the piecemeal water infrastructure for the County. The subject water provider, Rogina Water Company, has no deeded water rights, but has a 400 acre-feet per year contract with the Russian River Water District, which at the time of

<sup>47</sup> Mendocino County General Plan, Page 5-10

<sup>48</sup> Mendocino County General Plan, Page 5-11

<sup>49</sup> Mendocino County General Plan, Page 5-115



publication, exceeded demand. Table 5-4-2<sup>50</sup> of MCGP lists the vacant and developable acreage by residential zoning district for the County. As the subject parcel is currently zoned Agricultural in both the Zoning Code and the General Plan, it would not have been identified as a potential housing location. However, review of supporting text indicates that the site would contribute to an area of the County that is in need of residential development. Nexus to services, availability of infrastructure and encroaching residential uses bolster this claim. As well, the effects on the County as a result of the Redwood Complex Fire in October 2017 are still being felt in terms of loss of housing. About 300 houses were lost in the fire, and many families displaced. Development of housing, and the conversion of low performing agriculture land for residential purposes can be a viable option, especially low-density residential that is developable without major constraints. Page 5-123 of MCGP states, *“Outside of these residential designations in Mendocino County...Agricultural zones predominate, offering very limited new residential potential. Never the less, the quality of land available for development far exceeds the total regional housing need for unincorporated Mendocino County.”*<sup>51</sup> UVAP Policy OC3.1 states, *“Preserve and enhance agricultural areas to protect the economic vitality and rural identity of the Ukiah Valley.”*<sup>52</sup> The subject site appears to satisfy the requirements for agricultural land conversion, as dictated by the UVAP. A discussion of these criteria is in the Land Use and Planning, Section X. Less than significant impact.

<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 type="checkbox"/>	<input checked="" type="checkbox"/>
Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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) **Discussion:** Although the proposal could facilitate a future increase in density, there is not anticipated to be a discernable level of development significant enough to impact existing, or trigger the construction of new governmental facilities or expansion of services. General Plan Action Item DE-209.2 states, *“Update the emergency response plan on a regular basis to keep pace with the growing population and emergency service capabilities.”*<sup>53</sup> This action item is related to Development Policy 209, which requires critical infrastructure be located and designed to withstand and operate during hazard and recovery events. In a similar fashion, General Plan Development Policy 210, states, *“Development shall not hinder the maintenance and use of routes and sites critical to evacuation, emergency operations and recovery.”*<sup>54</sup> The project site is located in an established community and is surrounded by residential uses. It is anticipated that emergency response times, as well as the availability of services typical of residential locations will remain at their current levels. No impact.

<sup>50</sup> Mendocino County General Plan, Page 5-122

<sup>51</sup> Mendocino County General Plan, Page 5-123

<sup>52</sup> Ukiah Valley Area Plan, Page 9-16

<sup>53</sup> Mendocino County General Plan, Page 3-111

<sup>54</sup> Ibid, Page 3-111

<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) **Discussion A and B:** There is not a potential for increased usage of existing neighborhood parks and recreational facilities as a result of the subject site being reclassified from agricultural to residential. However, should the site be developed with residential lots, as it likely the future plan, there may be impacts to existing facilities, although far below the threshold for either accelerated deterioration or expansion of facilities to meet increase demand. Mendocino County General Plan Parks and Recreation Policies govern the thresholds for which parks and recreation facilities are to be dedicated. Specifically:

Policy DE-179: *Parkland shall be provided based on the following standards:*

- *Regional Parks: 1.5 acres/1,000 population Regional parks incorporate natural resources such as lakes, creeks, rivers, and serve a region involving more than one community. Regional parks generally range in size from 30 to 10,000 acres with the preferred size being several hundred acres. Facilities may include multi-purpose fields, ball fields, group picnic areas, playgrounds, hard court areas, swimming pools, tennis courts, skate board facilities, amphitheaters, shooting sports facilities, concessionaire facilities, trails, nature interpretive centers, campgrounds, natural or historic points of interest and community multi-purpose centers.*
- *Community Parks: 1.5 acres/1,000 population Community parks provide a focal point and gathering place for all age groups of the larger community. Community parks are generally 10 to 50 acres in size, and may include multi-purpose fields, ball fields, hard court areas, playgrounds, swimming pools, tennis courts; skate board facilities, group picnic areas, and community centers.*
- *Neighborhood Parks: 2.0 acres/1,000 population Neighborhood parks focus on serving children's recreation needs and where possible should be adjacent to schools. Neighborhood parks should be 2 to 5 acres in size and may include playgrounds, tot lots, turf play areas and picnic tables. New residential developments in community areas and large residential developments (50 or more homes) should have a neighborhood park within 0.5 miles of each residence.<sup>55</sup>*

There are no indications that the current proposal, or the future subdivision of the land would result in any development that would trigger any of the foregoing thresholds. Therefore, there is no potential for adversely impacting parks or recreation facilities as a result of this project. No impact.

<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"/>

<sup>55</sup> Ibid, Page 3-105

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 type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- a) **Discussion A-F:** Mendocino County is a largely unincorporated and rural county. There are pockets of traffic congestion associated with the more urban environs of the incorporated four (4) cities within the County. The subject site is located within the sphere of influence of the County seat, the City of Ukiah, in an unincorporated community of Talmage, which is primarily a bedroom community populated with small scale agriculture. A small commercial area is sited along the CalTrans maintained portion of Talmage Road; the County maintained section of Talmage Road (SH) ends at Sanford Ranch Road (CR# 200). The subject site is located along Sanford Ranch Road and is therefore within the jurisdiction of the County Department of Transportation (DOT). The proposed general plan and rezoning project received no comments or recommendations from County DOT, indicating no conflicts with existing plans or policies. At the time of subdivision, however, it is expected that DOT will provide standards for development to which the developer will be required to adhere. At this time, there appears to be adequate infrastructure to withstand any additional traffic, provide satisfactory emergency access, and not impede on the typical flow of circulation for the site and the surrounding area. Any future development would be subject to review and approval from the local fire district. No impact.

<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	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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.				
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- a) **Discussion A and B:** The County of Mendocino has eight sites that appear on State or National Historic Registers, but innumerable other sites of regional importance related to the heritage of Native American people.<sup>56</sup> Chapter 22.12 of the Mendocino County Zoning Code, Division I pertains to Archaeological Resources, including resources related to First Peoples ancestral sites and artifacts. Section 22.12.040 establishes an Archaeological Commission with the intent of vetting development applications for potential significance. The standard “discovery clause” is applied through Division IV, Section 22.12.090.<sup>57</sup> These are existing regulations, the County being Lead Agency with jurisdiction over maintaining adherence to adopted thresholds. As the current proposal relates to conversion of agricultural land to residential, with a strong probability of future new construction, consistency with established procedures and rules are prescient. Any proposed disturbance of undeveloped land would likely occur through the application process required by the Mendocino County Division of Land Regulations (Title 17 of Mendocino County Code) and would be subject to prior review and approval from the Archaeological Commission. No impact.

<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 Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input 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"/>

<sup>56</sup> Mendocino County General Plan, Pages 3-19 to 3-20

<sup>57</sup> Mendocino County Zoning Code, Division I, Chapter 22.12



f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- a) **Discussion A-G:** Mendocino County Department of Environmental Health has identified a deficit in wastewater infrastructure as a County-wide issue that results in constrained development in certain areas.<sup>58</sup> While several moratoriums on new sewer or water connections dictate the location and density of new construction, the guiding principles of the Zoning Code and General Plan land use designations are the primary rubrics through which growth is managed. As a largely rural and unincorporated County, Mendocino relies heavily on a patchwork system of water connections, both public and private, as well as a handful of waste transfer stations. The Mendocino Solid Waste Management Authority, formed in 1990, serves as a consortium of entities, with a commitment to implementing especially the California Integrated Waste Management Act of 1989 (AB 939). Since 2004, the County has complied with the specifics of the Act, including permitting and maintaining jurisdiction over several recycling facilities and at least one composting site. The goal of AB 939 was to set benchmarks for each jurisdiction for diversion of waste instead of landfill disposal. In addition to meeting or exceeding the goals identified by the Act, the County has mandated development policies for new connections.

*Policy DE-190: Development of residential, commercial, or industrial uses shall be supported by water supply and wastewater treatment systems adequate to serve the long-term needs of the intended density, intensity, and use.<sup>59</sup>*

Any resulting new construction would be beholden to current restrictions and regulations regarding water and wastewater connections, per the above development policy. All proposals for development are required to be vetted for compliance with standards and policies through the County Department of Environmental Health.

The current proposal to change to General Plan and Zoning designation of the subject parcel from agricultural to residential indicates the future plan is to develop the site for housing. The local water agency, Rogina Water Company in Talmage, has issued a "will serve" letter that states it has the capacity to provide water for up to 20 lots. Therefore, no new facilities need be constructed, and the current provider of water and wastewater services has confirmed the new residential sites will be accommodated. Less than significant impact.

<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"/>

<sup>58</sup> County of Mendocino General Plan, Page 3-22

<sup>59</sup> County of Mendocino General Plan, Page 3-107

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 checked="" type="checkbox"/>	<input 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"/>

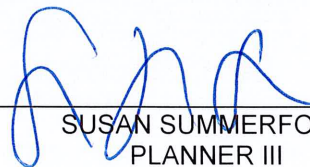
- a) **Discussion A-C:** The proposed project is a General Plan Amendment and zoning reclassification from agricultural to residential for a parcel located in Talmage, a small community in the Ukiah valley area of rural Mendocino County. The site has been in use as a vineyard for over 70 years, and has a California Department of Land Conservation statewide mapping designation of both "Prime" and "Unique" Farmland. However, as discussed in Section II of this document, there is updated data that demonstrates only the presence of "Prime" Farmland, and, as discussed in Section II as well as Section X, the proposed conversion of the site can be supported, based upon the policies contained in the UVAP that govern such actions. There will be no anticipated degradation of biological communities of significance, nor cumulatively considerable effects as a result of the project. No mitigation measures are being proposed, as it has been determined that the project, as proposed will not incur any significant effects that require mitigation.

**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.

9/24/19

DATE



SUSAN SUMMERFORD  
PLANNER III