

RESOLUTION NO. 19-142

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS ADOPTING A MITIGATED NEGATIVE DECLARATION FOR THE GENERAL PLAN AMENDMENT AND REZONE (GP_2014-0002/R_2014-0003) OF THE PROPERTY LOCATED AT 8800 HIGHWAY 128, PHILO (APNS: 046-070-26, 046-070-27, & 046-070-28)

WHEREAS, the applicant, Brian Adkinson, filed an application for a General Plan Amendment and Rezoning reclassifying 8.33± acres (portion of APNs: 046-070-26, 046-070-27, 046-070-28) from Rural Residential – 5 acre minimum with a Flood Plain combining district (RR-5:FP) to Rural Community with a Flood Plain combining district (RC:FP) and changing the zoning of 12.01± acres (APNs: 046-070-26, 046-070-27, 046-070-28) from Rural Residential – 5 acre minimum with a Flood Plain combining district (RR-5:FP) and Rural Community with a Flood Plain combining district (RC:FP) to General Commercial – with a Contract Rezone and Flood Plain combining district (C-2:CR[FP]), located at 8800 Highway 128, Philo (APNs: 046-070-26, 046-070-27, 046-070-28), (the “Project”); and

WHEREAS, a Mitigated Negative Declaration was prepared for the Project and noticed and made publicly available for agency and public review on June 27, 2018 in accordance with the California Environmental Quality Act (CEQA) and the State and County CEQA Guidelines; and

WHEREAS, in accordance with applicable provisions of law, the Planning Commission held a public hearing on July 19, 2018, to solicit public comments on the proposed Mitigated Negative Declaration and the Project, at which time the Planning Commission heard and received all relevant testimony and evidence presented orally and 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, on July 19, 2018, the Planning Commission adopted Resolution No. PC_2018-0035 making its report and recommendation to the Board of Supervisors on the Mitigated Negative Declaration for the Project

WHEREAS, in accordance with applicable provisions of law, the Board of Supervisors held a public hearing on March 19, 2019, to solicit public comments on the proposed Mitigated Negative Declaration and the Project, at which time the Board of Supervisors heard and received all relevant testimony and evidence presented orally and 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

NOW, THEREFORE, BE IT RESOLVED, based upon the evidence in the record before it, that the Mendocino County Board of Supervisors makes the following determinations and findings:

1. The recitals set forth in the above resolution are true and correct and incorporated herein by this reference.
2. The Mitigated Negative Declaration for the Project was prepared pursuant to CEQA and the State and County CEQA Guidelines.
3. The Board of Supervisors hereby 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 the State and County CEQA Guidelines, and finds that the Mitigated Negative Declaration reflects the independent judgment and analysis of the Board of Supervisors.

4. The Board of Supervisors hereby finds and determines, on the basis of the whole record before it, that there is no substantial evidence in the record that there is any significant environmental impact that might arguably be anticipated to occur as a result of the Project that cannot be adequately mitigated to less than significant levels with the adoption of Mitigation Measures; therefore a Mitigated Negative Declaration is adopted.

5. The Board of Supervisors hereby adopts the Mitigated Negative Declaration attached to this resolution as Exhibit A and incorporated herein by this reference.

6. The Board of Supervisors designates the Clerk of the Board of Supervisors as the custodian of the documents and other materials, which constitutes the record of proceedings upon which the Board of Supervisors' decision herein is based. These documents may be found at the office of the Office of the Clerk of the Board of Supervisors, 501 Low Gap Road, Room 1010, Ukiah, CA 95482.

7. The Board of Supervisors hereby directs the Department of Planning and Building Services to file a notice of determination following the adoption of the Project in accordance with CEQA and the CEQA Guidelines.

The foregoing Resolution introduced by Supervisor Williams, seconded by Supervisor McCowen, and carried this 19th day of March, 2019, by the following vote:

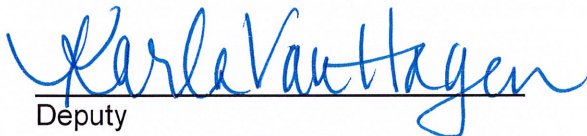
AYES: Supervisors Brown, McCowen, Haschak, Gjerde, and Williams
NOES: None
ABSENT: None

WHEREUPON, the Chair declared said Resolution adopted and SO ORDERED.

ATTEST: CARMEL J. ANGELO
Clerk of the Board



CARRE BROWN, Chair
Mendocino County Board of Supervisors

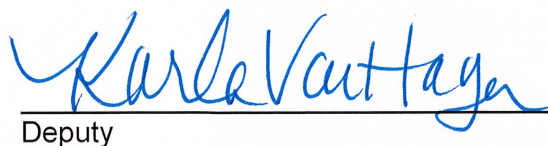



Deputy

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

APPROVED AS TO FORM:
KATHARINE L. ELLIOTT
County Counsel

BY: CARMEL J. ANGELO
Clerk of the Board



Deputy

INITIAL STUDY

Section I Description Of Project.

DATE: June 12, 2018
CASE#: GP_2014-0002/R_2014-0003
DATE FILED: 9/19/2014
OWNER: BRIAN ADKINSON
APPLICANT: BRIAN ADKINSON & JIM ROBERTS
REQUEST: General Plan Amendment to change 8.33± acres (portion of APNs: 046-070-26, -27, -28) from Rural Residential – 5 acre minimum with a Flood Plain combining district (RR-5:FP) to Rural Community with a Flood Plain combining district (RC:FP) and Rezone 12.01± acres (APNs: 046-070-26, -27, -28) from Rural Residential – 5 acre minimum with a Flood Plain combining district (RR-5:FP) and Rural Community with a Flood Plain combining district (RC:FP) to General Commercial – with a Contract Rezone combining district (C-2:CR[FP]).
LOCATION: 1.0± mile southeast of Philo, lying on the southwest side of Highway 128, 1000± feet north of its intersection with Indian Creek Road (CR 129). Located at 8800 Highway 128, Philo (APNs: 046-070-26, -27, -28).
ENVIRONMENTAL DETERMINATION: Mitigated Negative Declaration
STAFF PLANNER: Julia Acker

Section II Environmental Checklist.

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

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

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

<input type="checkbox"/> Aesthetics	<input type="checkbox"/> Agriculture and Forestry Resources	<input type="checkbox"/> Air Quality
<input checked="" type="checkbox"/> Biological Resources	<input type="checkbox"/> Cultural Resources	<input type="checkbox"/> Geology /Soils
<input type="checkbox"/> Greenhouse Gas Emissions	<input type="checkbox"/> Hazards & Hazardous Materials	<input checked="" type="checkbox"/> Hydrology / Water Quality
<input checked="" 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 checked="" type="checkbox"/> Transportation/Traffic	<input type="checkbox"/> Utilities / Service Systems	<input type="checkbox"/> Mandatory Findings of Significance

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

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

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

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

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

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

BACKGROUND

The proposed project is for a General Plan Land Use amendment and a Rezone to C-2:CR[FP] (General Commercial: Contract Rezone and Flood Plain combining districts). The applicants intend to develop a resort and recreation use on the property with 16-19 short term rental cabins, bungalows, pole houses and possibly a restaurant, an event center and small retail outlet. If the rezoning to C-2 is approved there would be many commercial uses that would be permitted including the applicant’s proposal. Many of the C-2 uses would be permitted without further discretionary review, therefore the applicants and staff agrees that a contract rezone is necessary to protect the sensitive environment of the subject property and to conform to certain elements of the County General Plan.

The contract rezone would require that future development proposed to be located within the buffer zone of the riparian area of the Indian Creek and its tributary would be limited to only 6 accommodation units, campground pavilion, accessory structure, and spa. Additional conditions are included to ensure that resources found at the site are protected from future development including best management practices and performance standards and compliance with the requirements of submitted biological studies for the site. All development that requires sanitary sewer systems or issues related to potable water would be addressed either by the County Division of Environmental Health or the State Regional Water Quality Control Board.

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

a) Have a substantial adverse effect on a scenic vista?

The subject property is in a heavily wooded area and in a low spot adjacent to Indian Creek along State Highway 128; the property is currently heavily screened by Redwood, Cedar, and fir trees. There is existing development and the site, prior to the applicant’s purchase of the subject property, had become a dumping area where trash, vehicles, vehicle parts and appliances were left and were doing damage to the ecosystem of the property. The applicant has made many improvements by cleaning up this debris and returning the site to a more natural state. If the subject property were rezoned from RR-5 and RC to C-2, many new uses would be permitted that could be constructed within 10 feet of the front property line along Highway 128. Under the current zoning development can also occur within close proximity to Highway 128 and would be visible from Highway 128. The proposed rezone will not cause a substantial adverse effect on the scenic vista as development at the site will be visible whether setback 10 feet or 100 feet from Highway 128. **No Impact**

- b) *Substantially damage scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?*

Highway 128 is not a state scenic highway. **No Impact**

- c) *Substantially degrade the existing visual character or quality of the site and its surroundings?*

The existing visual character of the site will not be substantially degraded by future development as the site is visible from Highway 128 and due to the topography of the parcel, development on the site will be largely visible at the site regardless of if the site is rezoned. Due to the fact that development would be visible under the current zoning and would remain visible under the proposed zoning, staff finds that no impact would occur to the existing visual character of the area. **No Impact**

- d) *Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?*

The rezoning to C-2:CR[FP] would allow for many new permitted uses that would have no discretionary review, however the developers would need to adhere to General Plan Policy RM-134 at the building permit stage GP Policy RM-134 reads: "The County shall seek to protect the qualities of the nighttime sky and reduce energy use by requiring that outdoor nighttime lighting is directed downward, kept within property boundaries, and reduced both in intensity and direction to the level necessary for safety and convenience." **Less Than Significant Impact**

MITIGATION: None required

II. AGRICULTURE AND FORESTRY RESOURCES. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- 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?*

The subject property is zoned RC (Rural Community) and RR-5 (Rural Residential). It is not used for farmland and won't be used as farmland if this property is rezoned to C-2. It is heavily wooded with second growth redwoods, Douglas fir, California Bay Forest and tanoak and may have been used as a logging camp in the past. **No Impact**

b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?

The subject property is not zoned for agricultural use and is not in a Williamson Act contract and the rezoning will not result in agriculture zoning or lands within a Williamson Act contract **No Impact**

c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?

The subject property is not in a forest land or timberland production zoning district and will not be. **No Impact**

d) Result in the loss of forest land or conversion of forest land to non-forest use?

The applicant states that there will be a limited removal of trees for the proposed project. The applicants intend to construct bungalows, cabins and pole houses amongst the redwoods. However the project is to rezone the subject property to C-2 and C-2 permitted uses could result in the construction of projects that could result in the loss of forested land. Although the subject property does have second growth redwood trees, it is not in timber production use. **Less Than Significant Impact**

e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?

The proposed general plan land use change and the rezone would result in a C-2 (General Commercial) zoning district that would allow for many commercial uses however, the current zoning on the property is RC-(Rural Community) and RR5 (Rural Residential-5 acre minimum) not agriculture or forest land. **Less Than Significant Impact**

MITIGATION: None required

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

a) Conflict with or obstruct implementation of the applicable air quality plan?

The rezone of the property to C-2 could result in projects that might conflict with or obstruct the implementation of the Mendocino County Air Quality Management District's (AQMD) policies but these project would be viewed individually by the District to determine applicable standards and therefore any potential conflicts with existing air quality plans. The permitted uses in a C-2 zoning district would not significantly impact air quality in this area and would gain proper authorization from the AQMD at the time of development. **Less Than Significant Impact**

b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?

The rezone of the property to C-2 would not contribute substantially to an existing or projected air quality violation. AQMD has not indicated that any violation exists in the area. **Less than Significant Impact**

c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?

The AQMD has not indicated that there are any criteria pollutants in this area for which the project region is non-attainment under an applicable federal or state ambient air quality standard. **No Impact.**

d) Expose sensitive receptors to substantial pollutant concentrations?

The AQMD has not indicated that the rezone would result in the exposure of sensitive receptors to substantial pollutant concentrations. **No Impact**

e) Create objectionable odors affecting a substantial number of people?

The rezone of the project to C-2 would not necessarily result in uses that would create objectionable odors affecting a substantial number of people. **No Impact**

MITIGATION: None required

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 Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input 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	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

IV. BIOLOGICAL RESOURCES. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
native wildlife nursery sites?				
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- a) *Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.*

A Biological Scoping Survey Report, prepared by Spade Natural Resources Consulting, documented that there are no rare plants on the subject parcel. The surveys were conducted in January, February, and two in April. The proposed C-2 rezone would permit many varying commercial uses and structures without a discretionary permit and as a result there would be no additional biological surveys required that could identify additional rare or endangered plants. However, as part of the Contract Rezone, staff recommends protective measures to ensure that the future development of the site under the C-2 zoning district would not cause a substantial adverse effect on any sensitive species. This includes limiting development within the immediate vicinity of the noted creeks on the parcel and use of appropriate best management practices and performance criteria to protect the sensitive resources on the parcel. **Less Than Significant with Mitigation Incorporated**

- b) *Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations and/or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?*

The Biological Scoping Survey Report, prepared by Spade Natural Resources Consulting, identified the two creeks that meander through the subject property. As part of the Contract Rezone, staff recommends inclusion of protective measures to ensure that the future development of the site under the C-2 zoning district would not cause a substantial adverse effect on any sensitive resources. This includes limiting development within the immediate vicinity of the noted creeks on the parcel and use of appropriate best management practices and performance criteria to protect the sensitive resources on the parcel. **Less Than Significant with Mitigation Incorporated**

- c) *Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?*

There were no wetlands identified in the scoping survey despite some areas of the subject property where the biologist did not view because the understory was a dense growth of Himalaya-berry and periwinkle with few openings. **Less Than Significant Impact**

- 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?*

The Biological Scoping Survey Report noted that the waters of Indian Creek and the unnamed tributary may have lampreys, trout, salmon and minnows and carp in them. The biologist documented two juvenile steelhead trout in the unnamed tributary creek. The survey provides conditions for the protection of the watercourses and the riparian habitat areas.

The scoping survey also noted that other surveys may be warranted for the protection of other mammals such as the Sonoma Tree Vole as well as protection for some special-status Amphibians and Reptiles and birds and bats.

If the rezone is approved, staff recommends that it be a contract rezone which will provide for the protection of the creeks and the riparian habitat areas. Protective and avoidance measures are recommended to ensure conformance with the recommendations of the Biological Scoping Survey Report, limit development within the immediate vicinity of the creeks, and ensure use of appropriate best management practices during development of the site. **Less Than Significant with Mitigation Incorporated**

- e) *Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?*

There are no local policies or ordinances for the Anderson Valley area protecting biological resources. However there are erosion control requirements that come into play when building permits are issued. These erosion control measures help to minimize sedimentation and turbidity in the creeks and rivers. **Less Than Significant Impact**

- 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?*

There are no adopted Habitat Conservation Plans or Natural Community Conservation Plans in this area of Mendocino County. **No Impact**

MITIGATION: Required and mitigation conditions will be noted in final resolution

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

Cultural Resources a) through d): On May 9, 2015, an Archaeological and Historical Resources Survey of the Adkinson Property in Philo, California, was prepared by Thad M. Van Bueren, registered professional archaeologist. This survey was accepted by the Mendocino County Archaeological Commission on July 8, 2015. The survey conclusion was that no cultural, historical or archaeological sites were observed and that MCC 22.12.090-Discovery Clause shall be adhered to. **Less Than Significant Impact**

MITIGATION: None required

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

VI. GEOLOGY AND SOILS. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- a)** *Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: 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. ii) Strong seismic ground shaking? iii) Seismic-related ground failure, including liquefaction? iv) Landslides?*

The subject property is not located within an earthquake fault zone as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist. **No Impact**

- b)** *Result in substantial soil erosion or the loss of topsoil?*

According to the soil maps for the area, most of the subject property is within the Hopland-Woodin Complex where the hazard of erosion is very high. All grading for future building sites will require proper erosion control which is mandatory for all new construction sites. Two tributary creeks to the Navarro River border the subject property and erosion control is important to prevent the loss of topsoil and the erosion of soils into the two creeks. Staff also recommends the Contract Rezone include the requirements for establishment of best management practices and performance criteria prior to development on the site. **Less Than Significant Impact**

- 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?*

Portions of the subject property have slopes ranging from 20% to 50%. Any future building in these locations will require further geologic reports to determine the type of foundations that will be necessary. **Less Than Significant Impact**

- d) *Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?*

The Building Division may require further soil testing to determine the areas of expansive soils and may require special foundation design to prevent substantial risks to life or property at the time of future development on the site. **Less Than Significant Impact**

- e) *Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?*

The capability of the soils to adequately support the use of septic tanks or alternative waste water disposal systems will greatly impact the amount of development that will be permitted on the subject property.

Developers of the property will be required to satisfy the County Division of Environmental Health that the soils are capable of adequately supporting the use of septic tanks for all proposed uses that require the systems. **Less Than Significant Impact**

MITIGATION: None required

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

- a) *Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? and b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?*

Assembly Bill 32 (AB 32), the California Global Warming Solutions Act, 2006, recognized that California is a source of substantial amounts of greenhouse gas (GHGs) emissions which poses a serious threat to the economic well-being, public health, natural resources, and the environment of California, AB 32 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 statues 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 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 operations emission on an annual basis. During future construction operations, all construction equipment and generators will meet BAAQMD regulations and the result after total build-out would probably result in CO₂e emissions well below the threshold for project significance of 1,100 metric tons CO₂e. The Mendocino County Air Quality Management District requires a permit to construct and a permit to operate which will establish thresholds to meet the emission standards for the project. **Less Than Significant Impact**

MITIGATION: None required

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

a) *Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?*

The future proposed use of the subject property is a resort, an office, a future restaurant and event center, which would not require the transport, use or disposal of hazardous materials other than typical household products. **No Impact**

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?*

The future uses in this C-2 zoning district would not create a significant hazard to the public or the environment through foreseeable upset and accident conditions involving the release of hazardous materials into the environment. **No Impact**

- c) *Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one quarter mile of an existing or proposed school?*

There is a private school within one-quarter mile of the project site but this rezoning project will not provide for future uses that would emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste. **No Impact**

- 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?*

The subject site is not included on a list of hazardous material sites and would not create a significant hazard to the public or the environment. **No Impact**

- e) *For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area.*

The subject property is not located within two miles of a public airport or public use airport; Boonville Airport is the closest airport to the subject property and it is over five (5) miles to the south. **No Impact**

- f) *For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?*

The subject property is not located within the vicinity of a private airstrip. **No Impact**

- g) *Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?*

There are no adopted emergency response plans or emergency evacuation plans for this area of Anderson Valley. **No Impact**

- h) *Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wild-lands?*

The subject property is located within a State Responsibility Area (Cal Fire) and in a moderate fire hazard zone. The property is also located within the Anderson Valley Community Services District and receives structure fire protection from the Anderson Valley Fire Department (AVFD). The closest Cal Fire station is approximately seven (7) miles south in Boonville and the closest AVFD house is located approximately 0.5 mile to the north in Philo with the main AVFD Station is located in Boonville. The subject property is located adjacent to the community of Philo and borders Indian Creek and Mill Creek. The development of this project would not expose people or structures to a significant risk of loss, injury or death involving wild-land fires. **Less Than Significant Impact**

MITIGATION: None required

IX. HYDROLOGY AND WATER QUALITY. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<u>IX. HYDROLOGY AND WATER QUALITY.</u> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?				
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Place housing within a 100 year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100 year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
k) Result in an increase in pollutant discharges to receiving waters considering water quality parameters such as temperature, dissolved oxygen, turbidity and other typical stormwater pollutants (e.g. heavy metals, pathogens, petroleum derivatives, synthetic organics, sediment, nutrients, oxygen demanding substances, and trash)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
l) Have a potentially significant impact on groundwater quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
m) Impact aquatic, wetland or riparian habitat?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

a) Violate any water quality standards or waste discharge requirements?

All future development on the subject property will be subject to Division of Environmental Health review and regulations which will require that the projects meet water quality standards and waste discharge requirements. Depending on the number of visitors who stay at the resort or who attend an event, there may be a requirement for the Regional Water Quality Control Board to become involved in the permitting.

Less Than Significant Impact

b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?

There are few existing land uses or planned uses for which permits have been granted. The developer has requested that the subject property be rezoned to C-2:CR[FP] with the possibility of constructing a resort with restaurant, spa, event center and short term vacation rentals. The Division of Environmental

Health will be involved with issuing building permits for most of these proposed uses and they will need to have proof that the proposed developments will be adequately served with potable water and with a sanitary sewer system that is able to accommodate the projected numbers of people and the various uses being proposed. **Less Than Significant Impact.**

- c) *Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?*

The proposed project is for a rezone of the subject property to C-2:CR[FP], which would allow for a variety of uses that could result in the alteration of the existing drainage pattern of the site or area as well as the possible alteration of the course of the two creeks that border the property. Any proposed development will require grading plans, prepared by a civil engineer, which would be reviewed by Planning and Building Services staff to assure that the existing drainage pattern is not radically changed. Any proposal to alter the course of Indian Creek or Mill Creek would require permitting through the State Department of Fish and Wildlife. Protective and avoidance measures are recommended to reduce any potential impacts of the proposed rezone. **Less Than Significant Impact.**

- d) *Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?*

The proposed project is for a rezone of the subject property to C-2:CR[FP], which would allow for a variety of uses that could result in alteration of the existing drainage pattern of the site, or could result in altering the course of the two creeks that border the property, as well as possibly increasing the rate or amount of surface runoff in a manner which would result in flooding on- or off-site. Any proposed development will require grading plans, prepared by a civil engineer, which would be reviewed by Planning and Building Services staff to assure that the existing drainage pattern as well as the rate or amount of surface runoff is not radically changed. Any proposal that would result in the alteration of the course of Indian Creek or Mill Creek would require permitting through the State Department of Fish and Wildlife. Protective and avoidance measures are recommended to reduce any potential impacts of the proposed rezone. **Less Than Significant Impact.**

- e) *Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional of polluted runoff?*

There are no existing or planned stormwater drainage systems in this area; all drainage currently seeps into the ground and will continue to seep into the ground or drain into Indian Creek or Mill Creek. Engineered drainage plans should minimize soil erosion which might result from grading for future development. **Less Than Significant Impact.**

- f) *Otherwise substantially degrade water quality?*

The developer will be required to follow storm water runoff pollution prevention procedures per Mendocino County Ordinance 4313 when grading and developing the site; the use of best management practices while grading should prevent any degradation of water quality. **Less Than Significant Impact.**

- g) *Place housing within a 100 year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?*

A portion of the subject property that is located along Indian Creek is located within a mapped Flood Hazard Boundary area. At this time the applicant has no desire to develop that area, however if there is any proposed development in the flood plain area, the developer would be required to obtain a Flood Hazard Development Permit through Mendocino County Planning and Building Services; this permit would require that the base floor of the proposed structure be at least one (1) foot higher than the base flood elevation for the area. **Less Than Significant Impact.**

h) Place within a 100 year flood hazard area structures which would impede or redirect flood flows?

If a structure were to be built where it would impede or redirect flood flows it would be within a floodway and the Mendocino County Flood Plain Combining District Section of the County Code does not permit construction in a floodway. **Less Than Significant Impact.**

i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?

Proper enforcement of the Flood Plain Combining District Section of the Zoning Code will prevent the construction of structures within harms-way of the flood plain of Indian Creek and there are no levees or dams upstream on Indian Creek or its tributary, Mill Creek. **Less Than Significant Impact.**

j) Inundation by seiche, tsunami or mudflow?

There are no large bodies of water near the subject property that could cause inundation by seiche or tsunami and there are not dams upstream and no steep hillsides near the subject property that could result in a mudflow with heavy rains. **Less Than Significant Impact.**

k) Result in an increase in pollutant discharges to receiving waters considering water quality parameters such as temperature, dissolved oxygen turbidity and other typical stormwater pollutants (e.g. heavy metals, pathogens, petroleum derivatives, synthetic organics, sediment, nutrients, oxygen-demanding substances, and trash)?

All new development will require grading plans, prepared by a civil engineer, which will be reviewed by Planning and Building Services staff to assure that the grading not result in run-off that would result in an increase in pollutant discharges to Indian Creek and its tributary. Mendocino County Ordinance 4313 requires the use of stromwater run-off pollution prevention procedures. **Less Than Significant Impact.**

l) Have a potentially significant impact on groundwater quality?

The proposed project to rezone the subject property to C-2:CR[FP] would provide for increased development of the site, however with proper pollution prevention procedures; there should be no impact on the groundwater quality in the area. **Less Than Significant Impact.**

m) Impact aquatic, wetland or riparian habitat?

The rezoning could result in the development of lands within a buffer of the riparian habitat of Indian Creek or its tributary, however the contract part of the C-2 rezone will provide protective and avoidance measures to lessen any potential impacts. **Less Than Significant with Mitigation Incorporated**

MITIGATION: Required and mitigation conditions will be noted in final resolution

X. 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 checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a) *Physically divide an established community?*

The subject property, if rezoned to C-2 would extend the town development of Philo to the south and would be separated from another commercial development which is located further south by the Indian Creek County Campground. The applicants intend to develop a rustic resort on the subject property which would be compatible with the County Campground. **Less Than Significant Impact.**

b) *Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?*

The proposed project includes a general plan land use amendment from RR-5:FP (Rural Residential with a Flood Plain combining district) to RC:FP (Rural Community with a Flood Plain combining district) and a rezone from RR-5:FP and RC:FP to C-2:CR[FP] (General Commercial: Contract Rezone and Flood Plain combining districts). The property to the north is zoned I-1 (Light Industrial) and is currently an abandoned lumber mill and the property to the south is zoned PF (Public Facility) and is the Indian Creek County Park area.

The proposed land use change to rural community and the rezone to C-2:CR[FP] are in conflict with Policy RM-76 of the Resource Management Element of the General Plan which reads: "Limit land use density and intensity within and adjacent to critical wildlife habitat, such as wet lands, deer wintering range, old growth forests and riparian corridors". The rezone to C-2:CR[FP] might also be in conflict with a regulation of the State of California Department of Fish and Wildlife if development were to occur too close to a riparian habitat area.

Staff has recommended that the rezone be a contract rezone whereby the riparian habitat within the subject property along Indian Creek and its tributary will be protected by limiting development within the 150 foot buffer to the centerlines of Indian Creek and Mill Creek, specification of best management practices and performance standards for the construction phase of the project and compliance with the recommendations contained in the 2015 Biological Scoping Survey Report prepared by Spade Natural Resources Consulting. **Less Than Significant with Mitigation Incorporated.**

c) *Conflict with any applicable habitat conservation plan or natural community conservation plan?*

There is no applicable habitat conservation plan or natural community conservation plan in this area of Anderson Valley. **No Impact.**

MITIGATION: Required and mitigation conditions will be noted in final resolution

XI. 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"/>

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?*

There are no known mineral resource that would be of value to the region and the residents of the state. **No Impact.**

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?*

There are no locally important mineral resource recovery sites delineated on a general plan, specific plan or other land use plan for this area. **No Impact.**

MITIGATION: None required

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

a) *Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance or applicable standards of other agencies?*

The proposed General Plan Land Use Amendment to RC (Rural Community) will likely permit uses that will generate higher noise levels than the noise that might be generated by uses currently permitted in the RR-5 (Rural Residential-5 acre minimum) zoning district, however the projected noise levels should be compatible with the acceptable noise levels for commercial land uses found under Policy DE-101 of the Development Element of the County General Plan (pg. 3-91). **Less Than Significant Impact.**

b) *Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?*

The proposed General Plan Land Use Amendment to RC (Rural Community) and the Rezone to C-2:CR[FP] will not generate excessive groundborne vibrations or groundborne noise levels. There will be no industrial type uses permitted in the C-2:CR[FP] zoning district that might create groundborne vibrations or groundborne noise levels. **No Impact.**

c) *A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?*

The proposed General Plan Land Use Amendment to RC (Rural Community) will permit uses that will generate higher ambient noise levels than the noise that might be generated by uses currently permitted in the RR-5 (Rural Community-5 acre minimum) zoning district. Policy DE-100 of the Development Element of the General Plan sets maximum exterior noise levels for residential land uses. The permanent ambient noise level in the project vicinity must be less than the maximum exterior noise levels. (pg 3-90) of the County General Plan. **Less than Significant Impact.**

d) *A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?*

The proposed General Plan Land Use Amendment to RC (Rural Community) will permit uses that will generate higher ambient noise levels than the noise that might be generated by uses currently permitted in the RR-5 (Rural Community-5 acre minimum) zoning district. Policy DE-100 of the Development Element of the General Plan sets maximum exterior noise levels for residential land uses. The permanent ambient noise level in the project vicinity must be less than the maximum exterior noise levels. (pg 3-90) of the County General Plan. **Less than Significant Impact.**

- e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

The subject property is located more than two miles from the closest public airport or public use airport. **No Impact.**

- f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

The subject property is located more than two miles from the closest private airstrip. **No Impact.**

MITIGATION: None required

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

XIII Population and Housing a) thru c): The General Plan Land Use Amendment and Rezoning request will not induce substantial population growth in the area, either directly or indirectly. The rezone and future commercial development of the property will produce new jobs but it will not substantially induce population growth.

There are currently two cabins (dwelling units) which are located on the subject property and the current residents may be displaced if the applicant's decide to convert the dwelling units to some other use that is permitted in the C-2:CR[FP] zoning district. This would not result in a substantial number of housing units having to be built elsewhere. **Less Than Significant Impact**

MITIGATION: None required

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

a) *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: Fire protection, police protection, schools, parks, other public facilities?*

Fire Protection: The Anderson Valley Fire District has a fire house located approximately 0.5 miles to the north of the project site on Highway 128 in the town of Philo and the fire main station is located approximately seven (7) miles to the south in Boonville. As of this writing, neither the Anderson Valley Community Service District nor the Anderson Valley Fire Department (AVFD) has responded to our referral. The Anderson Valley Fire Department provides fire suppression for structural fires. CalFire provides fire suppression for grass and timber fires and they are located approximately seven (7) miles from the subject property in Boonville. The project would not result in substantial adverse impacts associated with the provision of new or physically altered government facilities for either AVFD or Cal Fire. As part of the Contract Rezone, staff will require that the applicant(s) meet conditions of AVFD and Cal Fire. **Less Than Significant Impact.**

Police Protection: The Mendocino County Sheriff Department has jurisdiction in this area and every new development in the unincorporated area of the County puts new demands on the Sheriff Department. This project will not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities; demands put on the Sheriff Department for this project wouldn't result in any more service than adding another winery in the Anderson Valley area. **Less Than Significant Impact.**

Medical Services: Minor emergency medical services would be provided through the Anderson Valley Health Care Center and major medical attention requires a 911 call. This project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities. **Less Than Significant Impact.**

Schools, Parks, and Other Public Facilities: The proposed project will not put demands on schools, parks or other public facilities. As the property is developed, the property taxes on the property will assist with schools, parks and other public facilities. **No Impact.**

MITIGATION: None required

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

a) *Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?*

The proposed rezoning of the property to C-2:CR[FP] may actually be a benefit to the neighboring Indian Creek County Campground. The applicants have indicated that they would be interested in developing a trail from Philo, through the subject property and on to the south through the County Campground. The rezoning might encourage use of the campground by making more people aware of its existence. **Less Than Significant Impact**

b) *Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?*

The project may have recreational facilities associated with it if it is developed into a resort and it might result in the construction of recreational facilities, which might have an adverse physical effect on the environment. With the contract rezone, there will be a requirement to adhere to mitigation measures for all development. **Less Than Significant impact**

MITIGATION: None required

<u>XVI. TRANSPORTATION/TRAFFIC.</u> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Generate substantial additional vehicular movement?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Effect existing parking facilities, or demand for new parking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Substantially impact existing transportation systems?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Alter present patterns of circulation or movement of people and/or goods?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Increase traffic hazards to motor vehicles, bicyclists or pedestrians.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a) *Generation of substantial additional vehicular movement?*

The Mendocino County Department of Transportation reviewed the project but advised the Planning Division that the project was in Caltrans' jurisdiction since the project was on a State Highway and wasn't being served off a County Road or a private road.

Caltrans reviewed the General Plan land use amendment and the rezoning proposal but advised the County that Caltrans cannot determine trip generation and/or whether mitigation or an encroachment permit will be required by the applicant.

As part of the contract rezone, staff requires that the applicants present their over-all build-out plan to Caltrans to provide for Caltrans review of all new construction proposed for this property. Once this information is submitted, Caltrans would be able to recommend traffic mitigation measures which would facilitate turning movements to and from the subject property from State Highway 128. Caltrans review and recommendations may possibly require that the applicants have a traffic study prepared by a state licensed traffic engineer. Alternately, Caltrans might require that the applicants submit development proposals just prior to the submittal for building permits, however the best approach for both the State Department of Transportation and for the applicants would be submittal of the over-all build-out plan for the property. **Less Than Significant with Mitigation.**

b) Effect existing parking facilities, or demand for new parking?

The proposed project and any other projects in the future will require new off-street parking spaces and there are locations on the property where new parking could be accommodated. Staff recommends that the contract rezone require limiting development within the 150 foot buffer to the centerlines of Indian Creek and Mill Creek, specification of best management practices and performance standards for the construction phase of the project and compliance with the recommendations contained in the 2015 Biological Scoping Survey Report prepared by Spade Natural Resources Consulting. **Less Than Significant with Mitigation.**

c) Substantial impact upon existing transportation systems?

The proposed General Plan land use amendment and the proposed rezoning to C-2:CR[FP] could allow for certain commercial uses that could have a substantial impact upon the existing transportation system. The traffic study, as is discussed under a), could provide mitigation measures to reduce substantial impact upon the existing transportation system. **Less Than Significant with Mitigation.**

d) Alter present patterns of circulation or movement of people and/or goods?

The proposed General Plan land use amendment and the rezoning to C-2:CR[FP] will not alter present patterns of circulation or movement of people and/or goods. There are no alternative means of circulation or transportation within the Highway 128 corridor. **No Impact.**

e) Result in inadequate emergency access?

The project will not cause inadequate emergency access. There is sufficient width of Highway 128 in the subject property area to allow for emergency vehicles movement. The contract rezone will require further analysis by Caltrans to determine if a new encroachment is necessary to facilitate the additional traffic that would result from development on the subject property. **Less than Significant Impact.**

f) Increase in traffic hazards to motor vehicles, bicyclists or pedestrians?

The project will result in an increase in traffic hazards to motor vehicles, bicyclists and pedestrians by rezoning the subject property to C-2:CR[FP] from RR-5:FP. As recommended in the contract, staff recommends that the applicants present their over-all build-out plan to Caltrans to provide for Caltrans review of all new construction proposed for this property. **Less than Significant with Mitigation.**

MITIGATION: Required and mitigation conditions will be noted in the final resolution

<u>XVII. UTILITIES AND SERVICE SYSTEMS.</u> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

a) *Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?*

The Mendocino County Division of Environmental Health (DEH) will access the wastewater treatment requirements at the building permit phase of development and will determine if the proposed development exceed the wastewater treatment requirements. **Less than Significant Impact.**

b) *Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause environmental effects?*

The size of the project will be determined by the water and wastewater treatment requirements. DEH will assess the water needs and wastewater treatment requirements at the building permit stage of development. **Less than Significant Impact.**

c) *Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?*

The proposed project could result in some increase in drainage but there will not be a need for an expansion of existing facilities besides possibly water catch basins for holding of water run-off and for erosion control. **Less than Significant Impact.**

d) *Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?*

The water supply will come from well water resources and DEH will require some well testing prior to building permit approval. **Less than Significant Impact.**

e) *Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's exiting commitment?*

There is no wastewater treatment provider in the subject property area. **No Impact.**

f) *Be served by a landfill with sufficient committed capacity to accommodate the project's solid waste disposal needs?*

The solid waste from the Philo area is taken to a transfer station on Taylor Drive in Ukiah and from there it is taken to a Solano County landfill. This landfill operation has sufficient capacity for any future commercial use(s) that are proposed for the subject property. **No Impact.**

g) *Comply with local, state and federal statutes and regulations related to solid waste?*

The proposed project will result in a C-2:CR[FP] zoning which will ultimately result in a commercial development on the subject property. There is no way to anticipate if the future development of the property will result in non-compliance with local, state and federal statutes and regulations related to solid waste however the proposed rezone will have no impact on the regulations related to solid waste. **No Impact.**

MITIGATION: None Required

<u>XVIII. MANDATORY FINDINGS OF SIGNIFICANCE.</u>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

a) *Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, treated to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant?*

The subject property is bordered by two creeks, where there is evidence of steelhead trout. Both creeks have disturbed riparian habitat which the applicants have been clearing out and improving by removing automobile parts, garbage and abandoned appliances. The subject property is an alluvial redwood forest which includes dense understory, large redwood trees, Douglas-fir trees, California bay forest. There is also the possibility of special-status Amphibians and Reptiles on the property as well as special status birds and bats and the Sonoma Tree Vole. Staff is recommending that the rezone be a contract rezone whereby the riparian habitat within the subject property along Indian Creek and its tributary will be protected by limiting development within the 150-foot buffer to the centerlines of Indian Creek and Mill Creek, specification of best management practices and performance standards for the construction phase of the project and compliance with the recommendations contained in the 2015 Biological Scoping Survey

Report prepared by Spade Natural Resources Consulting. **Less than Significant with Mitigation Incorporated.**

b) Does the project have impacts that are individually limited, but cumulatively considerable?

Within the Environmental Initial Study, staff has indicated three areas where mitigation is required. Those areas are: 1) **Biological Resources**, where staff recommends that, through the proposed contract zone, special efforts be made to protect the riparian habitat along the two creeks and to protect various special-status plants and plant communities, riparian areas, and special-status animal habitat, 2) **Hydrology and Water Quality**, where staff finds that the rezoning could result in the development of lands within a buffer of the riparian habitat of Indian Creek or its tributary, however the contract part of the C-2 rezone will provide protective and avoidance measures to lessen any potential impacts, 3) **Land Use and Planning**, where there is a conflict with General Plan Policy # RM-76 with the density and intensity of C-2 uses adjacent to critical wildlife habitat such as riparian habitat. The use of a contract rezone to provide protection to the critical wildlife habitat is essential with any future development of this property, and 3) **Transportation/Traffic**, where future development of this property may have significant impacts on the traffic on Highway 128. Staff recommends that the applicant must provide Caltrans with their vision of the final build-out plan for the subject property so that Caltrans can provide Guidance and mitigation to minimize the impact on Highway 128 traffic flow. **Less than Significant with Mitigation Incorporated.**

c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

Without mitigation measures that are recommended, staff believes that four areas of concern: Biological Resources, Hydrology and Water Quality, Land Use and Planning, and Transportation/Traffic have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly if not mitigated. **Less than Significant with Mitigation Incorporated.**

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.

DATE

JULIA ACKER
SENIOR PLANNER