



COUNTY OF MENDOCINO

DEPARTMENT OF PLANNING AND BUILDING SERVICES

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

JULIA KROG, DIRECTOR
TELEPHONE: 707-234-6650
FAX: 707-463-5709
FB PHONE: 707-964-5379
FB FAX: 707-961-2427
pbs@mendocinocounty.org
www.mendocinocounty.org/pbs

April 4, 2022

NOTICE OF PUBLIC HEARING AND AVAILABILITY OF DRAFT MITIGATED NEGATIVE
DECLARATION FOR PUBLIC REVIEW AND
NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION

NOTICE IS HEREBY GIVEN THAT the Mendocino County Planning Commission, at their regular meeting to be held on Thursday, May 5, 2022 at 9:00 a.m., will conduct a public hearing on the following project and Draft Mitigated Negative Declaration at the time listed or as soon thereafter as the item may be heard. This meeting will be conducted virtually and not available for in person public participation in an effort to slow the spread of COVID-19 and pursuant to the recommendation of the Mendocino County Health Officer and the California Department of Industrial Relations. In order to minimize the risk of exposure during this time of emergency, the public may participate digitally in meetings by sending comments to pbscommissions@mendocinocounty.org or via Telecomment. The telecomment form may be found at: <https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas>. The meeting is available for viewing on the Mendocino County YouTube page, at <https://www.youtube.com/MendocinoCountyVideo>.

CASE#: U_2021-0017

DATE FILED: 11/3/2021

OWNER: MENDOCINO FOREST PRODUCTS COMPANY

APPLICANT: AT&T MOBILITY

AGENT: EPIC WIRELESS

REQUEST: Coastal Development Use Permit to authorize construction and operation of a wireless communication facility consisting of a sixty-seven (67) foot tall monopine tower with various appurtenant equipment and ground equipment including a thirty (30) kw generator, 190 gallon fuel storage tank, and equipment cabinet. The proposed monopine will be located within a 1,800 square foot fenced compound.

ENVIRONMENTAL DETERMINATION: Mitigated Negative Declaration

LOCATION: In the Coastal Zone, 4± miles south of Fort Bragg City center, on the south side of Holquist Lane (CR 402), 0.09± miles east of its intersection with Gibney Lane (CR 412E), addressed at 32601 Holquist Lane, Fort Bragg (APN: 017-261-04).

SUPERVISORIAL DISTRICT: 4

STAFF PLANNER: MARK CLISER

A copy of the Draft Mitigated Negative Declaration, Staff Report and Notice will be available for public review 30 days prior to the hearing at 860 North Bush Street, Ukiah, California, and at 120 West Fir Street, Fort Bragg, California. The staff report, draft mitigated negative declaration, and notice will also be available on the Department of Planning and Building Services website at <https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas/planning-commission>.

Your comments regarding the above project(s) and/or Draft Mitigated Negative Declaration are invited. Written comments may be submitted by mail to the Department of Planning and Building Services Commission Staff, 860 North Bush Street, Ukiah, California. In order to minimize the risk of exposure during this time of emergency, the public may participate digitally in meetings by sending comments to pbscommissions@mendocinocounty.org by May 4, 2022, or orally via telecomment in lieu of personal attendance. All public comment will be made available to the Planning Commission, staff, and the general public as they are received and processed by staff, and can be viewed as attachments to this meeting agenda at <https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas/planning-commission>.

The Planning Commission's action regarding the item shall constitute final action by the County unless appealed to the Board of Supervisors. If appealed, the Board of Supervisors action shall be final except that an approved project may be appealed to the Coastal Commission in writing within 10 working days following Coastal Commission receipt of a Notice of Final Action on this project. To file an appeal of the Planning Commission's decision, a written

statement must be filed with the Clerk of the Board with a filing fee within 10 calendar days of the Planning Commission's decision. If you challenge the project in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Department of Planning and Building Services or the Planning Commission at, or prior to, the public hearing. All persons are invited to appear and present testimony in this matter.

AMERICANS WITH DISABILITIES ACT (ADA) COMPLIANCE. Mendocino County complies with ADA requirements and upon request, will attempt to reasonably accommodate individuals with disabilities by making meeting material available in appropriate alternate formats (pursuant to Government Code Section 54953.2). Anyone requiring reasonable accommodation to participate in the meeting should contact the Department of Planning and Building Services by calling 707-234-6650 at least five days prior to the meeting.

Additional information regarding the above noted item may be obtained by calling the Department of Planning and Building Services at 707-234-6650, Monday through Friday, 8:00 a.m. through 5:00 p.m. Should you desire notification of the Planning Commission's decision you may do so by requesting notification in writing and providing a self-addressed stamped envelope to the Department of Planning and Building Services.

JULIA KROG, Director of Planning and Building Services



**PLANNING COMMISSION
STAFF REPORT- COASTAL USE PERMIT**

**MAY 5, 2022
U_2021-0017**

SUMMARY

OWNER: MENDOCINO FOREST PRODUCTS
PO BOX 996
UKIAH, CA 95482

APPLICANT: AT&T MOBILITY
501 EXECUTIVE PARKWAY
SAN RAMON, CA 94583

AGENT: EPIC WIRELESS
605 COOLIDGE DRIVE, SUITE 100
FOLSOM, CA 95630

REQUEST: Coastal Development Use Permit to authorize construction and operation of a wireless communication facility consisting of a sixty-seven (67) foot tall monopine tower with various appurtenant equipment and ground equipment including a thirty (30) kw generator, 190 gallon fuel storage tank, and equipment cabinet. The proposed monopine will be located within a 1,800 square foot fenced compound.

LOCATION: 4± miles south of Fort Bragg City center, on the south side of Holquist Lane (CR 402), 0.09± miles east of its intersection with Gibney Lane (CR 412E), addressed at 32601 Holquist Lane, Fort Bragg (APN: 017-261-04).

TOTAL ACREAGE: 5.9± Acres

GENERAL PLAN: Industrial (I)

ZONING: Industrial (I:40K)

SUPERVISORIAL DISTRICT: 5 (Williams)

ENVIRONMENTAL DETERMINATION: Mitigated Negative Declaration

RECOMMENDATION: APPROVE WITH CONDITIONS

STAFF PLANNER: MARK CLISER

BACKGROUND

The Telecommunications Act of 1996 was signed into law on February 8, 1996. This act preserves the authority of a State or local governments over decisions regarding the placement, construction, and modifications of personal wireless services, subject to limitations. Section 704(7)(B)(iii) requires that any denial *shall be in writing and supported by substantial evidence contained in a written record*. Section 704(7)(B)(iv) prohibits denial on the basis of radio frequency emissions if those emissions are below the standards as determined by the Federal Communications Commission (FCC).

On August 4, 2015, the Mendocino County Board of Supervisors adopted *Guidelines for the Development of Wireless Communication Facilities* to regulate wireless communication facilities subject to a use permit. By adopting this resolution (Resolution No. 15-121), the Board of Supervisors acted to maintain the

County's authority over decisions regarding development, operation, and maintenance of wireless facilities.

Planning and Building Services has submitted a Local Coastal Program Amendment for adopting revised regulations within the Coastal Zone for wireless communication facilities and to formally adopt the *Guidelines for the Development of Wireless Communication Facilities* into the Mendocino County Local Coastal Program. This Amendment has not yet been approved as of the writing of this staff report.

PROJECT DESCRIPTION: Coastal Development Use Permit to authorize construction and operation of a 67 ft. tall "monopine" (a monopole cell tower disguised as a pine tree) tower with various appurtenant equipment and ground equipment including a 30kw generator, 190 gallon fuel storage tank, one (1) GPS unit, twelve (12) antennas (3 per sector), 24 Remote Radio Units (RRUs), four (4) surge suppressors, two (2) future 4-foot microwave dishes, and trenching for a Power/Telco (fiber) to site location. The facility will operate 24 hours a day 7 days a week. Maintenance workers will visit the site approximately once a month. The generator will be turned on once a week for 15 minutes for maintenance purposes. Maintenance operations are limited to the hours of 8:30am to 4:30pm and shall occur only on weekdays (Monday through Friday). There will be minimal noise from the standby generator. The tower will be built to provide co-location opportunities for future carriers and/or public safety entities. Associated improvements to the subject parcel include trenching for power/telco (fiber) to the wireless communications tower facility, which will require approximately eight (8) cubic yards of earth to be moved. Trenches are 36 inches deep and 12 inches wide, and approximately 70 feet in length. A 20 ft. wide easement of approximately 220 ft. in length is proposed. In total, approximately 35 cubic yards of earth will be displaced.

AT&T is participating in a Federal Government funded project called Connect America Fund, the goal of which is to provide underserved areas throughout the United States in general and throughout Mendocino County with hi-speed broadband internet, as well as fill a significant mobility coverage gap in the service area. The proposed "monopine" will be located within an 1,800 sq. ft. fenced compound. Elevation of the project site is approximately 170 feet above sea level, giving parcels within the surrounding community and State Route 1 increased potential for line of site to the tower. Up to two (2) carriers will be able to co-locate on the tower, increasing cellular coverage for the community of Caspar, travelers, and emergency services and first responders. Additionally, the facility will provide FirstNet services for First Responders.

APPLICANT'S STATEMENT: See Attachment *Applicant's Statement*

SITE CHARACTERISTICS: The proposed project site is located 1.3± miles northeast of the town of Caspar and 4± miles south of the City of Fort Bragg, addressed at 32601 Holquist Lane. The setting for the subject parcel is clear of forest. The parcel is developed with administrative offices for Mendocino Forest Products. The site is bordered by larger parcels to the north, east, and south (17±, 4.3±, and 4.5± acres respectively) zoned both industrial and residential, and smaller residential parcels to the west. The subject parcel is zoned Industrial. The project site is approximately 0.5 miles east of an area designated as Highly Scenic, though is not located within the mapped area itself.

The site is relatively flat. The applicant has stated that several other locations were suggested but were ultimately rejected due to environmental and safety concerns as well as distances from residences. The subject parcel is approximately 42 ft. higher than surrounding communities, thereby increasing cellular coverage.

The Facility is proposed to be located within an undisturbed area of the parcel. The nearest residence is approximately 650 feet east of the tower location. The location is predominantly clear of vegetation. Several trees of approximately 250 feet in height will remain on the parcel, which will create a natural looking backdrop for the proposed "monopine". No significant vegetation will be removed to accommodate the proposed project.

SURROUNDING LAND USE AND ZONING: As listed, surrounding lands are primarily classified as Residential with the exception of an Industrial parcel to the north. Parcels range in size from 17± acres to 0.2± acres. All parcels to the west include residential structures.

	GENERAL PLAN	ZONING	LOT SIZES	USES
NORTH	Industrial (I:R)	Industrial (I:40k)	0.7±; 17.9± Acres	Industrial
EAST	Rural Residential (RR5)	Rural Residential (RR:5)	4.3± Acres	Residential
SOUTH	Rural Residential (RR5)	Rural Residential (RR:5)	4.5±; 0.2± Acres	Residential
WEST	Rural Residential [RR5(1)]	Rural Residential (RR:5)	1±; 1± Acres	Residential; Undeveloped

PUBLIC SERVICES:

Access: Holquist Lane (CR 402)
Fire District: Fort Bragg Rural Fire Protection District
Water District: None
Sewer District: None
School District: Fort Bragg Unified School District

AGENCY COMMENTS: On December 17, 2021 project referrals were sent to the following responsible or trustee agencies with jurisdiction over the Project. Their submitted recommended conditions of approval are contained in Exhibit A of the attached resolution. Any comment that would trigger a project modification or denial is discussed in full as key issues in the following section.

REFERRAL AGENCIES	COMMENT
Air Quality Management District	No Response
Assessor's Office	No Response
Building Division Fort Bragg	No Comment
County Addresser	Comments
Department of Transportation (DOT)	No Comment
Environmental Health	No Response
Fort Bragg Rural Fire Protection District	Comments
South Coast Fire District	No Response
Planning Division Fort Bragg	Comments
Sonoma State University	Comments
Calfire (Land Use)	Comments
Calfire (Resource Management)	Comments
California Coastal Commission	Comments
CA Dept. of Fish and Wildlife (CDFW)	No Response
Cloverdale Rancheria	No Response
Redwood Valley Rancheria	No Response
Sherwood Valley Band of Pomo Indians	No Response

KEY ISSUES

1. General Plan and Zoning Consistency:

The parcel is classified as Industrial (I) by the Mendocino County General Plan. It is not in a water or sewer district. As such, the 5.9± acre parcel is conforming to the 40,000 square foot minimum. The Industrial classification is intended to provide suitable locations for necessary industrial and commercial service activities where transportation facilities and utilities exist or can be provided. Such facilities shall be installed and operated in a manner which will minimize adverse effects upon the communities in which the facilities are situated. Buffering from adjoining uses of land shall be achieved by adequate setbacks, fencing, plant screening or other appropriate mitigating devices.

The proposed development is an allowed conditional use within the district with the granting of a coastal development use permit. The proposed development will not interfere with the intended use of the parcel.

The project site is located within an Industrial Zoning District (I:40K). As such, the 5.9± acre parcel is conforming. The Industrial Zoning District is intended is to provide suitable locations for necessary industrial and commercial service activities where transportation facilities and utilities exist or can be provided. Conditional use types for this zone include Major Impact Services and Utilities.

The proposed development is an allowed conditional use within the district with the granting of a coastal development use permit. The proposed development will not interfere with the intended use of the parcel and is in conformance with development standards, setbacks, etc. for the zoning district.

2. Local Coastal Program Consistency:

Visual Resources: AT&T is proposing to build and maintain an unmanned wireless telecommunication facility consisting of a 1,800 square foot enclosed compound (lease area) within which first responders and carriers will install their ground based equipment. The compound will include a 67 foot stealth “monopine” tower, various appurtenant equipment and ground equipment including a 30kw generator, 190 gallon fuel storage tank, one (1) GPS unit, twelve (12) antennas (3 per sector), 24 RRUs, four (4) surge suppressors, two (2) future 4-foot microwave dishes, and trenching for a Power/Telco (fiber) to site location. The 67 foot “monopine” tower is intended to blend in with the surrounding landscape. Each carrier is expected to install their ground equipment inside prefabricated equipment shelters of cabinets along with an emergency generator.

The Facility is proposed to be located within an undisturbed area of the parcel. The nearest residence is approximately 650 feet east of the tower location. The location is predominately clear of vegetation but does include several trees reaching as much as 250 feet in height, which will naturally stealth the facility from the public right-of-way. The surrounding area is a mix of residential properties, cleared land, and trees. No significant vegetation will be removed to accommodate the proposed project.

The site is not located in an area designated as a Highly Scenic Area and is therefore not subject to Highly Scenic Area policies. Staff has recommended several mitigation measures to ensure that the facility is developed in a manner consistent with visual resource policies and regulations for all development within the coastal zone.

Habitats and Natural Resources: A National Wetlands Inventory indicates a Freshwater Emergent Wetland approximately 250 feet to the east, a riverine area approximately 600 feet north, and a Freshwater Pond approximately 200 feet north of the subject parcel (see Attached O – Wetlands Map). These wetland areas are located outside of the area proposed for ground disturbance during proposed construction activities, and therefore will not be impacted. Conditions of approval regarding the timing of construction activities are recommended to ensure the project will achieve compliance with Chapter 3 of the Mendocino County Coastal Element regarding habitats and natural resources.

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

Seismic Activity: The property neither lies within, nor does it adjoin a mapped Alquist-Priolo Earthquake Fault Zone. The San Andreas Fault is located approximately 7.5 miles west of the project site and is the nearest active fault. The site is designated on the Mendocino County Local Coastal Program Land Capabilities and Natural Hazards Map as having potential intermediate shaking levels in terms of seismicity. This project does not conflict with any state or local seismic hazard policy or plan.

Flooding: There are not mapped 100-year flood zones on the subject parcel, and no conditions are necessary to ensure consistency with flood policy.

Fire: The parcel is located in an area classified as “High Fire Hazard” severity. Fire protection services for wildland areas are provided by the California Department of Forestry and Fire Protection (CAL FIRE) and

Fort Bragg Rural Fire Protection District for structural protection. The project application was referred to CAL FIRE for input. CAL FIRE responded stating that a 300 foot area of defensible space be created and maintained as allowed by RPC 4291.3, and that CAL FIRE considers any telecom facility as "critical infrastructure". Fort Bragg Rural Fire Protection District did not have any comments of concern. A Condition of Approval is recommended to ensure compliance with recommendations provided by CAL FIRE.

Grading, Erosion, and Run-Off: Some grading and ground disturbance is required to accommodate the proposed development. Grading activities include road construction, site development and trenching to underground utilities. Internal access roads will be developed to access the facility location and will result in 1,800 square feet of disturbance. Conditions of Approval are included to ensure that the roads are developed in conformance with Mendocino County Code requirements and to prevent soil erosion.

Archaeological/Cultural Resources: The Mendocino County Archaeological Commission accepted the submitted Revised Cultural Resources Investigation prepared by Geist Group dated October 18, 2021 at its January 12, 2022 meeting and recommended that only the standard discovery clause condition be applied to the proposed project. A Standard Condition advises the property owner of the Discovery Clause, which prescribes the procedures subsequent to the discovery of any cultural resources during construction of the project.

Groundwater Resources: The proposed development does not require the use of water or septic infrastructure and as such a no comment response was provided to this office from the Division of Environmental Health. No impacts to groundwater resources are anticipated as a result of this project.

Transportation/Circulation: The parcel is currently accessed off Holquist Lane (CR 402). The application was referred to the Mendocino County Department of Transportation (MCDOT) for comments. MCDOT responded on December 23, 2021 with no comments. The subject property is not within an Airport Compatibility Zone, as it is approximately 7 miles south of Fort Bragg Airport. Internal access roads will also be developed as a result of the project, disturbing a total area of approximately 1,800 square feet. Appropriate turnouts are shown on the site plan to ensure there is adequate emergency access to the site for fire and medical personnel. Conditions of Approval have been included to address comments received from these responsible agencies regarding transportation and access.

Public Access: The site of the proposed project is located east of State Route 1 and is therefore not subject to the public access findings of the Local Coastal Program.

3. Wireless Communication Facilities Development Guidelines:

Staff evaluated the proposed project for consistency with the Wireless Communication Facilities Development Guidelines, despite the fact that these Guidelines are not yet part of the Certified Local Coastal Program for Mendocino County. Staff has incorporated several conditions of approval to ensure that the facility is operated and maintained in conformance with these standards since incorporation of the Guidelines into the Local Coastal Program is anticipated in the near future. Staff finds the proposed wireless communication facility to be in conformance with the Wireless Communication Facilities Development Guidelines adopted by the Board of Supervisors on August 4, 2015 (Resolution No. 15-121).

4. Environmental Protection:

Staff has completed an Initial Study for the proposed project in accordance with the California Environmental Quality Act (CEQA) and determined that the project could have some potential significant impacts on the environment, but can be considered less than significant with mitigation incorporated. As discussed in the Initial Study, conditions have been identified to mitigate impacts to the environment to a less than significant level. Staff recommends that the Planning Commission adopt a Mitigated Negative Declaration for the project.

RECOMMENDATION

By resolution, adopt a Mitigated Negative Declaration and grant Coastal Development Use Permit U_2021-0017 for the Project, as proposed by the applicant, based on the facts and findings and subject to the conditions of approval.

3/29/22
DATE


MARK CLISER
PLANNER II

Appeal Period: 10 Days
Appeal Fee: \$2,620.00

ATTACHMENTS:

- A. Adjacent Map
- B. Location
- C. Aerial
- D. Aerial Detail
- E. Site Plans
- F. Topographical Map
- G. Zoning Map
- H. General Plan Map
- I. LCP Land Use Map
- J. LCP Habitat Resources Map
- K. LCP Land Capabilities & Natural Hazards
- L. Appeals Map
- M. Adjacent Map
- N. Fire Hazard Zones & Responsibility Areas
- O. Wildland-Urban Interface Zones
- P. Coastal Ground Water Resource Areas
- Q. Highly Scenic Area
- R. Estimated Slope
- S. Soils Map
- T. Farmland Classifications
- U. Department of Water Resources Crop Type
- V. CDP Exclusion Areas
- W. Fort Bragg Storm Water Areas
- X. Photo Simulations
- Y. Applicant Statement
- Z. FCC Compliance

RESOLUTION AND CONDITIONS OF APPROVAL (Exhibit A):

Initial Study available online at: <https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas/planning-commission>

PUBLIC DRAFT
INITIAL STUDY and ENVIRONMENTAL CHECKLIST

FOR

AT&T MOBILITY
CASPAR WIRELESS COLLOCATION

November 24, 2021

Lead Agency:
County of Mendocino

Lead Agency Contact:
Mark Cliser, Planner II
Mendocino County Planning and Building Services
860 North Bush Street, Ukiah, CA 95482
(707) 234-6650

Section I Description Of Project/Project Summary

DATE FILED: NOVEMBER 23, 2021

CASE#: U_2019-0017 (AT&T CASPAR WIRELESS COLLOCATION)

OWNER: MENDOCINO FOREST PRODUCTS

APPLICANT: AT&T

REQUEST: Coastal Development Use Permit to authorize construction and operation of a wireless communication facility consisting of a 67 ft. tall "monopine" tower with various appurtenant equipment and ground equipment including a 30kw generator, 190 gallon fuel storage tank, and equipment cabinet. The proposed "monopine" will be located within a 1,800 sq. ft. fenced compound.

ENVIRONMENTAL DETERMINATION: Based on the attached Initial Study, the proposed Wireless Communications Facility would not have a substantial adverse impact on the environment, and a Mitigated Negative Declaration is recommended.

LOCATION: 4± miles south of Fort Bragg City center, on the south side of Holquist Lane (CR 402), 0.09± miles east of its intersection with Gibney Lane (CR 412E), addressed at 32601 Holquist Lane, Fort Bragg (APN: 017-261-04).

PROJECT COORDINATOR: Mark Cliser, Planner II; (707-234-6650)

Section II Project Description

INTRODUCTION: The proposal is construction and operation of a wireless communication facility consisting of a 67 ft. tall "monopine" tower with various appurtenant equipment and ground equipment including a 30kw generator, 190 gallon fuel storage tank, and equipment cabinet. The proposed "monopine" will be located within an 1,800 sq. ft. fenced compound. The faux foliage will extend the height of the tower to 72 ft.

PROJECT OBJECTIVES: The Applicant is requesting construction of a 67 ft. tall "monopine" (a monopole cell tower disguised as a pine tree) tower with various appurtenant equipment and ground equipment including a 30kw generator, 190 gallon fuel storage tank, one (1) GPS unit, twelve (12) antennas (3 per sector), 24 RRUs, four (4) surge suppressors, two (2) future 4-foot microwave dishes, and trenching for a Power/Telco (fiber) to site location. The proposed "monopine" will be located within a fenced 1,800 sq. ft. fenced compound. Up to two (2) carriers will be able to co-locate on the tower, increasing cellular coverage for the community of Caspar, travelers, and emergency services and first responders. Each carrier's tower installation is expected to include up to twelve (12) antennas, twenty four (24) RRUs, six (6) surge suppressors, and one (1) GPS unit. Each carrier will require separate equipment cabinets, generators, and fuel tanks. Associated improvements to the subject parcel include trenching for power/telco (fiber) to the wireless communications tower facility, which will require approximately eight (8) cubic yards of earth to be moved. Trenches are 36 inches deep and 12 inches wide, and approximately 70 feet in length. A 20 ft. wide easement of approximately 220 ft. in length is proposed. In total, approximately 35 cubic yards of earth will be displaced.

SETTING AND LOCATION: The proposed project site is located, 1.3± miles north east of the town of Caspar and 4± miles south of the City of Fort Bragg, addressed at 32601 Holquist Lane. The setting for the subject parcel is clear of forest.. The parcel is developed with administrative offices for Mendocino Forest Products. The site is bordered by larger parcels to the north, east, and south (17±, 4.3±, and 4.5± acres respectively) zoned both Industrial and Residential, and smaller Residential parcels to the west.

The site is relatively flat. The applicant has stated that several other locations were suggested but were ultimately rejected due to environmental and safety concerns as well as distances from residences. The subject parcel is approximately 42 ft. higher than surrounding communities, thereby increasing cellular coverage. The project is part of the Federal Government's Connect America Fund

(CAF) which provides underserved areas with high-speed broadband internet, and will provide FirstNet services for First Responders.

BASELINE CONDITIONS: Pursuant to CEQA Guidelines Section 15125, the Project Description is required to identify the existing baseline set of physical characteristics. For this project, the baseline conditions include an existing gravel roadway, three (3) asphalt lots, and a 5,600square foot building previously used as a saw mill. The parcel is accessed off Holquist Road, which terminates approximately 250 feet east of the project site, and is boarded by residentially zoned parcels to the east, south, and west, and industrial parcels to the north. Historically, there has been no record of residential development on the subject parcel. The area in which the tower and facilities will be constructed was previously cleared of vegetation and is approximately 650 from the nearest residence, making the location suitable for a wireless communication facility..

Section III Environmental Checklist.

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

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

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

<input type="checkbox"/> Aesthetics	<input type="checkbox"/> Agriculture and Forestry Resources	<input type="checkbox"/> Air Quality
<input type="checkbox"/> Biological Resources	<input type="checkbox"/> Cultural Resources	<input type="checkbox"/> Energy
<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	<input type="checkbox"/> Tribal Cultural Resources
<input type="checkbox"/> Utilities / Service Systems	<input type="checkbox"/> Wildfire	<input type="checkbox"/> Mandatory Findings of Significance

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

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

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

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

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

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

I. AESTHETICS. Except as provided in Public Resources Code Section 21099, 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 checked="" type="checkbox"/>	<input 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) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Thresholds of Significance: The project would have a significant effect on aesthetics if it would have a substantial adverse effect on a scenic vista; substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway; substantially degrade the existing visual character or quality of public views of the site and its surroundings (if the project is in a non-urbanized area) or conflict with applicable zoning and other regulations governing scenic quality (if the project is in an urbanized area); or create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area.

Discussion: A scenic vista is defined as a location that offers a high quality, harmonious, and visually interesting view. One roadway in Mendocino County, State Route (SR) 128, was officially added to the eligibility list of State Scenic Highways by California State Assembly Bill 998 on July 12, 2019. According to CAL TRANS, SR 1 and SR 20 are "eligible" for designation as scenic highways, but have not been officially designated as such.

State Route 1 is part of the California Freeway and Expressway System, and through the Los Angeles metro area, Monterey, Santa Cruz, San Francisco metro area, and Leggett, is part of the National Highway System, a network of highways that are considered essential to the country's economy, defense, and mobility by the Federal Highway Administration. State Route 1 is eligible to be included in the State Scenic Highway System; however, only a few stretches between Los Angeles and San Francisco have officially been designated as a "scenic highway", meaning that there are substantial sections of highway passing through a "memorable landscape" with no "visual intrusions."

Additionally, the County has two roadway segments designated as “heritage corridors” by California Public Resources Code Section 5077.5. The North Coast Heritage Corridor includes the entire segment of SR 1 in the county, as well as the segment of U.S. Highway 101 from the junction with SR 1 in Leggett, north to the Humboldt County line. The Tahoe-Pacific Heritage Corridor extends from Lake Tahoe to the Mendocino County coast. It includes the entire segment of SR 20 within the county and the segment of US 101 from the SR 20 junction north of Calpella to the SR 20 highway exit south of Willits. Mendocino County’s General Plan Resource Management Goal RM-14’s (Visual Character) objective is: *Protection of the visual quality of the county’s natural and rural landscapes, scenic resources, and areas of significant natural beauty.*

The main source of daytime glare in the unincorporated portions of the Mendocino County is from sunlight reflecting off of structures with reflective surfaces, such as windows. A nighttime sky in which stars are readily visible is often considered a valuable scenic/visual resource. In urban areas, views of the nighttime sky are being diminished by “light pollution.” Two elements of light pollution may affect county residents: sky glow (a result of light fixtures that emit a portion of their light directly upward in the sky), and light trespass (poorly shielded or poorly aimed fixtures which cast light into unwanted areas, such as neighboring properties and homes). Different lighting standards are set by classifying areas by lighting zones (LZ). The 2000 Census classified the majority of Mendocino County as LZ2 (rural), which requires stricter lighting standards in order to protect these areas from new sources of light pollution and light trespass. Mendocino County’s General Plan Resource Management Goal RM-15’s (Dark Sky) objective is: *Protection of the qualities of the county’s nighttime sky and reduced energy use.*

- a) **Less Than Significant Impact:** The project is located approximately 0.5 miles east of an area designated “highly scenic”, though itself is not designated as such. The facility is not visible from any area designated as “highly scenic”. The project site is predominantly clear of vegetation, but surrounding parcels are comprised of redwood-fir forest. This will allow the “monopine” design of the tower to blend into the natural surroundings.
- b) **No Impact:** State Route 1, which is the nearest State Highway to the project location, is not designated as a state scenic highway. The applicant is not proposing removal of any vegetation for construction of the tower and facilities.
- c) **No Impact:** As the site is previously developed and cleared of vegetation, there will be limited further degradation to the existing visual character and quality of the site and its surrounding. Standard wireless communication monopoles or lattice towers can present a negative aesthetic impact due to their high visibility and metal construction. The proposed wireless communication facility, however, will be a “monopine” facility that will have the appearance of a pine tree. The location is surrounded by foliage which will provide a natural backdrop to the facility from the public right-of-way, effectively disguising it. The surrounding area is primarily comprised of redwood-fir forest. The “monopine” would be shorter in size to the surrounding trees, as to make it more difficult to immediately discern visibly. Ground equipment will blend in with the existing building on the subject property and structures on adjacent parcels. Several conditions are recommended to ensure that the facility is constructed in a manner consistent with Mendocino County Code requirements for the protection of visual resources within the coastal zone.
- d) **Less Than Significant Impact:** Exterior lighting is proposed for the equipment shelter. The proposed lights will be shielded and down-tilted with motion sensors and automatic shut-off timers and will not cause a substantial amount of light or glare that will affect nighttime views in the area. The tower itself will have no lights and was approved by the FAA as such. The communications “monopine” tower will use matte finishes in its construction so as to not create substantial amounts of glare. Likewise, appurtenant structures will be designed with matte finishes and are not visible from public vantage points. With the implementation of outdoor lighting regulations at the time of development, the proposed project would not create new sources of substantial lighting or glare that would generate a significant impact.

MITIGATION MEASURES

None

FINDINGS

The proposed project would have a **Less Than Significant Impact** on Aesthetics.

II. AGRICULTURE AND FORESTRY RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. 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"/>
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 PRC section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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 forestland to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Thresholds of Significance: The project would have a significant effect on agriculture and forestry resources if it would convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (hereafter "farmland"), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural uses; conflict with existing zoning for agricultural use or a Williamson Act contract; conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g), timberland (as defined by PRC section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g)); Result in the loss of forest land or conversion of forest land to non-forest use; or 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 forestland to non-forest use.

Discussion: The State of California Department of Conservation manages the Farmland Mapping and Monitoring Program (FMMP) which produces maps and statistical data used for analyzing impacts on California's agricultural resources. The FMMP mapping survey covers roughly 98% of privately owned land in the state and updates each map approximately every two years to provide an archive of land use change over time. Agricultural land is rated according to soil quality and irrigation status; the best quality land is called "Prime Farmland," with other critical designations including "Unique Farmland," or "Farmland of Statewide Importance."

The Williamson Act (officially the California Land Conservation Act of 1965) is a California law that provides relief of property tax to owners of farmland and open-space land in exchange for a ten year agreement that the land will not be developed or otherwise converted to another use. The intent of the Williamson Act is to preserve a maximum amount of a limited supply of prime agricultural land to discourage premature and unnecessary conversion of prime agricultural land to urban uses.

The Timberland Production Zone (TPZ) was established in 1976 in the California Government Code as a designation for lands for which the Assessor's records as of 1976 demonstrated that the "highest and best use" would be timber production and accessory uses. Public improvements and urban services are prohibited on TPZ lands except where necessary and compatible with ongoing timber production. The original purpose of TPZ Zoning District was to preserve and protect timberland from conversion to other more profitable uses and ensure that timber producing areas not be subject to use conflicts with neighboring lands.

- a) **No Impact:** The proposed project will not take place on land which is designated as Prime or Unique Farmland. According to the Farmland Mapping and Monitoring Program (FMMP) of the California Department of Conservation, Division of Land Resource Protection, the site is designated as Urban & Built-Up Land (D). This designation is for land occupied by structures with a building density of at least 1 unit to 1.5 acres, or approximately 6 structures to a 1-acre parcel. The project site is developed and will only use an additional 1,800 sq. ft. leased area for development of the tower and facilities. Construction of the proposed project will not preclude the parcel from further Industrial uses as outlined in Mendocino County Code Section 20.400.015(E) – Coastal Agricultural Use Types in Industrial Zones, or in Chapter 3, Section 30241 of the Land Use Plan.
- b) **No Impact:** The Project site is zoned for Industrial. The proposed Project will not conflict with any existing zoning or policies protecting agricultural resources. The project does not share any borders with parcels under Williamson Act.
- c - e) **Less Than Significant Impact:** The Project site is zoned for Industrial uses and within an Industrial General Plan designation. The proposed project is allowed in Industrial zones per Mendocino County Code Section 20.400.015(B) – Major Impact Services and Utilities (as defined in MCC Section 20.320.070). The project does not propose removal of any trees. The proposed project will not convert Farmland as it will not preclude use of the subject parcel from timber production or agricultural uses.

MITIGATION MEASURES

No mitigation required.

FINDINGS

The proposed project would have a **Less Than Significant Impact** on Agricultural and Forestry Resources.

III. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management district 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 the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Thresholds of Significance: The project would have a significant effect on air quality if it would conflict with or obstruct implementation of applicable air quality plans; 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; expose sensitive receptors to substantial pollutant concentrations; or result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.

Discussion: Mendocino County is located within the North Coast Air Basin, consisting of Del Norte, Humboldt, Trinity, Mendocino, and northern Sonoma counties. Additionally, the Mendocino County Air Quality Management District (MCAQMD) is responsible for enforcing the state and federal Clean Air Acts, as well as local air quality protection regulations. 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, including houses, to use energy efficient, low-emission EPA certified wood stoves and similar combustion devices to help reduce area source emissions.

MCAQMD operates air monitoring stations in Fort Bragg, Ukiah, and Willits. Based on the results of monitoring, the entire County has been determined to be in attainment for all Federal criteria air pollutants and in attainment for all State standards except Particulate Matter less than 10 microns in size (PM10). In January of 2005, MCAQMD adopted a Particulate Matter Attainment Plan establishing a policy framework for the reduction of PM10 emissions, and has adopted Rule 1-430 which requires specific dust control measures during all construction operations, the grading of roads, or the clearing of land as follows:

- 1) All visibly-dry, disturbed soil road surfaces shall be watered to minimize fugitive dust emissions;
- 2) All unpaved surfaces, unless otherwise treated with suitable chemicals or oils, shall have a posted speed limit of 10 miles per hour;
- 3) Earth or other material that has been transported by trucking or earth moving equipment, erosion by water, or other means onto paved streets shall be promptly removed;
- 4) Asphalt, oil, water, or suitable chemicals shall be applied on materials stockpiles and other surfaces that can give rise to airborne dusts;
- 5) All earthmoving activities shall cease when sustained winds exceed 15 miles per hour;
- 6) The operator shall take reasonable precautions to prevent the entry of unauthorized vehicles onto the site during non-work hours; and

- 7) The operator shall keep a daily log of activities to control fugitive dust. In December, 2006, MCAQMD adopted Regulation 4, Particulate Emissions Reduction Measures, which establishes emissions standards and use of wood burning appliances to reduce particulate emissions. These regulations applied to wood heating appliances, installed both indoors and outdoors for residential and commercial structures, including public facilities. Where applicable, MCAQMD also recommends mitigation measures to encourage alternatives to woodstoves/fireplaces, to control dust on construction sites and unpaved access roads (generally excepting roads used for agricultural purposes), and to promote trip reduction measures where feasible. In 2007, the Air Resources Board (ARB) adopted a regulation to reduce diesel particulate matter (PM) and oxides of nitrogen (NOx) emissions from in-use (existing) off-road heavy-duty diesel vehicles in California. Such vehicles are used in construction, mining, and industrial operations. The regulation imposes limits on idling, requires a written idling policy, and requires disclosure when selling vehicles. Off-road diesel powered equipment used for grading or road development must be registered in the Air Resources Board DOORS program and be labeled accordingly. The regulation restricts the adding of older vehicles into fleets and requires fleets to reduce their emissions by retiring, replacing, or repowering older engines or installing Verified Diesel Emission Control Strategies. In 1998, the California Air Resources Board established diesel exhaust as an Air Toxic, leading to regulations for categories of diesel engines. Diesel engines emit a complex mixture of air pollutants, including both gaseous and solid material which contributes to PM2.5. All stationary and portable diesel engines over 50 horse power need a permit through the MCAQMD.

Receptors include sensitive receptors and worker receptors. Sensitive receptors refer to those segments of the population most susceptible to poor air quality (i.e., children, the elderly, and those with pre-existing serious health problems affected by air quality). Land uses where sensitive individuals are most likely to spend time include schools and schoolyards, parks and playgrounds, daycare centers, nursing homes, hospitals, and residential communities (these sensitive land uses may also be referred to as sensitive receptors). Worker receptors refer to employees and locations where people work.

- a) **No Impact:** The project is located within the North Coast Air Basin consisting of Del Norte, Humboldt, Trinity, Mendocino, and northern Sonoma counties. The Project Site is located within the Mendocino County Air Quality Management District (MCAQMD) which is responsible for enforcing California and Federal Clean Air Acts, as well as local air quality protection regulations. 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, including houses, to use energy efficient, low-emission EPA certified wood stoves and similar combustion devices to help reduce area source emissions. The project will not conflict with or obstruct implementation of any air quality plan as there are no components of the project that would conflict with any existing air quality plans. Additionally, conditions of approval are recommended that will ensure that the project will achieve compliance with Mendocino County Air Quality Management District (AQMD) standards.
- b, c) **Less Than Significant Impact:** AQMD operates air monitoring stations in Fort Bragg, Ukiah, and Willits. Based on the results of monitoring, the entire County is in attainment for all State standards with the exception of particulate matter less than 10 microns in size (PM10). The most common source of PM10 is wood smoke from home heating or brush fires, and dust generated by vehicles traveling over unpaved roads. A PM10 attainment plan was finalized in 2005 that provides regulations for construction and grading activities and unpaved roads. Holquist Lane is paved up to, and including, the eastern access driveway for the project, at which point it becomes a compacted aggregate base surface road. The driveway from Holquist Lane to the project site is approximately 500 long feet with un-compacted natural dirt surface. The proposed project has the potential to increase PM10 in the immediate vicinity of the site during access road construction due to the road conditions. The proposed construction and use of internal access roads, if constructed in conformance with the conditions of approval, is not expected to contribute substantially to PM10

levels such that a significant impact would result. Local impacts to the area during construction would be less than significant using standard dust control measures. Conditions of Approval are recommended that will ensure that the project will achieve compliance with AQMD standards.

Sensitive receptors can include schools, parks, playgrounds, day care centers, nursing homes, hospitals, and residential dwellings. The project is adjacent to a residential area. During construction, the project has the potential to create pollutants and generate objectionable odors. However, with mitigation measures, they will be brought to less than significant levels during the construction phase. Once constructed, the project will not utilize products with substantial pollutant concentrations. Any objectionable odors will be limited to use of the generator during emergency situations and, with mitigation measures, impacts will be brought to less than significant.

- d) **Less Than Significant Impact:** The project proposes a wireless communication facility that, once constructed, has the potential to create additional emissions, including those leading to odors. As previously noted, the project will not utilize products with substantial pollutant concentrations. Any objectionable odors will be limited to use of the generator during emergency situations and, with mitigation measures, impacts will be brought to less than significant.

MITIGATION MEASURES

No mitigation required.

FINDINGS

The proposed project would have a **Less Than Significant Impact** on Air Quality.

IV. BIOLOGICAL RESOURCES. 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, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>

Thresholds of Significance: The project would have a significant effect on biological resources if it would 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; have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service; have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means; 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; conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

Discussion: Mendocino County's Biology and Ecology Resources Policy RM-28 states: *all discretionary public and private projects that identify special-status species in a biological resources evaluation (where natural conditions of the site suggest the potential presence of special-status species) shall avoid impacts to special-status species and their habitat to the maximum extent feasible. Where impacts cannot be avoided, projects shall include the implementation of site-specific or project-specific effective mitigation strategies developed by a qualified professional in consultation with state or federal resource agencies with jurisdiction.*

The California Natural Diversity Database (CNDDB) provides location and natural history information on special status plants, animals, and natural communities to the public, other agencies, and conservation organizations. The data helps drive conservation decisions, aid in the environmental review of projects and land use changes, and provide baseline data helpful in recovering endangered species and for research projects. Currently, the CNDDB has 32 species listed for Mendocino County that range in listing status from Candidate Threatened to Threatened to Endangered.

Many species of plants and animals within the State of California have low populations, limited distributions, or both. Such species may be considered “rare” and are vulnerable to extirpation as the state’s human population grows and the habitats these species occupy are converted to agricultural and urban uses. A sizable number of native species and animals have been formally designated as threatened or endangered under State and Federal endangered species legislation. Others have been designated as “Candidates” for such listing and the California Department of Fish and Wildlife (CDFW) have designated others as “Species of Special Concern”. The California Native Plant Society (CNPS) has developed its own lists of native plants considered rare, threatened or endangered. Collectively, these plants and animals are referred to as “special status species.”

Section 404 of the Clean Water Act defines wetlands as *“those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstance do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bog and similar areas.”*

Mendocino County currently has one active Habitat Conservation Plan (HCP) with the California Department of Fish and Wildlife which provides protections for the Point Arena Mountain Beaver. The Fisher Family HCP (Permit #TE170629-0) covers 24 acres of coastal scrub and was adopted December 3, 2007 for a period of 50 years. The Fisher Family HCP applies to parcel APN 027-211-02 located at 43400 Hathaway Crossing, Point Arena. Additionally, since 2003, the Mendocino Redwood Company (MRC) has managed the County’s only Natural Community Conservation Plan which covers all lands owned by the MRC to preserve regionally important habitat

- a) **Less Than Significant Impact with Mitigation Incorporated:** The California Natural Diversity Database (CNDDB) provides location and natural history information on special status plants, animals, and natural communities to the public, other agencies, and conservation organizations. The data help drive conservation decisions, aid in the environmental review of projects and land use changes, and provide baseline data helpful in recovering endangered species and for research projects.¹ Currently, the CNDDB has 32 species listed for Mendocino County that range in listing status from Candidate Threatened to Threatened to Endangered.²

Many species of plants and animals within the State of California have low populations, limited distributions, or both. Such species may be considered “rare” and are vulnerable to extirpation as the state’s human population grows and the habitats these species occupy are converted to agricultural and urban uses. A sizable number of native species and animals have been formally designated as threatened or endangered under State and Federal endangered species legislation. Others have been designated as “Candidates” for such listing and the California Department of Fish and Wildlife (CDFW) have designated others as “Species of Special Concern”. The California Native Plant Society (CNPS) has developed its own lists of native plants considered rare, threatened or endangered. Collectively, these plants and animals are referred to as “special status species.”

¹ <https://www.wildlife.ca.gov/Data/CNDDB/About>

² <https://map.dfg.ca.gov/bios/?tool=cnddbQuick>

Various direct and indirect impacts to biological resources may result from the small amount of development enabled by the project, including the loss and/or alteration of existing undeveloped open space that may serve as habitat. Increased vehicle trips to and from the project site can result in wildlife mortality and disruption of movement patterns within and through the project vicinity. Disturbances such as predation by pets (e.g., cats and dogs) and human residents may also occur at the human/open space interface, while conversion of land from lower to higher density residential use can lead to a predominance of various urban-adapted wildlife species (e.g., coyotes, raccoons, ravens and blackbirds) that have been observed to displace more sensitive species.

Per staff review, the project site has been identified as a potential habitat for species noted in the California Natural Diversity Database. The applicant's biological assessment and survey, conducted by Geist Engineering & Environmental Group, Inc. and prepared by Synthesis Planning, identified 47 species of concern. However, surveys conducted on January 31, 2020, March 12, 2020, and June 12, 2020 (during the appropriate flowering seasons) did not identify any special-status species onsite.

Of the six (6) vegetation community types observed with the study area, *Festuca rubra* Herbaceous Alliance was observed within the proposed project site, the proposed access road, the proposed power/fiber-optic cable underground installation route, and the buffer of these areas. The proposed construction would permanently displace approximately 1,800 square feet of undisturbed habitat area. The proposed project site is considered to be the least damaging as alternative locations would require construction of additional access roads, leading to greater impacts. Conditions of approval, such as Best Construction Practices and Standard Construction Conditions, are recommended that will ensure future protection of the vegetation community and mitigation.

Federally-designated critical habitat for the Marbled murrelet species was identified within the proposed project buffer area. Though no suitable foraging habitat was observed in the general project buffer area, nest habitat were observed. Individuals of this species were not observed during surveys, and the species has not been documented within the boundaries of, or in proximity to, the proposed project site. However, conditions of approval are recommend to ensure the species is not present during, or affected by, construction. Other special-status wildlife species having potential to occur on site, but for which no habitat was observed on site, include: Northern Spotted Owl, Purple Martin, Western Yellow-Billed Cuckoo, Osprey, Sonoma Tree Vole, Townsend's Big-Eared Bat, California Red-Legged Frog, Northern Red-Legged Frog, Foothill Yellow-legged Frog, Red Bellied Newt, Behren's Silverspot Butterfly, Lotis Blue Butterfly, and the Obscure Bumble Bee. Standard Construction Conditions are recommended for avoidance and minimization of biological impacts, and to ensure the proposed project no result in destruction or adverse modifications of a critical habitat area.

- b - c) **Less Than Significant Impact:** Waters of the United States (U.S.), including wetlands, are broadly defined to include navigable waterways, and tributaries of navigable waterways, and adjacent wetlands. Although definitions vary to some degree, wetlands are generally considered to be areas that are periodically or permanently inundated by surface water or groundwater, supporting vegetation adapted to life in saturated soil. Jurisdictional wetlands are vegetated areas that meet specific vegetation, soil, and hydrologic criteria defined by the U.S. Army Corps of Engineers (USACE). The USACE holds sole authority to determine the jurisdictional status of waters of the U.S., including wetlands. Jurisdictional wetlands and Waters of the U.S. include, but are not limited to, perennial and intermittent creeks and drainages, lakes, seeps, and springs; emergent marshes; riparian wetlands; and seasonal wetlands. Wetland and waters of the U.S. provide critical habitat components, such as nest sites and reliable source of water for a wide variety of wildlife species.

A National Wetlands Inventory indicates a freshwater forested/shrub wetland approximately 260 feet east of the proposed project site, and a freshwater pond approximately 200 feet northeast. Synthesis Planning identified a wetland/riparian habitat approximately 150 south of the project site.

A delineation of wetlands and watercourses with the project study area was conducted by Synthese Planning wetland ecologists during the January 31 and March 12, 2020 site visits. All identified wetlands are located well outside of the areas proposed for ground disturbance during proposed construction activities. As such, wetlands will not be impacted during project implementation. Conditions of approval are recommended that will ensure the project will achieve compliance with Chapter 3 of the Mendocino County Coastal Element regarding habitats and natural resources.

- d) **Less Than Significant Impact:** Wildlife movement corridors are routes frequently utilized by wildlife that provide shelter and sufficient food supplies to support wildlife species during migration. Movement corridors generally consist of riparian, woodlands, or forested habitats that span contiguous acres of undisturbed habitat. Wildlife movement corridors are an important element of resident species home ranges, including deer and coyote. The proposed project will not substantially interfere with the movement of any native resident or migratory fish or wildlife species as the proposed application proposes limited development in disturbed areas. Though species such as Purple Martin, Yellow-Billed Cuckoo, and Osprey migrate, they have not been observed onsite. Conditions of approval are recommended that will ensure protection of any migratory species.
- e) **No Impact:** Vegetation removal will not be required for construction. The proposed project does not conflict with any local policies or ordinances protecting biological resources or tree preservation policies. It is estimated that approximately 24 trees, 12 inches in diameter or less, will be removed from the project site. A condition of approval has been included that any future tree removal at the site will require a Coastal Development Permit or modification to this permit to ensure that local policies and ordinances are adhered to.
- f) **No Impact:** The proposed project will not conflict with any adopted Habitat Conservation Plan, Natural Community Conservation Plan or other approved habitat conservation plan as there are none that exist that would be applicable to the resources identified on the project site.

MITIGATION MEASURES

1. **BIO-1** - If ground disturbing activities occur during the breeding season of migratory avian, raptor species, Marbled murrelet, Western yellow-billed cuckoo, Osprey, Purple Martin, or Northern spotted owl, survey for active nests will be conducted by a qualified biologist no more than 10 days prior to start of activities. If a migratory avian or raptor species is observed and suspected to be nesting, a buffer area will be established to avoid impacts to the active nest site. Identified nests should be continuously surveyed for the first 24 hours prior to any construction-related activities to establish a behavioral baseline. If active nesting sites are found, the following exclusion buffers will be established, and no project activities will occur within these buffer zones until young birds have fledged and are no longer reliant upon the nest or parental care for survival.
 - i. Minimum no disturbance of 250 feet around active nest of non-list bird species and 250 foot no-disturbance buffer around migratory birds.
 - ii. Minimum no disturbance of 500 feet around active nest of non-listed raptor species, and 0.5 mile no disturbance buffer from listed species and fully protected species until breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival.
 - iii. Once work commences, all nest should be continuously monitored to detect any behavioral changes as a result of project activities. If behavioral changes are observed, the work causing that change should cease and the appropriate

regulatory agencies (i.e. California Department of Fish and Wildlife [CDFW] or U.S. Fish and Wildlife Service [USFWS]) shall be consulted for additional avoidance and minimization measures.

- b. A variance from these no disturbance buffers may be implanted when there is compelling biological or ecological reason to do so, such as when the project area would be concealed from a nest site by topography. Any variance from these buffers is advised to be supported by a qualified wildlife biologist and is recommended that CDFW and USFWS be notified in advance of implementation of a no disturbance buffer variance.
2. **BIO-2** Prior to implementation of any construction for the project, the Applicant shall have a qualified biologist conduct pre-construction biological clearance surveys for terrestrial habitats of the Red-bellied newt, California red-legged frog, Foothill yellow-legged frog, and California red-legged frog.
3. **BIO-3** The clearing of vegetation and initiation of construction shall be done between September 1 and October 31. If this cannot be accomplished then preconstruction surveys for potential bat roost sites shall be conducted and submitted for review and approval by the California Department of Fish and Wildlife. The applicant shall conduct pre-activity surveys for bat species and their roosting/maternity/hibernation sites in the project site and buffer area. If a bat roosting/maternity/hibernation site is identified during these surveys, or suspected to be present, a buffer area will be established to avoid impacts on the site, and subsequently the bat species. The following exclusion zone will apply:
 - i. 300 feet from known or potential maternity roosting site. If deemed warranted, project proponent will consult with Mendocino County and the appropriate State and Federal (CDFW and USFWS) regulatory agencies to work out a plan to avoid impacts to the species before work resumes.

FINDINGS

The proposed project would have a **Less Than Significant Impact with Mitigation Incorporated** on Biological Resources.

V. CULTURAL RESOURCES. 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 pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Thresholds of Significance: The project would have a significant effect on cultural resources if it would cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5; cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5; or disturb any human remains, including those interred outside of formal cemeteries.

Discussion: Archeological resources are governed by MCC Sec. 22.12.090, which echoes state law regarding discovery of artifacts and states, in part, "*It shall be unlawful, prohibited, and a misdemeanor for*

any person knowingly to disturb, or cause to be disturbed, in any fashion whatsoever, or to excavate, or cause to be excavated, to any extent whatsoever, an archaeological site without complying with the provisions of this section". MCC Section 22.12.090 governs discovery and treatment of archeological resources, while Section 22.12.100 speaks directly to the discovery of human remains and codifies the procedures by which said discovery shall be handled. Pursuant to California Code of Regulations, Title 14, Chapter 3, Sub Section 15064.5(c)(4), "If an archeological resource is neither a unique archeological nor an historic resource, the effects of the project on those resources shall not be considered a significant effect on the environment."

- a - b) **No Impact:** Per California Code of Regulations, Title 14, Chapter 3, Sub Section 15064.5(b)(1); a *"substantial adverse change in the significance of a historical resource means physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an (sic) historical resource would be materially impaired."* The applicant submitted a Cultural Resources Assessment Report, conducted by Geist Engineering & Environmental Group. Per the report, two (2) cultural resources were located within the research radius, though safely beyond the project boundaries, during a 2018 study. Since the project area was developed previously for lumber operations, it appears to have a low potential for intact archaeological resources. The proposed project was heard by the Archeological Commission on January 12, 2022. The Commission accepted the survey and recommended no further studies. A Standard Condition advises the property owner of the Discovery Clause, which prescribes the procedures subsequent to the discovery of any cultural resources during construction of the project. Pursuant to California Code of Regulations, Title 14, Chapter 3, Sub Section 15064.5(c)(4), "If an archaeological resource is neither a unique archaeological nor an historic resource, the effects of the project on those resources shall not be considered a significant effect on the environment." No unique paleontological resources or geologic features have been identified as being directly or indirectly impacted as a result of the proposed project. A Standard Condition advises the property owner of the Discovery Clause, which prescribes the procedures subsequent to the discovery of any cultural resources during construction of the project.
- c) **No Impact:** MCC Section 22.12.090 governs discovery and treatment of archaeological resources, while Section 22.12.100 speaks directly to the discovery of human remains and codifies the procedures by which said discovery shall be handled. Per Mendocino County Coastal Element, Section 3.5-10, *"The County shall review all development permits to ensure that proposed projects will not adversely affect existing archaeological and paleontological resources. Prior to approval of any proposed development within an area of known or probable archaeological or paleontological significance, a limited field survey by a qualified professional shall be required at the applicant's expense to determine the extent of the resource. Results of the field survey shall be transmitted to the State Historical Preservation Officer and Cultural Resource Facility at Sonoma State University for comment. The County shall review all coastal development permits to ensure that proposed projects incorporate reasonable mitigation measures so the development will not adversely affect existing archaeological/paleontological resources. Development in these areas are subject to any additional requirements of the Mendocino County Archaeological Ordinance."* The proposed project will not disturb any known human remains as no remains or cemeteries have been documented on the project site.

MITIGATION MEASURES

No mitigation required.

FINDINGS

The proposed project would have a **No Impact** on Cultural Resources.

VI. ENERGY. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy, or wasteful use of energy resources, during project construction or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Thresholds of Significance: The project would have a significant effect on energy if it would result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy, or wasteful use of energy resources, during project construction or operation.

Discussion: On October 7, 2015, Governor Edmund G. Brown, Jr. signed into law Senate Bill (SB) 350, known as the Clean Energy and Pollution Reduction Act of 2015 (De León, Chapter 547, Statutes of 2015), which sets ambitious annual targets for energy efficiency and renewable electricity aimed at reducing greenhouse gas (GHG) emissions. SB 350 requires the California Energy Commission to establish annual energy efficiency targets that will achieve a cumulative doubling of statewide energy efficiency savings and demand reductions in electricity and natural gas final end uses by January 1, 2030. This mandate is one of the primary measures to help the state achieve its long-term climate goal of reducing GHG emissions to 40 percent below 1990 levels by 2030. The proposed SB 350 doubling target for electricity increases from 7,286 gigawatt hours (GWh) in 2015 up to 82,870 GWh in 2029. For natural gas, the proposed SB 350 doubling target increases from 42 million of therms (MM) in 2015 up to 1,174 MM in 2029 (CEC, 2017).

Permanent structures constructed on-site would be subject to Part 6 (California Energy Code) of Title 24 of the California Code of Regulations, which contains energy conservation standards applicable to residential and non-residential buildings throughout California. The 2019 Building Energy Efficiency Standards are designed to reduce wasteful, uneconomic, inefficient or unnecessary consumption of energy, and enhance outdoor and indoor environmental quality. It is estimated that single-family homes built with the 2019 standards will use about 7 percent less energy due to energy efficiency measures versus those built under the 2016 standards (CEC, 2018).

Site improvement proposed under the project involve the construction of a 67 ft. tall monopine tower with various appurtenant equipment and ground equipment including a 30kw generator, 190 gallon fuel storage tank, one (1) GPS unit, twelve (12) antennas (3 per sector), 24 RRUs, four (4) surge suppressors, two (2) future 4-foot microwave dishes, and trenching for a Power/Telco (fiber) to site location within a fenced 1,800 sq. ft. fenced compound.

- a – b) **Less Than Significant Impact:** The proposed project would not result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy, or wasteful use of energy resources, during project construction or operation, nor would the project conflict with or obstruct a state or local plan for renewable energy or energy efficiency. As noted above, permanent structures constructed on-site would be subject to Part 6 (California Energy Code) of Title 24 of the California Code of Regulations, which contains energy conservation standards applicable to residential and non-residential buildings throughout California. It is not anticipated the proposed structures would use or waste significant amounts of energy or conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

MITIGATION MEASURES

No mitigation required.

FINDINGS

The proposed project would have a **Less Than Significant Impact** on Energy.

VII. GEOLOGY AND SOILS. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect 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 wastewater 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"/>
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Thresholds of Significance: The project would have a significant effect on geology and soils if it would directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: 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, strong seismic ground shaking, seismic-related ground failure, including liquefaction, or landslides; result in substantial soil erosion or the loss of topsoil; 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; be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property; have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater; or directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

Discussion: Of the five known faults, the San Andreas Fault is the closest active fault to the subject parcel, located approximately 7.5 miles west.

The San Andreas Fault traverses the southwestern corner of the County and continues offshore north of Manchester. It is capable of generating very strong earthquakes, the last major event occurring in 1906

with a magnitude of 7.9 near San Francisco. This event caused severe shaking in Mendocino County and extensive structural damage along the southern coastline of the County. Very little seismic activity has been recorded on the San Andreas Fault north of San Francisco since the 1906 event; however, the Fault is still considered active.

The vast majority of Mendocino County is underlain by bedrock of the Franciscan Formation. Thick soil development and landslides very commonly cover the underlying bedrock throughout the county. Due to the weak and deformed nature of the Franciscan rocks, they are prone to deep weathering and development of thick overlying soils. Soil deposits in swales and on the flanks of slopes commonly contain substantial amounts of clay and weathered rock fragments up to boulder size. These soils can be unstable when wet and are prone to slides. Landsliding of such soils is widespread in Mendocino County, particularly in the eastern belt of the Franciscan Formation beneath the eastern portion of the county. Human activities that affect vegetation, slope gradients, and drainage processes can also contribute to landslides and erosion.

Areas susceptible to erosion occur throughout Mendocino County where surface soils possess low-density and/or low-strength properties. Slopes are another factor in soil erosion – the greater the slope, the greater the erosion hazard, especially if the soil is bare. Soils on 9 percent slopes and greater have a moderate erosion hazard, and soils on slopes greater than 15 percent have a high erosion hazard. Elevations at the subject parcel range from 528 feet above mean sea level (amsl) at the eastern boundary to this 517 amsl at the western boundary, with an average slope of approximately 3 percent.

The specific soil type underlying the Site includes Tregoining-Cleone. Tregoining consists of poorly drained soils that are moderately deep to a hardpan. Permeability is very slow and the hazard of water erosion is light if the surface is left bare. Cleone soils are mainly sandy loam or loamy sand and are underlain by virtually unaltered sandy beach deposits. Permeability is moderately rapid and the hazard of water erosion is slight or moderate if the surface is left bare. This type of soil is used for home site development, as wildlife habitat, or as watershed. Construction of the facility would be subject to the latest version of the California Building Code (CBC) to reduce any potential geological risks.

a - e) No Impact The proposed project is not exposed to any major geological concerns such as ground shaking, ground failure, landslides, or soil erosion as it is not located on any fault zone or near any heavily sloped terrain. Design and construction of the permanent structures proposed under the project would be subject to the rules and regulations contained in the latest version of the CBC, which would reduce the potential for risk of loss, injury, or death involving landslides at the Site. Furthermore, the subject parcel is not located on soils that would be considered unstable or expansive, per the *Attachment S – Soils Map*, thus these concerns do not apply to the project site. However, the proposed project would be required to employ Standard Best Management Practices (BMPs), such as straw bales, fiber rolls, and/or silt fencing structures, to assure the minimization of erosion resulting from construction and to avoid runoff into sensitive habitat areas, and would be required to stabilize disturbed soils and vegetate bare soil created by the construction phase of the project with native vegetation and/or native seed mixes for soil stabilization as soon as feasible. As the project is not located on a fault, the project would not trigger any issues such as a landslide or liquefaction, thus there is no impact in this regard. The project does not propose installation of a septic system or alternative waste water disposal systems.

f) Less Than Significant Impact: As noted above, the proposed project was heard by the Archeological Commission on January 12, 2022. The Commission accepted the Applicant's archaeological survey and recommended no further studies. However, the potential exists for unique paleontological resources or site or unique geological features to be encountered within the project area, as ground-disturbing construction activities, including grading and excavation, would be required for the proposed project. In the event that any archaeological or paleontological resources are discovered during site preparation, grading or construction activities, notification would be required, pursuant to County Code Chapter 22.12 – Archaeological Resources.

MITIGATION MEASURES

No mitigation required.

FINDINGS

The proposed project would have a **Less Than Significant Impact** on Geology and Soils.

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

Thresholds of Significance: The project would have a significant effect on greenhouse gas emissions if it would generate greenhouse gas emissions (GHG), either directly or indirectly, that may have a significant impact on the environment; or conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

Discussion: Assembly Bill 32 (AB32), the California Global Warming Solutions Act, 2006 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, which includes criteria air pollutants (regional) and toxic air contaminants (local). As a result, Mendocino County Air Quality Management District (AQMD) adopted CEQA thresholds of significance for criteria air pollutants and GHGs, and issued updated CEQA guidelines to assist lead agencies in evaluating air quality impacts to determine if a project's individual emissions would be cumulatively considerable. According to the AQMD, these CEQA thresholds of significance are the same as those, which have been adopted by the Bay Area Air Quality Management District (BAAQMD). Pursuant to the BAAQMD CEQA Guidelines, the threshold for project significance of GHG emissions is 1,100 metric tons CO₂e (CO₂ equivalent) of operation emission on an annual basis. Additionally, Mendocino County's building code requires new construction to include energy efficient materials and fixtures.

- a) **Less Than Significant Impact:** As the Site is predominantly undeveloped and vacant, any further development on-site, including the proposed wireless communication facility, would be anticipated to result in increased GHG emissions at the Site. However, given the relatively small scale of the project, neither construction nor operation of the proposed project would have a measurable or considerable contribution to the cumulative GHG impact at the local, regional, or state level.
- b) **No Impact:** Although Action Item RM-50.2 in Chapter 4 of the Mendocino County General Plan (2009) requires the County to "create a greenhouse gas reduction plan for the unincorporated areas of the county that sets specific reduction strategies and targets to meet", such a plan has not yet been drafted or adopted by the County. Since there are no adopted local plans for reducing GHG emissions, no impact would occur.

MITIGATION MEASURES

No mitigation required.

FINDINGS

The proposed project would have a **Less Than Significant Impact** on Greenhouse Gas Emissions.

IX. HAZARDS AND HAZARDOUS MATERIALS. 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 checked="" type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 result in a safety hazard or excessive noise for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) 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"/>
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Thresholds of Significance: The project would have a significant effect on hazards and hazardous materials if it were to 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; emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school; 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 create a significant hazard to the public or the environment; result in a safety hazard or excessive noise for people residing or working in the project area if 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; or impair the implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan; or expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires.

Discussion: California Health and Safety Code states: "Hazardous material" means any material that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment. "Hazardous materials" include, but are not limited to, hazardous substances, hazardous waste, and any material that a handler or the unified program agency has a reasonable basis for believing that it would be injurious to the health and safety of persons or harmful to the environment if released into the workplace or the environment (Health and Safety Code section (Health & Saf. Code sec) 25501 (m)).

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 this General Plan emphasize source reduction and recycling of hazardous wastes, and express a preference for onsite hazardous waste treatment over offsite treatment. The Hazardous Waste Management Plan proposed a number of hazardous waste programs and set forth criteria to guide the siting of new offsite hazardous waste facilities. However, to date, no facilities have been cited in the county. In 1997, the County Division of Environmental Health assumed responsibility for administering hazardous waste generation and treatment regulations. Solid Waste and Hazardous Waste and Materials Management Policy DE-203 states: *All development projects shall include plans and facilities to store and manage solid waste and hazardous materials and wastes in a safe and environmentally sound manner.*

The California Air Resources Board classifies asbestos as a known human carcinogen. Asbestos of any type is considered hazardous and may cause asbestosis and lung cancer if inhaled, becoming permanently lodged in body tissues. Exposure to asbestos has also been shown to cause stomach and other cancers. Asbestos is the general name for a group of rock-forming minerals that consist of extremely strong and durable fibers. When asbestos fibers are disturbed, such as by grading and construction activities, they are released into the air where they remain for a long period of time. Naturally occurring asbestos is an issue of concern in Mendocino County, which contains areas where asbestos-containing rocks are found. The presence of ultramafic rocks indicates the possible existence of asbestos mineral groups. Ultramafic rocks contain 90 percent or more of dark-colored, iron-magnesium-silicate minerals. Ultramafic rocks may be partially or completely altered to a rock known as serpentinite, more commonly called serpentine.

The Mendocino County Air Quality Management District enforces state regulations to reduce the effects of development projects involving construction sites and unpaved roads in areas tested and determined by a state-registered geologist to contain naturally occurring asbestos. Serpentine and ultramafic rocks are common in the eastern belt of the Franciscan Formation in Mendocino County. Small localized areas of serpentinite do occur in the coastal belt of the Franciscan Formation, but they are significantly less abundant.

Mendocino County's aviation system is composed of airports, privately owned aircraft of various types, privately operated aircraft service facilities, and publicly and privately operated airport service facilities. Most aircraft are privately owned, small single or twin-engine planes flown primarily for personal business. Six public use airports in Mendocino County provide for regional and interregional needs of commercial and general aviation. Actions involving areas around airports will continue to be evaluated for consistency with the County's Airport Comprehensive Land Use Plan and applicable federal regulations. Mendocino County's Airport Policy DE-167 states: *"Land use decisions and development should be carried out in a manner that will reduce aviation-related hazards (including hazards to aircraft, and hazards posed by aircraft)".*

The California Department of Forestry and Fire Protection (CALFIRE) designates areas of the County into fire severity zones. These maps are used to develop recommendations for local land use agencies and for general planning purposes.

The project would require the transport, use, storage, and disposal of small quantities of hazardous materials common for equipment and facility maintenance and operation, such as gasoline, diesel fuel, hydraulic fluids, oils, and lubricants which will be used for facility operation and maintenance. However, all hazardous materials would be utilized and disposed of in accordance with all applicable federal and state regulations.

- a - b) **Less Than Significant Impact:** The proposed project would not transport, use, emit, or dispose of significant amounts 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.

- c) **No Impact:** No existing or proposed schools are located within one-quarter mile of the Site. The Site is located within the Fort Bragg Unified School District, with the nearest school, Three Rivers Charter School, located approximately 3.4 miles north of the Site. It is not anticipated that hazardous materials to be utilized on-site would be used or stored at the Site in any quantity or application that could impact any schools in the area.
- d) **Less Than Significant Impact:** Review of the State Water Resources Control Board's GeoTracker (2015) and Department of Toxic Substances Control's EnviroStor (2019) databases indicates the Site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. As discussed above, any hazardous materials to be used on-site would be utilized, stored, transported, and disposed of in accordance with federal, state, and local regulations.
- e) **No Impact:** The Site is not located within an airport land use plan or within two miles of a public or public use airport. The nearest airport, Fort Bragg Airport, is located approximately seven (7) miles north of the Site in Fort Bragg. Therefore, the proposed project would not result in a safety hazard or excessive noise for people residing or working in the proposed project area and no impact would occur.
- f) **No Impact:** The project site is currently developed with a 5,600 square foot structure, and is predominately clear of trees and vegetation. The surrounding area contains limited existing development, with existing residences located west and south of the project site. The site, which is mapped as a High Fire Hazard, is located within a State Responsibility Area and within the Fort Bragg Rural Fire Protection District. The proposed development consists of construction of a wireless communications tower and will not cause the exposure of people or structures to a greater risk of loss, injury or death involving wildland fires than currently exists at the site today.
- g) **No Impact:** The proposed development consists of construction of a wireless communications tower and will not cause the exposure of people or structures to a significant risk of loss, injury or death involving wildland fires than that exists at the site today.

MITIGATION MEASURES

No mitigation required.

FINDINGS

The proposed project would have a **Less Than Significant Impact** on Hazards or Hazardous Materials.

X. 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 or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<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 or through the addition of impervious surfaces, in a manner which would:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) Result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) 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"/>
iii) 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"/>
iv) Impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Thresholds of Significance: The project would have a significant effect on hydrology and water quality if it would violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality; substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin; substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner, which would result in substantial erosion or siltation on- or off-site, substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site, 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, or impede or redirect flows; in flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation; or conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

Discussion: Regulatory agencies include the state and regional water quality control boards; State Water Resources Control Board (SWRCB) and the North Coast Regional Quality Control Board (NCRWQCB). The State Water Resources Control Board is responsible for implementing water quality standards in California. Water Code Section 13050(d) states: *Waste includes sewage and any and all other waste substances, liquid, solid, gaseous, or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing, or processing operation, including waste placed within*

containers of whatever nature prior to, and for purposes of, disposal. Typical activities and uses that affect water quality include, but are not limited to, discharge of process wastewater from factories, confined animal facilities, construction sites, sewage treatment facilities, and material handling areas which drain into storm drains.

Water Code Section 1005.1 defines groundwater as *water beneath the surface of the ground, whether or not flowing through known and definite channels.* Both surface water and groundwater define a watershed, as they move from higher to lower elevations. In Mendocino County, groundwater is the main source for municipal and individual domestic water systems, outside of the Ukiah Valley, and contributes significantly to irrigation. Wells throughout Mendocino County support a variety of uses, including domestic, commercial, industrial, agricultural needs, and fire protection. The County's groundwater is found in two distinct geologic settings: the inland valleys and the mountainous areas. Mountainous areas are underlain by consolidated rocks of the Franciscan Complex, which are commonly dry and generally supply less than 5 gallons per minute of water to wells. Interior valleys are underlain by relatively thick deposits of valley fill, in which yields vary from less than 50 gallons per minute to 1,000 gallons per minute. There are six identified major groundwater basins in Mendocino County. Groundwater recharge is the replacement of water in the groundwater aquifer. Recharge occurs in the form of precipitation, surface runoff that later enters the ground, irrigation, and in some parts of California (but not in Mendocino County) by imported water. Specific information regarding recharge areas for Mendocino County's groundwater basins is not generally available, but recharge for inland groundwater basins comes primarily from infiltration of precipitation and intercepted runoff in stream channels, and from permeable soils along the margins of valleys. Recharge for coastal groundwater basins takes place in fractured and weathered bedrock and coastal terraces, and along recent alluvial deposits and bedrock formations. If recharge areas are protected from major modification - such as paving, building and gravel removal - it is anticipated that continued recharge will re-supply groundwater reservoirs.

The basic source of all water in Mendocino County is precipitation in the form of rain or snow. Average annual rainfall in Mendocino County ranges from slightly less than 35 inches in the Ukiah area to more than 80 inches near Branscomb. Most of the precipitation falls during the winter, and substantial snowfall is limited to higher elevations. Rainfall is often from storms which move in from the northwest. Virtually no rainfall occurs during the summer months.

Chapter 4.13 of the Mendocino County Coastal Element, Sustainability Policy Action number S-5.1, states new projects that *create or replace 2,500 square feet or more of impervious area shall implement site design measure to reduce stormwater runoff and increase groundwater recharge.*

- a) **No Impact:** The proposed project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality. The project application was referred to pertinent agencies for comment and no response was received expressing concerns with violation of water quality or waste discharge requirements.
- b) **No Impact:** The proposed Project does not include development of a well or development of impervious surface coverage greater than 2,500 square feet. As such, the Project will 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 concern was expressed by the Mendocino County Division of Environmental Health as to potential for interference or depletion of groundwater supplies.
- c.i) **Less Than Significant Impact:** No streams or rivers are located on-site. The proposed project would not substantially alter the existing drainage pattern of the site or area in a manner which would result in substantial erosion or siltation on- or off-site. The introduction of limited impervious surfaces and the slight modification to existing topography resulting from the development would not result in substantial erosion or siltation.

- c.ii-iii) **Less Than Significant Impact:** The project would not substantially increase the rate or amount of surface runoff in an manner which would result in flooding on- or off-site, 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. There is limited storm drainage infrastructure within the vicinity of the Site. Although development is proposed on-site, due to the proposed development footprint, Site drainage would continue to follow a natural flow pattern and infiltrate into the ground.
- c.iv) **No Impact:** The project is not located in either a FEMA flood zone or floodway. The project would not impede or redirect flood flows.
- d) **No Impact:** The project is not located in either a FEMA flood zone or floodway, tsunami, or seiche zone. As such, there is no risk of pollutants being released due to these types of events.
- e) **Less Than Significant Impact:** the project would utilize Best Management Practices (BMPs) to minimize the amount of sediments and other pollutants from being discharged in stormwater runoff. Additionally, Mendocino County Ordinance No. 4313, Stormwater Runoff Pollution Prevention Procedure (Mendocino County Code Chapter 16.30 et seq.), requires any person performing construction and grading work anywhere in the County to implement appropriate BMPs to prevent the discharge of construction waste, debris or contaminants from construction materials, tools and equipment from entering the storm drainage system (off-site). Compliance with these regulations would facilitate the implementation of water quality control efforts at the local and state levels. Therefore, the proposed project is not anticipated to conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

MITIGATION MEASURES

No mitigation required.

FINDINGS

The proposed project would have a **Less Than Significant Impact** on Hydrology and Water Quality.

XI. LAND USE AND PLANNING. 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) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Thresholds of Significance: The project would have a significant effect on land use and planning if it would physically divide an established community or cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

All lands within the unincorporated portions of Mendocino County are regulated by the General Plan and zoning ordinance, with regards to land use, as well as a number of more locally derived specific plans, such as the Gualala Town Plan, or Ukiah Valley Area Plan. The proposed Project does not fall within a specific plan. The project was also referred to a number of agencies with jurisdiction over the project.

- a) **No Impact:** The proposed development will be located on an existing parcel in a low density residential area and will not physically divide an established community.

- b) **No Impact:** Per Mendocino County Code Section 20.364.015(B), Major Impact Services and Utilities, the proposed project is in conformance with all local regulations. Conditions of Approval have been recommended to ensure that the proposed development is constructed in such a manner that any potential impacts are avoided. The proposed project will not conflict with any habitat conservation plan or natural community conservation plan as there are none that exist that would be applicable to the resources identified on the project site.

MITIGATION MEASURES

No mitigation required.

FINDINGS

The proposed project would have a **No Impact** on Land Use and Planning.

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

Thresholds of Significance: The project would have a significant effect on mineral resources if it would 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 or 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.

Discussion: The Surface Mining and Reclamation Act (SMARA) of 1975 provides a comprehensive surface mining and reclamation policy with the regulation of surface mining operations to assure that adverse environmental impacts are minimized and mined lands are reclaimed to a usable condition. SMARA also encourages the production, conservation, and protection of the state's mineral resources. SMARA requires the State Mining and Geology Board to adopt State policy for the reclamation of mined lands and the conservation of mineral resources.

The most predominant minerals found in Mendocino County are aggregate resources, primarily sand and gravel. Three sources of aggregate materials are present in Mendocino County: quarries, instream gravel, and terrace gravel deposits. The demand for aggregate is typically related to the size of the population, and construction activities, with demand fluctuating from year to year in response to major construction projects, large development activity, and overall economic conditions. After the completion of U.S. 101 in the late 1960s, the bulk of aggregate production and use shifted primarily to residential and related construction. However, since 1990, use has begun to shift back toward highway construction.

- a -b) **No Impact:** The County is the administrator of the California Surface Mining and Reclamation Act (SMARA). Therefore, all activities undertaken regarding essentially non-renewable resources are subject to review and approval from the local jurisdiction. Mendocino County has many aggregate mineral resources, the demand for which varies. However, any negative impacts to either active mining activities or mining reclamation efforts would be required to be reviewed and approved by the County. There are no known mineral resources with the project area, nor are there delineated locally-important mineral resources within the project boundaries. Therefore, there will be no loss of availability of a known mineral resource or loss in locally-important mineral resource recovery sites.

MITIGATION MEASURES

No mitigation required.

FINDINGS

The proposed project would have **No Impact** on Mineral Resources.

XIII. NOISE. Would the project result in:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project 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) Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) For a project located within the vicinity of private airstrip or 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"/>

Thresholds of Significance: The project would have a significant effect on noise if it would result in the generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies; or generation of excessive groundborne vibration or groundborne noise levels; or expose people residing or working in the project area to excessive noise levels (for a project located within the vicinity of a private airstrip or an airport or an airport land use plan, or where such as plan has not been adopted, within two miles of a public airport or public use airport).

Discussion: Acceptable levels of noise vary depending on the land use. In any one location, the noise level will vary over time, 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. 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.

- a-b) **Less Than Significant Impact:** Per the County General Plan, "Noise policies are intended to protect County communities from excessive noise generation from stationary and non-stationary sources. Land uses would be controlled to reduce potential for incompatible uses relative to noise. Residential and urban uses will be restricted near agriculture lands to prevent incompatible uses being placed near inherently noisy agricultural operations. Noise-sensitive environments, including schools, hospitals, and passive recreational use areas, would be protected from noise-generating uses. Structural development would be required to include noise insulation and other methods of construction to reduce the extent of excessive noise."³ The proposed wireless communications facility and associated generators, vehicular traffic, and grading proposed to accommodate the improvements may expose people to noise. Any noise or ground-borne vibration resulting from the project would not violate a local general plan or noise ordinance as all development within the Mendocino County Coastal Zone is subject to Exterior Noise Limit Standards specified in Appendix B of Title 20, Division II of Mendocino County Code. Therefore, potential impacts will be less than significant. Generators shall be equipped with mufflers and spark arresters, and shall not produce noise levels exceeding 50 dBA at the nearest off-site residence. Routine testing and maintenance

³ Mendocino County General Plan, Page 3-10

shall be limited to weekdays between 8:30 am and 4:30pm. Repairs and emergency use are not included in this limitation.

- c) **No Impact:** The site is not located within an airport zone. Though the proposed project is approximately seven (7) miles south of a Fort Bragg Airport, the project does not include residents or staff to remain on-site for extended periods of time and would therefore not subject people working in the project area to excessive noise levels.

MITIGATION MEASURES

No mitigation required.

FINDINGS

The proposed project would have a **Less Than Significant Impact** on Noise.

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

Thresholds of Significance: The project would have a significant effect on population and housing if it would induce substantial unplanned population growth in an area, either directly (e.g., by proposing new homes and/or businesses) or indirectly (e.g., through extension of roads or other infrastructure); or displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere.

Discussion: The most recent census for Mendocino County was in 2020, with an estimated population of 87,497. The county has undergone cycles of population boom followed by periods of slower growth. For example, the county population increased by approximately 25 percent between 1950 and 1960, but barely grew from 1960 to 1970. Between 1990 and 2000, the population of Mendocino County increased 7.4 percent, a much slower rate of growth than the 20 percent increase from 1980 to 1990. Population growth slowed further from 2000 to 2007, increasing only 4.6 percent.

Mendocino County's Housing Element is designed to facilitate the development of housing adequate to meet the needs of all County residents. The Mendocino Council of Government's (MCOG) Regional Housing Needs Plan assigned the County a production goal of 2,552 housing unit for the unincorporated area between 2009 and 2014. Goals and policies were set forth in order to facilitate the development of these housing units at a range of sizes and types to address this need.

- a) **No Impact:** The proposed project consists of construction of a wireless communications facility and associated internal access roads and related equipment. The proposed project will not induce substantial population growth as the project is not residential or commercial in nature nor does it extend major infrastructure that would induce population growth.
- b) **No Impact:** The proposed project does not displace any existing housing. The project does not displace any people and therefore would not necessitate construction of replacement housing elsewhere.

MITIGATION MEASURES

No mitigation required.

FINDINGS

The proposed project would have a **No Impact** on Population and Housing.

XV. PUBLIC SERVICES. 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:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Thresholds of Significance: The project would have a significant effect on public services if it would result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or result in the 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 fire protection, police protection, schools, parks, or other public facilities.

Discussion: The Mendocino County Office of Emergency Services (OES) is the primary local coordination agency for emergencies and disasters affecting residents, public infrastructure, and government operations in the Mendocino County Operational Area. The subject parcel is serviced by the Mendocino Unified School District, Mendocino Coast District Hospital, and the Mendocino Fire Protection District. The parcel is not served by local water or sewer districts.

a-e) **No Impact:** The proposed project will not result in adverse impacts associated with provision of governmental facilities or need for new or physically altered governmental facilities that may result in environmental impacts in order to maintain acceptable service ratios and response times for public services. The tower will be built to provide co-location opportunities for future carriers and/or public safety entities. As such, the project will benefit public services in the area.

Fire Protection: The parcel is located in an area classified with a "High Fire Hazard" severity rating. Fire protection services for wildland areas are provided by the California Department of Forestry and Fire Protection (CalFire), and Fort Bragg Fire Protection District for structural protection. The project application was referred to the CalFire for input. CalFire responded stating that the project, as described, is not required to meet State Fire Safe Regulations (PRC 4290) and therefore does not require any Conditions of Approval. If, however, there are any new buildings over 200 square feet, additions to buildings, changes to driveway or roadway access, a State Fire Safe Regulations Application will need to be completed and all conditions of approval met. Fort Bragg Fire Protection District did not have any comments of concern regarding the project.

MITIGATION MEASURES

No mitigation required.

FINDINGS

The proposed project would have a **No Impact** on Public Services.

XVI.RECREATION. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) 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) 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"/>

Thresholds of Significance: The project would have a significant effect on recreation if it would 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, or include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.

Discussion: The County of Mendocino manages a variety of public recreation areas including the Low Gap Park in Ukiah, Bower Park in Gualala, Mill Creek Park in Talmage, Faulkner Park in Boonville, Indian Creek Park and Campground in Philo, and the Lion's Club Park in Redwood Valley, all of which are operated by the Mendocino County Cultural Services Agency. Additionally, the County is host to a variety of state parks, reserves, other state protected areas used for the purpose of recreation, with 13 located along the coast and 8 located throughout inland Mendocino County. The closest state protected area to the proposed project is the Big River Beach at Mendocino Headlands, located approximately 1.8 miles south west of the subject parcel.

- a-b) **No Impact:** There is not a potential for increased usage of existing neighborhood parks and recreational facilities as a result of the proposed project, as it is only proposing a wireless communication facility; not any residential uses. Therefore, there will be no increase in the use of existing neighborhood and regional parks and recreational facilities as a result of the project, and no recreational facilities are required that may adversely affect the environment.

MITIGATION MEASURES

No mitigation required.

FINDINGS

The proposed project would have a **No Impact** on Recreation.

XVII. TRANSPORTATION. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially increase hazards due to a geometric 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"/>

d) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Thresholds of Significance: The project would have a significant effect on transportation if it would conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities; conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b); substantially increase hazards due to a geometric design features (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment); or result in inadequate emergency access.

Discussion: The State Route 1 Corridor Study Update provides traffic volume data for State Highway 1. The subject property is located on Highway 1. The nearest data breakpoint in the study is located approximately one mile north of the property at the intersection of Caspar Road/Fern Creek Road and Highway 1. The existing level of service at peak hour conditions at this location is Level of Service B. Since the site is currently undeveloped, there will be an increase in traffic to and from the site under both construction and operation of the project. It is expected that construction of the project will result in a slight increase in traffic to and from the site, as construction workers arrive and leave the site at the beginning and end of the day, in addition to minor interruption of traffic on adjacent streets, when heavy equipment necessary for project construction is brought to and removed from the site. Once construction is complete, these workers would no longer be required at the site. While the project would contribute incrementally to traffic volumes on local and regional roadways, such incremental increases were considered when the LCP land use designations were assigned to the site. The development proposed on-site is not be expected to significantly impact the capacity of the street system, level of service standards established by the County, or the overall effectiveness of the circulation system, nor substantially impact alternative transportation facilities, such as transit, bicycle, or pedestrian facilities, as a substantial increase in traffic trips or use of alternative transportation facilities is not anticipated. A less than significant impact would occur.

- a-b) **Less Than Significant Impact:** There will be an increase in traffic to and from the Site under both construction and operation of the project. It is expected that construction of the project will result in a slight increase in traffic to and from the Site, as construction workers arrive and leave the Site at the beginning and end of the day, in addition to minor interruption of traffic on adjacent streets, when heavy equipment necessary for project construction is brought to and removed from the Site. After construction is complete, maintenance workers for each co-locator are anticipated to visit the site approximately once per month.

The proposed project would not conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b), which states:

“(1) Land Use Projects. Vehicle miles traveled exceeding an applicable threshold of significance may indicate a significant impact. Generally, projects within one-half mile of either an existing major transit stop or a stop along an existing high quality transit corridor should be presumed to cause a less than significant transportation impact. Projects that decrease vehicle miles traveled in the project area compared to existing conditions should be considered to have a less than significant transportation impact.”

“(2) Transportation Projects. Transportation projects that reduce, or have no impact on, vehicle miles traveled should be presumed to cause a less than significant transportation impact. For roadway capacity projects, agencies have discretion to determine the appropriate measure of transportation impact consistent with CEQA and other applicable requirements. To the extent that such impacts have already

been adequately addressed at a programmatic level, a lead agency may tier from that analysis as provided in Section 15152."

Although the proposed project is considered a land use project, the County of Mendocino has not established a threshold with regard to VMT impact significance consistent with CEQA Guidelines Section 15064.3, subdivision (b). Though an increase in traffic trips to the Site would be anticipated, especially during the construction phase, trips occurring once construction is completed will occur approximately once a month per carrier.

- c) **No Impact:** The proposed project is not anticipated to substantially increase hazards due to design features or incompatible uses. As previously discussed, the project includes construction of a wireless communication facility and appurtenant structures. An encroachment permit would also be required for any improvements within the County right-of-way. The Site improvements would be required to be designed and constructed in accordance to established standards. Additionally, the project will be referred to various agencies, such as the Mendocino County Department of Transportation (MCDOT) and CalFire, who have reviewed the project design for compliance with all standards and requirements, to ensure the project, as designed, would not increase hazards due to a geometric design feature. As of January 27, 2022, no comments of concern were received from responsible agencies.
- d) **No Impact:** The proposed project will not result in inadequate emergency access. The primary concern for emergency access in remote areas is for wildland fires. Fire protection services for wildland areas are provided by the California Department of Forestry and Fire Protection (CalFire) and the Fort Bragg Fire Protection District for structural protection. The project application was referred to the CalFire for input. CalFire responded stating that the project as described is not required to meet State Fire Safe Regulations (PRC 4290) and therefore does not require any Conditions of Approval. If, however, there are any new building over 200 square feet, additions to buildings, changes to driveway or roadway access, a State Fire Safe Regulations Application will need to be completed and all Conditions of Approval met. Fort Bragg Fire Protection District did not provide any comments of concern on the project.

MITIGATION MEASURES

No mitigation required.

FINDINGS

The proposed project would have a **Less Than Significant Impact** on Transportation.

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

Thresholds of Significance: The project would have a significant effect on Tribal Cultural Resources if it would cause a substantial adverse change in the significance of a cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code §21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is listed or eligible for listing in the California Register of Historical Places or in a local register of historical resources as defined in Public Resources Code §5020.1(k), or is a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code §5024.1.

Discussion: Public Resources Code Section 21074 defines Tribal cultural resources as sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either included or determined to be eligible for inclusion in the California Register of Historical Resources (California Register) or included in a local register of historical resources, or a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant. A cultural landscape that meets these criteria is a tribal cultural resource to the extent that the landscape is geographically defined in terms of the size and scope of the landscape. Historical resources, unique archaeological resources, or non-unique archaeological resources may also be tribal cultural resources if they meet these criteria.

According to Chapter 3 (Development Element) of the Mendocino County General Plan (2009), the prehistory of Mendocino County is not well known. Native American tribes known to inhabit the County 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 Native American tribes had territory in what is now Mendocino County. The entire southern third of Mendocino County was the home of groups of Central Pomo. To the north of the Central Pomo groups were the Northern Pomo, who

controlled a strip of land extending from the coast to Clear Lake. The Coast Yuki claimed a portion of the coast from Fort Bragg north to an area slightly north of Rockport. They were linguistically related to a small group, called the Huchnom, living along the South Eel River north of Potter Valley. Both of these smaller groups were related to the Yuki, who were centered in Round Valley. At the far northern end of the county, several groups extended south from Humboldt County. The territory of the Cahto was bounded by Branscomb, Laytonville, and Cummings. The North Fork Wailaki was almost entirely in Mendocino County, along the North Fork of the Eel River. Other groups in this area included the Shelter Cove Sinkyone, the Eel River, and the Pitch Wailaki.

- a.i-ii) **No Impact:** The Mendocino County Archaeological Commission accepted the submitted Updated Cultural Assessment Findings prepared by Geist Engineering & Environmental Group, Inc. dated October 18, 2021 at its January 12, 2022 meeting and recommended that only the standard Discovery Clause condition be applied to the proposed project as no sites were identified in the Investigation. A Standard Condition advises the property owner of the Discovery Clause, which prescribes the procedures subsequent to the discovery of any cultural resources during construction of the project.

Additionally, the project application was referred to various tribes that requested consultation on planning projects under Assembly Bill (AB) 52 and no additional comments or concerns were expressed by the tribes receiving the referral.

MITIGATION MEASURES

No mitigation required.

FINDINGS

The proposed project would have a **No Impact** on Tribal Cultural Resources.

XVIX. UTILITIES AND SERVICE SYSTEMS. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) 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"/>
d) Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Thresholds of Significance: The project would have a significant effect on utilities and service systems if it would require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects; not have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years; result in a determination by the wastewater treatment provider, which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments; generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals; or not comply with federal, state, and local management and reduction statutes and regulations related to solid waste.

Discussion: Public sewer systems in Mendocino County are provided by cities, special districts, and some private water purveyors. There are 13 major wastewater systems in the county, four of which primarily serve the incorporated cities, but also serve some unincorporated areas. Sewage collected by the Brooktrails Township Community Services District and Meadowbrook Manor Sanitation District is treated at the City of Willits Wastewater Treatment Plant. The City of Ukiah's Wastewater Treatment Plant also processes wastewater collected by the Ukiah Valley Sanitation District. Sewage disposal in the remainder of the county is generally handled by private onsite facilities, primarily septic tank and leach field systems, although alternative engineered wastewater systems may be used.

Solid waste management in Mendocino County has undergone a significant transformation from waste disposal in landfills supplemented by transfer stations to a focus on transfer stations and waste stream diversion. These changes have responded to rigorous water quality and environmental laws, particularly the California Integrated Waste Management Act of 1989 (AB 939). The Act required each city and county to divert 50 percent of its waste stream from landfill disposal by the year 2000 through source reduction, recycling, composting, and other programs. Chapter 3 (Development Element) of the Mendocino County General Plan (2009) notes there are no remaining operating landfills in Mendocino County, and as a result, solid waste generated within the County is exported for disposal to the Potrero Hills Landfill in Solano County. The Potrero Hills Landfill has a maximum permitted throughput of 4,330 tons per day and a remaining capacity of 13.872 million cubic yards, and is estimated to remain in operation until February 2048.

Mendocino County's Development Goal DE-21 (Solid Waste) states: *Reduce solid waste sent to landfills by reducing waste, reusing materials, and recycling waste.* Solid Waste and Hazardous Waste and Material Management Policy DE-201 states the County's waste management plan *shall include programs to increase recycling and reuse of materials to reduce landfilled waste.* Mendocino County's Environmental Health Division regulates and inspects more than 50 solid waste facilities in Mendocino County, including: 5 closed/inactive municipal landfills, 3 wood-waste disposal sites, 2 composting facilities, and 11 transfer stations.

- a-b) **No Impact:** The proposed project will not exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board, as no wastewater will be generated from the proposed project. Additionally, the project will not require the construction of new or expanded water or wastewater treatment facilities, as there are no centralized systems that serve the site and the project does not require water or wastewater service.
- b) **No Impact:** No water supply is necessary for the proposed project; therefore, water supplies are found to be sufficient and no new or expanded entitlements are needed.
- c) **No Impact:** The project site is not served by a wastewater treatment provider and there is no district nearby that would feasibly be extending service to the parcel in the future. Additionally, no septic infrastructure is necessary to accommodate the proposed development.

- d-e) **No Impact:** Waste Management, located 5.6 miles north of the project site, can accommodate the solid waste disposal needs of the site. No projected long-term increase in solid waste generation is anticipated as a result of the project, but there will be short-term increases associated with construction materials during construction of the proposed new development. Construction debris will be properly disposed of after completion of the proposed development. There will be no impact to capacity as a result of the project and the proposed project is in compliance with federal, state, and local statutes for solid waste disposal.

MITIGATION MEASURES

No mitigation required.

FINDINGS

The proposed project would have a **No Impact** on Utilities and Service Systems.

XX. WILDFIRE. If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage challenges?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Thresholds of Significance: The project would have a significant effect on wildfire if it would impair an adopted emergency response plan or emergency evacuation plan; due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire; require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment; or expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage challenges.

Discussion: The County of Mendocino County adopted a *Mendocino County Operational Area Emergency Operations Plan* (County EOP) on September 13, 2016, under Resolution Number 16-119. As noted on the County's website, the County EOP, which complies with local ordinances, state law, and stated and federal emergency planning guidance, serves as the primary guide for coordinating and responding to all emergencies and disasters within the County. The purpose of the County EOP is to "*facilitate multi-agency and multi-jurisdictional coordination during emergency operations, particularly between Mendocino County, local and tribal governments, special districts as well as state and Federal agencies*" (County of Mendocino – Plans and Publications, 2019).

- a) **Less Than Significant Impact:** There are no components of the project that would impair an adopted emergency response plan or emergency evaluation plan, including the adopted County EOP. The Site is located with the SRA and within a “High Fire Hazard” severity zone. All project components would be required to be designed in accordance to state and local standards, including safety and emergency access requirements and CalFire’s Fire Safe Regulations. No comments of concern were received. Calfire considers any telecom facility “critical infrastructure. A condition of approval requiring the requested defensible space will be included.
- b) **Less Than Significant Impact:** Under the proposed project, it is not anticipated that wildfire risks would be exacerbated due to slope, prevailing winds, and other factors. The Site is currently developed with one structure, is relatively flat, and primarily clear of vegetation. The project’s development will be limited to a 1,800 foot area. Although proper precautions and measures would be taken during Site development, operation, and maintenance, the potential exists for wildland fire to inadvertently be ignited when equipment, primarily a backup generator, is utilized. The project would require compliance with any CalFire’s Fire Safe Regulations to ensure adequate fire protection measures and access.
- c) **Less Than Significant Impact:** The Site is currently developed with one (1) structure. The proposed project would require the installation and maintenance of a wireless communication facility and associated infrastructure, including internal access roads and underground utility line (electricity) installation and connections. However, the developed footprint is not significant in size and during infrastructure installation and associated maintenance, appropriate Best Management Practices (BMPs) would be implemented.
- d) **Less Than Significant Impact:** The proposed project would not expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage challenges, as the Site is located in a rural area with limited development.

MITIGATION MEASURES

None

FINDINGS

The proposed project would have a **Less Than Significant Impact** on Wildfire.

XXI.MANDATORY FINDINGS OF SIGNIFICANCE.	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Does the project have the potential to substantially 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, substantially 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 checked="" type="checkbox"/>	<input 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 type="checkbox"/>	<input checked="" type="checkbox"/>
c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Thresholds of Significance: The project would have a significant effect on mandatory findings of significance if it would have the potential to substantially 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, substantially 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; 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.); or have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly.

Discussion: Certain mandatory findings of significance must be made to comply with CEQA Guidelines §15065. The proposed project has been analyzed and it has been determined that it would not:

- Substantially degrade environmental quality;
- Substantially reduce fish or wildlife habitat;
- Cause a fish or wildlife population to fall below self-sustaining levels;
- Threaten to eliminate a plant or animal community;
- Reduce the numbers or range of a rare, threatened, or endangered species;
- Eliminate important examples of the major periods of California history or pre-history;
- Achieve short term goals to the disadvantage of long term goals;
- Have environmental effects that will directly or indirectly cause substantial adverse effects on human beings; or
- Have possible environmental effects that are individually limited but cumulatively considerable when viewed in connection with past, current, and reasonably anticipated future projects.

Potential environmental impacts from the approval of a PERMIT TYPE to PROJECT DESCRIPTION have been analyzed in this document and mitigation measures have been included in the document to ensure impacts would be held to a less than significant level.

- a) **Less Than Significant with Mitigation Incorporated:** The project may result in impacts associated with biological resources that would be significant if left unmitigated. However, implementation of mitigation measures (Mitigation Measures BIO-1 through BIO-3) and conditions as outlined in the respective sections of this IS/MND would fully mitigate all potential impacts on these resources to levels that are less than significant.
- b) **No Impact:** The nearest wireless telecommunication facilities that staff is aware of are located approximately 4± miles to the north of the project site in Fort Bragg. There are no impacts associated with the current project that become significant when considered in conjunction with other existing or planned facilities in the vicinity.

- c) **No Impact:** Staff is aware of public concerns regarding potential health effects based on environmental effects of radio frequency emissions from these types of wireless telecommunication facilities. The Federal Communications Commission (FCC) has set maximum permissible exposure limits for radio frequency transmitters, and the Telecommunications Act of 1996 prohibits local governments from regulating wireless service facilities based on environmental effects of radio frequency emissions as long as the facilities comply with FCC regulations for emissions. Additionally, the Applicant's Electromagnetic Emissions Compliance Report states the site is fully compliant with all Federal regulations. At all locations on the ground, and above the ground up to a height of approximately 130 feet above grade level, the composite electromagnetic energy is less than one (1) percent of the federally allowed exposure limit for the general public.

The wireless communications facility will be within a compound that is surrounded by a locked chain link fence and is not in a location likely to be accessed by anyone other than maintenance personnel. Appropriate signage will be posted disclosing that the facility is not to be accessed by anyone other than maintenance personnel.

MITIGATION MEASURES

Refer to Mitigation Measures BIO-1 through BIO-3 in Section IV (Biological Resources)

FINDINGS

The proposed project would have a **Less Than Significant Impact with Mitigation Incorporated** on Mandatory Findings of Significance.

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.

3/29/22
DATE


MARK CLISER
PLANNER II

County of Mendocino
Ukiah, California

MAY 5, 2022

U_2021-0017 - AT&T Mobility

RESOLUTION OF THE PLANNING COMMISSION, COUNTY OF
MENDOCINO, STATE OF CALIFORNIA, ADOPTING A MITIGATED
NEGATIVE DECLARATION AND GRANTING A COASTAL
DEVELOPMENT USE PERMIT FOR A 67-FOOT TALL WIRELESS
COMMUNICATIONS TOWER

WHEREAS, the applicant, AT&T Mobility, filed an application for a Coastal Development Use Permit with the Mendocino County Department of Planning and Building Services to construct a 67-foot tall wireless communications monopine tower and associated development, in the Coastal Zone, approximately 4± miles south of the City of Fort Bragg, on the south side of Holquist Lane (CR 402), 0.09± miles east of its intersection with Gibney Lane (CR 412E), at 32601 Holquist Lane (APN: 017-261-04); General Plan I:R; Zoning I:40K; Supervisorial District 5; (the “Project”); and

WHEREAS, an Initial Study and draft Mitigated Negative Declaration was prepared for the Project and noticed and made available for agency and public review on April 1, 2022 in accordance with the California Environmental Quality Act (CEQA) and the State and County CEQA Guidelines; and

WHEREAS, in accordance with applicable provisions of law, the Planning Commission held a public hearing on, MAY 5, 2022, at which time the Planning Commission heard and received all relevant testimony and evidence presented orally or in writing regarding the Mitigated Negative Declaration and the Project. All interested persons were given an opportunity to hear and be heard regarding the Mitigated Negative Declaration and the Project; and

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

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

1. The proposed development is in conformity with the certified local coastal program. Visual resources are protected by the use of a stealth design for the tower. With mitigations, the proposed development will not have any significant adverse impacts on sensitive habitats documented on the parcel. The proposed development is in conformity with all other provisions of the local coastal program including public access, circulation, groundwater resources, archaeological resources and grading; and
2. The proposed development will be provided with adequate utilities, access roads, drainage and other necessary facilities. The existing access to the parcel will be maintained with class-2 base rock, internal access roads will be developed that meet fire district standards, utilities will be extended to the site and drainage has been considered and conditions of approval recommended to ensure no impacts will occur as a result of the project; and
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. The proposed development is an allowed conditional use within the district with the granting of a coastal development use permit. The proposed development will not significantly interfere with other potential uses of the parcel; and
4. The proposed development will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act. An Initial Study has been

prepared which identified potentially significant impacts, which can be reduced to less than significant levels with the incorporation of several mitigation measures. As a result, a Mitigated Negative Declaration has been prepared; and

5. The proposed development will not have any adverse impacts on any known archaeological or paleontological resource. The Mendocino County Archaeological Commission accepted the submitted Cultural Resources Investigation prepared by Geist Group dated October 18, 2021 at its January 12, 2022 meeting and recommended that only the standard discovery clause condition be applied; and
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. Curbside pick-up is available to the parcel, additionally Waste Management is located within 6 miles of the project site and can accommodate the solid waste disposal needs of the site. After construction is complete, maintenance workers are anticipated to visit the site approximately once per month. The subject property is located approximately 0.09 miles east of the intersection of Holquist Lane (CR 402) and Gibney Road (CR 412E). Although the proposed project is considered a land use project, the County of Mendocino has not established a threshold with regard to Vehicle Miles Traveled (VMT) impact significance consistent with CEQA Guidelines Section 15064.3, subdivision (b). Though an increase in traffic trips to the Site would be anticipated, especially during the construction phase, trips occurring once construction is completed will occur approximately once a month per carrier.

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

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

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

BE IT FURTHER RESOLVED that the Planning Commission action shall be final on the 11th day after the date of the Resolution unless an appeal is filed pursuant to Section 20.544.015 of the Mendocino County Code. The permit shall become effective after the ten working day appeal period to the Coastal Commission has expired and no appeal has been filed with the Coastal Commission.

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

ATTEST: Brooke Larsen
Commission Services Supervisor

By: _____

BY: JULIA KROG
Director

ALISON PERNELL, Chair
Mendocino County Planning Commission

EXHIBIT A

CONDITIONS OF APPROVAL

MAY 5, 2022

AT&T MOBILITY – U_2021-0017

Coastal Development Use Permit to authorize construction and operation of a wireless communication facility consisting of a 67 foot tall monopine (monopole designed to resemble a pine tree) with various appurtenant equipment and ground equipment including a generator and equipment cabinet for each carrier. Associated improvements include establishment of access to the site via a gravel road and trenching of power and fiber to the site location. The proposed monopine will be located within an 1,800 square-foot fenced compound.

APPROVED PROJECT DESCRIPTION: Coastal Development Use Permit to authorize construction and operation of a wireless communication facility consisting of a 67 ft. tall “monopine” tower with various appurtenant equipment and ground equipment including a 30kw generator, 190 gallon fuel storage tank, and equipment cabinet. The proposed “monopine” will be located within a 1,800 sq. ft. fenced compound.

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

Aesthetics

1. The total height of tower including antennas and faux branches shall not exceed 67 feet in height above ground level. Within sixty (60) days of completion of the installation of the facility, the applicant shall confirm that the height is no greater than approved, and shall submit a written certification to the County of the actual height.
2. No trees that provide visual screening of the communications facility shall be removed after project completion except to comply with fire safety regulations or to eliminate safety hazards. Tree trimming shall be limited to the minimum necessary for operation of the facility. Any future tree removal at the site shall require either a Coastal Development Permit or modification to this permit to ensure that local policies and ordinances are adhered to, unless done through a Timber Harvest Plan.
3. If use of any portion of the proposed facility is discontinued for more than one year, all parts of the facility not in use, above grade, shall be completely removed from the site, and the site shall be restored to a natural-appearing condition.
4. Prior to issuance of a building permit, the applicant shall provide an irrevocable letter of credit, bond, certificate of deposit, or other reasonable form of security satisfactory to County Counsel, sufficient to fund the removal of the facility and restoration of the site in the event that the applicant abandons operations or fails to comply with requirements for removal of facilities and restoration of the site.
5. Exterior surfaces of structures and equipment shall have subdued colors and non-reflective materials selected to blend with their surroundings. Color samples shall be submitted to the Department of Planning and Building for approval.
6. Exterior light fixtures shall be designed or located so that only reflected, non-glaring light is visible from beyond the immediate vicinity of the site, and shall be turned off except when in use by facility personnel. No aircraft warning lighting shall be installed unless required by agencies with jurisdiction over such a determination.

7. The antenna array and faux tree branches shall not extend greater than the 13-foot diameter ring around the center of the monopine unless an amendment to this permit or a new Use Permit is granted for such an expansion.
8. An evaluation of the facility's stealth capability shall be submitted for review and approval by the Department of Planning and Building Services after the initial construction, one year following construction and every five years thereafter. The report shall assess surrounding vegetation growth, including height and density in the vicinity, and a color assessment to assess fading of material. Replacement or remediation of the wireless facility shall be performed by the applicant if required by the Department of Planning and Building Services.
9. Branches of the "monopine" shall extend beyond the antennas and fully conceal the supporting structure and antennas. The branches must:
 - a. Be constructed to a density of 2.5 branches for each one vertical foot of pole, and
 - b. Start attachment at no greater than twenty (20) feet above finished grade and continue to the top of the pole, and
 - c. Be a minimum of ten (10) feet long around the circumference of the lower level and shall taper appropriately as the branches progress upwards.

Air Quality

10. Prior to the development phase of the project, the applicant shall contact the Mendocino County Air Quality Management District for a determination as to the need for a permit from the District for the proposed generators or any of the other proposed construction activities.
11. The access road leading from the existing road to the project site shall be graveled at a bare minimum. Any rock material used for surfacing, including rock from onsite sources, must comply with regulations regarding asbestos content.
12. All grading activities must comply with District Regulation 1 Rule 430 regarding fugitive dust emissions.

Biological Resources

13. **If ground disturbing activities occur during the breeding season of migratory avian, raptor species, Marbled murrelet, Western yellow-billed cuckoo, Osprey, Purple Martin, or Northern spotted owl, survey for active nests will be conducted by a qualified biologist no more than 10 days prior to start of activities. If a migratory avian or raptor species is observed and suspected to be nesting, a buffer area will be established to avoid impacts to the active nest site. Identified nests should be continuously surveyed for the first 24 hours prior to any construction-related activities to establish a behavioral baseline. If active nesting sites are found, the following exclusion buffers will be established, and no project activities will occur within these buffer zones until young birds have fledged and are no longer reliant upon the nest or parental care for survival.
 - a. Minimum no disturbance of 250 feet around active nest of non-list bird species and 250 foot no-disturbance buffer around migratory birds.
 - b. Minimum no disturbance of 500 feet around active nest of non-listed raptor species, and 0.5 mile no disturbance buffer from listed species and fully protected species until breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival.
 - c. Once work commences, all nest should be continuously monitored to detect any behavioral changes as a result of project activities. If behavioral changes are observed, the work causing that change should cease and the appropriate regulatory agencies (i.e.

California Department of Fish and Wildlife [CDFW] or U.S. Fish and Wildlife Service [USFWS]) shall be consulted for additional avoidance and minimization measures.

- d. A variance from these no disturbance buffers may be implanted when there is compelling biological or ecological reason to do so, such as when the project area would be concealed from a nest site by topography. Any variance from these buffers is advised to be supported by a qualified wildlife biologist and is recommended that CDFW and USFWS be notified in advance of implementation of a no disturbance buffer variance.
14. **Prior to implementation of any construction for the project, the Applicant shall have a qualified biologist conduct pre-construction biological clearance surveys for terrestrial habitats of the Red-bellied newt, California red-legged frog, Foothill yellow-legged frog, and California red-legged frog.
15. **The clearing of vegetation and initiation of construction shall be done between September 1 and October 31. If this cannot be accomplished then preconstruction surveys for potential bat roost sites shall be conducted and submitted for review and approval by the California Department of Fish and Wildlife. The applicant shall conduct pre-activity surveys for bat species and their roosting/maternity/hibernation sites in the project site and buffer area. If a bat roosting/maternity/hibernation site is identified during these surveys, or suspected to be present, a buffer area will be established to avoid impacts on the site, and subsequently the bat species. The following exclusion zone will apply:
 - a. 300 feet from known or potential maternity roosting site. If deemed warranted, project proponent will consult with Mendocino County and the appropriate State and Federal (CDFW and USFWS) regulatory agencies to work out a plan to avoid impacts to the species before work resumes.
16. Heavy equipment undercarriages and tires shall be washed prior to entering the site in order to remove any invasive plant seed.
17. This entitlement does not become effective or operative and no work shall be commenced under this entitlement until the California Department of Fish and Wildlife filing fees required or authorized by Section 711.4 of the Fish and Wildlife Code are submitted to the Mendocino County Department of Planning and Building Services. **Said fee of \$2,598.00 shall be made payable to the Mendocino County Clerk and submitted to the Department of Planning and Building Services within 5 days of the end of any appeal period.** Any waiver of the fee shall be on a form issued by the Department of Fish and Wildlife upon their finding that the project has "*no effect*" on the environment. If the project is appealed, the payment will be held by the Department of Planning and Building Services until the appeal is decided. Depending on the outcome of the appeal, the payment will either be filed with the County Clerk (if the project is approved) or returned to the payer (if the project is denied). Failure to pay this fee by the specified deadline shall result in the entitlement becoming null and void. **The applicant has the sole responsibility to insure timely compliance with this condition.**

Cultural Resources

18. In the event that archaeological resources are encountered on the site, further disturbance in the immediate vicinity of the find shall be halted until all requirements of Chapter 22.12 of the Mendocino County Code relating to archaeological discoveries have been satisfied.

Geology and Soils

19. As soon as practical following completion of any earth disturbance, vegetative ground cover or driveway surfacing equal to or better than existing shall be reestablished on all disturbed portions of the site. Project construction activities are limited to the project footprint. Trenches will need to be filled and resurfaced to match the original surface.

20. All grading and site preparation, at a minimum, shall adhere to the following "Best Management Practices": The applicant shall submit to the Department of Planning and Building Services an acknowledgement of these grading and site preparation standards.
- a. That adequate drainage controls be constructed and maintained in such a manner as to prevent contamination of surface and/or ground water, and to prevent erosion.
 - b. The applicant shall endeavor to protect and maintain as much vegetation on the site as possible, removing only as much as required to conduct the operation.
 - c. All concentrated water flows, shall be discharged into a functioning storm drain system or into a natural drainage area well away from the top of banks.
 - d. Temporary erosion control measures shall be in place at the end of each day's work, and shall be maintained until permanent protection is established.
 - e. Erosion control measures shall include, but are not limited to: seeding and mulching exposed soil on hill slopes, strategic placement of hay bales below areas subject to sheet and rill erosion, and installation of bioengineering materials where necessary. Erosion control measures shall be in place prior to October 1st.
 - f. All earth-moving activities shall be conducted between May 15th and October 15th of any given calendar year unless an Erosion and Sedimentation Prevention Plan, prepared by a registered civil engineer, has been submitted and approved by the Department of Planning and Building Services which outlines wet weather earthmoving and drainage control protocols. Such plan shall include all appropriate Best Management Practices that shall be installed in accordance with the approved Erosion and Sediment Prevention Plan prior to the start of construction during the rainy season.
 - g. Pursuant to the California Building Code and Mendocino County Building Regulations a grading permit will be required unless exempted by the Building Official or exempt by one of the following:
 - i. An excavation that (1) is less than 2 feet (610 mm) in depth or (2) does not create a cut slope greater than 5 feet (1,524 mm) in height and steeper than 1 unit vertical in 1.5 units horizontal (66.7% slope).
 - ii. A fill less than 1 foot (305 mm) in depth and placed on natural terrain with a slope flatter than 1 unit vertical in 5 units horizontal (20% slope), or less than 3 feet (914 mm) in depth, not intended to support structures, that does not exceed 50 cubic yards (38.3 m³) on any one lot and does not obstruct a drainage.

Hazardous Materials:

21. Should fuel storage at the site exceed thresholds established for when preparation of a Hazardous Materials Management Plan is required, a Hazardous Materials Management Plan (HMMP) shall be submitted to the satisfaction of the Division of Environmental Health. Prior to the issuance of any building permits in reliance of this Use Permit, the applicant shall furnish evidence from the Division of Environmental Health that either a HMMP is not required or that one has been submitted and approved to the satisfaction of the Division of Environmental Health.

Noise

22. The Generators shall be equipped with mufflers and spark arresters, and shall not produce noise levels exceeding 50 dBa at the nearest off-site residence. Routine testing and maintenance shall be limited to weekdays between 8:30 a.m. and 4:30 p.m. Repairs and emergency use are not included in this limitation. If necessary, the generators shall be enclosed by a noise barrier shelter designed by an acoustical engineer and remain oriented and screened to limit excessive noise to surrounding residences.

Public Services

23. The facility shall provide if requested, space for any public emergency service provider to locate communication equipment on the tower, provided no interference to function will result at a minimum or no fee.
24. Existing access to the parcel will be maintained with class-2 base rock, internal access roads will be developed that meet fire district standards.

Transportation/Traffic

25. Applicant shall obtain an encroachment permit from the Mendocino County Department of Transportation for work within County rights-of-way.

Wireless Guidelines

26. Prior to the final inspection by the Building Division of the Department of Planning and Building Services, an identification sign for each company responsible for operation and maintenance of facilities at the site, not larger than two square feet, shall be posted at a location from which it can be easily read from outside the perimeter of the communications facility, and shall provide the name, address, and emergency telephone number of the responsible company. The address assigned to the site by the Planning and Building Services Department shall be posted.
27. Antennas and antenna towers shall be inspected every ten years, and following significant storm or seismic events, by a structural engineer licensed in the state of California to assess their structural integrity, and a report of the engineer's findings shall be submitted to the Planning and Building Services Department. Costs of the inspection and report shall be borne by the applicant.
28. Prior to commencement of operations, all surplus construction materials and debris, including cleared vegetation, shall be removed from the site to a proper disposal facility. Thereafter the site shall be kept free of refuse.
29. By commencing work allowed by this permit, the applicant agrees to negotiate in good faith with third parties requesting shared use of the site and to require no more than a reasonable charge for collocation.
30. One or more warning signs consistent with FCC and ANSI regulations shall be displayed in close proximity to the antenna tower. The Wireless Communications Facility shall comply in all respects with the current standards of the American National Standards Institute (ANSI)
31. Equipment buildings and enclosures shall be equipped with automatic fire extinguishing systems acceptable to the responsible fire agency.

Standard Conditions

32. The use and occupancy of the premises shall be established and maintained in conformance with the provisions of Title 20 of the Mendocino County Code unless modified by conditions of the use permit.
33. The application along with supplemental exhibits and related material shall be considered elements of this entitlement and compliance therewith shall be mandatory, unless the Planning Commission has approved a modification.
34. This permit is subject to the securing of all necessary permits for the proposed development and eventual use from County, State and Federal agencies having jurisdiction. Any requirements imposed by an agency having jurisdiction shall be considered a condition of this permit.
35. This permit shall be subject to revocation or modification by the Planning Commission upon a finding of any one or more of the following grounds:

- a. That the permit was obtained or extended by fraud.
- b. That one or more of the conditions upon which the permit was granted have been violated.
- c. That the use for which the permit was granted is conducted in a manner detrimental to the public health, welfare or safety, or is a nuisance.

Any revocation shall proceed as specified in Title 20 of the Mendocino County Code.

- 36. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit boundaries. Should, at any time, a legal determination be made that the number, size or shape of parcels within the permit boundaries are different than that which is legally required by this permit, this permit shall become null and void.
- 37. This permit is issued for a period of ten years, and shall expire on **MAY 5, 2032**. The applicant has the sole responsibility for renewing this permit before the expiration date. The county will not provide a notice prior to the expiration date.
- 38. 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.