



**Coastal Permit Administrator
STAFF REPORT- CDP_STANDARD**

**FEBRUARY 23, 2017
CDP_2015-0032**

SUMMARY

OWNER/APPLICANT: JIRAK GREGORY
33341 NE 188th PI
CARNATION, WA 98014

AGENT: WYNN COASTAL PLANNING

REQUEST: A request for an after-the-fact Coastal Development Permit to repair a washed-out culvert and install a bridge crossing Moat Creek.

DATE DEEMED COMPLETE: September 7, 2016

LOCATION: The site is located on the east side of Highway 1 approximately 2.3 miles south of its intersection with Port Road, Point Arena. 26411 So Hwy 1, Point Arena.

TOTAL ACREAGE: 9 Acres

GENERAL PLAN: Coastal Element, General Plan
Range Lands (RL160:R)

ZONING: Mendocino County Coastal Zoning Code
Range Lands (RL:160)

APPEALABLE: Yes. Appeal Jurisdiction and ESHA

SUPERVISORIAL DISTRICT: 5

ENVIRONMENTAL DETERMINATION: Mitigated Negative Declaration

RECOMMENDATION: APPROVE WITH CONDITIONS

STAFF PLANNER: JULIANA CHERRY

CA COASTAL RECORDS: [IMAGE URL](#)

BACKGROUND

PROJECT DESCRIPTION: A request for an after-the-fact Coastal Development Permit to repair a washed-out culvert and install a bridge crossing Moat Creek. The bridge would be assembled using a single-lane clear-span rail car measuring 53-feet long by 10-feet wide. A Lake or Streambed Alteration Agreement (Notification No. 1600-2015-0305-R1) was entered into between the California Department of Fish and Wildlife (CDFW) and Mr. Gregory Jirak on September 29, 2015, for removal of the double-culvert crossing and installation of the bridge. During 2016, the property owner removed the remains of the culverts from the creek bed. The proposed bridge would be installed on three deck support piles driven to a minimum depth below the bottom of the creek bed, as specified by the project Civil Engineer, Marvin Chapman of Chapman Engineering. The piles would be driven into dry soil, not into the bed of the creek. The bridge would be finished with 42-inch high steel railings and in-filled with chain link fencing on each side. Compacted road base (30-feet long by 10-feet wide, 95-percent relative compacted) would be used on both ends of the bridge for ramps with engineered steel containment to extend the structure of the bridge to native grade. The bridge would be 6.5-feet above grade after installation.

APPLICANT'S STATEMENT: "Hay Ranch Road originates at Highway 1, just north of the Moat Creek bridge, and runs north, then east, crossing Moat Creek over culverts, located in parcel 027-341-12, to serve Owner's six parcels, including their residence. In mid-December 2014, a large storm completely washed out these culverts and overlying roadbed. This project would repair the Moat Creek crossing with a clear-span rail-car bridge on piling foundations driven outside the creek bed. This is the preferred alternative, pursuant to LSA #1600-2015-0305-R1, and approved by the California Department of Fish & Wildlife."

RELATED APPLICATIONS: No other applications are associated with the project site or adjacent parcels.

SITE CHARACTERISTICS: The subject parcel is approximately 9-acres in area. The property is located 1.1-miles southeast of the City of Point Arena, on the east side of Highway 1, approximately 2.3-miles south of its intersection with Port Road. The project site is located off a private roadway (Hayward Ranch Road) leading north then east from Highway 1.

The site is vegetated and views of the shoreline are obscured by the topography of the site. Moat Creek bisects the project site in the western portion of the property. Wetland and riparian Environmentally Sensitive Habitat Areas (ESHAs) have been identified on the site. Surrounding properties are of varying sizes and are generally vacant. The site is not under a Williamson Act contract, although Williamson Act contract lands are located immediately south of the site. The project site coincides with Moat Creek. Lands within one-hundred feet of Moat Creek are mapped within the Appeal Jurisdiction on the California Coastal Commission's Post LCP Certification Permit and Appeal Jurisdiction Map.

SURROUNDING LAND USE AND ZONING: The project site is located within the boundaries of the Mendocino County Local Coastal Plan area. The site and surrounding lands are designated as Range Lands (RL) by the Mendocino County General Plan and Mendocino County Zoning Code. The land use is vacant land with access provided to adjoining lots. The project site is mapped as Conditionally Highly Scenic, but the lands are not visible public roads. Therefore, the development is not subject to requirements associated with Highly Scenic Areas.

	GENERAL PLAN	ZONING	LOT SIZES	USES
NORTH	RL160	RL	77.6 ACRES	VACANT LAND
EAST	RL160	RL	5.34 ACRES	VACANT LAND
SOUTH	RL160	RL	119 ACRES	AGRICULTURE
WEST	RL160	RL	70.72 ACRES	VACANT LAND

PUBLIC SERVICES:

Access: PRIVATE ROAD
Fire District: REDWOOD COAST FIRE DISTRICT
Water District: NONE
Sewer District: NONE
School District: ARENA UNION ELEMENTARY/POINT ARENA JOINT UNION HIGH SCHOOL DISTRICT

AGENCY COMMENTS: On August 29, 2016, project referrals were sent to the following responsible or trustee agencies with jurisdiction over the project. Their required or related permits, if any, are listed below. Their submitted recommended conditions of approval are contained in Exhibit A of the attached resolution. A summary of the submitted agency comments are listed in the table below. Any comment that would trigger a project modification or denial is discussed in full as key issues in the following section.

REFERRAL AGENCIES	RELATED PERMIT	COMMENT	DATE
Planning (Ukiah)		No Response	
Building Inspection (Fort Bragg)		No Response	
Assessor		No Response	
Farm Advisor		No Response	
Agricultural Commissioner		No Response	

REFERRAL AGENCIES	RELATED PERMIT	COMMENT	DATE
County Water Agency		No Response	
Archaeological Commission		Comment	9/14/16
US Fish & Wildlife Service		No Response	
State Clearinghouse		No Response	
Caltrans		No Response	
CalFire		Comment	10/27/15 and 2/8/16
Department of Fish & Game	LSAA	Comment	10/13/16
Coastal Commission		No Response	
Army Corps of Engineers		No Response	
Redwood Coast Fire District		No Response	

KEY ISSUES

1. General Plan and Zoning Consistency:

The proposed project would be consistent with the Land Use Plan, Chapter 2.2 of the Coastal Element of the Mendocino County General Plan. The land use designation for the site is Range Lands (RL) with a specified 160-acre minimum lot size. The intent of the RL designation is "...to be applied to lands which are suited for and are appropriately retained for the grazing of livestock and which may also contain some timber producing areas."¹ The classification includes land eligible for incorporation into Type II Agricultural Preserves, other lands generally in range use, intermixed smaller parcels and other contiguous lands, the inclusion of which is necessary for the protection and efficient management of rangelands.

The proposed project consists of the repair of a washed-out culvert and installation of a bridge crossing Moat Creek to re-establish safe access along a private road that serves the property owner's six parcels, including a parcel developed with a single-family residence. Principally permitted uses include, "...grazing and forage for livestock, including: raising of crops, wildlife habitat improvement, one single family dwelling per legally created parcel, harvesting of firewood for the residential personal use, and home occupations²." Vehicular access is necessary to the efficient functioning and management of rangelands and is necessary to serve the existing residence. As such, the proposed project would be consistent with the intent of the RL land use classification.

The project site is designated a Conditionally Highly Scenic Area; however, the site is not visible from public areas due to the topography. The project is not subject to the requirements of MCC Chapter 20.504 *Highly Scenic Areas*.

The subject site is within the Range Lands (RL) District. The RL District is "...intended to encompass lands within the Coastal Zone which are suited for and are appropriately retained for the grazing of livestock and which may also contain some timber producing areas."³ Principally permitted uses include single family residences, various agricultural use types, passive recreation and Fish and Wildlife Habitat Management."⁴ The access road and proposed bridge are necessary to reestablish access to parcels to facilitate principally permitted uses. Staff finds that the proposed project would be consistent with the development and land use standards for the RL District, including standards for land use, yards, building height, and lot coverage.

2. Special Plans/Area Plans – Environmentally Sensitive Habitats and Other Resource Areas

With recommended conditions and mitigation measures, the proposed project would be consistent with the MCC Chapter 20.496 Environmentally Sensitive Habitats and Other Resource Areas. The purpose of this Chapter is to ensure that environmentally sensitive habitat and other designated resource areas, which constitute significant public resources, are protected for both the wildlife inhabiting them as well as the enjoyment of present and future

¹ Chapter 2.2 of the Coastal Element. Mendocino County, Planning and Building Services, Planning Division. *The County of Mendocino-General Plan*. 1991. Ukiah, CA.

² Chapter 2.2 of the Coastal Element. Mendocino County, Planning and Building Services, Planning Division. *The County of Mendocino-General Plan*. 1991. Ukiah, CA.

³ Mendocino County Coastal Zoning Code, § II-20.368.005 (1991). Print.

⁴ Mendocino County Coastal Zoning Code, § II-20.368.005 (1991). Print.

populations⁵. Environmentally Sensitive Habitat Areas (ESHAs) include: anadromous fish streams, wetlands, riparian areas, and others.

The submitted Biological Report of Compliance for a Coastal Development Permit for Installation of Rail Car Bridge Across Moat Creek (Biological Report) identifies riparian and wetland ESHA habitats within the project area⁶. Other habitat areas observed within the study area include non-native grasses, shrubs, and herbaceous plants, and mature Monterey cypress stands. No rare or endangered plant or wildlife species were identified in the project area; however, there is potential that habitat may be present for special status birds, bats, and amphibians.

The Biological Report includes a variety of measures to avoid or minimize potential impacts to the biological resources immediately adjacent to the project site. The California Department of Fish and Wildlife (CDFW) reviewed the report and concurred in their comments that the avoidance measures are adequate to protect ESHA. The project was also referred to the United States Fish and Wildlife Service (USFWS) and the Army Corps of Engineers; however, no response was received from either agency. In addition, the applicant has secured a Lake and Streambed Alteration Agreement (LSAA #1600-2015-0305-R1), from the CDFW. The LSAA includes measures to protect fish and wildlife resources.

The project location was selected on the basis that it is the site of prior disturbance (where the road crossed a set of culverts and where erosion and other degradation occurred when the culverts washed out in a storm event). Any new location would require road relocation and damage to previously undisturbed riparian habitat and other ESHA resources.

As described in Section 3, below, the Initial Study includes mitigation measures to be incorporated into the project design and construction, to comply with the requirements of the LSAA, to implement the recommendations of the biological report, and to ensure that impacts to ESHA resources are less than significant.

3. Environmental Protection:

An Initial Study was prepared. Biological, archaeological, and hydrological resources may be impacted by the proposed project. Mitigation measures are recommended to reduce the significance of their effect. Adoption of a Mitigated Negative Declaration is recommended.

Biological Resources:

The proposed bridge crosses Moat Creek and its associated riparian vegetation, raising the potential for impacts to sensitive plants, fish, amphibians, mammals and birds, protected wetlands and other habitat types, migratory corridors and related biological resources. Mitigation measures are proposed to avoid or minimize such impacts, and to comply with LSAA requirements, minimize erosion during construction, and minimize sediment delivery into the wetland area during construction (Refer to the Initial Study, Section IV. Biological Resources).

Cultural Resources:

As the proposed project includes minor excavation and similar ground disturbance, the proposed project has the potential to uncover previously unknown archaeological resources. An archaeological study has been prepared and submitted. Based on the findings of that study, a mitigation measure was included in the Initial Study that identifies the proper protocol in case any resource is encountered during project implementation (refer to the Initial Study, Section V. Cultural Resources). Additionally, a Standard Condition that advises the property owner of the County's "discovery clause" is recommended; this establishes procedures to follow in the event that archaeological or cultural materials are unearthed during site preparation or construction activities.

Hydrological Resources:

Grading and similar work in close proximity to the Moat Creek channel has the potential to cause inadvertent discharges of sediment into the channel. Mitigation measures (refer to the Initial Study, Section IX. Hydrology and Water Quality) are recommended to ensure that appropriate measures are taken to avoid erosion, and sedimentation during and following construction.

⁵ Mendocino County Coastal Zoning Code, § II-20.496.010 (1995).

⁶ Baibak, Bethany (Biologist). Biological Report of Compliance for a Coastal Development Permit for Installation of Rail Car Bridge Across Moat Creek. Wynn Coastal Planning, Fort Bragg, CA. July 28, 2016.

Staff recommends that the following environmental determination be adopted: Although the proposed project could have a significant effect on the environment, there would 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 was prepared.

RECOMMENDATION

By resolution, adopt a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program and grant Coastal Development Permit for the Project, as proposed by the applicant, based on the facts and findings and subject to the conditions of approval.

1-25-2017

DATE


JULIANA CHERRY
PLANNER III

Appeal Period: 10 Days

Appeal Fee: \$910.00

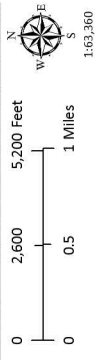
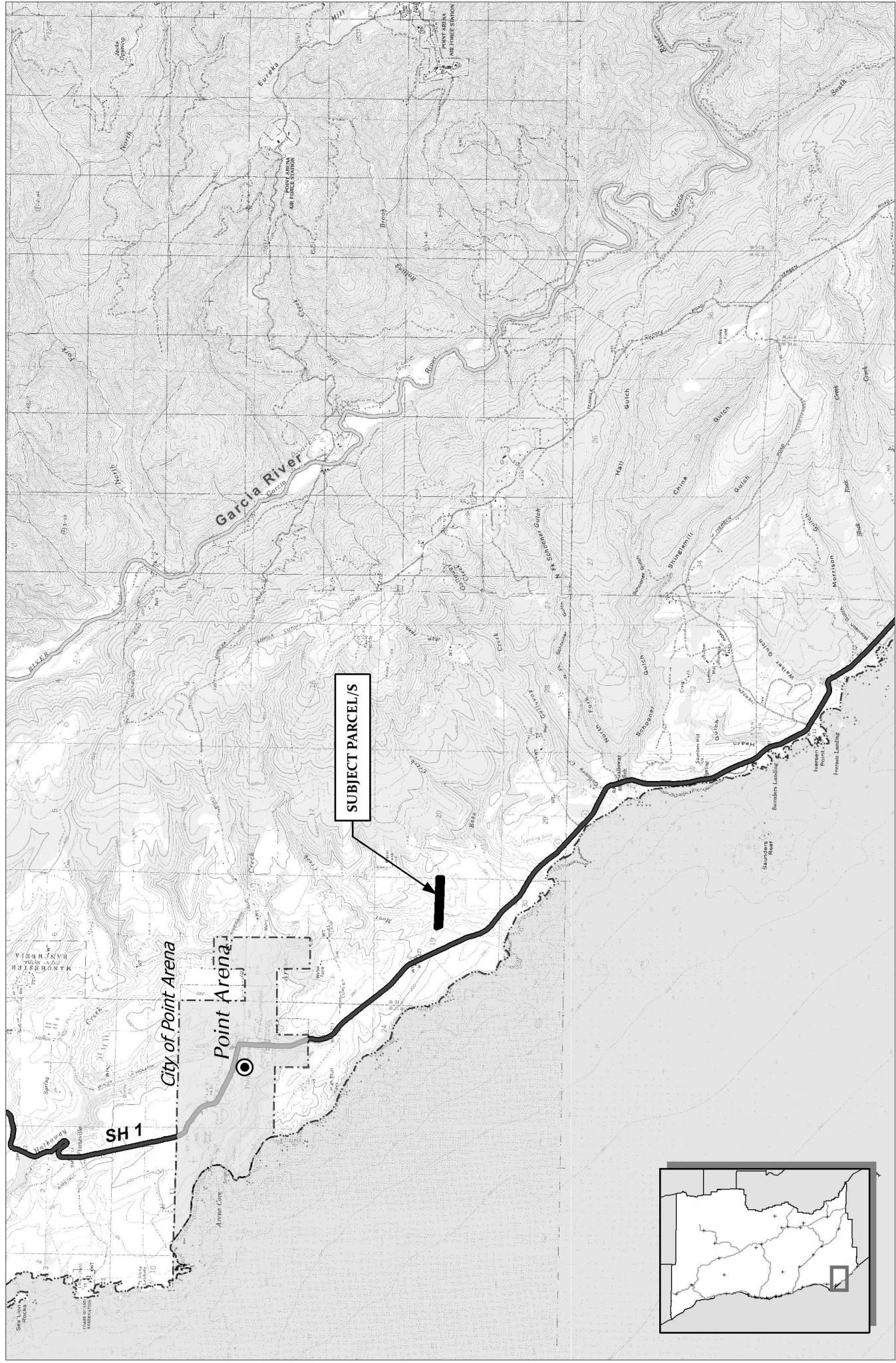
ATTACHMENTS:

- A. Location
- B. Vicinity Map
- C. Site Plan
- D. Site Plan
- E. Zoning Display Map
- F. General Plan Classification
- G. LCP Maps 25 (Point Arena) & 28 (Schooner Gulch)
- H. LCP Land Capabilities & Natural Hazards
- I. LCP Habitats & Resources
- J. Appealable Areas
- K. Adjacent Parcels Map
- L. Fire Hazard Zones & Responsibility Areas
- M. Ground Water Resources
- N. Highly Scenic & Tree Removal Areas
- O. Local Soils
- P. Lands in Williamson Act Contracts
- Q. Classified Wetlands

APPENDIX A: COASTAL PERMIT APPROVAL CHECKLIST

RESOLUTION AND CONDITIONS OF APPROVAL (Exhibit A):

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



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

LOCATION MAP

Attachment A

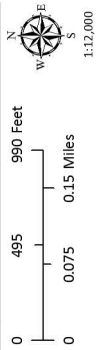
CASE: CDP 2015-0032
OWNER: JIRAK, Gregory
APN: 027-341-12
APLCT: Greg Jirak
AGENT: Wynn Coastal Planning
ADDRESS: 26411 S. Hwy. 1, Point Arena

Map produced by the Mendocino County Planning & Building Services, August, 2016
All spatial data is approximate. Map provided without warranty of any kind.



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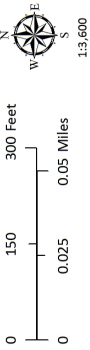
VICINITY MAP

Attachment B



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- Named Rivers
Public Roads
Private Roads

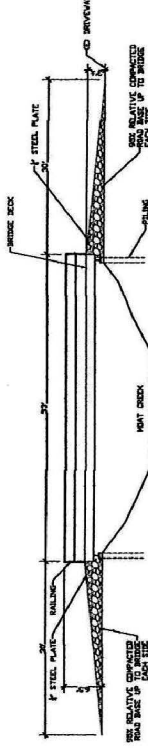


SITE PLAN

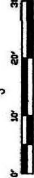
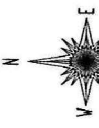
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JUL 29 2016

PLANNING & BUILDING SERV
FORT BRAGG CA

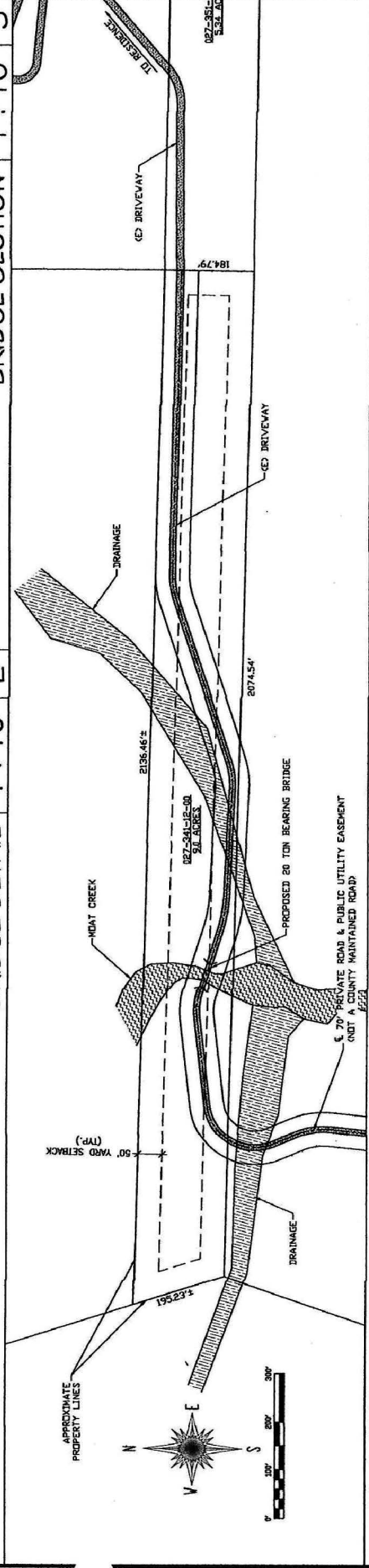


SEE WYNN CHARTERS STRUCTURAL DRAWINGS
FOR BRIDGE DETAIL



BRIDGE DETAIL 1 : 10 2

BRIDGE SECTION 1 : 10 3



SITE PLAN 1 : 100 1

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NO SCALE

SITE PLAN

Attachment D

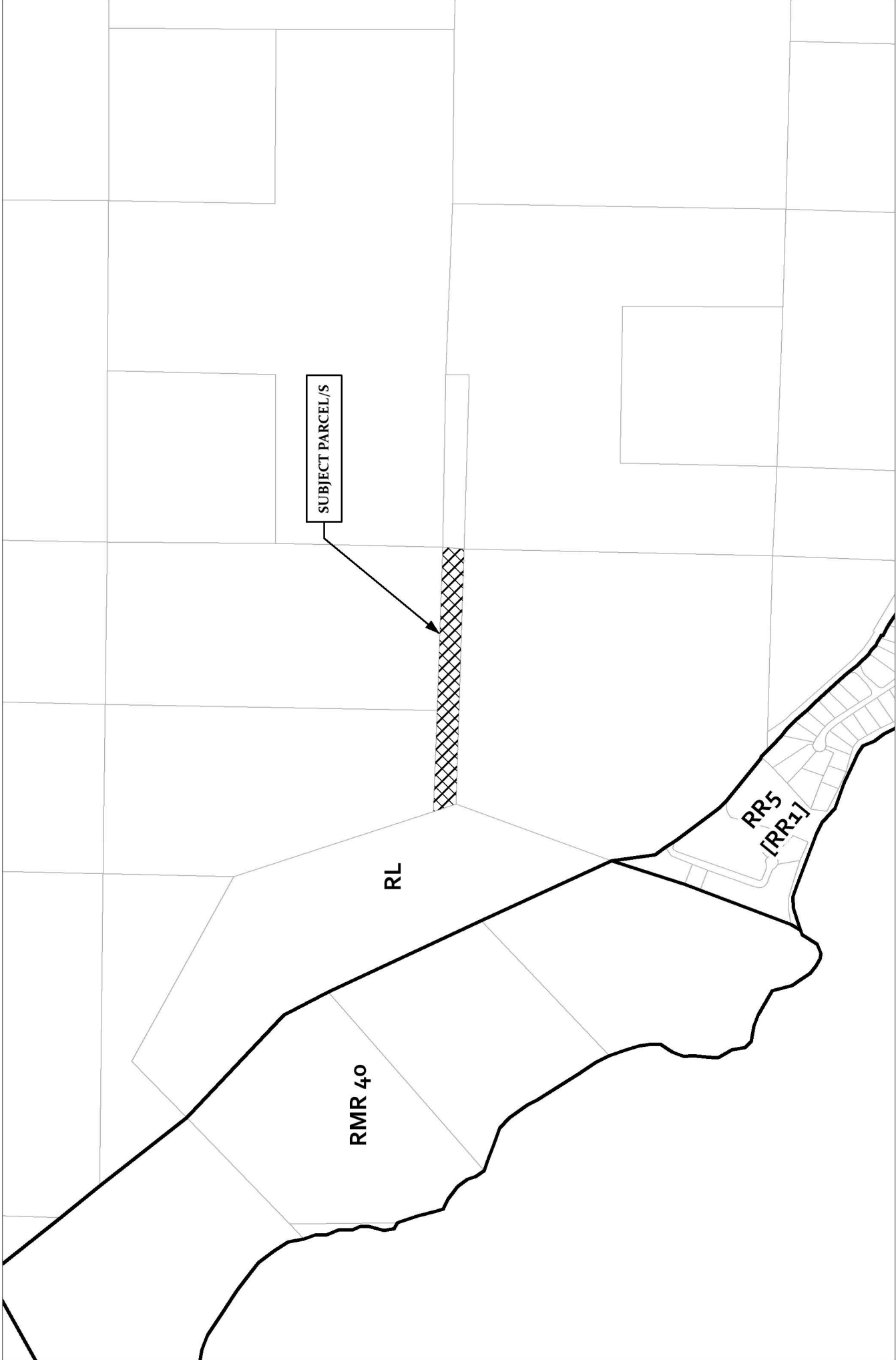
Wynn Coastal Planning
703 N. Main Street
Fort Bragg, California 95437
(707) 964-2537
www.WCPlan.com



JIRAK-HUBBART
26411 S. HWY. 1
POINT ARENA, CA 95468

APPROVED BY	
SCALE AS SHOWN	
DATE 8/13/2016	
DESIGN BY	
DATE 027-341-12-00	

1
OF 2 SHEETS



CASE: CDP 2015-0032

OWNER: JIRAK, Gregory

APN: 027-341-12

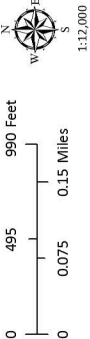
APLCT: Greg Jirak

AGENT: Wynn Coastal Planning

ADDRESS: 26411 S. Hwy. 1, Point Arena

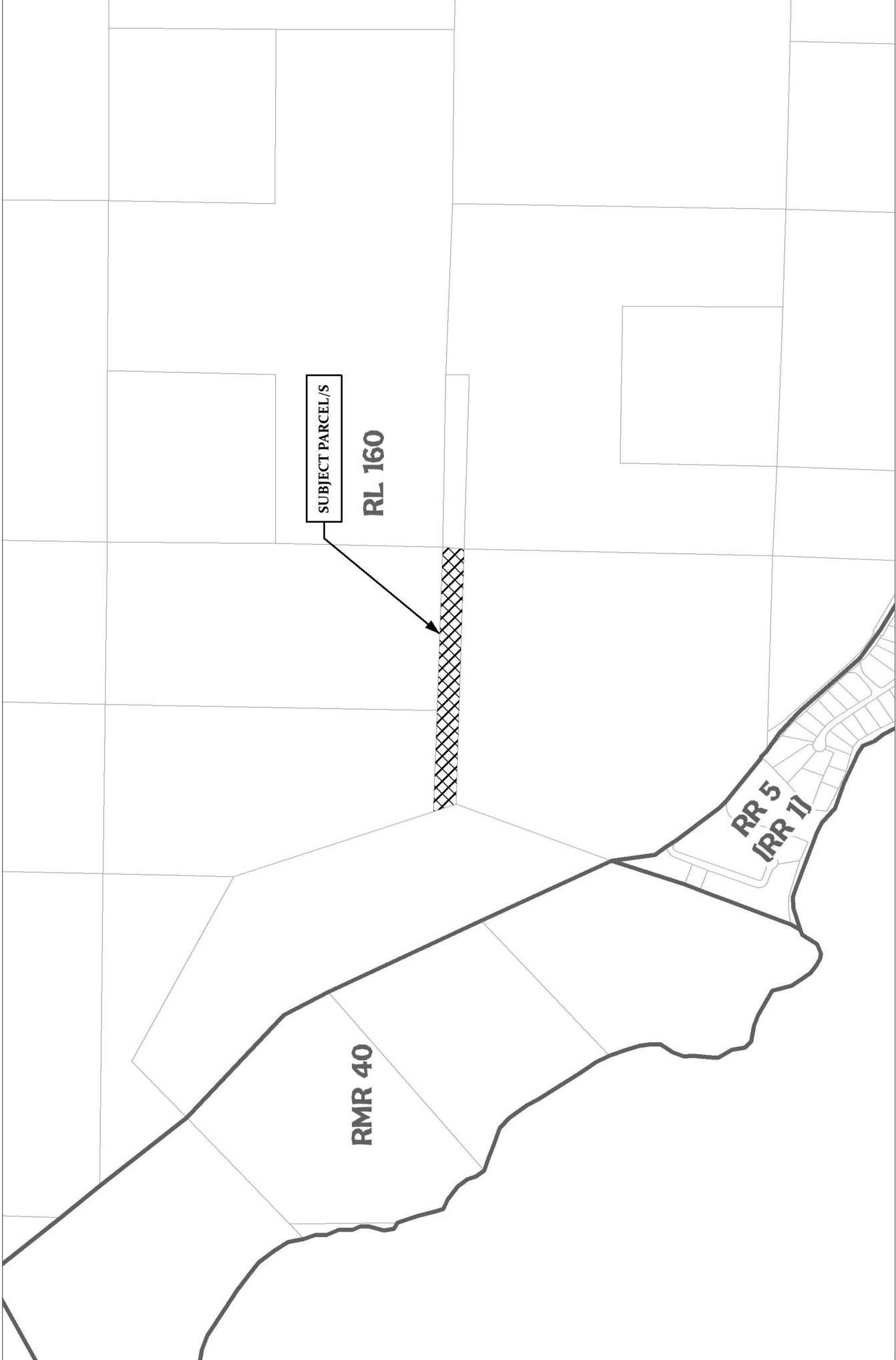
Map produced by the Mendocino County Planning & Building Services, August, 2016
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 Zoning Districts



ZONING DISPLAY MAP

Attachment E



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OWNER: JIRAK, Gregory

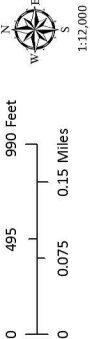
APN: 027-341-12

APLCT: Greg Jirak

AGENT: Wynn Coastal Planning

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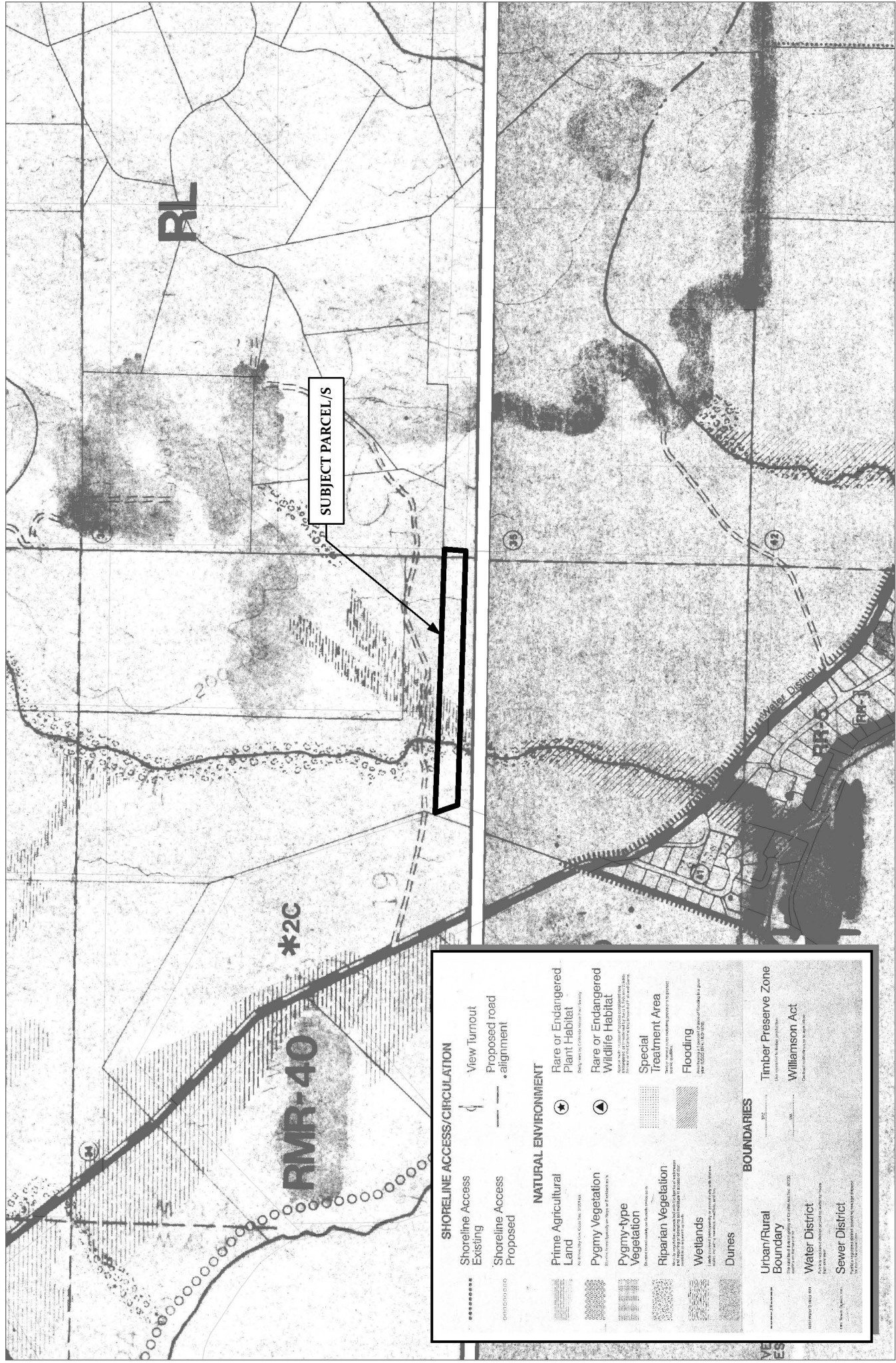
Map produced by the Mendocino County Planning & Building Services, August, 2016
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General Plan Classes



GENERAL PLAN CLASSIFICATIONS



0 495 990 Feet
0 0.075 0.15 Miles
1:12,000

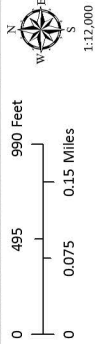
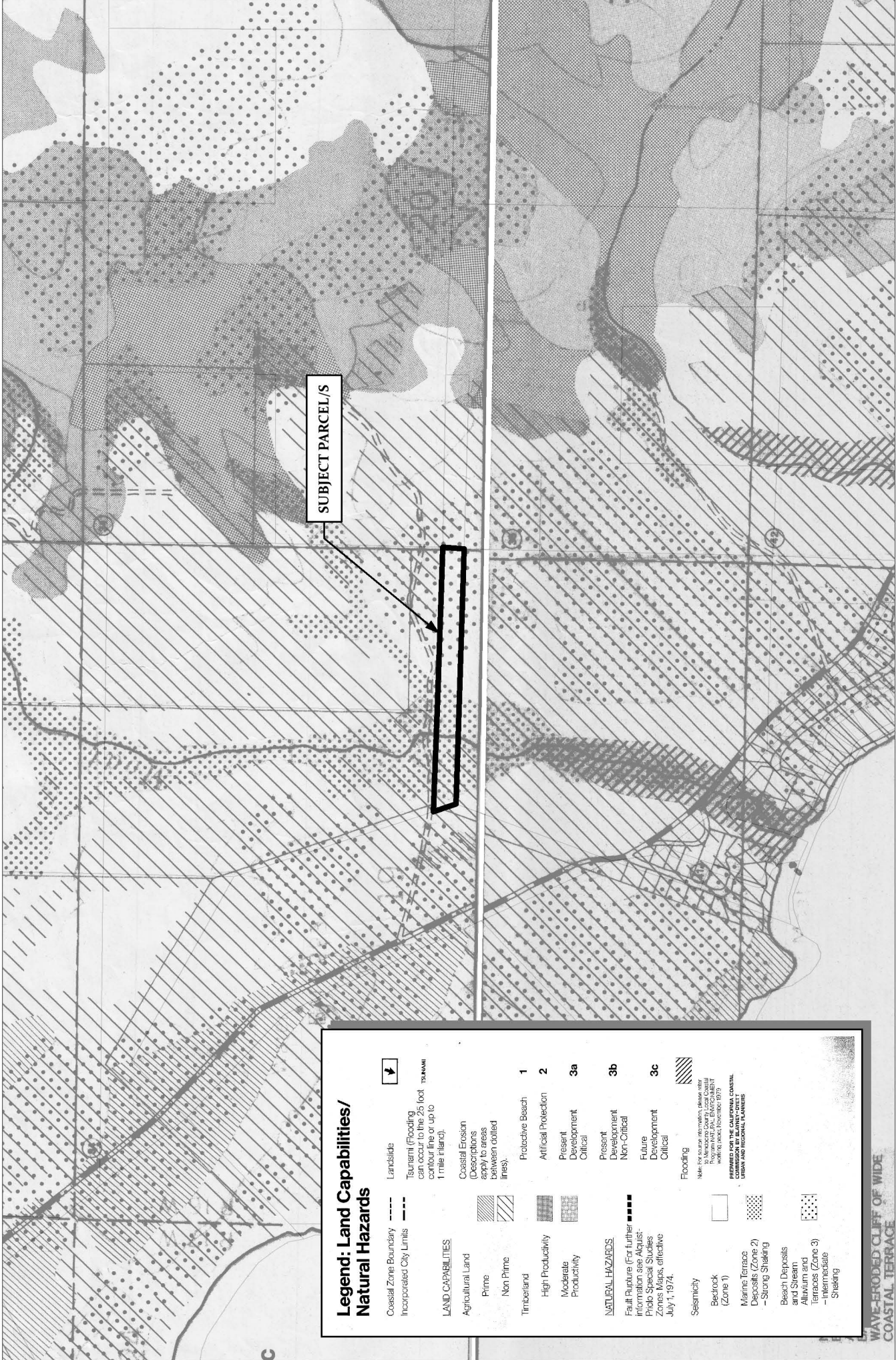


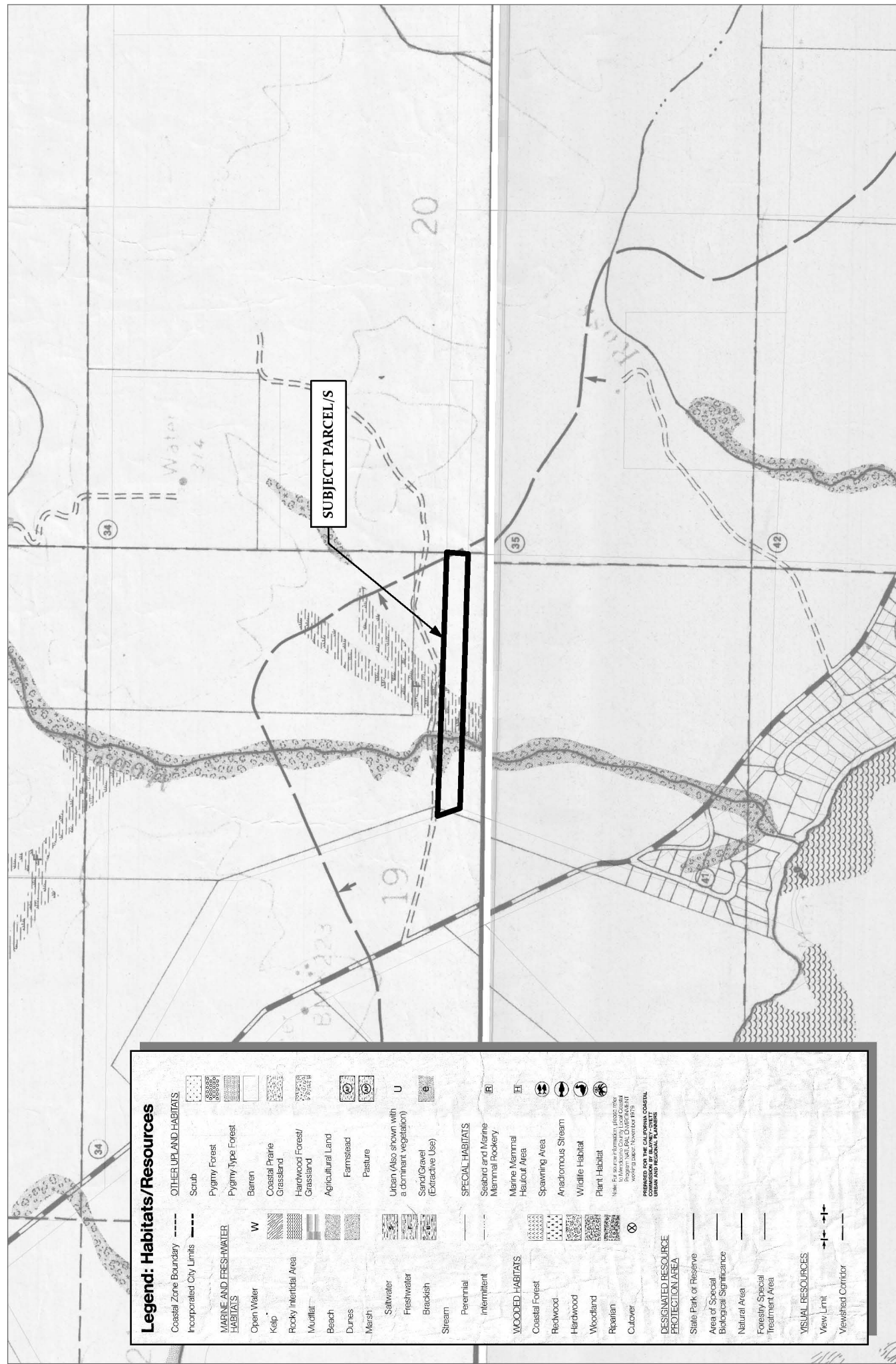
LCP MAPS 25 (POINT ARENA) & 28 (SCHOONER GULCH)

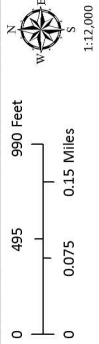
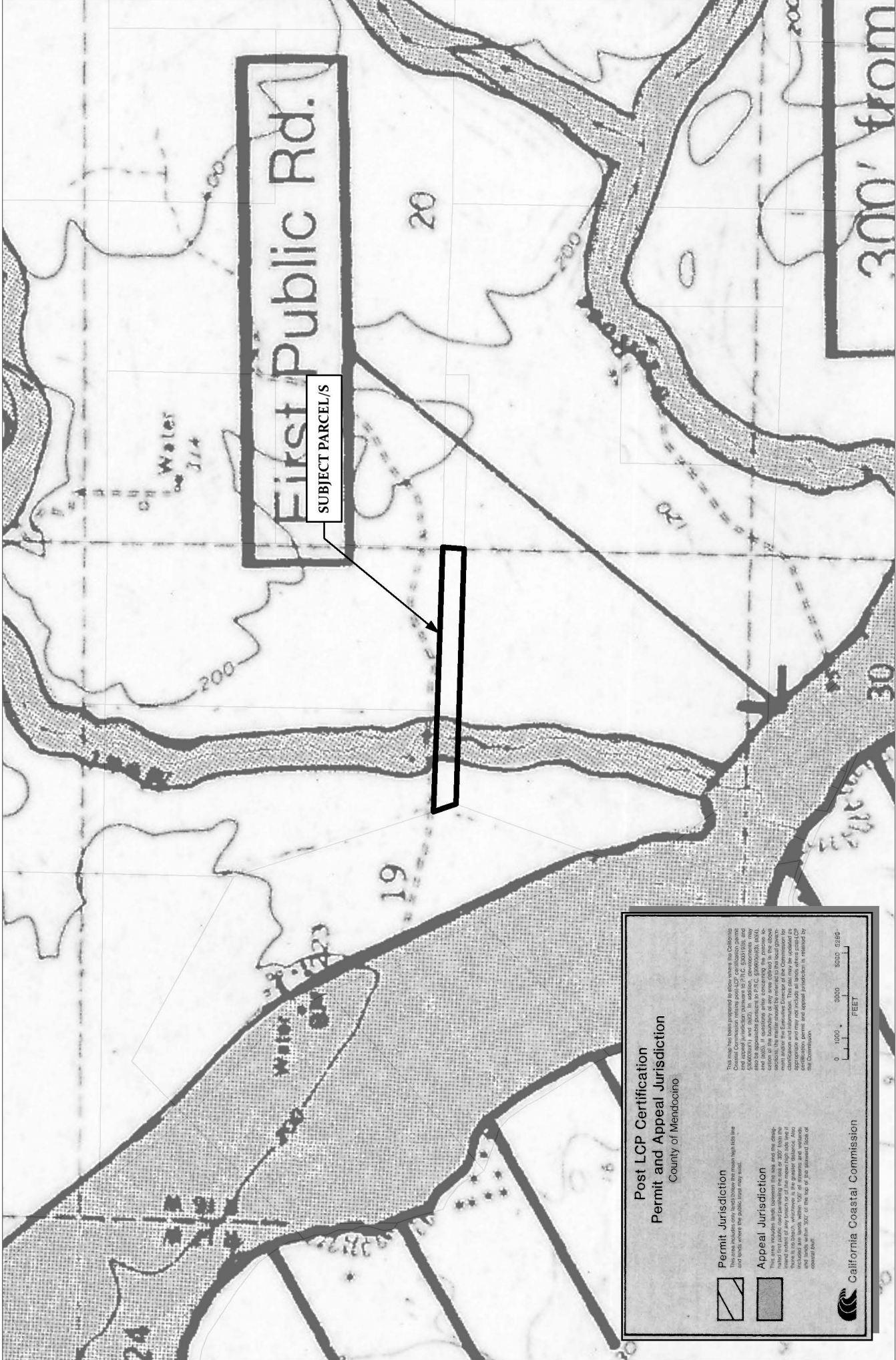
Attachment G

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APPEALABLE AREAS

Attachment J

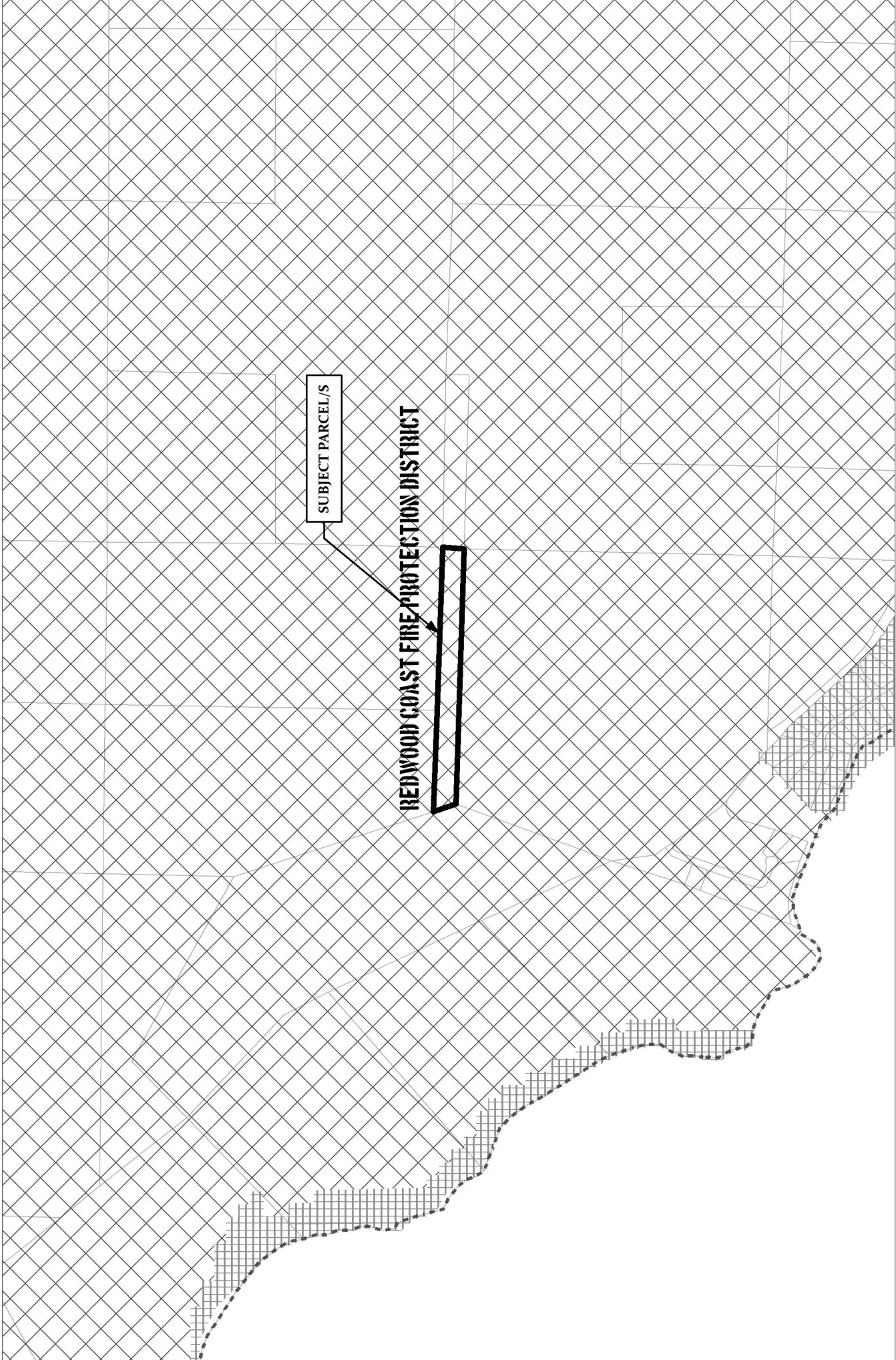
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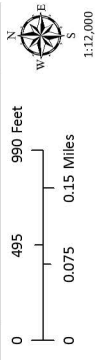
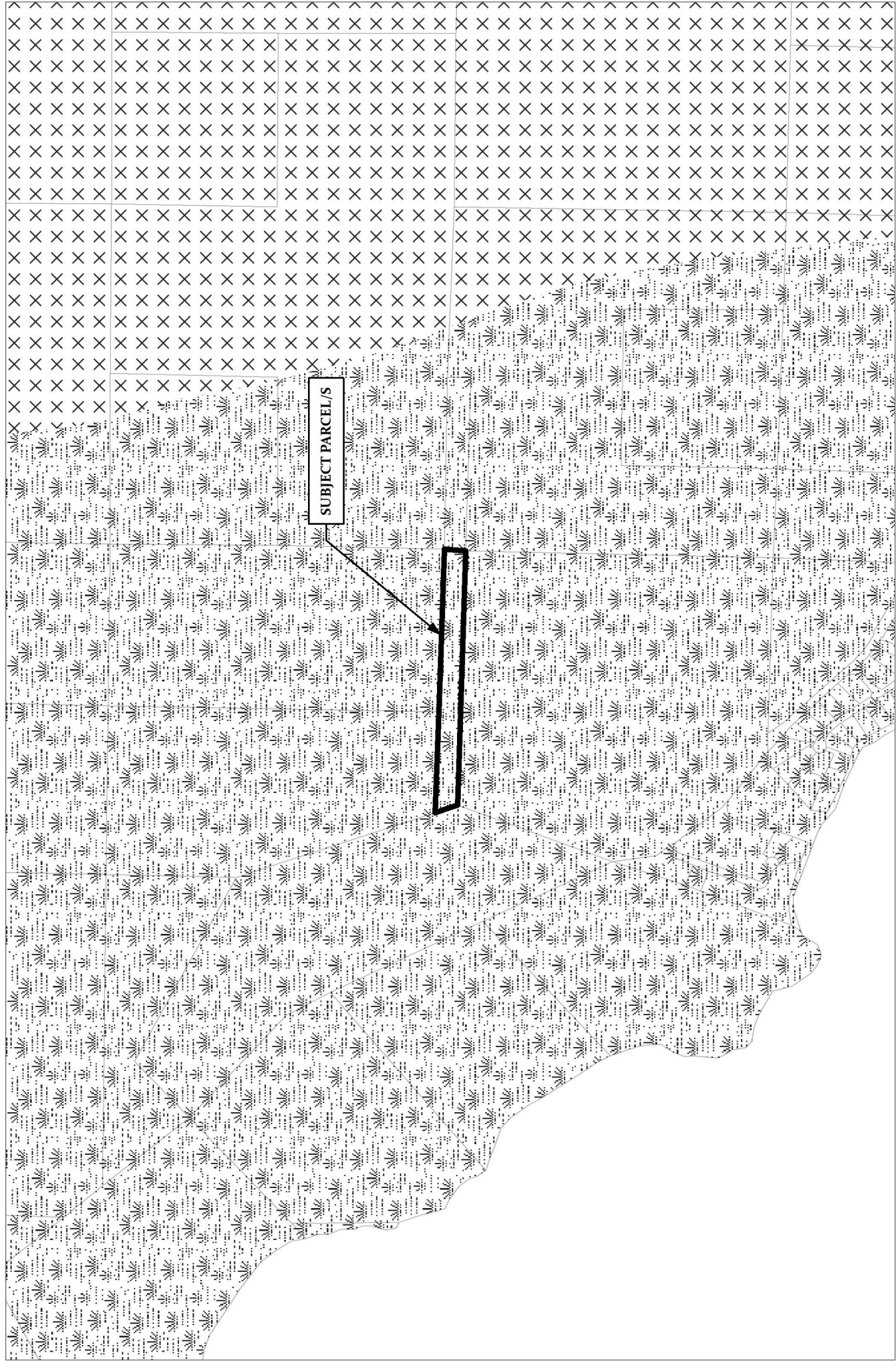
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County Fire Districts
High Fire Hazard
Moderate Fire Hazard

0 495 990 Feet
0 0.075 0.15 Miles
1:12,000

N
E
S
W

FIRE HAZARD ZONES & RESPONSIBILITY AREAS
STATE RESPONSIBILITY AREA



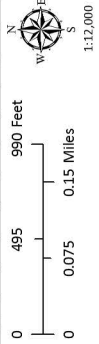
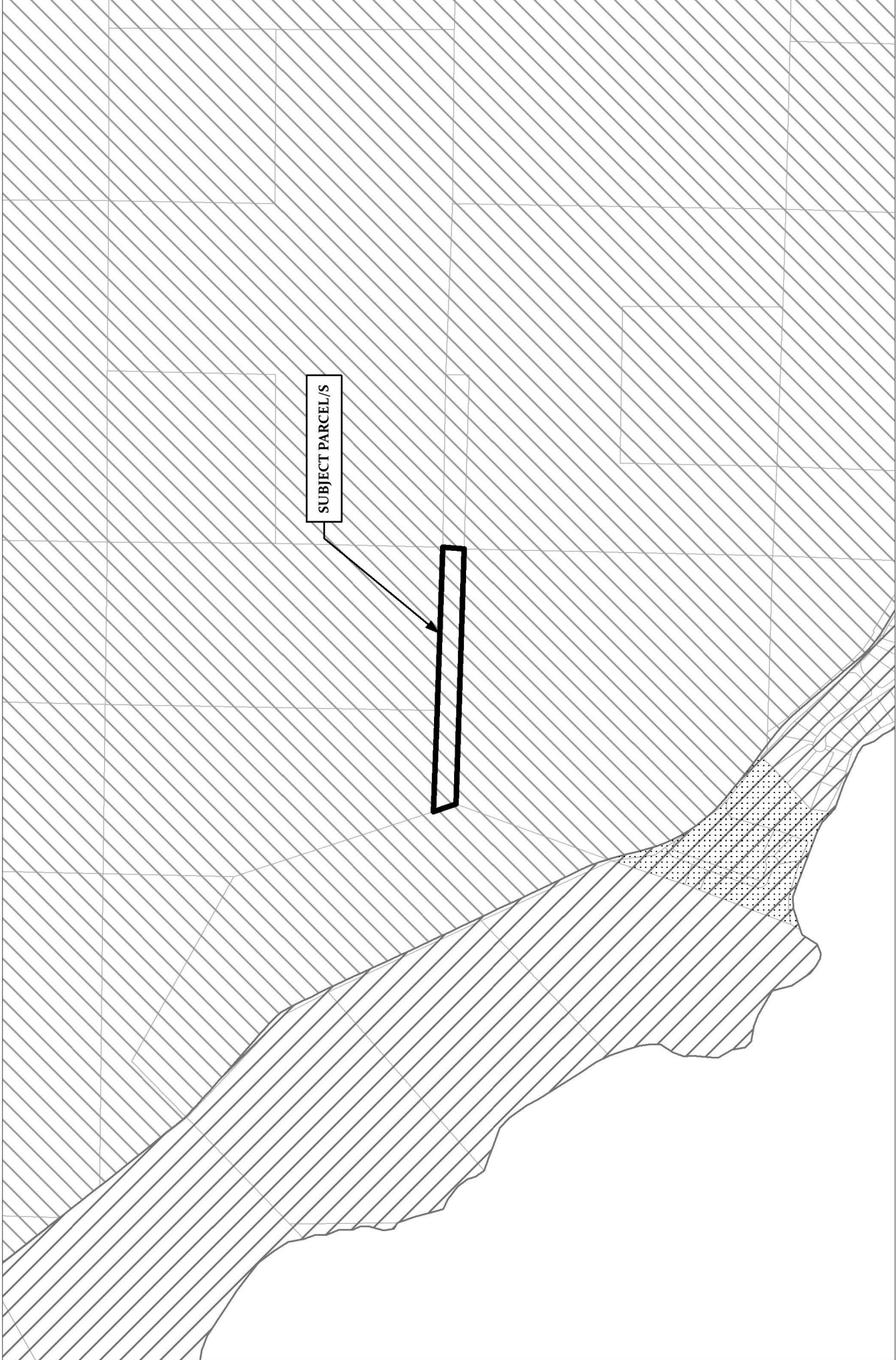
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X X Critical Water Areas
V V Marginal Water Resources

GROUND WATER RESOURCES

Attachment M

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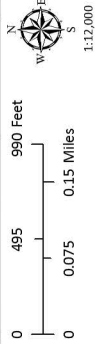
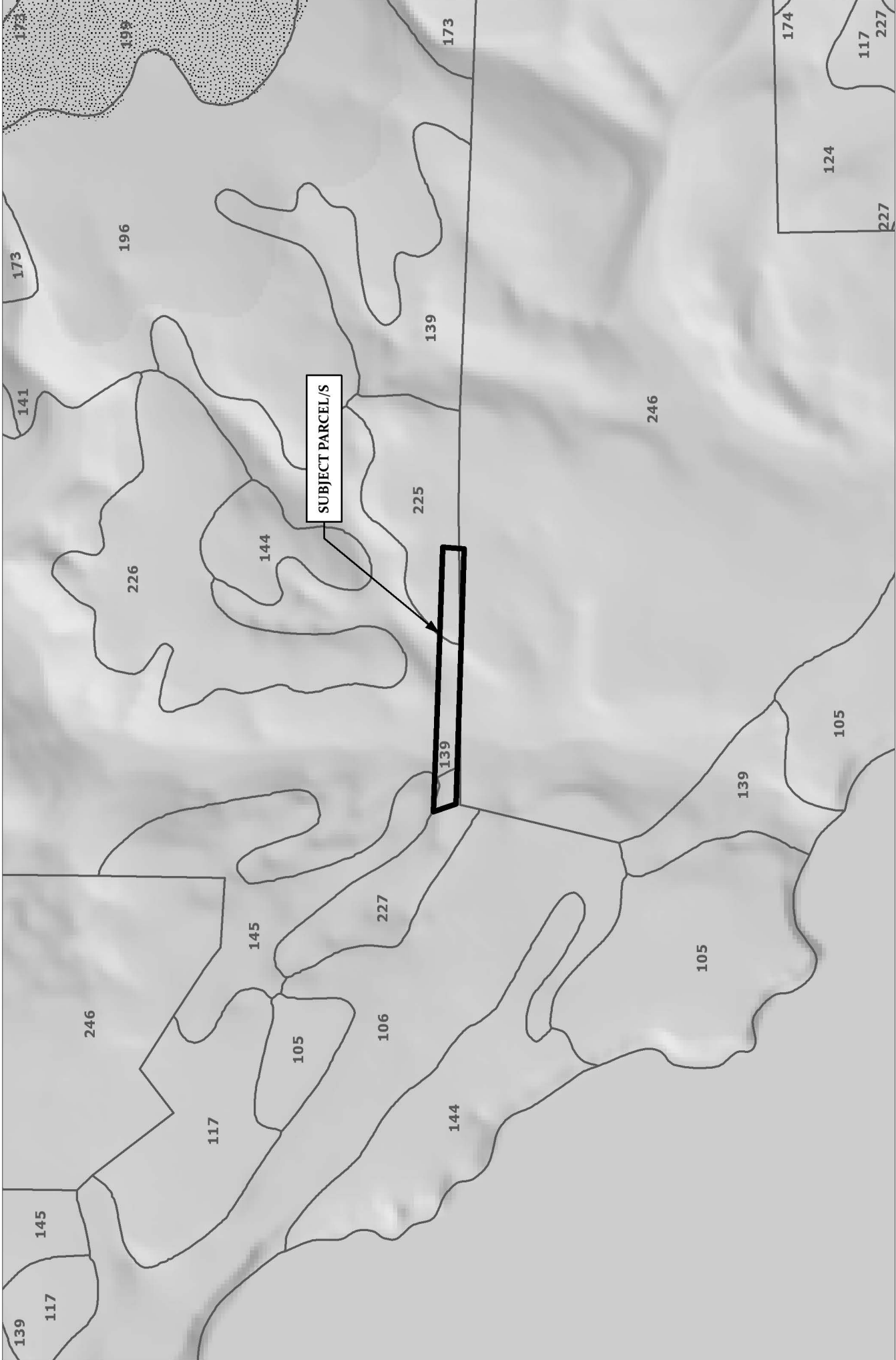


- Tree Removal Area
- Highly Scenic Area
- Highly Scenic Area (Conditional)

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HIGHLY SCENIC & TREE REMOVAL AREAS

Map produced by the Mendocino County Planning & Building Services, August, 2016
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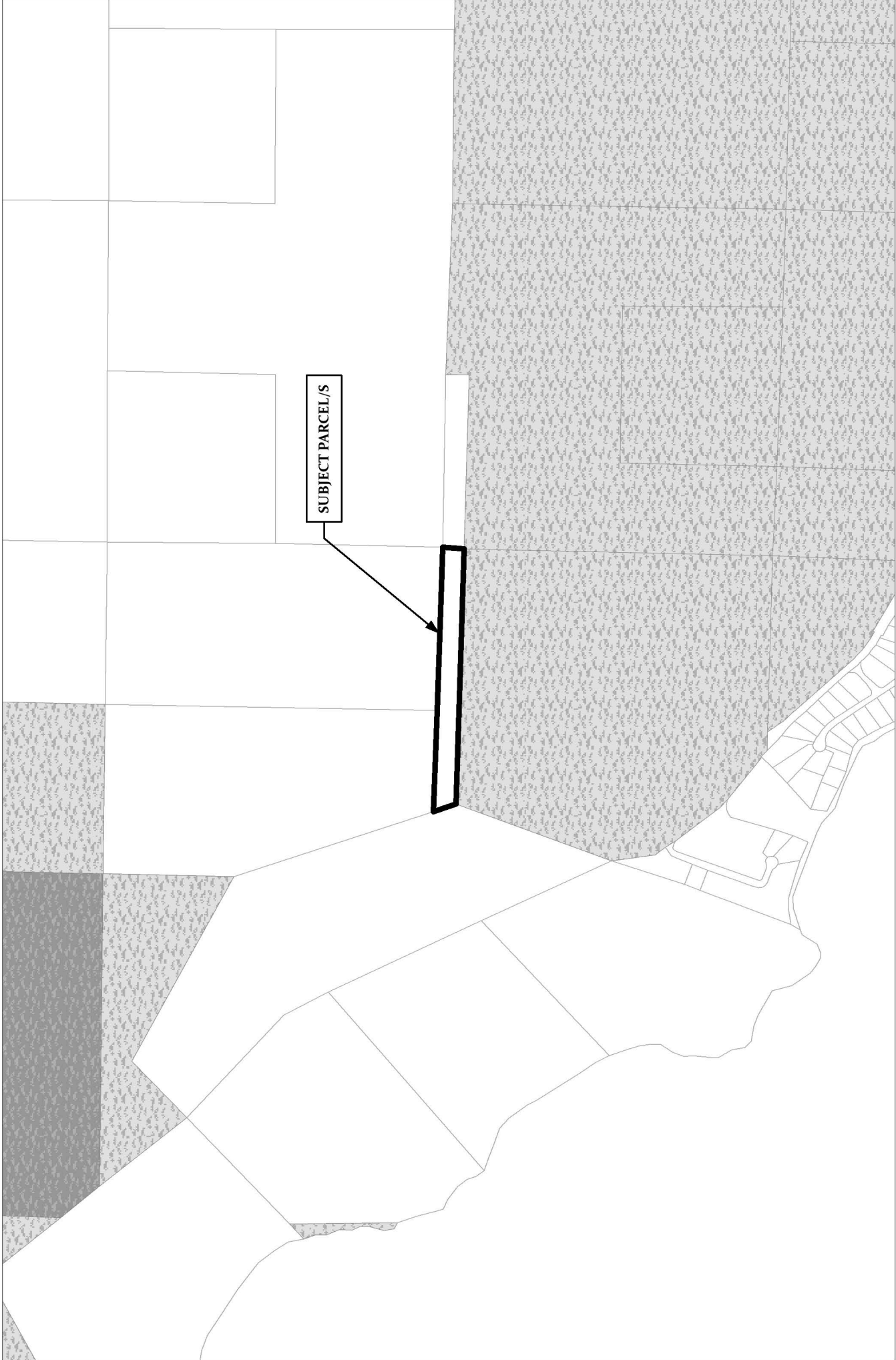


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LOCAL SOILS

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Attachment O



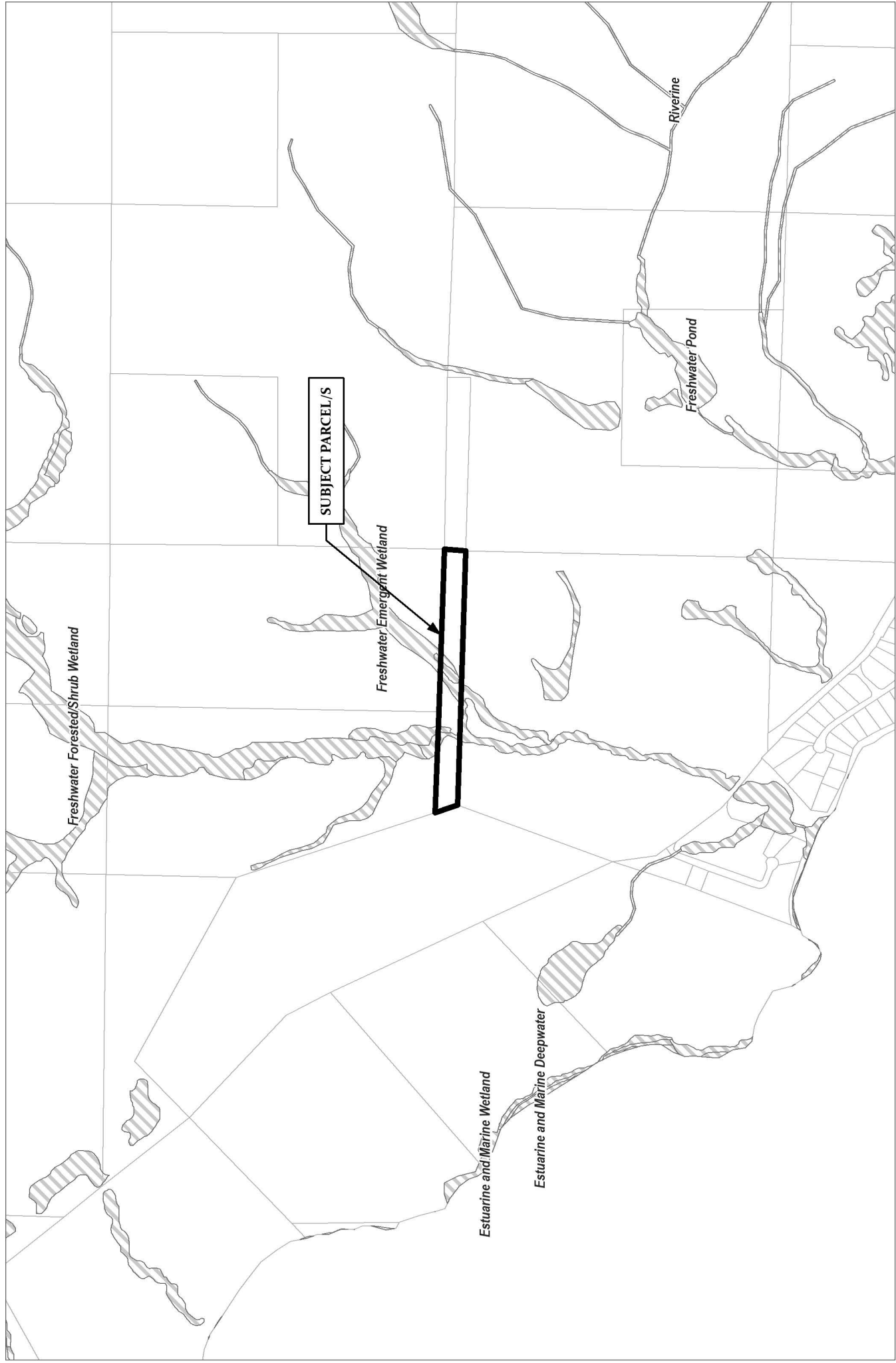
990 Feet
0 495
0 0.075 0.15 Miles
1:12,000

- Williamson Act 2015
- Prime Ag 2015
 - Non-Prime Ag 2015

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LANDS IN WILLIAMSON ACT CONTRACTS



CASE: CDP 2015-0032

OWNER: JIRAK, Gregory

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Wetlands

CLASSIFIED WETLANDS

Attachment Q

APPENDIX A: COASTAL PERMIT APPROVAL CHECKLIST
CDP_2015-0032 (JIRAK)
FEBRUARY 23, 2017

PROJECT TITLE: CDP_2015-0032

PROJECT LOCATION: 26411 South Highway 1
Point Arena, California 95468
APN: 069-060-07

**LEAD AGENCY NAME,
ADDRESS AND CONTACT PERSON:** Juliana Cherry
Mendocino County
Planning and Building Services
120 West Fir Street
Fort Bragg, California 95437
707-964-5379

GENERAL PLAN DESIGNATION: Mendocino County General Plan – Coastal Element
Range Lands, 160-acre min. lot sizes (RL160:R)

ZONING DISTRICT Mendocino County Code – Division II
Range Lands, 160-acre min. lot sizes (RL:160)

DESCRIPTION OF PROJECT: A request for an after-the-fact Coastal Development Permit (CDP) to repair a washed-out culvert and install a bridge crossing Moat Creek. The bridge is a single-lane clear span rail car bridge, measuring 53-feet long by 10-feet wide. A Lake or Streambed Alteration Agreement (Notification No. 1600-2015-0305-R1) was entered into between the California Department of Fish and Wildlife (CDFW) and Mr. Gregory Jirak, the property owner, on September 29, 2015, for removal of the double-culvert crossing and installation of the bridge.

The property owner has removed the remains of the culverts from the creek bed. The bridge is currently being stored spanning the creek, but has not yet been installed. The bridge would be installed on three deck support piles driven to a minimum depth below the bottom of the creek bed, as specified by the project Civil Engineer, Marvin Chapman of Chapman Engineering. The piles would be driven into dry soil, not into the bed of the creek. The bridge would be finished with 42-inch high steel railings, in filled with chain link fencing on each side. Compacted road base (30-feet long by 10-feet wide, 95-percent relative compacted) would be used on both ends of the bridge for ramps with engineered steel containment to extend the structure of the bridge to native grade. The bridge would be 6.5-feet above grade after installation.

SITE DESCRIPTION AND SETTING: The 9-acre site is located on the east side of Highway 1 approximately 2.3-miles south of its intersection with Port Road at 26411 South Highway 1, Point Arena (APN 027-341-12). The project site is located approximately 1.1-miles southeast of the City of Point Arena, off of a private roadway (Hayward Ranch Road) leading north then east from Highway 1. The site and surrounding lands are designated as Range Lands (RL) by the Mendocino County General Plan and Mendocino County Zoning Code. The land use is vacant land with access to adjoining lots. The site does not contain any structures.

Public access to the shore is provided west of the subject site. Mapping does not associate the following with the subject site: faults, bluffs, landslides, erosion or flood hazard. The site is mapped as a Conditionally Highly Scenic Area; however, the project would not be visible from public lands and is not subject to Highly Scenic Area development standards. The site is not under a Williamson Act contract, though Williamson Act contract lands are located immediately south of the site. The site is located within a the Appeal Jurisdiction of the California Coastal Commission, Biological Resources/Natural Area, a High Fire Hazard Rating area, and a Marginal Water Resources area, and contains Moat Creek, wetlands, and riparian vegetation. Moat Creek bisects the site in the western portion of the property and it is at this location where a culvert was washed out during December 2014 and a bridge is proposed.

DETERMINATION: The proposed project can satisfy all required findings for approval of a Coastal Development Permit, pursuant to Sections 20.532.095 and 20.532.100 of the Mendocino County Code, as individually enumerated in this Coastal Permit Approval Checklist.

20.532.095 Required Findings for All Coastal Development Permits	Inconsistent	Consistent (With Conditions of Approval)	Consistent (Without Conditions of Approval)	Not Applicable
(A) The granting or modification of any coastal development permit by the approving authority shall be supported by findings which establish the following:				
(1) The proposed development is in conformity with the certified local coastal program.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2) The proposed development will be provided with adequate utilities, access roads, drainage and other necessary facilities.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3) The proposed development is consistent with the purpose and intent of the zoning district applicable to the property, as well as the provisions of this Division and preserves the integrity of the zoning district.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(4) The proposed development will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(5) The proposed development will not have any adverse impacts on any known archaeological or paleontological resource.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(6) Other public services, including but not limited to, solid waste and public roadway capacity have been considered and are adequate to serve the proposed development.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(B) If the proposed development is located between the first public road and the sea or the shoreline of any body of water, the following additional finding must be made:				
(1) The proposed development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act and the Coastal Element of the General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

➤ **20.532.095(A)(1) The proposed development is in conformity with the certified local coastal program.**

☒ *Consistent (with conditions of approval)*

The Local Coastal Program (LCP) sets goals and policies for managing resource protection and development activity in the Coastal Zone of Mendocino County, an area that extends from the Humboldt County line to the Gualala River. The LCP addresses topics such as shoreline access and public trails; development in scenic areas, hazardous areas, and coastal bluffs; environmentally sensitive habitat areas; cultural resources; transportation; public services; and more. The LCP serves as an element of the General Plan and includes the Mendocino County Code (MCC), and its policies must be consistent with the goals of the California Coastal Act.

Various aspects of the LCP are specifically addressed by separate *Required and Supplemental Findings* for Coastal Development Permits, including transportation, zoning, California Environmental Quality Act (CEQA) consistency, archaeological resources, coastal access, resource protection, and others. The following is a discussion of elements of the LCP not specifically addressed elsewhere in this checklist.

General Plan Land Use – Range Lands

The subject parcel is classified as Range Lands (RL) by the Coastal Element of the Mendocino County General Plan, which is intended "...to be applied to lands which are suited for and are appropriately retained for the grazing of livestock and which may also contain some timber producing areas."¹ The principally permitted use designated for the RL land use classification is "...grazing and forage for livestock, including: raising of crops, wildlife habitat improvement; one single family dwelling per legally created parcel, harvesting of firewood for the residents personal use, [and] home occupations."² The minimum parcel size for the RL land use classification is 160-acres. The proposed use is consistent with the RL classification of the Coastal Element of the Mendocino County General Plan.

Hazards

Mendocino County Coastal Element Chapter 3.4 Hazards Management addresses seismic, geologic and natural forces within the Coastal Zone. Mapping does not associate the following with the subject site: faults and bluff hazards.

Seismic Activity: The property neither lies within, nor does it adjoin a mapped Alquist-Priolo Earthquake Fault Zone.³ The San Andreas Fault is located approximately 3.4-miles east of the project site and is the nearest active fault. This project does not conflict with any state or local seismic hazard policy or plan.

Flooding: There are no mapped 100-year flood zones on the subject parcel, and no conditions are necessary to ensure consistency with flood policy.⁴

Fire: The parcel is located in an area characterized by a High Fire Hazard Severity Rating.⁵ The project application was referred to the California Department of Forestry and Fire Protection (CalFire) and the Redwood Coast Fire Protection District for input. Redwood Coast Fire Protection District had no comment at the time of referral. (See subsection Access Roads, page A-4, for CalFire requested condition). Staff recommends inclusion of the following standard condition:

Standard Condition: This permit shall be subject to the securing of all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction.

Visual Resources

Protection of visual resources is a specific mandate of Section 30251 of the Coastal Act, and is subsequently addressed in Chapter 3.5 of General Plan's Coastal Element and implemented by MCC Chapter 20.504. As depicted on LCP Map 25 *Point Arena*, the subject parcel is excluded from the Highly Scenic Area. However, as depicted on the *Highly Scenic & Tree Removal Areas* Map, the subject parcel is designated as a "Highly Scenic Area (Conditional)."⁶ Regardless, due to topography the proposed bridge would not be visible from public lands and is therefore not subject to the development requirements of MCC Chapter 20.504. No exterior lighting is proposed.

¹ Chapter 2.2 of the Coastal Element. Mendocino County, Planning and Building Services, Planning Division. *The County of Mendocino-General Plan*. 1991. Ukiah, CA.

² Chapter 2.2 of the Coastal Element. Mendocino County, Planning and Building Services, Planning Division. *The County of Mendocino-General Plan*. 1991. Ukiah, CA.

³ State of California Special Studies Zones, Department of Conservation, Division of Mines and Geology.

⁴ *Mendocino County and Incorporated Areas* [map]. 2011. Flood Insurance Rate Map, Panel 1750, Number 06045C1750F. Federal Emergency Management Agency.

⁵ *Fire Hazard Severity Zones in SRA* [map]. 2007. 1:150,000. Fire and Resource Assessment Program, California Department of Forestry and Fire Protection.

⁶ *Highly Scenic & Tree Removal Areas* [map]. 2016. 1:12,000. Mendocino County Planning and Building Services.

- **20.532.095(A)(2) The proposed development will be provided with adequate utilities, access roads, drainage and other necessary facilities.**

☒ *Consistent (with conditions of approval)*

Utilities

The subject site contains no existing development and the proposed project would not require the installation of utilities.

Access Roads

Hayward Ranch Road, a private road, originates at Highway 1, just north of the Moat Creek, and runs north, then east, crossing Moat Creek. The proposed project includes the installation of a bridge across Moat Creek on Hayward Ranch Road to replace washed-out culverts. The culverts were washed-out during a storm in 2014. The applicant has removed the remains of the culverts from the creek bed. The proposed bridge would be located approximately 0.5-miles north of the intersection of Hayward Ranch Road and Highway 1.

The California Department of Transportation (CalTrans) and CalFire were invited to provide comment on the application. Caltrans did not respond to a request for comment; CalFire has provided conditional clearance. In response to CalFire's request, staff recommends the following condition to ensure compliance with the California Code of Regulations, Title 14, Section 1273.07.

Recommended Condition: Bridges shall have a minimum 40,000 lb. load capacity, minimum 15-foot vertical clearance. Appropriate signing including: Weight limits, Vertical Clearance, One Way Road, Single Land conditions shall be posted. One lane bridges shall provide an unobstructed view from one end to the other with turnouts at both ends.

Per the Site Plans drawn by Chapman Engineering, dated May 16, 2016, the proposed bridge would meet the requirements of the above Recommended Condition, with piles driven to a 20-ton bearing. Compacted road base (30-feet long by 10-feet wide, 95-percent relative compacted) would be used on both ends of the bridge for ramps with engineered steel containment to extend the structure of the bridge to native grade. The proposed project would be provided with adequate access roads and would restore access to the applicant's six parcels that rely on Hayward Ranch Road for access.

Drainage

Drainage is regulated by MCC Chapter 20.492 to limit the impact of stormwater runoff and erosion. The proposed project was referred to the United States Fish and Wildlife Service (USFWS) and CDFW for comment. USFWS did not respond to a request for comment. CDFW issued a Lake or Streambed Alteration Agreement for the project (Notification No. 1600-2015-0305-R1) on September 29, 2015. CDFW concurs with the Mitigation Measures and Avoidance Measures in Section 8 of the *Biological Report of Compliance for a Coastal Development Permit* dated July 28, 2016, by Wynn Coastal Planning. Staff recommends the following condition to minimize surface erosion and ensure drainage structures, streambeds, and banks remain sufficiently armored and/or stable.⁷

Recommended Condition: The property owner shall provide site maintenance including, but not limited to, re-applying erosion control to minimize surface erosion and ensuring drainage structures, streambeds, and banks remain sufficiently armored and/or stable.

- **20.532.095(A)(3) The proposed development is consistent with the purpose and intent of the zoning district applicable to the property, as well as the provisions of this Division and preserves the integrity of the zoning district.**

⁷ Mitigation Measure 2.5, Lake or Streamside Alteration Agreement, Notification No. 1600-2015-0305-R1, California Department of Fish and Wildlife, September 29, 2015.

☒ *Consistent (without conditions of approval)*

Intent: The subject parcel is zoned Range Lands (RL). The intent of the RL District is "...to encompass lands within the Coastal Zone which are suited for and are appropriately retained for the grazing of livestock and which may also contain some timber producing areas."⁸

The applicant is requesting after-the-fact authorization to repair a washed-out culvert and proposes to install a bridge crossing Moat Creek on Hayward Ranch Road. The bridge is a single-lane clear span rail car bridge, measuring 53-feet long by 10-feet wide. No existing development exists on the project site. Overall, the proposal would conform to the RL District development standards.

Use: The existing parcel is undeveloped. Hayward Ranch Road and Moat Creek bisect the site.

Yards: The minimum required front, rear and side yards in the RL District are 50-feet.⁹ The bridge would be installed more than 50-feet from all property lines.

Height: The maximum permitted building height in the RL District is 28-feet above natural grade.¹⁰ The bridge would be 6.5-feet above grade at its highest point. As such, the height of the installed bridge would be consistent with the maximum building height limit.

Lot Coverage: The maximum permitted lot coverage in the RL District is 10-percent for parcels over 5-acres in size.¹¹ The parcel is 9-acres, permitting maximum lot coverage of approximately 39,204-square-feet. The area proposed for development is approximately 1,130 square feet. The proposed development would not exceed the permitted lot coverage maximum for the RL District.

- **20.532.095(A)(4) The proposed development will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.**

☒ *Consistent (with conditions of approval)*

The proposed project is subject to the provisions of California Environmental Quality Act (CEQA), pursuant to Public Resources Code (PRC) Section 15070 of Article 6 of the CEQA Guidelines. Public Resources Code Section 15070 states, "...A public agency shall prepare or have prepared a proposed negative declaration or mitigated negative declaration for a project subject to CEQA when...the initial study identifies potentially significant effects, but revisions in the project plans or proposals made by, or agreed to by the applicant before a proposed mitigated negative declaration and initial study are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur."

The applicant is requesting, after-the-fact, to remove the culvert that was washed out during the 2014 winter storms and requesting to install a single-lane rail car bridge, 53-feet long by 10-feet wide, across Moat Creek, with a 30-feet long by 10-feet side, 95-percent relative compacted road base up to the bridge on the east and west sides of the bridge. Riparian and wetland Environmentally Sensitive Habitat Areas (ESHAs) have been identified on the site. While no rare or endangered plant or wildlife species were identified in the project area, there is potential that habitat may be present for special status amphibians, birds, and bats. Therefore, the Mitigated Negative Declaration identified the following mitigation measures to protect sensitive habitats and special status species, in addition to a mitigation measure to protect cultural resources:

⁸ Mendocino County Coastal Zoning Code, § II-20.368.005 (1991). Print.

⁹ Mendocino County Coastal Zoning Code, § II-20.368.030 (1991). Print.

¹⁰ Mendocino County Coastal Zoning Code, § II-20.368.040 (1991). Print.

¹¹ Mendocino County Coastal Zoning Code, § II-20.368.045 (1991). Print.

Comply with LSAA Requirements

Mitigation Measure: Property owner shall comply with all requirements of the most recent Lake and Streambed Alteration Agreement issued pursuant to this project (currently Notification #1600-2015-0305-R1) including the “Measures to Protect Fish and Wildlife Resources” detailed therein.

Minimize Erosion During Construction

Mitigation Measure: Prior to and during all ground disturbing activities, silt fencing, straw wattles or other comparable Best Management Practices (BMPs) shall be properly installed and maintained on the top of the creek bank.

Mitigation Measure: All project components, including the use of heavy equipment, staging, and other project impacts shall be limited to upland areas indicated as “Staging Area” on the ESHA & Development Map.

Mitigation Measure: The contractor and their crews shall be made aware of the purpose of the erosion control best management practice measures, and shall maintain the erosion control structures in working order.

Mitigation Measure: Pollutants and equipment shall be stored and maintained in such a manner as to prevent and minimize accidental spills; any spills that do occur shall be cleaned up as soon as possible.

Mitigation Measure: Disturbed soil shall be stabilized as soon as possible after construction.

Minimize Sediment Delivery into Wetland Area During Construction

Mitigation Measure: Prior to and during all ground disturbing activities, orange construction fencing or other comparable materials shall be properly installed and maintained along the edge of the Coastal Act Wetland. There currently exists a chain link fence adjacent to the wetland; orange flagging shall be affixed along the entire top of this fence adjacent to the project area to act as a construction fence.

Mitigation Measure: When ground-disturbing work is performed during the wet-season, weed-free straw wattles shall be placed along the base of the construction fencing to prevent sediment delivery into the wetland.

Avoidance Measures - Special Status Amphibians

Mitigation Measure: Within two weeks prior to construction activities, project contractors shall be trained by a qualified biologist in the identification of the California red-legged frog and the southern torrent salamander.

Mitigation Measure: During ground disturbing activities, construction crews shall begin each day with a visual search around the area of restoration to detect the presence of frogs.

Mitigation Measure: During construction and debris removal, any wood stockpiles shall be moved carefully by hand in order to avoid accidental crushing or other damage to amphibians.

Mitigation Measure: If a rain event occurs during the ground disturbance period, all ground disturbing activities shall cease for a period of 48 hours after the rain stops.

- i. Prior to resuming construction activities, trained construction crew member(s) shall examine the site for the presence of special status amphibians.
 - a. If no special status amphibians are found during inspections, ground-disturbing activities may resume.

- b. If a special status amphibian is detected following a rain event or during daily inspections identified in Mitigation Measure 10, above, construction crews shall stop all ground disturbing work and shall contact the California Department of Fish and Wildlife (CDFW) or a qualified biologist. Clearance from the CDFW shall be obtained prior to reinitiating work. The CDFW shall be consulted and provide with protective measures needed for any potential special status amphibians.

Avoidance Measures - Special Status Birds and Bats

Mitigation Measure: When the development activities (including clearing of vegetation, ground-disturbing activities and pile driving) cannot be performed during the non-breeding season between September and January, a qualified biologist shall perform preconstruction breeding bird surveys 14-days prior to the onset of construction or clearing of vegetation.

- i. If active breeding bird nests are observed, no ground disturbance activities shall occur within a minimum 100-foot exclusion zone.
- ii. These exclusion zones may vary depending on species, habitat and level of disturbance.
- iii. The exclusion zone shall remain in place around the active nest until all young are no longer dependent upon the nest.
- iv. A biologist shall monitor the nest site weekly during the breeding season to ensure the buffer is sufficient to protect the nest site from potential disturbances.

Mitigation Measure: When the development activities cannot be performed during the non-breeding season between September 1 and October 31, and it is necessary to disturb potential bat roost sites, a qualified biologist shall perform preconstruction bat surveys 14-days prior to the onset of construction or clearing of vegetation.

- i. Pre-construction bat surveys involve surveying trees, rock outcrops, and buildings subject to removal or modification for evidence of bat use (guano accumulation or acoustic or visual detections).
 - a. If evidence of bat use is found, then biologists shall conduct acoustic surveys under appropriate conditions using an acoustic detector, to determine whether a site is occupied.
 - b. If bats are found, a minimum 50-foot buffer shall be implemented around the roost tree or roost area.
 - c. Removal of roost trees should occur in September and October or after the bats have left the roost.

Archaeological Resources

Mitigation Measure: If previously unidentified cultural resources are encountered during project implementation, the applicant shall avoid altering the materials and their context. A qualified professional archaeologist shall be contacted to evaluate the situation. Project personnel shall not collect cultural resources. Prehistoric resources include, but are not limited to, chert or obsidian flakes, projectile points, mortars, pestles, and dark friable soil containing shell and bone dietary debris, heat-affected rock, or human burials. Historic resources include stone or abode foundations or walls; structures and remains with square nails; and refuse deposits or bottle dumps, often located in old wells or privies.

With the incorporation of the mitigation measures listed above, the proposed project would not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act. Staff recommends adoption of the Mitigated Negative Declaration prior to project approval.

- **20.532.095(A)(5) The proposed development will not have any adverse impacts on any known archaeological or paleontological resource.**

☒ *Consistent (with conditions of approval)*

The Archaeological Commission accepted the archeological survey for the site, prepared by Alex DeGeorgey in March 2016, during its September 14, 2016, meeting. The Archaeological Commission requests a condition requiring strict adherence to the report's recommendations. One recommendation was included in the archaeological survey and it is included as a mitigation measure in the Mitigated Negative Declaration (Refer to Archaeological Resource Mitigation Measures, see page A-7). Staff recommends inclusion of the requested condition and a Standard Condition that advises the property owner of the County's "Discovery Clause" which establishes procedures to follow in the event that archaeological or cultural materials are unearthed during site preparation or construction activities.

Standard Condition: If any archaeological sites or artifacts are discovered during site excavation or construction activities, the applicant shall cease and desist from all further excavation and disturbances within 100-feet of the discovery, and make notification of the discovery to the Director of the Department of Planning and Building Services. The Director will coordinate further actions for the protection of the archaeological resources in accordance with Section 22.12.090 of the Mendocino County Code.

- **20.532.095(A)(6) Other public services, including but not limited to, solid waste and public roadway capacity have been considered and are adequate to serve the proposed development.**

☒ *Consistent (without conditions of approval)*

Solid Waste: The South Coast Transfer Station is located approximately 9-miles from the project site, providing for the disposal of solid waste resulting from the proposed project. No residential solid waste is anticipated under the proposed project.

Roadway Capacity: The State Route 1 Corridor Study Update provides traffic volume data for Highway 1. The subject property is located at 26411 S Highway 1, which is approximately 2.3-miles south of its intersection with Port Road. The nearest data breakpoint in the study is located in Point Arena at the intersection of Iverson Avenue and Highway 1. The existing level of service at peak hour conditions at this location is considered Level of Service B.¹² No change in service levels is anticipated. Repairing the washed-out culvert and installing a bridge across Moat Creek would generate few additional vehicle trips per day.

- **20.532.095(B)(1) If the proposed Development is located between the first public road and the sea or the shoreline of any body of water, the following additional finding must be made: The proposed development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act and the Coastal Element of the General Plan.**

☒ *Consistent (without conditions of approval)*

The project site is located east of Highway 1 and is not designated as a potential public access trail location on the LCP Map 25 *Point Arena*. Coastal access is provided westerly of the project site and along the shoreline. There is no evidence of prescriptive access on the developed site. The proposed project would have no effect on public access to the coast.

¹² *State Route 1 Corridor Study Update for the County of Mendocino*. Rep. Santa Rosa: Whitlock & Weinberger Transportation, 2008. Print.

20.532.100 (A) Resource Protection Impact Findings	Inconsistent	Consistent (With Conditions of Approval)	Consistent (Without Conditions of Approval)	Not Applicable
(1) Development in Environmentally Sensitive Habitat Areas. No development shall be allowed in an ESHA unless the following findings are made:				
(a) The resource as identified will not be significantly degraded by the proposed development.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) There is no feasible less environmentally damaging alternative.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c) All feasible mitigation measures capable of reducing or eliminating project related impacts have been adopted.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2) Impact Finding For Resource Lands Designated AG, RL and FL. No permit shall be granted in these zoning districts until the following finding is made:				
(a) The proposed use is compatible with the long-term protection of resource lands.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- **20.532.100(A)(1)(a) The resource as identified will not be significantly degraded by the proposed development.**

☒ *Consistent (without conditions of approval)*

The Mendocino County LCP includes sections of both the MCC and the Coastal Element of the General Plan addressing Environmentally Sensitive Habitat Areas (ESHA). The MCC states that development having the potential to impact an ESHA shall be subject to a biological survey, prepared by a qualified biologist, to determine the extent of sensitive resources, to document potential negative impacts, and to recommend appropriate mitigation measures.

The applicant is requesting an after-the-fact Coastal Development Permit to repair a washed-out culvert and install a bridge crossing Moat Creek. The bridge is a single-lane clear span rail car bridge, measuring 53-feet long by 10-feet wide. The property owner has removed the remains of the culverts from the creek bed. A 30-feet long by 10-feet wide, 95-percent relative compacted road base up to the bridge is proposed on the east and west sides of the bridge. The bridge would be 6.5-feet above grade after installation.

A Lake or Streambed Alteration Agreement (Notification No. 1600-2015-0305-R1) was entered into between the CDFW and the property owner on September 29, 2015, for removal of the double-culvert crossing and installation of the bridge. It was determined that the preferred and least damaging alternative was to install a rail car bridge instead of replacing the washed-out culverts directly within Moat Creek. All project work would occur within the existing roadway (except for staging areas within upland areas and on the south side of the existing road).

Review of the California Natural Diversity Data Base showed the potential for several special status species to occur near the project site, including short-leaved evax (*Hesperovax sparsiflora* var *brevifolia*, G4T3 S2), Swamp harebell (*Campanula californica*, G3 S3), Marsh microseris (*Microseris paludosa*, G2 S2), Maple-leaved checkerbloom (*Sidalcea malachroides*, G3 S3), (*Sidalcea malviflora* ssp. *purpurea*, G5T1S1), and three (3) species of rare animals that have been reported within 5-miles of the project site: Point Arena Mountain Beaver (*Aplodontia rufa nigra* G5T1 S1), Obscure Bumble Bee (*Bombus caliginosus*, G4? S1S2), Behren's silverspot butterfly (*Speyeria zerene behrensii*, GU S1). Riparian and wetland ESHA habitats were identified on the project site and are described as Wetland and *Juncus*

patens alliance (ESHA); Riparian habitat and *Alnus rubra* alliance (ESHA); and Exposed Soil with Spare Herbaceous Plants along Creek Banks (ESHA), as provided in the *Biological Report of Compliance for a Coastal Development Permit* (Biological Report) dated July 28, 2016, by Wynn Coastal Planning. Other habitat areas observed within the study area include non-native grasses, shrubs, and herbaceous plants, and mature Monterey cypress stands. No rare or endangered plant or wildlife species were identified in the project area; however, there is potential that habitat may be present for special status birds, bats, and amphibians. Mitigation measures are recommended by the biological consultant to assure the project does not result in impacts to ESHAs or potentially present special status birds, bats, and amphibians (refer to Section 20.532.095(A)(4) above).

The project was referred to the United States Fish and Wildlife Service (USFWS), the Army Corps of Engineers, and the CDFW; however, no response was received from the US Fish and Wildlife Service or the Army Corps of Engineers. CDFW reviewed the and has concurred in their comments that the avoidance measures are adequate to protect the ESHA. Staff recommends adopting the mitigation measures included in the Mitigated Negative Declaration (refer to Section 20.532.095(A)(4), above). With the adopted mitigation measures, the resources will not be significantly degraded by removing the washed out culvert or construction of a rail car bridge crossing Moat Creek.

➤ **20.532.100(A)(1)(b) There is no feasible less environmentally damaging alternative.**

☒ *Consistent (without conditions of approval)*

A Lake or Streambed Alteration Agreement (Notification No. 1600-2015-0305-R1) was entered into between the CDFW and the property owner on September 29, 2015, for removal of the double-culvert crossing and installation of the bridge. It was determined that the preferred and least damaging alternative was to install a rail car bridge, instead of replacing the washed-out culverts directly within Moat Creek. Staff concurs with the LSAA conclusions that the request as proposed is the most feasible and least environmentally damaging alternative.

➤ **20.532.100(A)(1)(c) All feasible mitigation measures capable of reducing or eliminating project related impacts have been adopted.**

☒ *Consistent (with conditions of approval)*

Mitigation measures are recommended in the *Biological Report of Compliance for a Coastal Development Permit* (Biological Report) assure the project does not result in impacts to ESHAs or potentially present special status birds, bats, and amphibians (refer to Section 20.532.095(A)(4), above). The project was referred to the USFWS, the Army Corps of Engineers, and the CDFW. No response was received from the US Fish and Wildlife Service or the Army Corps of Engineers. CDFW reviewed the report and has concurred in their comments that the avoidance measures are adequate to protect the ESHA. Staff recommends adopting the mitigation measures included in the Mitigated Negative Declaration (refer to Section 20.532.095(A)(4), above) and concludes that all feasible mitigation measures capable of reducing or eliminating project related impacts have been included in the recommended conditions.

➤ **20.532.100(A)(2)(a) Impact Finding for Resource Lands Designated AG, RL, and FL. No permit shall be granted in these zoning districts until the following finding is made: The proposed use is compatible with the long-term protection of resource lands.**

☒ *Consistent (without conditions of approval)*

The project site is classified in the General Plan as Range Land (RL). The project site would provide access to adjoining parcels. The proposed use is compatible with the long-term protection of resource lands, such as those designated RL.

The location of the proposed project would utilize the existing access and the bridge would be integrated into the existing roadbed. No new roads or other facilities would be constructed under the proposed project.

20.532.100 (B) Agricultural Land Impact Findings	Inconsistent	Consistent (With Conditions of Approval)	Consistent (Without Conditions of Approval)	Not Applicable
(3) Conversion of Non-prime Agricultural Lands. Conversion of all other agricultural lands to non-agricultural uses will be prohibited unless it is found that such development will be compatible with continued agricultural use of surrounding lands and at least one of the following findings applies:				
(a) Continued or renewed agricultural use is not feasible as demonstrated by an economic feasibility evaluation prepared pursuant to Section 20.524.015(C)(3)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Such development would result in protecting prime agricultural land and/or concentrate development	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- **20.532.100(B)(3)(a) Conversion of all other agricultural lands to non-agricultural uses will be prohibited unless it is found that such development will be compatible with the continued agricultural use of surrounding lands and at least one of the following findings applies: Continued or renewed agricultural use is not feasible as demonstrated by an economic feasibility evaluation prepared pursuant to Section 20.524.015(C)(3).**

☒ *Consistent (without conditions of approval)*

The proposed project involves the installation of a bridge spanning Moat Creek to restore access along Hayward Ranch Road. Currently, the existing use of the site is vacant land with access to adjoining lots. No change in the project site's land use or zoning designations is proposed and no other development is proposed under the project; as such, there would be no impact to the continued or renewed agricultural use of the property.

- **20.532.100(B)(3)(b) Conversion of all other agricultural lands to non-agricultural uses will be prohibited unless it is found that such development will be compatible with the continued agricultural use of surrounding lands and at least one of the following findings applies: Such development would result in protecting prime agricultural land and/or concentrate development.**

☒ *Consistent (without conditions of approval)*

The proposed project involves the installation of a bridge spanning Moat Creek to restore access along Hayward Ranch Road. Currently, the existing use of the site is vacant land with access to adjoining lots. No change in the project site's land use or zoning designations is proposed; as such, there would be no impact to the site's agricultural land use. No other development is proposed under the project.

Resolution Number _____

County of Mendocino
Ukiah, California
2/23/2017

CDP_2015-0032 GREGORY JIRAK

RESOLUTION OF THE COASTAL PERMIT ADMINISTRATOR,
COUNTY OF MENDOCINO, STATE OF CALIFORNIA, ADOPTING A
MITIGATED NEGATIVE DECLARATION AND GRANTING A
STANDARD COASTAL DEVELOPMENT PERMIT TO REPAIR A
WASHED-OUT CULVERT AND INSTALL A BRIDGE CROSSING MOAT
CREEK.

WHEREAS, the applicant, GREGORY JIRAK, filed an after-the-fact application for Standard Coastal Development Permit with the Mendocino County Department of Planning and Building Services to repair a washed-out culvert and install a bridge crossing Moat Creek. The site is located on the east side of Highway 1 approximately 2.3-miles south of its intersection with Port Road, Point Arena., 26411 So Hwy 1, Point Arena; 02734112; General Plan RL160:R; Zoning RL:160/NONE; Supervisorial District 5; (the "Project"); and

WHEREAS, a MITIGATED NEGATIVE DECLARATION was prepared for the Project and noticed and made available for agency and public review on January 25, 2017 in accordance with the California Environmental Quality Act (CEQA) and the State and County CEQA Guidelines; and

WHEREAS, in accordance with applicable provisions of law, the Coastal Permit Administrator held a public hearing on February 23, 2017, at which time the Coastal Permit Administrator heard and received all relevant testimony and evidence presented orally or in writing regarding the Mitigated Negative Declaration and the Project. All interested persons were given an opportunity to hear and be heard regarding the Mitigated Negative Declaration and the Project; and

WHEREAS, the Coastal Permit Administrator has had an opportunity to review this Resolution and finds that it accurately sets for the intentions of the Coastal Permit Administrator regarding the Mitigated Negative Declaration and the Project.

NOW, THEREFORE, BE IT RESOLVED, that the Coastal Permit Administrator makes the following findings:

1. The proposed development is in conformity with the certified local coastal program. The request to remove a washed-out culvert and the proposed single-lane clear span rail car bridge is consistent with the intent of the RL land use classification and would restore access to a permitted use (single-family dwelling) within the RL classification.
2. The proposed project complies with the development standards of the Mendocino County Codes and the RL District, including standards for access to utilities, access roads, drainage, and other necessary facilities.
3. The proposed development is consistent with the purpose and intent of the RL District and would restore access to a permitted use within the RL District. The proposed project complies with the development standards of the RL District, including standards for use, yards, height, and lot coverage.

4. The project site has been surveyed for special status plants and species and, as conditioned by this permit, no significant impact to environmentally sensitive areas or other resources is anticipated. An Initial Study and Mitigated Negative Declaration have been prepared for the project pursuant to CEQA.
5. The project area has been surveyed for archaeological resources and found that site(s) were identified in the project vicinity. Mitigation is provided in conditions to mitigate the accidental unearthing of a cultural resource. The Mendocino County Archaeological Commission has accepted the application and survey, and the property owner shall strictly adhere to the recommendations of the survey.
6. Other public services, including but not limited to, solid waste and public roadway capacity have been considered and are adequate to serve the proposed project. The proposed project would not substantially increase the amount of travel on the public roadway. The project site is provided with adequate solid waste facilities, as curbside pick-up is available as well as there is a transfer station nearby.
7. The proposed project does not diminish public access to Mendocino County coastal areas and conforms to the goals and policies of the Coastal Element of the General Plan. The project site is located east of the first public road and is not designated as a potential access point.
8. As conditioned, the proposed project would not result in impacts to riparian or wetland environmentally sensitive habitat areas identified on the project site, and would protect sensitive habitats and potentially present special status species.
9. In coordination with the California Department of Fish and Wildlife, the proposed project was determined to be the preferred and least damaging alternative, instead of replacing the washed out culvert crossing Moat Creek.
10. All feasible mitigation measures capable of reducing or eliminating project related impacts have been adopted and are included under the Initial Study and Mitigated Negative Declaration. These mitigation measures would assure the project would not result in impacts to environmentally sensitive habitat areas, potential present special status species, or archaeological resources.
11. The proposed project would provide access to adjoining parcels and is compatible with the long-term protection of resource lands, such as those designated RL.
12. The project ensures the preservation of the rural character of the site, since no additional development is proposed.
13. The project maximizes the preservation of prime agricultural soils. The project site does not contain prime agricultural soils.
14. The project ensures existing land use compatibility by maintaining productivity of on-site and adjacent agricultural lands by restoring access to adjoining lots.

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

BE IT FURTHER RESOLVED that the Coastal Permit Administrator hereby grants the requested Standard Coastal Development Permit, subject to the Conditions of Approval in Exhibit "A", attached hereto.

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

BE IT FURTHER RESOLVED that the Coastal Permit Administrator action shall be final on the 11th day after the date of the Resolution unless an appeal is taken. The permit shall become effective after the ten (10) working day appeal period to the Coastal Commission has expired and no appeal has been filed with the Coastal Commission.

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

ATTEST: ADRIENNE M. THOMPSON
Secretary to the Planning Commission

By:_____

BY: STEVEN D. DUNNICLIFF
Director

MOLLY WARNER, Chair
Mendocino County Planning Commission

EXHIBIT A

CONDITIONS OF APPROVAL AND MITIGATION MONITORING AND REPORTING PROGRAM CDP_2015-0032 2/23/2017

A request for an after-the-fact Coastal Development Permit to repair a washed-out culvert and install a bridge crossing Moat Creek.

APPROVED PROJECT DESCRIPTION: A request for an after-the-fact Coastal Development Permit to repair a washed-out culvert and install a bridge crossing Moat Creek.

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

1. This action shall become final on the 11th day following the decision unless an appeal is filed pursuant to Section 20.544.015 of the Mendocino County Code. The permit shall become effective after the ten (10) working day appeal period to the Coastal Commission has expired and no appeal has been filed with the Coastal Commission. The permit shall expire and become null and void at the expiration of two years after the effective date except where construction and use of the property in reliance on such permit has been initiated prior to its expiration.
2. To remain valid, progress towards completion of the project must be continuous. The applicant has sole responsibility for renewing this application before the expiration date. The County will not provide a notice prior to the expiration date.
3. The application, along with supplemental exhibits and related material, shall be considered elements of this permit, and that compliance therewith is mandatory, unless an amendment has been approved by the Coastal Permit Administrator.
4. This permit shall be subject to the securing of all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction.
5. The applicant shall secure all required building permits for the proposed project as required by the Building Inspection Division of the Department of Planning and Building Services.
6. This permit shall be subject to revocation or modification upon a finding of any one or more of the following:
 - i. The permit was obtained or extended by fraud.
 - ii. One or more of the conditions upon which the permit was granted have been violated.
 - iii. The use for which the permit was granted is conducted so as to be detrimental to the public health, welfare or safety, or to be a nuisance.
 - iv. A final judgment of a court of competent jurisdiction has declared one or more conditions to be void or ineffective, or has enjoined or otherwise prohibited the enforcement or operation of one or more such conditions.
7. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit described boundaries. Should, at any time, a legal determination be made that the number, size or shape of parcels within the permit described boundaries are different than that which is legally required by this permit, this permit shall become null and void.

8. **Property owner shall comply with all requirements of the most recent Lake and Streambed Alteration Agreement issued pursuant to this project (currently Notification #1600-2015-0305-R1)., including the "Measures to Protect Fish and Wildlife Resources" detailed therein.
9. If any archaeological sites or artifacts are discovered during site excavation or construction activities, the property owner shall cease and desist from all further excavation and disturbances within 100-feet of the discovery, and make notification of the discovery to the Director of the Department of Planning and Building Services. The Director will coordinate further actions for the protection of the archaeological resources in accordance with Section 22.12.090 of the Mendocino County Code.
10. **If previously unidentified cultural resources are encountered during project implementation, the property owner shall avoid altering the materials and their context. A qualified professional archaeologist shall be contacted to evaluate the situation. Project personnel shall not collect cultural resources. Prehistoric resources include, but are not limited to, chert or obsidian flakes, projectile points, mortars, pestles, and dark friable soil containing shell and bone dietary debris, heat-affected rock, or human burials. Historic resources include stone or abode foundations or walls; structures and remains with square nails; and refuse deposits or bottle dumps, often located in old wells or privies.
11. **Prior to and during all ground disturbing activities, silt fencing, straw wattles or other comparable Best Management Practices (BMPs) shall be properly installed and maintained on the top of the creek bank.
12. **All project components, including the use of heavy equipment, staging, and other project impacts shall be limited to upland areas indicated as "Staging Area" on the ESHA and Development Map.
13. **The contractor and their crews shall be made aware of the purpose of the erosion control best management practice measures, and shall maintain the erosion control structures in working order.
14. **Pollutants and equipment shall be stored and maintained in such a manner as to prevent and minimize accidental spills; any spills that do occur shall be cleaned up as soon as possible.
15. **Disturbed soil shall be stabilized as soon as possible after construction.
16. **Prior to and during all ground disturbing activities, orange construction fencing or other comparable materials shall be properly installed and maintained along the edge of the Coastal Act Wetland. There currently exists a chain link fence adjacent to the wetland; orange flagging shall be affixed along the entire top of this fence adjacent to the project area to act as a construction fence.
17. **When ground-disturbing work is performed during the wet-season, weed-free straw wattles shall be placed along the base of the construction fencing to prevent sediment delivery into the wetland.
18. **Within two weeks prior to construction activities, project contractors shall be trained by a qualified biologist in the identification of the California red-legged frog and the southern torrent salamander.
19. **During ground disturbing activities, construction crews shall begin each day with a visual search around the area of restoration to detect the presence of frogs.
20. **During construction and debris removal, any wood stockpiles shall be moved carefully by hand in order to avoid accidental crushing or other damage to amphibians.

21. **If a rain event occurs during the ground disturbance period, all ground disturbing activities shall cease for a period of 48-hours after the rain stops.
 - i. Prior to resuming construction activities, trained construction crew member(s) shall examine the site for the presence of special status amphibians.
 - a. If no special status amphibians are found during inspections, ground-disturbing activities may resume.
 - b. If a special status amphibian is detected following a rain event or during daily inspections identified in Mitigation Measure 18, above, construction crews shall stop all ground disturbing work and shall contact the California Department of Fish and Wildlife (CDFW) or a qualified biologist. Clearance from the CDFW shall be obtained prior to reinitiating work. The CDFW shall be consulted and provide protective measures needed for any potential special status amphibians.
22. **When the development activities (including clearing of vegetation, ground-disturbing activities and pile driving) cannot be performed during the non-breeding season between September and January, a qualified biologist shall perform preconstruction breeding bird surveys 14-days prior to the onset of construction or clearing of vegetation.
 - i. If active breeding bird nests are observed, no ground disturbance activities shall occur within a minimum 100-foot exclusion zone.
 - ii. These exclusion zones may vary depending on species, habitat and level of disturbance.
 - iii. The exclusion zone shall remain in place around the active nest until all young are no longer dependent upon the nest.
 - iv. A biologist shall monitor the nest site weekly during the breeding season to ensure the buffer is sufficient to protect the nest site from potential disturbances.
23. **When the development activities cannot be performed during the non-breeding season between September 1 and October 31, and it is necessary to disturb potential bat roost sites, a qualified biologist shall perform preconstruction bat surveys 14-days prior to the onset of construction or clearing of vegetation.
 - i. Pre-construction bat surveys involve surveying trees, rock outcrops, and buildings subject to removal or modification for evidence of bat use (guano accumulation or acoustic or visual detections).
 - a. If evidence of bat use is found, then biologists shall conduct acoustic surveys under appropriate conditions using an acoustic detector, to determine whether a site is occupied.
 - b. If bats are found, a minimum 50-foot buffer shall be implemented around the roost tree or roost area.
 - c. Removal of roost trees should occur in September and October or after the bats have left the roost.
24. The property owner shall record a deed that includes the adopted resolution approving CDP_2015-0032 and its Exhibit A (Conditions of Approval and Mitigation, Monitoring and Reporting Program).

DATE: January 11, 2017

CASE NUMBER: CDP_2015-0032

OWNER/APPLICANT: JIRAK GREGORY A

PROJECT REQUEST: A request for an after-the-fact Coastal Development Permit to repair a washed-out culvert and install a bridge crossing Moat Creek.

LOCATION: In the Coastal Zone, 1.1 miles southeast of the City of Point Arena, off of a private roadway leading north then east off of State Highway 1, approximately 2.3 miles south of its intersection with Port Road. Located at 26411 South Highway 1, Point Arena; APN 027-341-12.

Environmental Checklist.

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

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

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

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

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

Mendocino's coast includes beaches, dunes, high bluffs, sea stacks, jutting headlands, wetlands, heavily wooded gulches, grassy upland terraces, pygmy forests, serene river estuaries and rocky streams. Scenic resources are the basis of the coast's tourist and retirement economies as well as a source of continuing pleasure for residents (Mendocino County Coastal Element (LCP), Chapter 3.5).

In addition to incorporating the California Coastal Act requirements, the Mendocino County General Plan, Coastal Element, provides specific policies and recommendations for improving and/or maintaining Mendocino County's unique scenic resources and visual character. The Coastal Element protects views to and along the ocean and scenic coastal areas by ensuring new development is subordinate to the character of the setting by designating Highly Scenic Areas. The Highly Scenic Areas have standards for minimizing visual impacts of development through careful building placement, height limits and maintaining natural landforms.

The subject parcel lies east of Highway 1, approximately 1.1-miles southeast of the City of Point Arena, and is designated as Range Lands (RL) and a Conditionally Highly Scenic Area.¹ A bridge is proposed to be located approximately 0.5-miles north of the intersection of Hayward Ranch Road and Highway 1. The subject property is located within a rural area. The project site is currently undeveloped and provides access to adjoining lots. Neighboring properties contain single family residences and undeveloped land. The subject site and neighboring properties contain rolling hills and Moat Creek bisects the subject site. Associated riparian area is located along Moat Creek on the subject site and to the north and south. East of the subject site becomes more densely vegetated, while to the west, vegetation primarily consists of grasses.

The project site is located within a mapped Conditionally Highly Scenic Area. The maximum permitted height for the Range Lands (RL) District for non-Highly Scenic Areas and for Highly Scenic Areas east of Highway 1 is 28-feet above natural grade (Mendocino County Coastal Zoning Code (MCC) Section 20.368.040). The application proposes installation of a single-lane rail car bridge across Moat Creek, proposed to be 6.5-feet above grade after installation, which would be consistent with the height requirements of the LCP.

Chapter 3.5 of the LCP provides the policy framework for the protection of visual resources and the associated requirements for development in the Coastal Zone. Policy 3.5-1 states in pertinent part:

Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas designated by the County of Mendocino Coastal Element shall be subordinate to the character of its setting.

a), b), c) and d) No Impact

The proposed project would have no impact on visual resources. As noted above, the County classifies the project site as a "Highly Scenic Area (Conditional)." The proposed project would not have an adverse effect on a scenic vista. Additionally, Highway 1 is not a designated State Scenic Highway.

The proposed project would not be visible from public lands, such as the highway, due to the existing topography near the proposed bridge location. The proposed bridge would not exceed height limitations, therefore, not damaging scenic resources nor degrading the existing visual character or quality of the site and its surroundings. No exterior lighting is proposed under the project.

Conclusion: The proposed project would not result in significant aesthetic impacts. **(No Impact)**

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

¹ *Highly Scenic & Tree Removal Areas* [map]. 2016. 1:12,000. Mendocino County Planning and Building Services.

c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The proposed project is within the Coastal Zone of Mendocino County. The Coastal Element contains specific development standards for coastal properties and also relies on certain countywide policies. Conversion of agricultural uses for other land uses is discouraged unless agricultural productivity is no longer feasible, prime agricultural land would be preserved or development is concentrated.

The project site is within the RL District, as are surrounding parcels to the east, west, and south, and while agricultural uses are permitted in the RL District, approval of this application would not convert any agriculturally zoned lands to non-agricultural uses, or conflict with existing zoning for, or cause rezoning of forest land, timberland, or timberland zoned Timberland Production Zone. Furthermore, the proposed project would not convert any land designated "Prime Farmland," "Unique Farmland," or "Farmland of Statewide Importance" to non-agricultural uses.

a, b, c, d, and e) No Impact

The subject property does not contain any important farmland as shown on the maps pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency. While the subject site is classified by the California Department of Conservation as "Grazing Land" (land on which the existing vegetation is suited to the grazing of livestock), it is not currently utilized as such.² The project site is not under a Williamson Act contract, though Williamson Act contract lands are located immediately south of the subject property. The proposed project would not convert farmland, or conflict with existing zoning, or cause rezoning of, agricultural or forest land. Therefore, no impact would occur as a result of the proposed project.

Conclusion: The proposed project would not result in significant agriculture and forestry resources impacts. **(No Impact)**

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

² California Department of Conservation. Farmland Mapping and Monitoring Program. California Important Farmland Finder (2016). Available at: <http://www.conservation.ca.gov/dlrp/fmmp>.

III. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The project site is located within the North Coast Air Basin. The subject parcel is located within the jurisdiction of the Mendocino County Air Quality Management District (MCAQMD). Any new emission point source is subject to an air quality permit, consistent with the District's air quality plan, prior to project construction. The MCAQMD also enforces standards requiring new construction to help reduce area source emissions.

While the proposed project would not include a new point source, it could contribute to area source emissions during project construction. The generation of dust during grading activities, is limited by the County's standard grading and erosion control requirements (MCC Sections 20.492.010; -020). These policies limit ground disturbance and require immediate revegetation after the disturbance. Consequently, these existing County requirements help to ensure particulate matter of 10 microns or less in size (PM10) generated by the proposed project would not be significant and that the proposed project would not conflict with nor obstruct attainment of the air quality plan PM10 reduction goals.

The proposed bridge would replace the washed-out culvert and restore access along Hayward Ranch Road, a 70-foot wide private road and public utility easement. It is not maintained by the County. Furthermore, Hayward Ranch Road which is:

1. The primary road access for the applicant's six (6) parcels;
2. The primary road access from Highway 1 to the southern neighbor's eastern dam and reservoir;
3. The primary access to first responders from Highway 1 to Off Brush Ridge Road; supplemental access to Curley Lane;
4. The primary access for emergency evacuation to Highway 1 from Off Brush Ridge Road; supplemental evacuation route from Curley Lane; and
5. The primary access to utility providers to service electric and telephone lines in the area.³

Since the proposed project would restore access along Hayward Ranch Road, project operation is not anticipated to increase area source emissions during operation.

a, b, c) Less Than Significant Impact

The proposed project will not conflict with or obstruct implementation of any air quality plan. The construction phase of the proposed project would produce the following anticipated emissions:

- Combustion emission associated with operation of heavy equipment
- Combustion emissions associated with operation of on-road motor vehicles
- Fugitive dust from earth-moving activities

Anticipated emissions during the project operation include:

- Combustion emissions associated with operation of on-road motor vehicles

The MCAQMD is in attainment for all State standards with the exception of PM10. The most common source of PM10 is wood smoke from home heating or brush fires, and dust generated by vehicles traveling over unpaved roads. A PM10 Attainment Plan was finalized in 2005 that provides mitigation measures for construction and grading activities and unpaved roads. During the construction phase of the project, the proposed project has the potential to increase PM10 in the immediate vicinity of the site due to site grading and truck traffic to the site. Local impacts to the area during construction would be reduced by the County's standard grading and erosion

³ Baibak, Bethany. Wynn Coastal Planning. *Biological Report of Compliance for a Coastal Development Permit for Installation of Rail Car Bridge Across Moat Creek* (2016).

control requirements (MCC Sections 20.492.010; -020), which limit ground disturbance and require immediate revegetation after the disturbance. After construction is completed, the staging and storage area would be seeded and mulched. These existing County requirements help to ensure particulate matter of 10 microns or less in size (PM10) generated by the proposed project would not be significant and that the proposed project would not conflict with nor obstruct attainment of the air quality plan PM10 reduction goals.

d) Less Than Significant Impact

Sensitive receptors can include schools, parks, playgrounds, day care centers, nursing homes, hospitals, and residential dwellings. Of these possible sensitive receptors residential units are the closest to the project site, with the closest being approximately 2,075-feet away. The highest period of pollutant emissions in the form of PM10 would occur during construction from construction equipment and would be a temporary impact. Exhaust from gas dispensing operations and construction would not have a significant impact on neighbors due to standard emission control measures.

e) Less Than Significant Impact

The proposed project would not create significant objectionable odors during construction or during its normal operation. Additionally, there are not any uses in the surrounding area that are commonly associated with a substantial number of people (i.e., churches, schools, etc.) that could be affected by any odor generated by the proposed project. Therefore, a less than significant impact would occur as a result of the proposed project.

Conclusion: The proposed project would not result in significant air quality impacts. **(Less Than Significant Impact)**

<u>IV. BIOLOGICAL RESOURCES:</u> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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 Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The certified Mendocino County LCP includes sections of both the MCC and the Coastal Element of the General Plan addressing Environmentally Sensitive Habitat Areas (ESHAs). The MCC states that development having the potential to impact an ESHA shall be subject to a biological survey, prepared by a qualified biologist, to determine the extent of sensitive resources, to document potential negative impacts, and to recommend appropriate mitigation measures.

The applicant submitted biological analysis prepared by Bethany Baibak, Biologist, of Wynn Coastal Planning titled Biological Report of Compliance for a Coastal Development Permit for Installation of Rail Car Bridge Across Moat Creek (Biological Report), dated July 28, 2016, with their application for the proposed bridge installation. Review of the California Natural Diversity Data Base showed the potential for several special status species to occur near the project site, including short-leaved evax (*Hesperervax sparsiflora* var *brevifolia*, G4T3 S2), Swamp harebell (*Campanula californica*, G3 S3), Marsh microseris (*Microseris paludosa*, G2 S2), Maple-leaved checkerbloom (*Sidalcea malachroides*, G3 S3), (*Sidalcea malviflora* ssp. *purpurea*, G5T1S1), and three (3) species of rare animals that have been reported within 5-miles of the project site: Point Arena Mountain Beaver (*Aplodontia rufa nigra* G5T1 S1), Obscure Bumble Bee (*Bombus calignosus*, G4 S1S2), Behren's silverspot butterfly (*Speyeria zerene behrensii*, GU S1). Riparian and wetland ESHA habitats were identified on the project site and are described as Wetland and *Juncus patens* alliance (ESHA); Riparian habitat and *Alnus rubra* alliance (ESHA); and Exposed Soil with Spare Herbacious Plants along Creek Banks (ESHA). Other habitat areas observed within the study area include non-native grasses, shrubs, and herbaceous plants, and mature Monterey cypress stands (see Figure 3, Habitat Areas Map, in the Biological Report). No rare or endangered plant or wildlife species were identified in the project area; however, there is potential that habitat may be present for special status birds, bats, and amphibians. Mitigation measures were recommended by the biological consultant to assure the proposed project does not result in impacts to ESHAs or potentially present special status birds, bats, and amphibians, and are provided as Mitigation Measures 1-14, below.

MCC Section 20.496.020(A) requires that buffer areas "...be established adjacent to all environmentally sensitive habitat areas...." The ordinance goes on to describe the ramifications of multiple buffer distances:

The width of the buffer area shall be a minimum of one hundred (100) feet, unless the applicant can demonstrate, after consultation and agreement with the California Department of Fish and Game, and County Planning staff, that one hundred (100) feet is not necessary to protect the resources of that particular habitat area from possible significant disruption caused by the proposed development. The buffer area shall be measured from the outside edge of the Environmentally Sensitive Habitat Areas and shall not be less than fifty (50) feet in width.

As provided in the Biological Report, the proposed bridge would be installed on three deck support piles driven at each end to a minimum depth below the bottom of the creek bed, as specified by the project Civil Engineer, Marvin Chapman of Chapman Engineering. Piles would be driven into dry soil, not into the bed of the creek. All work associated with the proposed project would occur within the existing roadway, except for staging areas within upland areas and on the south side of the existing road. As shown in Figure 4, ESHA & Development Area Map, of the Biological Report, the majority of the proposed project, including the new bridge and pilings, staging and work areas, and extent of roadway and installation, would be sited within both the 50-foot and 100-foot ESHA buffers; however, the proposed project would be consistent with MCC Section 20.496.020(A)(4), which states specific standards, at a minimum, development permitted within a buffer area shall comply with. In addition, the proposed project would be consistent with MCC Section 20.496.025(B), which includes requirements for permitted development in wetlands and estuaries.

The Biological Report notes that both bird breeding and bat roost sites can change from year to year; therefore, preconstruction surveys are necessary to determine the presence or absence of such avian sites should construction activities need to occur during their breeding and/or hibernating seasons. The bird-breeding season typically extends from February to August, and the bat-breeding season typically extends from November 1 to August 31. Ideally, the clearing of vegetation and the ground-disturbing (all considered development) activities can be performed during the non-breeding season between September and January for birds and the non-breeding season between September 1 and October 31, after young have matured and prior to the bat hibernation period. If the clearing of vegetation and ground-disturbing activities occur during the non-breeding season, preconstruction bird or bat surveys do not need to be performed. Mitigation measures to require

preconstruction surveys for work performed during the breeding season are proposed (see Mitigation Measures 13 and 14, below).

Development within ESHA buffers must minimize impervious surfaces and minimize removal of vegetation.⁴ The proposed bridge location is already primarily impacted by prior development, and would be installed at the location of the washed-out culverts and overlying roadbed. This development location also utilizes the existing access. Except for the grading required to integrate the bridge into the existing roadbed, no additional grading would occur. The staging and storage area would be seeded and mulched after construction work is completed. No trees would be removed under the proposed project.

The proposed project involves the installation of a bridge spanning Moat Creek to replace the washed-out culverts. On September 25, 2015, the California Department of Fish and Wildlife (CDFW) issued a Lake or Streambed Alteration Agreement (LSAA) for the proposed project. In consultation with CDFW, CDFW and the project applicant determined that the preferred and least damaging alternative was to install a rail car bridge instead of re-installing new culverts directly within Moat Creek.

CDFW reviewed the project application and Biological Report and provided the following comments on October 13, 2016:

I concur with the Mitigation and Avoidance Measures in Section 8 of the [Biological] Report, and have no additional comments or recommendations.

These comments and recommendations are not making a determination that the proposed project is consistent with the certified Mendocino County LCP.

In order to ensure the proposed project does not result in impacts to potentially present special status amphibians, birds, and bats, or riparian and wetland ESHAs and habitat, Mitigation Measures 1-14 are included below.

a), b), and c) Less Than Significant with Mitigation Incorporated

As shown in the Biological Report, riparian and wetland ESHAs were identified on the project site. While no rare or endangered plant or wildlife species were identified in the project area, there is potential that habitat may be present for special status amphibians, birds, and bats. As such, mitigation measures were recommended by the biological consultant to ensure the proposed project would not result in impacts to potentially present special status amphibians, birds, and bats, or riparian and wetland ESHAs and habitat. With incorporation of Mitigation Measures 1-14, below, potential impacts would be reduced to a less-than-significant level:

Mitigation Measure – Comply with LSAA Requirements

Mitigation Measure 1: Property owner shall comply with all requirements of the most recent Lake and Streambed Alteration Agreement issued pursuant to this project (currently Notification #1600-2015-0305-R1), including the “Measures to Protect Fish and Wildlife Resources” detailed therein.

Mitigation Measures – Minimize Erosion During Construction

Mitigation Measure 2: Prior to and during all ground disturbing activities, silt fencing, straw wattles or other comparable Best Management Practices (BMPs) shall be properly installed and maintained on the top of the creek bank.

Mitigation Measure 3: All project components, including the use of heavy equipment, staging, and other project impacts shall be limited to upland areas indicated as “Staging Area” on the ESHA & Development Map.

⁴ Mendocino County Coastal Zoning Code, § II-20.496.020(A)(4)(f) (1991).

Mitigation Measure 4: The contractor and their crews shall be made aware of the purpose of the erosion control best management practice measures, and shall maintain the erosion control structures in working order.

Mitigation Measure 5: Pollutants and equipment shall be stored and maintained in such a manner as to prevent and minimize accidental spills; any spills that do occur shall be cleaned up as soon as possible.

Mitigation Measure 6: Disturbed soil shall be stabilized as soon as possible after construction.

Mitigation Measures – Minimize Sediment Delivery into Wetland Area During Construction

Mitigation Measure 7: Prior to and during all ground disturbing activities, orange construction fencing or other comparable materials shall be properly installed and maintained along the edge of the Coastal Act Wetland. There currently exists a chain link fence adjacent to the wetland; orange flagging shall be affixed along the entire top of this fence adjacent to the project area to act as a construction fence.

Mitigation Measure 8: When ground-disturbing work is performed during the wet-season, weed-free straw wattles shall be placed along the base of the construction fencing to prevent sediment delivery into the wetland.

Avoidance Measures - Special Status Amphibians

Mitigation Measure 9: Within two weeks prior to construction activities, project contractors shall be trained by a qualified biologist in the identification of the California red-legged frog and the southern torrent salamander.

Mitigation Measure 10: During ground disturbing activities, construction crews shall begin each day with a visual search around the area of restoration to detect the presence of frogs.

Mitigation Measure 11: During construction and debris removal, any wood stockpiles shall be moved carefully by hand in order to avoid accidental crushing or other damage to amphibians.

Mitigation Measure 12: If a rain event occurs during the ground disturbance period, all ground disturbing activities shall cease for a period of 48 hours after the rain stops.

- i. Prior to resuming construction activities, trained construction crew member(s) shall examine the site for the presence of special status amphibians.
 - a. If no special status amphibians are found during inspections, ground-disturbing activities may resume.
 - b. If a special status amphibian is detected following a rain event or during daily inspections identified in Mitigation Measure 10, above, construction crews shall stop all ground disturbing work and shall contact the California Department of Fish and Wildlife (CDFW) or a qualified biologist. Clearance from the CDFW shall be obtained prior to reinitiating work. The CDFW shall be consulted and provide protective measures needed for any potential special status amphibians.

Avoidance Measures - Special Status Birds and Bats

Mitigation Measure 13: When the development activities (including clearing of vegetation, ground-disturbing activities and pile driving) cannot be performed during the non-breeding season between September and January, a qualified biologist shall perform preconstruction breeding bird surveys 14 days prior to the onset of construction or clearing of vegetation.

- i. If active breeding bird nests are observed, no ground disturbance activities shall occur within a minimum 100-foot exclusion zone.
- ii. These exclusion zones may vary depending on species, habitat and level of disturbance.
- iii. The exclusion zone shall remain in place around the active nest until all young are no longer dependent upon the nest.

- iv. A biologist shall monitor the nest site weekly during the breeding season to ensure the buffer is sufficient to protect the nest site from potential disturbances.

Mitigation Measure 14: When the development activities cannot be performed during the non-breeding season between September 1 and October 31, and it is necessary to disturb potential bat roost sites, a qualified biologist shall perform preconstruction bat surveys 14 days prior to the onset of construction or clearing of vegetation.

- i. Pre-construction bat surveys involve surveying trees, rock outcrops, and buildings subject to removal or modification for evidence of bat use (guano accumulation or acoustic or visual detections).
 - a. If evidence of bat use is found, then biologists shall conduct acoustic surveys under appropriate conditions using an acoustic detector, to determine whether a site is occupied.
 - b. If bats are found, a minimum 50-foot buffer shall be implemented around the roost tree or roost area.
 - c. Removal of roost trees should occur in September and October or after the bats have left the roost.

d) Less Than Significant

The proposed project would not 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. As previously discussed, in consultation with CDFW, the project applicant and CDFW determined that the preferred and least damaging alternative was to install a rail car bridge spanning Moat Creek, instead of re-installing new culverts directly within Moat Creek. While the bridge would be installed on three deck support piles driven to a minimum depth below the bottom of the creek bed, as specified by the project Civil Engineer, the piles would be driven into dry soil, not into the bed of the creek.

e), f) No Impact

The proposed project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance or with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

Conclusion: The proposed project would not result in significant impacts to biological resources with mitigation incorporated. **(Less Than Significant with Mitigation Incorporated)**

<u>V. CULTURAL RESOURCES.</u> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code §21074?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Generally, the prehistory of Mendocino County is not well known. Native American tribes known to inhabit the county area concentrated mainly along the coast and along major rivers and streams. Mountainous areas and the county's redwood groves were occupied seasonally by some tribes. Ten (10) Native American tribes had

territory in what is now Mendocino County. As European-American settlement occurred in the county, most of these tribes were restricted to reservations and rancherias. During the 19th century, other tribes from the interior of California were forced to settle on the Round Valley Reservation in the northeastern county. Today, there are ten (10) reservations and rancherias in Mendocino County, most of which are inhabited by tribes native to the area.

Coastal archaeological sites and areas are subject to archaeological surveys and have been mapped by the California Archaeological Sites Survey. The data is kept in the Cultural Resources Facility, Sonoma State University. These records, the most complete available, show seventy-nine (79) sites, distributed mainly along creek and river mouths and near present settlements, particularly between Cleone and Mendocino, north of the project site.⁵ The maps also delineate twenty-six (26) archaeological survey areas ranging from 0.1-to-1,400-acres, only some of which include archaeological sites. To protect sites, the maps are confidential; however, land owners are entitled to know whether the sites are located on their property.

a), b), c), d), and e) Less Than Significant with Mitigation Incorporated

An Archeological Study was required for the proposed project as a known archaeological site occurs on the property. The Mendocino County Archaeological Commission (Archaeological Commission) accepted the archeological survey, prepared by Alex DeGeorgey in March 2016, for the site during its September 14, 2016, meeting. The Archaeological Commission found that site(s) were identified in the project vicinity and that the recommendations of the report shall be strictly adhered to. Only one recommendation was included in the archaeological survey, and is provided as Mitigation Measure 15 below. A standard condition advises the applicant of the County's "Discovery Clause" which establishes procedures to follow in the event that archaeological or cultural materials are unearthed during site preparation or construction activities. Though the proposed project is not anticipated to cause a substantial adverse change in the significance of a historical resource, directly or indirectly destroy a unique paleontological resource or site, unique geologic feature, or disturb any human remains, including those inferred outside of formal cemeteries, Mitigation Measure 15 identifies the proper protocol in case any resource is encountered during project implementation and would reduce any potentially significant impact to a level of less than significant.

Mitigation Measure 15: If previously unidentified cultural resources are encountered during project implementation, the applicant shall avoid altering the materials and their context. A qualified professional archaeologist shall be contacted to evaluate the situation. Project personnel shall not collect cultural resources. Prehistoric resources include, but are not limited to, chert or obsidian flakes, projectile points, mortars, pestles, and dark friable soil containing shell and bone dietary debris, heat-affected rock, or human burials. Historic resources include stone or abode foundations or walls; structures and remains with square nails; and refuse deposits or bottle dumps, often located in old wells or privies.

With the inclusion Mitigation Measure 15 and adherence to existing MCC requirements regulating the discovery of resources, a less than significant impact would occur.

Conclusion: The proposed project would not result in significant impacts to cultural resources with mitigation incorporated. **(Less Than Significant with Mitigation Incorporated)**

<u>VI. GEOLOGY AND SOILS.</u> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

⁵ Mendocino County Coastal Element, §3.5 (2011).

VI. GEOLOGY AND SOILS. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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"/>

The property does not lie within, nor does it adjoin a mapped Alquist-Priolo Earthquake fault area or Landslide and Liquefaction Zone.⁶ The San Andreas fault is located approximately 3.4-miles east of the project site and is the nearest active fault. The proposed project would not conflict with any state or local seismic hazard policy or plan.

The soils on the project site are classified as Western Soils (139, 145, 225, and 227).⁷ Per the *Soil Survey of Mendocino County, California, Western Part*, these particular soils are classified as follows:⁸

- *139 – Dystropepts, 30 to 75 percent slopes*
This unit consists of soils on sides of slopes of marine terraces. These soils formed in material derived from sandstone or shale. Dystropepts are shallow or moderately deep to bedrock and are well drained. Permeability and available water capacity are extremely variable in the Dystropepts.
- *145 – Flumeville clay loam, 5 to 15 percent slopes*
This very deep, poorly drained soil is on marine terraces. It formed in alluvium derived from mixed rock sources. This soil is characterized with seasonally saturated soil conditions and very slow permeability.
- *225 – Windyhollow loam, 0 to 5 percent slopes*
This very deep, somewhat poorly drained soil is on marine terraces. It formed in alluvium derived from mixed rock sources. This soil is characterized with seasonally saturated soil conditions and moderately slow permeability.
- *227 – Windyhollow loam, 15 to 30 percent slopes*
This very deep, somewhat poorly drained soil is on marine terraces. It formed in alluvium derived from mixed rock sources. Permeability is moderately slow in the Windyhollow soil.

⁶ State of California Special Studies Zones, Department of Conservation, Division of Mines and Geology.

⁷ Local Soils Map, Mendocino County Planning and Building Services (2016).

⁸ United States Department of Agriculture and Natural Resources Conservation Service. *Soil Survey of Mendocino County, California, Western Part*. (1999; reissued 2006).

Per the Biological Report, the native soil in the project area is mapped as Flumeville clay loam, for 5-15-percent slope.⁹

a), b), c), d), and e) No Impact

The proposed project would not result in substantial soil erosion or the loss of topsoil nor is 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. The proposed project is not located on an expansive solid as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property. A septic system is not a part of the project proposal.

Conclusion: The proposed project would not result in significant impacts to geology and soils. **(No Impact)**

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

Assembly Bill 32 (AB32), the California Global Warming Solutions Act, recognized that California is a source of substantial amounts of greenhouse gas (GHG) emission, which poses a serious threat to the economic well-being, public health, natural resources, and the environment of California. AB32 established a state goal of reducing GHG emission to 1990 levels by the year 2020 with further reductions to follow. In order to address global climate change associated with air quality impacts, CEQA statutes were amended to require evaluation of GHG emission, including criteria air pollutants (regional) and toxic air contaminants (local). As a result, Mendocino County Air Quality Management District (MCAQMD) adopted CEQA thresholds of significance for criteria air pollutants and GHGs, and issued updated CEQA guidelines to assist lead agencies in evaluating air quality impacts to determine if a project's individual emissions would be cumulatively considerable. The threshold for project significance of GHG emissions is 1,100 metric tons CO₂ equivalent (CO₂e) of operation emission on an annual basis. The MCAQMD does not have rules, regulations, or thresholds of significance for non-stationary or construction-related GHG emissions.

Since Mendocino County is primarily rural, the amount of GHG generated by human activities, primarily the burning of fossil fuels for vehicles, heating, and other uses, is small compared to other, more urban counties.¹⁰

a, b) Less Than Significant Impact

Construction activities associated with the installation of the proposed single-lane rail car bridge is not anticipated to generate significant greenhouse gas emissions or conflict with an applicable plan, policy or regulation. Bridge installation and associated grading are limited in scope and duration and would not contribute significantly to greenhouse gas emissions. Given the relatively small size of the project scale, the proposed project would not have a measurable or considerable contribution to the cumulative GHG impact at the local, regional or state level, and would be below the threshold of project significance of 1,110-metric tons CO₂e. There are no adopted local plans for reducing the emission of greenhouse gasses.

Conclusion: The proposed project would not result in significant impacts to greenhouse gases emissions. **(Less Than Significant Impact)**

⁹ Baibak, Bethany. Biologist. Wynn Coastal Planning. *Biological Report of Compliance for a Coastal Development Permit for Installation of Rail Car Bridge Across Moat Creek* (2016).

¹⁰ Mendocino County General Plan §4-16 (2009).

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

Mendocino County has adopted numerous plans related to hazard management and mitigation including, but not limited to: Community Wildfire Protection Plan, Multi-Hazard Mitigation Plan, Hazardous Waste Management Plan, and Operational Area Emergency Plan. The policies in the Mendocino General Plan are designed to reduce potential loss and risk to life, property, and the environment from both natural and manmade hazards. They do so through the land use process, limiting the types and locations of uses relative to the potential for hazardous events, in the construction of key infrastructure and in requiring use of emergency plans and evacuation routes for communities.

The project involves replacing the washed-out culverts with a single-lane rail car bridge across Moat Creek on Hayward Ranch Road.

a), b), c), d), e), f), and g) No Impact

While the proposed project is located in a rural area, it is located 1.1-miles southeast of the City of Point Arena and near emergency service providers. The proposed project is not to be located on a site which is listed on a list of hazardous material sites. The proposed project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials or 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. Since the proposed project would restore road access along Hayward Road Ranch, including access to the applicant's five other parcels, which includes the applicant's residence located on the parcel immediately east of the project parcel, the proposed project would result in the routine transport, use and disposal of hazardous materials in small or limited quantities associated with the

residential use on the adjacent parcel. These include construction materials, household cleaning supplies, and other materials including but not limited to fuel, cleaning solvents, lubricants associated with automobiles, small craft engines, and power tools. Storage of these materials in the open may result in contaminated stormwater runoff being discharged into nearby water bodies, including the Pacific Ocean.

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

The nearest school is located approximately 1.9-miles northeast of the subject parcel. Construction activities associated with the proposed project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. The proposed project is not located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 (November 14, 2016) and, as a result, would not create a significant hazard to the public or the environment. The proposed project is not located with an airport land use plan, within 2-miles of public airport or public airport or within the vicinity of a private airstrip. The proposed project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.

h) Less Than Significant Impact

The California Department of Forestry and Fire Protection (CAL FIRE) is the State agency in charge of enforcing the State's regulations regarding forestry and fire protection. The parcel is characterized with a high fire hazard severity rating. The applicant submitted a State Responsibility Area (SRA) Regulations Applications Form to CAL FIRE to ensure the project complies with State standards for access and emergency response. The project application was also referred by the County to CAL FIRE for input. CAL FIRE provided conditional clearance and conditioned the project to ensure the bridge will have a minimum 40,000-pound load capacity, minimum 15-foot vertical clearance, and appropriate signing in compliance with California Code of Regulations, Title 14, Section 1273.07. Approval of the proposed project requires compliance with CAL FIRE's recommendations, limiting impacts to a less than significant level.

Conclusion: The proposed project would not result in significant impacts related to hazards and hazardous materials. **(Less Than Significant Impact)**

IX. HYDROLOGY AND WATER QUALITY. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>

<u>IX. HYDROLOGY AND WATER QUALITY. Would the project:</u>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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 checked="" type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The proposed project involves the installation of a single-lane rail car bridge across Moat Creek to replace washed-out culverts and overlying roadbed to restore access to parcels along Hayward Ranch Road. No additional development is proposed that would impact groundwater supplies. The project site is located within a mapped area of "Marginal Water Resources."¹¹

a) Less Than Significant Impact with Mitigation Incorporated

The proposed project would not violate any water quality standards or waste discharge requirements, with the incorporation of Mitigation Measures 1-8, included under Section IV, Biological Resources, above. These mitigation measures require compliance with the LSAA requirements, and would minimize erosion and sediment delivery into the wetland area during construction

b) No Impact

The proposed project would not 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. No groundwater would be utilized under the proposed project.

c), d), e), f) Less Than Significant Impact

In consultation with the California Department of Fish and Wildlife (CDFW), the project applicant and CDFW determined that the preferred and least damaging alternative was to install a rail car bridge spanning Moat Creek instead of re-installing new culverts directly within Moat Creek. Additionally, while the proposed project would create a minimal amount of runoff, it would not exceed the capacity of the existing or planned stormwater drainage systems, provide substantial additional sources of polluted runoff, or substantially degrade water quality. As such, a less than significant impact would occur.

g), h), i), and j) No Impact

The proposed project would not substantially degrade water quality. The location of the proposed development is not 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. The proposed development would not be located within a 100-year flood hazard area which would impede or redirect flood flows. The proposed project would not expose people or structures to a significant risk of loss, injury or death involving flood, including flooding as a result of the failure of a levee or dam. The proposed project is not in an area where seiches, tsunamis or mudflows are likely to occur.

¹¹ *Ground Water Resources* [map]. Mendocino County Planning and Building Services. 2016.

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

The proposed project, as conditioned, would be consistent with the policies of the Local Coastal Program of the General Plan and the MCC, as specifically enumerated in the Coastal Permit Approval Checklist. The subject parcel is classified as Range Lands (RL) by the Coastal Element of the Mendocino County General Plan and is within the RL District. The RL land use and zoning designations are intended to be applied to lands "...which are suited for and are appropriately retained for the grazing of livestock and which may also contain some timber producing areas." ^{12,13} The principally permitted use designated for the RL land use classification is "...grazing and forage for livestock, including: raising of crops, wildlife habitat improvement; one single family dwelling per legally created parcel, harvesting of firewood for the residents personal use, [and] home occupations." The minimum parcel size for the RL land use classification is 160-acres. ¹⁴

The proposed project includes the installation of a single-lane rail car bridge across Moat Creek to replace the existing washed-out culverts and overlying roadbed to restore access along Hayward Ranch Road. The proposed bridge would restore access to the applicant's residence, located on the parcel immediately east of the project parcel. The project site would remain as vacant land, providing access to adjoining parcels. The proposed project would be consistent with the intent of the RL classification.

a), b), and c) No Impact

The proposed project would not divide an established community as the proposed project would be consistent with the project site's RL land use and zoning designations. The proposed project would not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the proposed project. The proposed project would not conflict with any applicable habitat conservation plan for natural community conservation plan.

Conclusion: The proposed project would not result in significant land use and planning impacts. **(No Impact)**

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

A variety of minerals resources are known to exist in the Mendocino County. The most predominant minerals found in Mendocino County are aggregate resources, primarily sand and gravel. Three sources of aggregate

¹² Chapter 2.2. Mendocino County, Planning and Building Services, Planning Division. *The County of Mendocino-General Plan*. 1991. Ukiah, CA.

¹³ Mendocino County Coastal Zoning Code, § II-20.368.005 (1995)

¹⁴ Chapter 2.2. Mendocino County, Planning and Building Services, Planning Division. *The County of Mendocino-General Plan*. 1991. Ukiah, CA.

materials are present in Mendocino County: quarries, instream gravel, and terrace gravel deposits.¹⁵ The Mendocino County General Plan sets forth policies to encourage mineral resource development while protecting Mendocino County's visual character and natural environments.

a, b) No Impact

There are no known mineral resources on the site that would be of value to the region or the residents of the state. The property does not include a mineral resource recovery site delineated on a local general plan, specific plan or other land use plan. The proposed project does not include mining. No impact is expected and no mitigation is required.

Conclusion: The proposed project would not result in significant impacts to mineral resources. **(No Impact)**

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

Acceptable levels of noise vary depending on the land use. In any one location, the noise level will vary overtime, from the lowest background or ambient noise level to temporary increases caused by traffic or other sources. State and federal standards have been established as guidelines for determining the compatibility of a particular use with its noise environment. Mendocino County relies principally on standards in its Noise Element, its Zoning Ordinance and other County ordinances, and the Mendocino County Airport Comprehensive Land Use Plan to evaluate noise related impacts of development.

Generally speaking, land uses considered noise-sensitive are those in which noise can adversely affect what people are doing on the land. For example, a residential land use where people live, sleep, and study is generally considered sensitive to noise because noise can disrupt these activities. Churches, schools, and certain kinds of outdoor recreation are also usually considered noise-sensitive.

The subject property is located within a rural area. The project site is currently undeveloped and provides access to adjoining lots and the applicant's residence, located on the parcel immediately to the east of the project parcel. Neighboring properties contain single family residences and undeveloped land. The nearest residence is located approximately 1,825-feet west of the project site, across Highway 1. The nearest school is located approximately 1.9-miles northeast of the subject site.

¹⁵ Chapter 4.8. Mendocino County, Planning and Building Services, Planning Division. *The County of Mendocino-General Plan*. 1991. Ukiah, CA.

Bridge installation would require pile driving. As noted in the Biological Report, the bridge would be installed on three deck support piles driven at each end to a minimum depth below the bottom of the creek bed, as specified by the project Civil Engineer, Marvin Chapman of Chapman Engineering. Piles would be driven into dry soil, not into the bed of the creek. The bridge would be finished with 42-inch high steel railings, infilled with chain link fencing on each side.

Compacted road base (30-feet long by 10-feet wide, 95-percent relative compacted) would be used on both ends of the bridge for ramps with engineered steel containment to extend the structure of the bridge to native grade. The bridge would be 6.5-feet above grade after installation.

a), b), c), and d) Less Than Significant Impact

As noted above, the nearest sensitive receptor (a residence) is located approximately 1,825-square-feet west of the project site, across Highway 1. While installation of the bridge would include pile driving and the use of heavy equipment, these noise increases would be temporary and would cease after installation. Ground vibration from pile driving attenuates rapidly with distance and is not expected to be detectable at the nearest residence.¹⁶ The proposed project would not result in exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels in excess of established standards. Since the proposed project would restore road access on Hayward Ranch Road, operation of the proposed project would involve the use of on-road motor vehicles. With the inclusion of standard permit conditions, the proposed project would not measurably contribute to existing or future noise levels and operational noise from the proposed project or result in a substantially temporary or periodic increase in ambient noise levels in the project vicinity.

e) and f) No Impact

The project site is not located within 2-miles of a public use airport and is located approximately 4.8-miles northwest of the Lofty Redwoods Airport, a private airport. As such, no impact would occur.

Conclusion: The proposed project would not result in significant noise impacts. **(Less Than Significant Impact)**

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

The proposed project does not include new homes or businesses and would not trigger the need for new public roads or other infrastructure that may indirectly trigger population growth. Consequently, the proposed project would not generate unanticipated population growth in the local area.

a), b) and c) No Impact

The proposed project includes the installation of a bridge across Moat Creek to restore road access along Hayward Ranch Road, a private use road. No new homes or businesses are proposed under the project.

Conclusion: The proposed project would not result in significant impacts to population and housing. **(No Impact)**

¹⁶ Jones & Stokes. *Transportation- and Construction-Induced Vibration Guidance Manual*. (2004).

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

Fire protection at the project site is provided by CAL FIRE and the Redwood Coast Fire Protection District. Police protection services are provided by the Mendocino County Sheriff's Department. The installation of the single-lane rail car bridge would not create additional significant service demands or result in adverse physical impacts associated with delivery of fire, police, parks, or other public services.

a) No Impact

The demand for fire and police services is not anticipated to change with implementation of the proposed project, nor is the proposed project anticipated to increase the use of schools, parks, or otherwise affect other public facilities (e.g., libraries), since the proposed project would not increase density or population in the project area.

Conclusion: The proposed project would not result in significant impacts to public services. **(No Impact)**

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

Mendocino County is a predominantly rural County, rich in lands and waters that provide a variety of recreational opportunities. The County's recreational system encompasses many levels of park and recreational facilities. Federal lands include recreation resources that are used by visitors and county residents. The Mendocino National Forest offers an array of recreation opportunities.¹⁷ The State Parks are the best known most heavily used recreation sites along the coast. The Coastal Element of the Mendocino General Plan encourages managing and maintaining both active and passive recreation to allow access to trails and the coastline for both residents and visitors.

a), b) No Impact

The project site is located east of Highway 1, and is not designated as a potential public access trail location on the Local Coastal Plan maps. There is no evidence of prescriptive access on the site, nor would the proposed

¹⁷ Chapter 3.10. Mendocino County, Planning and Building Services, Planning Division. *The County of Mendocino-General Plan*. 1991. Ukiah, CA.

project generate increased recreation demand to require the construction of additional facilities. The proposed project would have no impact on public access or recreation, and no mitigation is required.

Conclusion: The proposed project would not result in significant impacts to recreation. **(No Impact)**

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

Local and direct access to the site is provided by Hayward Ranch Road, a private road from Highway 1. Regional access is provided by Highway 1, which is located to the west of the project site. Pedestrian access to the site is minimal. There are no sidewalks that are adjacent to the site at this time.

The proposed project would include installation of a single-lane rail car bridge across Moat Creek to replace the washed-out culvert crossing. The California Department of Transportation (Caltrans) and CAL FIRE were invited to provide comment on the application; however, no response was received from Caltrans. CAL FIRE provided conditional clearance and conditioned the project to ensure the bridge will have a minimum 40,000-pound load capacity, minimum 15-foot vertical clearance, and appropriate signing in compliance with California Code of Regulations, Title 14, Section 1273.07. This comments were incorporated with a standard conditions to secure all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction.

As previously discussed, the proposed project would restore road access along Hayward Ranch Road and would have no impact on traffic volumes in the area.

a), b), c), d), e) and f) No Impact

The proposed project would not conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system or conflict with an applicable congestion management program. The proposed project would not result in a charge in air traffic patterns. The proposed project would not substantially increase hazards due to a design feature or result in inadequate emergency access. The proposed

project would not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.

Conclusion: The proposed project would not result in significant impacts to transportation and traffic. **(No Impact)**

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

The project site is located within a mapped area of "Marginal Water Resources."¹⁸ The project site is not located within the service boundaries of any community services district, and is not currently served by on-site water, on-site wastewater treatment facilities, or storm water drainage facilities. Since the proposed project involves the installation of a single-lane rail car bridge across Moat Creek to restore access to Hayward Ranch Road, the proposed project would not necessitate the installation of such utilities and service systems on the project site.

The South Coast Transfer station is located approximately miles from the project site. Mendocino County has adopted a Hazardous Waste Management Plan to guide future decisions by the County and the incorporated cities about hazardous waste management. Policies in the Mendocino General Plan emphasize source reduction and recycling of hazardous wastes, and express a preference for onsite hazardous waste treatment over offsite treatment.

a), b), c), d), and e) No Impact

As the proposed project involves the installation of a single-lane rail car bridge across Moat Creek, the proposed project would have no impact on utilities and service systems. The proposed project would not exceed the wastewater treatment requirements of the North Coast Regional Water Quality Control Board (NCRWQCB). The proposed project would not result in the development of new water or wastewater treatment facilities nor storm water drainage facilities or expansion of existing facilities. While no residential solid waste is anticipated under the proposed project, the proposed project would be served by a landfill with sufficient permitted capacity to accommodate the proposed project's solid waste disposal needs. The proposed project would comply with federal, state, and local statutes and regulations related to solid waste.

¹⁸ *Ground Water Resources* [map]. Mendocino County Planning and Building Services. 2016.

Conclusion: The proposed project would not result in significant impacts to utilities and service systems. **(No Impact)**

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

The proposed project's potential to degrade the quality of the environment, as described in the first Mandatory Finding of Significance, would be less than significant provided it incorporates the conditions of project approval identified in this Initial Study.

None of the of the proposed project's mitigated impacts are cumulatively considerable because the proposed project's potential impacts are limited to the project site, and the approval and establishment of the proposed project would not alter the existing setting nor amend an existing regulation that would create a circumstance where the incremental effect of a probable future project would generate a potentially significant environmental impact.

The proposed project would not generate any potential direct or indirect environmental effect that would have a substantial adverse impact on human beings including, but not limited to, exposure to geologic hazards, air quality, water quality, traffic hazards, noise and fire hazards.

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.

1-25-2017

DATE



JULIANA CHERRY
PLANNER III