



---

**PLANNING COMMISSION  
STAFF REPORT FOR GENERAL PLAN  
AMENDMENT & REZONE**

---

**JULY 19, 2018  
GP\_2014-0002/ R\_2014-0003**

**OWNER:** BRIAN ADKINSON  
2982 SANTOS LANE, C307  
WALNUT CREEK, CA 94597

**APPLICANT:** BRIAN ADKINSON & JIM ROBERTS  
PO BOX 86  
PHILO, CA 95466

**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).

**TOTAL ACREAGE:** 12.02± acres

**GENERAL PLAN:** Rural Residential (RR-5) and Rural Community (RC) with a Flood Plain (FP) Combining District

**ZONING:** Rural Residential (RR-5) and Rural Community (RC) with a Flood Plain (FP) Combining District

**SUPERVISORIAL DISTRICT:** 5

**ENVIRONMENTAL DETERMINATION:** Mitigated Negative Declaration

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

**STAFF PLANNER:** Julia Acker

**BACKGROUND**

**PROJECT DESCRIPTION:** 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]).

The Contract Rezone to C-2 will limit the Permitted Uses on the subject property as follows:

**A. Residential Use Types:**

- Family residential single-family

**B. Civic Use Types:**

- Cultural exhibits and library services

**C. Commercial Use Types:**

- Administrative and business offices
- Animal sales and services-household pets
- Commercial Recreation-
  - Outdoor Sports and Recreation-Limited (samples are tennis courts and athletic fields)
  - Indoor Entertainment (samples are theaters, dance halls, and auditoriums)
  - Outdoor Entertainment (samples are sports arenas, racing facilities, and amusement parks)
- Eating and drinking establishments (samples are restaurants and bars)
- Food and beverage preparation-without consumption (samples include catering)
- Food and beverage retail sales (samples are grocery store, liquor stores and retail bakeries)
- Mail order businesses (sample is phone or on-line sales)
- Personal services (samples are barber shop, beauty parlor, health or physical fitness studios)
- Retail sales-general (samples are department, apparel, furniture stores, specialty items, art supplies and framing and many more)
- Transient Habitation-Lodging (sample are hotels, motels and inns)
- Transient Habitation-Resort and Recreational Facilities

**D. Agricultural Use Types:**

- Horticulture
- Packing and processing-limited (packing or processing crops grown on the property)
- Row and field crops
- Tree crops

Uses subject to a **Minor Use Permit**, as follows:

**A. Residential Use Types:**

- Family residential – two family
- Family residential – multifamily
- Family residential – dwelling groups

**B. Civic Use Types:**

- Day care facilities/small schools
- Group care

**D. Industrial Use Types:**

- Custom manufacturing

Uses subject to **Major Use Permit**, as follows:

**A. Residential Use Types:**

- Mobile home residential

**B. Civic Use Types:**

- Educational facilities

**C. Commercial Use Types:**

- Transient habitation – campground

In addition, the Contract will include other limiting factors to address environmental protections (e.g. riparian corridor setbacks, etc.) deemed necessary for the property (see recommended contract language contained in the Recommendation at the end of this report).

**APPLICANT'S STATEMENT:** The applicants have requested a General Plan Land Use Amendment and a Rezone of approximately 12 acres to C-2 (General Commercial). One of the permitted uses in the C-2 zoning district is Transient Habitation-resort and recreational facilities which are defined as "resort services including the provision of extensive outdoor recreation and entertainment services especially for vacationers. Typical uses include resort and recreational facilities, health spas, resort hotels and motels, guest ranch, inns or organized camps."

The primary vision for the development of the subject property is as a Transient habitation resort and recreational facility. The following discussion provides the applicants' vision for development of the property:

Mission Statement: Guest accommodations that create the feeling of seclusion and privacy where an individual can immerse himself in the rustic beauty of authentic California while still having the comforts of modern hospitality.

Company Goals and Objectives: To create 12 one and two bedroom guest lodges existing within the beauty of rugged California including a pool and spa facility. (*The applicants have since increased the number of one and two bedroom guest lodges to 16*)

THE BRAMBLES is hands-off lodging that is anticipatory of guests needs, allowing them to have a truly private and secluded wilderness experience without sacrificing the amenities they are accustomed to while vacationing.

The primary market will be Bay Area residents looking to leave the city for a 3-4 day vacation. The secondary market will be the national guests who travel to the Mendocino Coast.

As Napa and Sonoma become national tourist destinations; increasing congestion, pricing and commercialism is resulting in travelers from the Bay Area choosing Anderson Valley for their weekend retreats. Anderson Valley is a rural community that is increasing its tourist market due to its rural, unspoiled beauty, the increased popularity of the wine industry, close proximity to the Mendocino Coast, and state parks that compare to national parks with fewer guests. The BRAMBLES is designed to be a hidden lodging experience that returns guests to this rugged majesty of undeveloped California without sacrificing comforts of a more urban dwelling.

Just a little over two hours driving time from San Francisco, Anderson Valley lies inland from the spectacular Mendocino Coastline. Unlike its neighbors to the South, Napa and Sonoma County, this picturesque valley has maintained an unspoiled experience for visitors choosing a less beaten path. It is home to apple orchards and sheep ranches as well as world class wineries. The rolling hills dotted with oaks and vineyards are part of the scenic journey to old growth redwoods and a rustic coastline. The pace is relaxed, the people are friendly, the vibe is unpretentious and the community and lifestyle remains authentic. It is here where you will rub elbows with locals, chat with winemakers pouring their latest vintages and experience the passion of those who still choose to live a rural lifestyle. At THE BRAMBLES, we offer our guests and visitors the opportunities to embrace the seclusion and rugged nature of this valley in a hidden lodging retreat.

The project will include the development of existing springs for a water source, appropriate septic for intended use, and limited removal of trees, blackberries and other over growth.

**RELATED APPLICATIONS:**

**On-Site:**

- Z\_1997-0039: Zoning Violation for occupied travel trailer and non-permitted mobile home. This case was closed on 12/29/2014 (applicants spent much time and money clearing the subject property of abandoned equipment, appliances, vehicle parts and trash)
- PAC\_2014-0007: Pre-application conference the proposed General Plan amendment and Rezone-The applicants were advised that a biological survey, a traffic study, a noise study might be necessary. The applicants were also advised that the Zoning Violation would need to be cleared and has since been closed. Applicants were made aware of the need to work closely with DEH regarding the need for sufficient well water and adequate soils for sanitary septic system(s). Also noted were the two streams that border the property and the area within the flood plain.
- CC\_2016-0024: Certificate of Compliance recognizing three underlying legal parcels on the subject property. All three parcels are subject to this application.

**Neighboring Property:**

- U\_1977-0076: A use permit for a private school on property located on Ray's Road and to the east of the subject property.
- U\_1995-0019: A use permit for an inn with a maximum of 15 guest rooms located to the south-east of the subject property.
- R\_2011-0006: On December 13, 2011, the Board of Supervisors approved a rezone of a 2+/- acre parcel which is owned by one of the applicant, from I-1 (limited industrial) to C-2 (General Commercial). This property is located on State Highway 128 approximately .25 miles south of the subject property.

**SITE CHARACTERISTICS:** The subject property is located in the Philo area situated between Indian Creek and a small tributary to Indian Creek (Mill Creek), north of the Mendocino County Indian Creek Campground. The property slopes from north to south with the northernmost portion located on a bluff that is 50 feet to 100 feet wide with an elevation of 255 feet. The lowest point on the subject property is approximately 200 feet in elevation. Over 75 % of the subject property has slopes from 0% to 5% with a portion of the property in meadows and most of the property vegetated primarily with redwood forest and to a lesser extent, California bay forest, mixed hardwood, red alder riparian forest, Douglas fir and tanoak forests. The typical understory vegetation of Himalaya-berry, English ivy, and periwinkle is along Indian Creek.

There are two existing inhabited cabins located on the bluff which have direct access onto State Highway 128 and one existing single family home which is located on the lower portion of the property and has access to State Highway 128 over a separate driveway. These buildings were probably built in the 1950s and were part of a private camp that was located adjacent to the Indian Creek State Park which later became Mendocino County Indian Creek Campground.

In 1991 there were additional residential buildings on the property. The applicants have indicated that the existing single-family residence will be refurbished and utilized as the resort office and lobby.

**SURROUNDING LAND USE AND ZONING:**

|              | <b>GENERAL PLAN</b>                             | <b>ZONING</b>                   | <b>LOT SIZES</b>            | <b>USES</b>                    |
|--------------|---|---------------------------------|-----------------------------|--------------------------------|
| <b>NORTH</b> | RC (Rural Community) & RR-5 (Rural Residential) | I (Industrial) and RR-5 (Rural) | 13.0± acres                 | Vacant Industrial              |
| <b>EAST</b>  | RC (Rural Commercial)                           | RC (Rural Community)            | 2.0± acres                  | Commercial & Rural Residential |
| <b>SOUTH</b> | PL (Public Land), RC (Rural Co)                 | PF (Public Facility) Flood Pla  | 15.10± acres & 17.61± acres | County Park                    |
| <b>WEST</b>  | RR-5 (Rural Residential-5 acre)                 | RR-5 (Rural Residential) FP     | 8.5± acres                  | Rural Residential              |

**PUBLIC SERVICES:**

Access: STATE HIGHWAY 128  
 Fire District: CAL FIRE AND ANDERSON VALLEY FIRE DEPARTMENT (ANDERSON VALLEY SERVICE DIST.)  
 Water District: NONE  
 Sewer District: NONE  
 School District: ANDERSON VALLEY UNIFIED SCHOOL DISTRICT

**AGENCY COMMENTS:** On January 30, 2015, project referrals were sent to the following responsible or trustee agencies with jurisdiction over the Project. Their submitted recommended conditions of approval are contained in Exhibit A of the attached resolution. A summary of the submitted agency comments are listed below. Any comments that would trigger a project modification or denial are discussed in full as key issues in the following section.

| <b>REFERRAL AGENCIES</b>            | <b>COMMENT</b> |
|-------------------------------------|----------------|
| Department of Transportation        | Comments       |
| Building Services-Ukiah PBS         | Comments       |
| Environmental Health- Ukiah         | No Comments    |
| General Services-Co. Parks          | No Comments    |
| Sonoma State University             | Comments       |
| Archaeological Commission           | Comments       |
| Native American Indians             | Comments       |
| Air Quality Control Management      | Comments       |
| Cal Fire                            | No Comments    |
| Caltrans                            | Comments       |
| Regional Water Quality Control      | No Comments    |
| California Dept. of Fish & Wildlife | Comments       |
| CHP                                 | No Comments    |
| Anderson Valley Services District   | No Comments    |
| Anderson Valley Fire Department     | No Comments    |

**KEY ISSUES**

**1. General Plan and Zoning Consistency:** The proposed project includes a general plan land use amendment 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 a rezone from RR-5 and RC to General Commercial with a Contract Rezone combining district and Flood Plain combining district(C-2:CR[FP]). The applicants have indicated that they intend to develop the subject property into a low intensity resort with a total of 20-25 cabins, a spa, a lodge/office and an event center. However, the proposed C-2 would allow for many additional uses that would likely be too intense for this particular location. This is the main reason that staff is recommending that the subject property be rezoned to C-2:CR[FP].

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.

Policy RM-73 of the Resource Management Element of the General Plan reads: "The design of new development should emphasize the avoidance of sensitive resources and environments rather than their removal and replacement".

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.

It must be noted that the existing zoning of RC and RR-5 would also allow for uses that would be incompatible with this sensitive habitat area and that, in fact, prior to the applicant's purchase of the subject property, this 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. Staff believes that a rezone to C-2:CR[FP] will, subject to contract restrictions, provide protection to the riparian habitat area of the creeks and of the forested areas on the property. There has been extensive consultation with the California Department of Fish and Wildlife with regards to proposed contract restrictions to insure that resources on and adjacent to the property will not be negatively impacted by the proposed land use change and rezone. Both the applicant and representatives of the California Department of Fish and Wildlife have stated their agreement with the proposed contract restrictions.

The subject property is located in the Anderson Valley Community Planning Area and is located within the development area of the town of Philo. The property located to the northwest of the subject property is currently zoned Industrial and had been the site of a lumber mill which has since been abandoned. The property to the southeast of the subject property is the Mendocino County Indian Creek Campground with the property beyond the campground zoned C-2.

The proposed General Plan Land Use Amendment to RC and the proposed rezone to C-2:CR[FP] is consistent with Anderson Valley Community Goals CP-AV-2: "Focus development and community services in and around the four existing communities-Yorkville, Boonville, Philo, and Navarro-in a manner compatible with physical features and natural resources," CP-AV-4: "Enhance the aesthetic appeal and economic viability of towns along the State Route 128 corridor," CP-AV-8: "Expand and diversify existing economic ventures," and consistent with Anderson Valley Community Area Policies CP-AV-1: "The County shall concentrate new development in the four towns in Anderson Valley (Yorkville, Boonville, Philo, and Navarro) and their immediate vicinities, and discourage new retail development outside of the four towns" and CP-AV-10: "Establish and expand commercial uses suitable to meet the needs of residents and visitors."

The applicant's envision a rustic resort which will attract weekend visitors who are traveling to the Mendocino Coast. The proposed General Plan Land Use Amendment and Rezone would be consistent with the Anderson Valley Community Area Plan.

While staff has noted the potential inconsistencies with the project and policies of the General Plan, overall the proposed General Plan Amendment and Rezone will be a positive benefit to the County as it will allow for further economic development within this area of the County and, with the proposed Contract Rezone, the resources on the parcel will be protected in perpetuity from degradation from permitted uses that may have been permissible under the current general plan classification and zoning designation. Uses that would be permissible under the proposed general plan amendment and rezone would, as a result of the Contract Rezone, be designed in such a way that density adjacent to the sensitive riparian areas on the parcel would be limited and more protections would be afforded to the resource than could be accommodated under the current general plan classification and zoning designation. In addition, the proposed project is consistent with the Anderson Valley Community Area Plan goals and would help further the achievement of those goals. As a result, staff finds that the proposed General Plan Amendment and Rezone with the recommended Contract Rezone, is appropriate for the site.

**2. Environmental Protection:** An Initial Study was completed for the project and circulated for public review in accordance with the California Environmental Quality Act (CEQA) Guidelines and a Mitigated Negative Declaration is recommended. The review identified the following potential impacts which will be less than significant with incorporation of the proposed mitigation measures discussed below:

Biological Resources: The California Department of Fish and Wildlife (DFW) has provided staff with recommendations for the protection of the riparian habitat adjacent to Indian Creek and the tributary to Indian Creek which border the subject property. DFW has also provided recommendations for the protection of the steelhead trout found in this area. These recommendations are to become conditions of the contract portion of the rezoning to C-2:CR[FP]. These recommendations along with those of Planning and Building Services staff would limit development within the 150-foot buffer to the centerlines of Indian Creek and Mill Creek, require specification of best management practices and performance standards for the construction phase of the project and require compliance with the recommendations contained in the 2015 Biological Scoping Survey Report prepared by Spade Natural Resources Consulting.

Hydrology and Water Quality: 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 require conformance with the recommendations of DFW and the consulting biologists for the project, Spade Natural Resources Consulting.

Transportation/Traffic: Since the subject property is located on State Highway 128, Caltrans reviewed the request for the General Plan Land Use Amendment and the Rezone but advised the County that they could not determine trip generation and/or whether mitigation or an encroachment permit would be required at this time.

As part of the contract rezone, 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. Once this information is submitted, Caltrans would be able to recommend entrance improvements 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 of building permits. Overall, staff believes the best approach for both Caltrans and the applicants would be the submittal of the over-all build-out plan for the property.

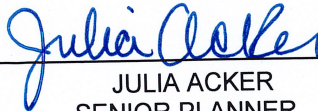
The proposed project and any other projects in the future will require new off-street parking spaces and there are locations on the property where new parking could be accommodated outside of sensitive resource areas.

### RECOMMENDATION

By Resolution, the Planning Commission recommends the Board of Supervisors adopt a Mitigated Negative Declaration and Mitigation Monitoring Program, approve a General Plan Land Use Amendment to change 8.44± acres (portion of APNs: 046-070-26, -27, -28) from RR-5:FP (Rural Residential-5 acre minimum with a Flood Plain combining district) to RC:FP (Rural Community with a Flood Plain combining district) and, by ordinance, Rezone 12.01± acres (APNs: 046-070-26, -27, -28) from RR-5:FP (Rural Residential-5 acre minimum with a Flood Plain combining district) and RC:FP (Rural Community with a Flood Plain combining district) to C-2:CR[FP] (General Commercial: Contract Rezone with a Flood Plain combining district), subject to the conditions and requirements of the Contract Rezone attached to the Resolution.

7/5/2018

DATE



JULIA ACKER  
SENIOR PLANNER

Appeal Period: 10 Days  
Appeal Fee: \$1,616.00

### ATTACHMENTS:

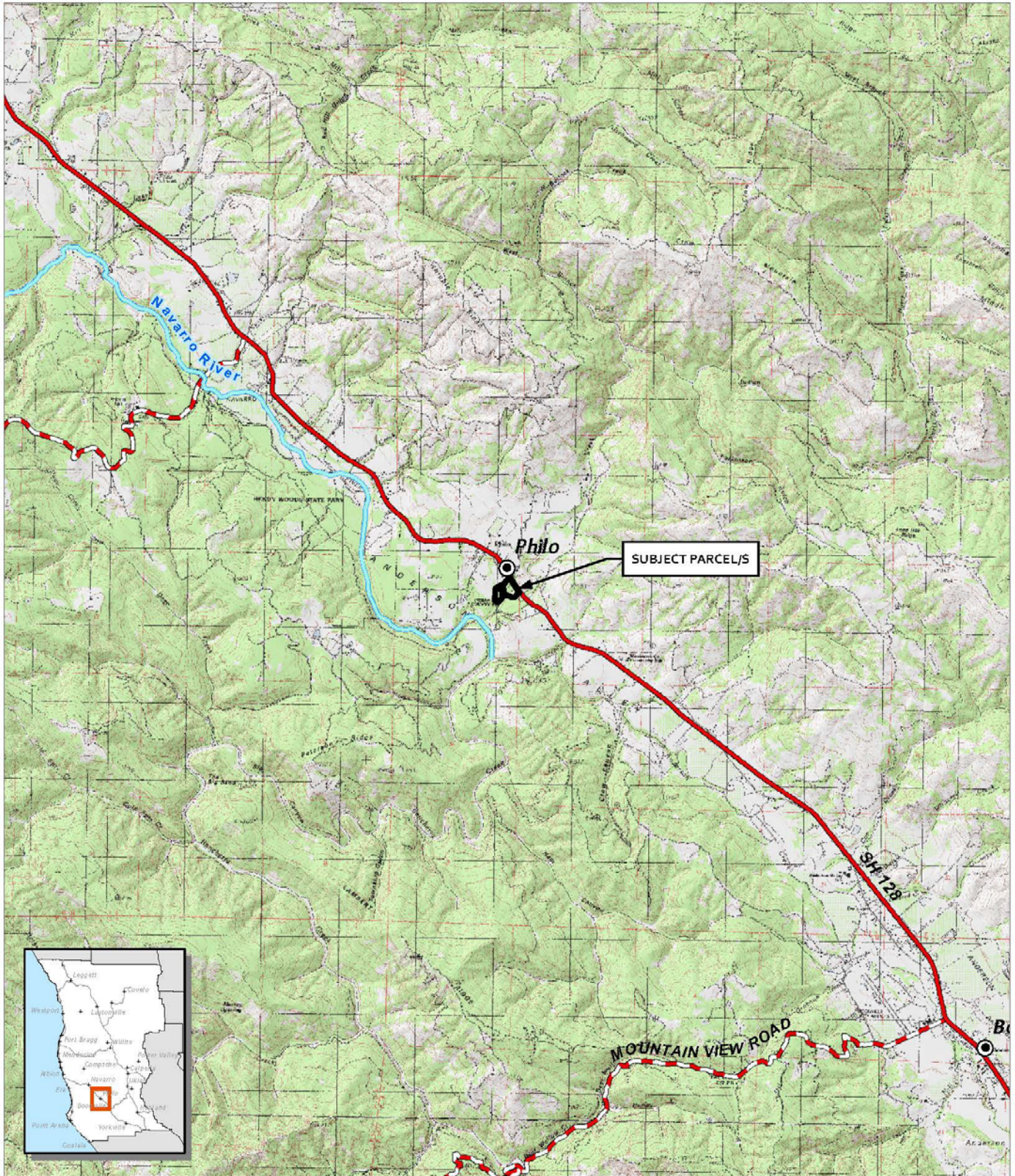
- A. Location Map
- B. Topographic Map
- C. Aerial Imagery
- D. Revised Site Plan
- E. Adjacent Parcels
- F. Zoning Display Map
- G. General Plan Classifications
- H. Fire Hazard Zones & Responsibility Areas
- I. Special Flood Hazard Areas
- J. General Plan Exhibit
- K. Rezone Exhibit

### RESOLUTION OF THE PLANNING COMMISSION:





### CONTRACT FOR COMPLIANCE WITH REZONING CONDITIONS (Exhibits Included):

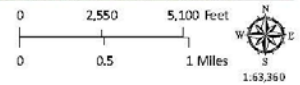
### MITIGATED NEGATIVE DECLARATION/Initial Study available online at:

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



CASE: GP 2014-0002 / R 2014-0003  
OWNER: ADKINSON, Brian  
APN: 046-070-26, 27, 28  
APLCT: Brian Adkinson  
AGENT:  
ADDRESS: 8800 Hwy. 128, Philo

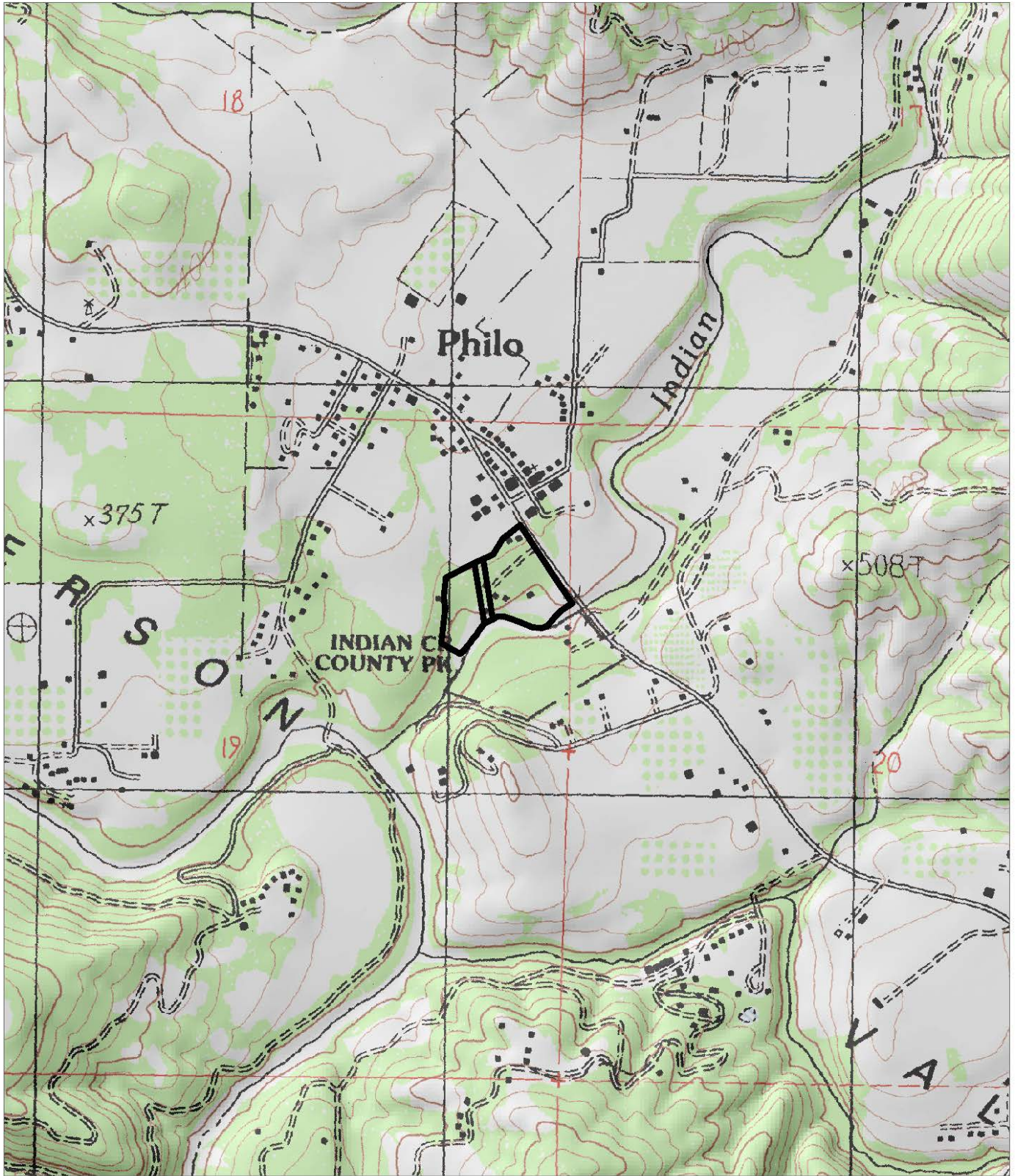
-  Major Towns & Places
-  Major Roads
-  Major Rivers
-  Highways



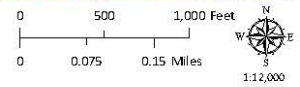
LOCATION MAP

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





CASE: GP 2014-0002 / R 2014-0003  
OWNER: ADKINSON, Brian  
APN: 046-070-26, 27, 28  
APLCT: Brian Adkinson  
AGENT:  
ADDRESS: 8800 Hwy. 128, Philo





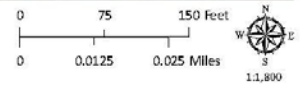
TOPOGRAPHIC MAP  
CONTOUR INTERVAL IS 40 FEET

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



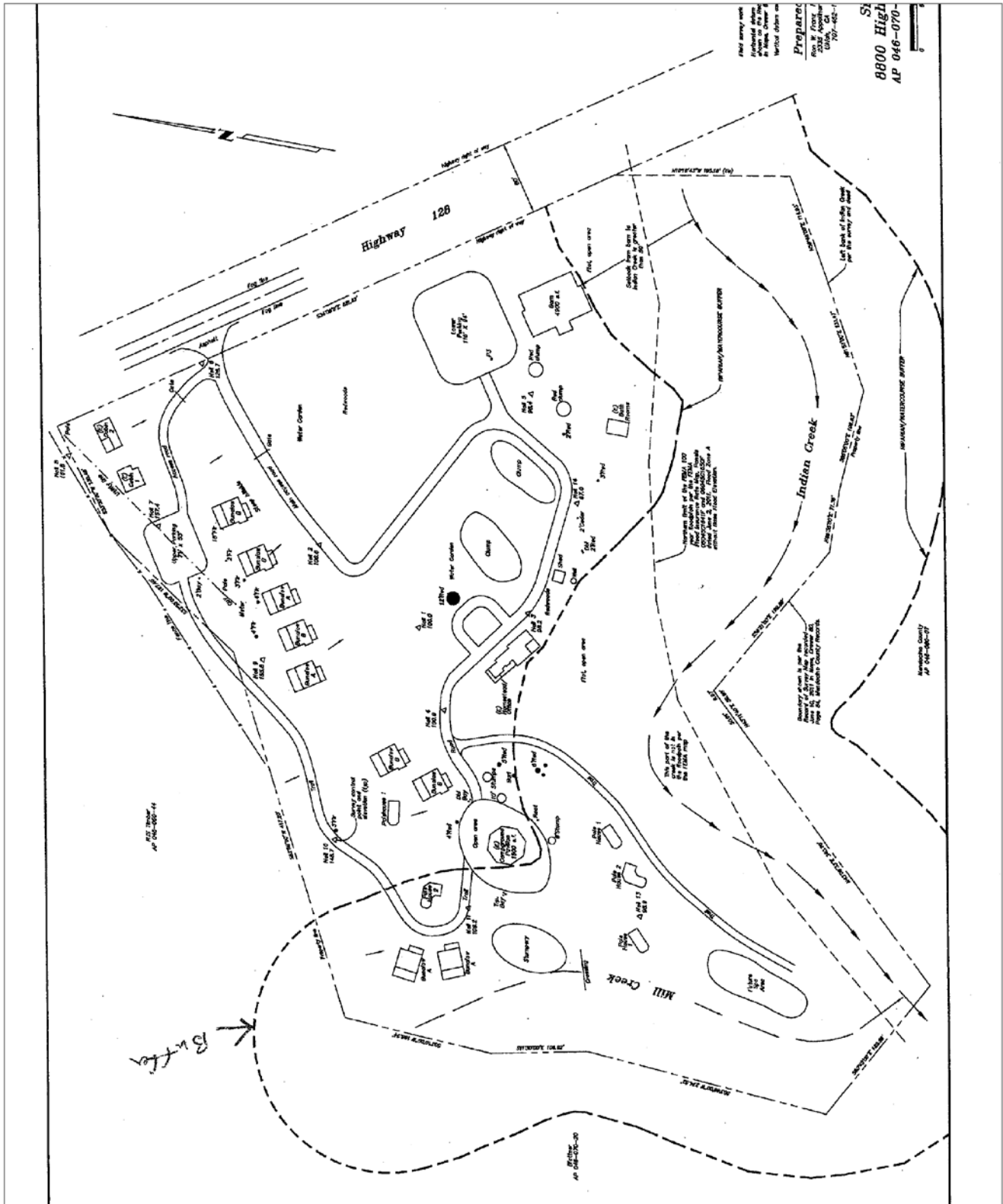
CASE: GP 2014-0002 / R 2014-0003  
OWNER: ADKINSON, Brian  
APN: 046-070-26, 27, 28  
APLCT: Brian Adkinson  
AGENT:  
ADDRESS: 8800 Hwy. 128, Philo

 Named Rivers  
 Public Roads



AERIAL IMAGERY

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

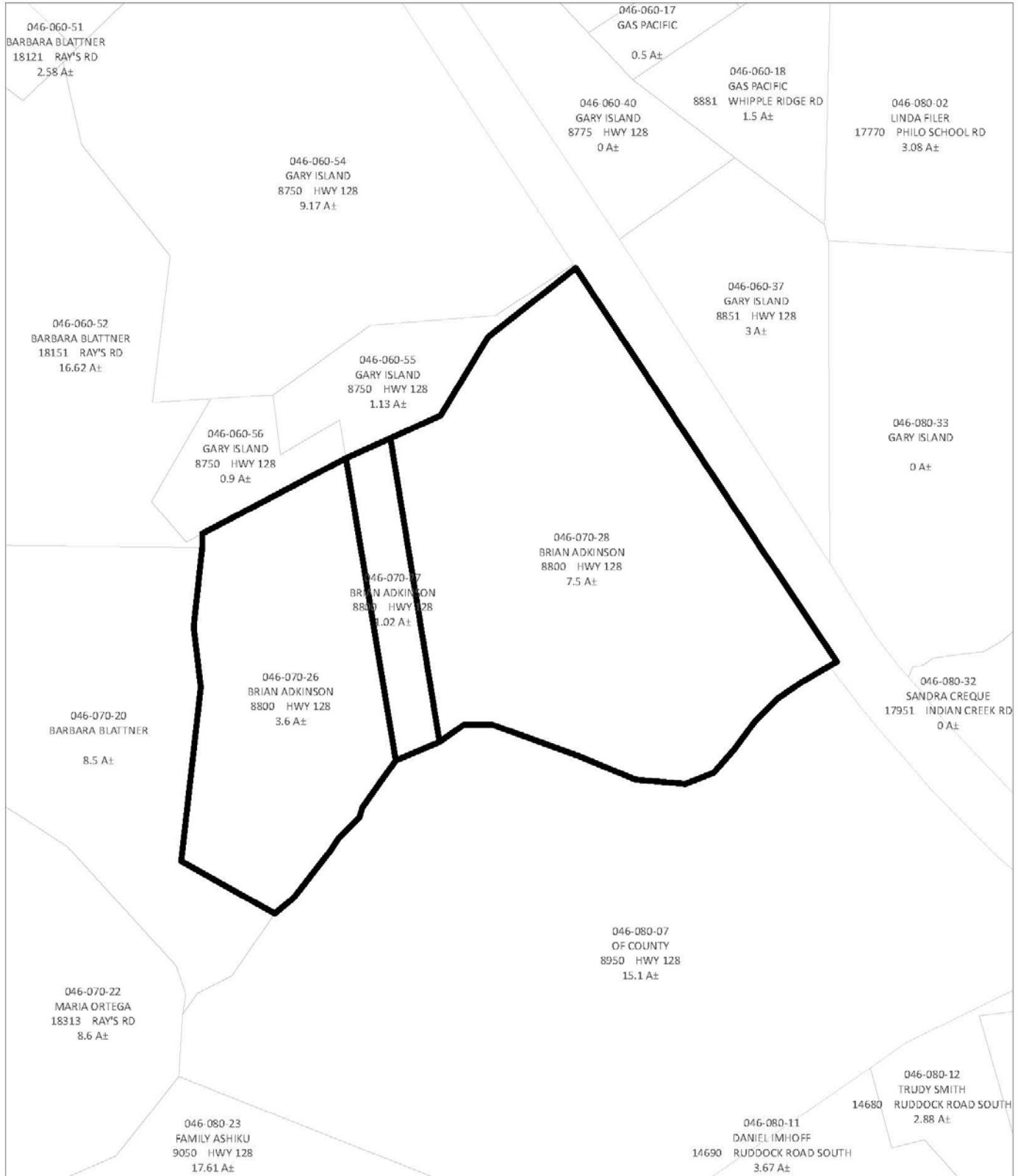


CASE: GP 2014-0002 / R 2014-0003  
 OWNER: ADKINSON, Brian  
 APN: 046-070-14  
 APLCT: Brian Adkinson  
 ADDRESS: 8800 Hwy. 128, PH

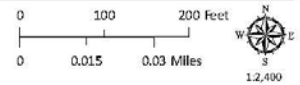
NO SCALE

REVISED SITE PLAN

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

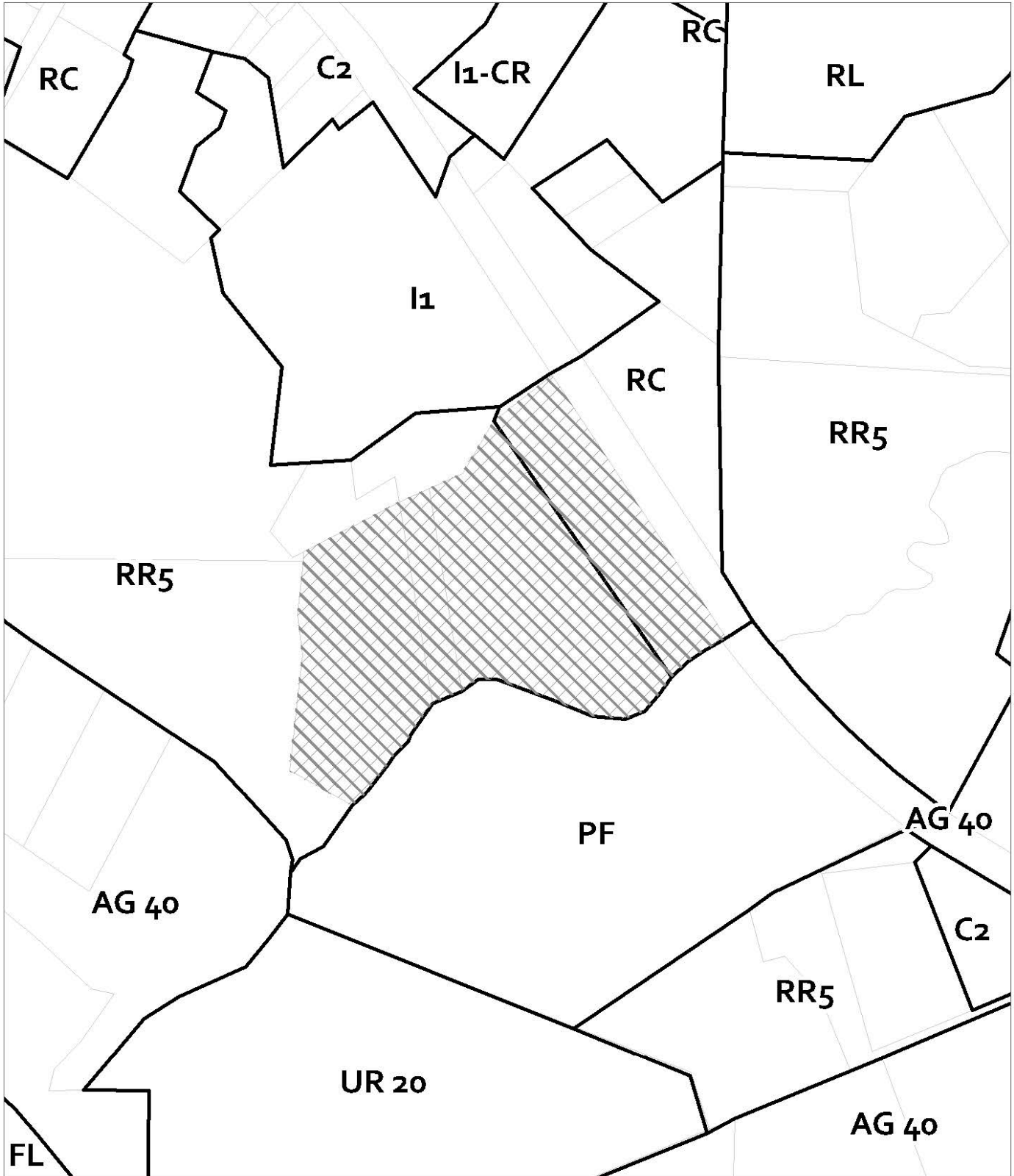


CASE: GP 2014-0002 / R 2014-0003  
 OWNER: ADKINSON, Brian  
 APN: 046-070-26, 27, 28  
 APLCT: Brian Adkinson  
 AGENT:  
 ADDRESS: 8800 Hwy. 128, Philo




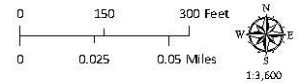
ADJACENT PARCELS

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



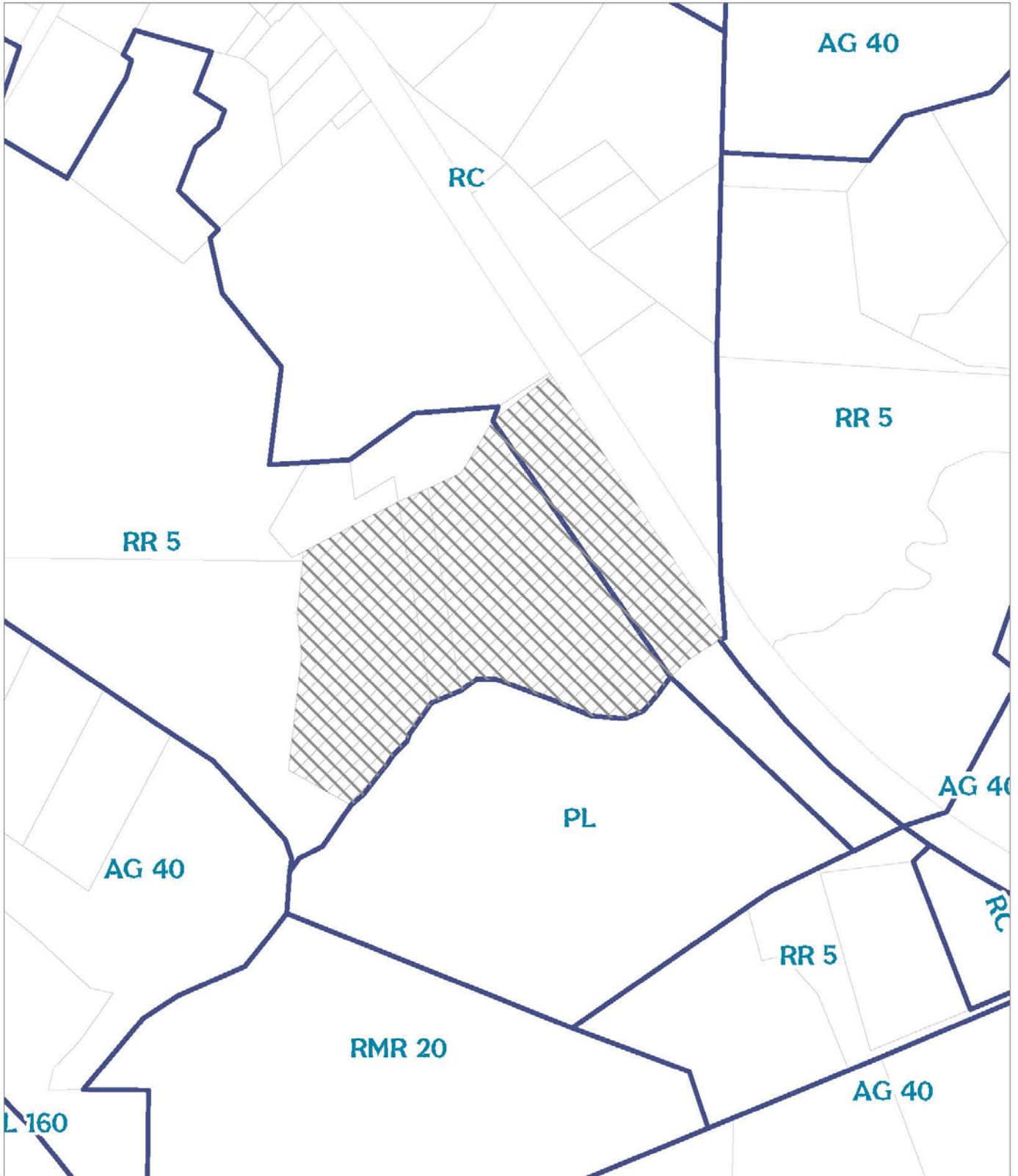
CASE: GP 2014-0002 / R 2014-0003  
OWNER: ADKINSON, Brian  
APN: 046-070-26, 27, 28  
APLCT: Brian Adkinson  
AGENT:  
ADDRESS: 8800 Hwy. 128, Philo

 Zoning Districts




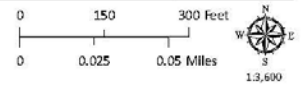
ZONING DISPLAY MAP

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



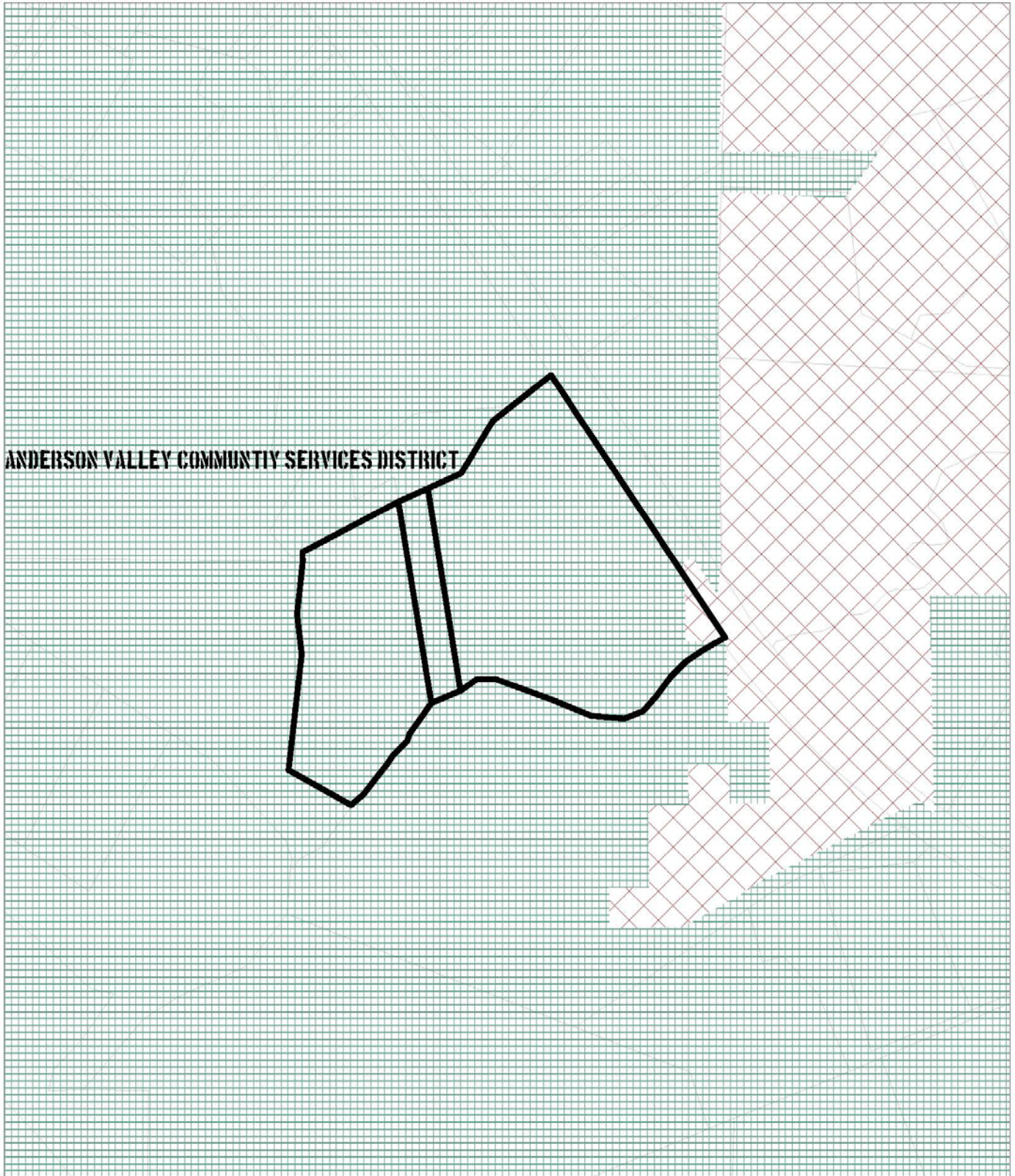
CASE: GP 2014-0002 / R 2014-0003  
OWNER: ADKINSON, Brian  
APN: 046-070-26, 27, 28  
APLCT: Brian Adkinson  
AGENT:  
ADDRESS: 8800 Hwy. 128, Philo

 General Plan Classes



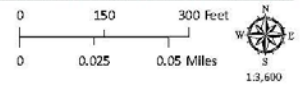
GENERAL PLAN CLASSIFICATIONS

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



CASE: GP 2014-0002 / R 2014-0003  
OWNER: ADKINSON, Brian  
APN: 046-070-26, 27, 28  
APLCT: Brian Adkinson  
AGENT:  
ADDRESS: 8800 Hwy. 128, Philo

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



FIRE HAZARD ZONES & RESPONSIBILITY AREAS  
STATE RESPONSIBILITY AREA

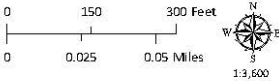
**THIS MAP AND DATA ARE PROVIDED WITHOUT WARRANTY OF ANY KIND.  
DO NOT USE THIS MAP TO DETERMINE LEGAL PROPERTY BOUNDARIES**



**FLOOD HAZARD AREAS**

1% Annual Chance Flood Hazard

CASE: GP 2014-0002 / R 2014-0003  
 OWNER: ADKINSON, Brian  
 APN: 046-070-26, 27, 28  
 APLCT: Brian Adkinson  
 AGENT:  
 ADDRESS: 8800 Hwy. 128, Philo

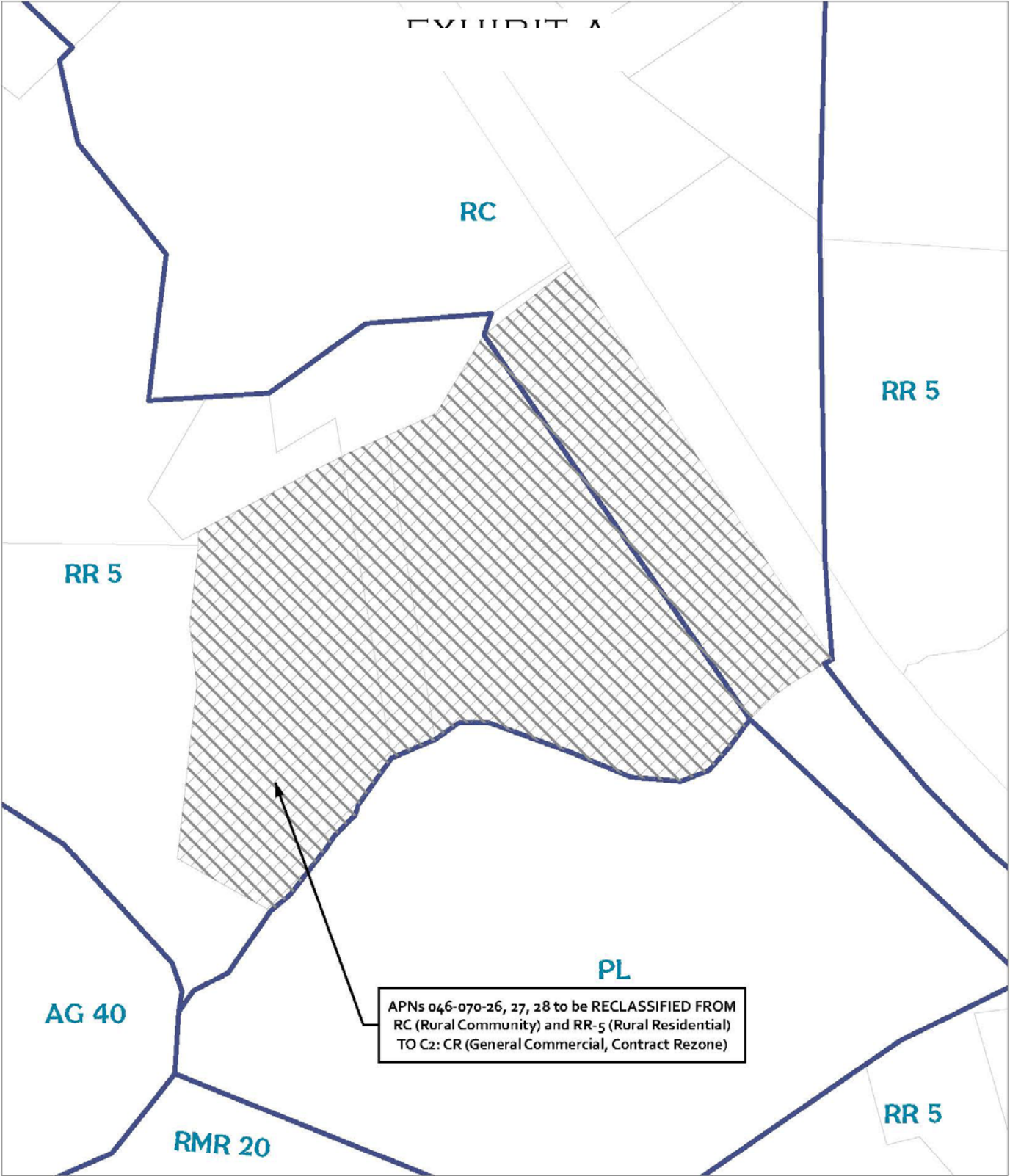


**SPECIAL FLOOD HAZARD AREAS**

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





EXHIBIT A

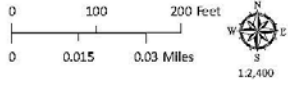


APNs 046-070-26, 27, 28 to be RECLASSIFIED FROM  
 RC (Rural Community) and RR-5 (Rural Residential)  
 TO C-2: CR (General Commercial, Contract Rezone)

CASE: GP 2014-0002 / R 2014-0003  
 OWNER: ADKINSON, Brian  
 APN: 046-070-26, 27, 28  
 APLCT: Brian Adkinson  
 AGENT:  
 ADDRESS: 8800 Hwy. 128, Philo

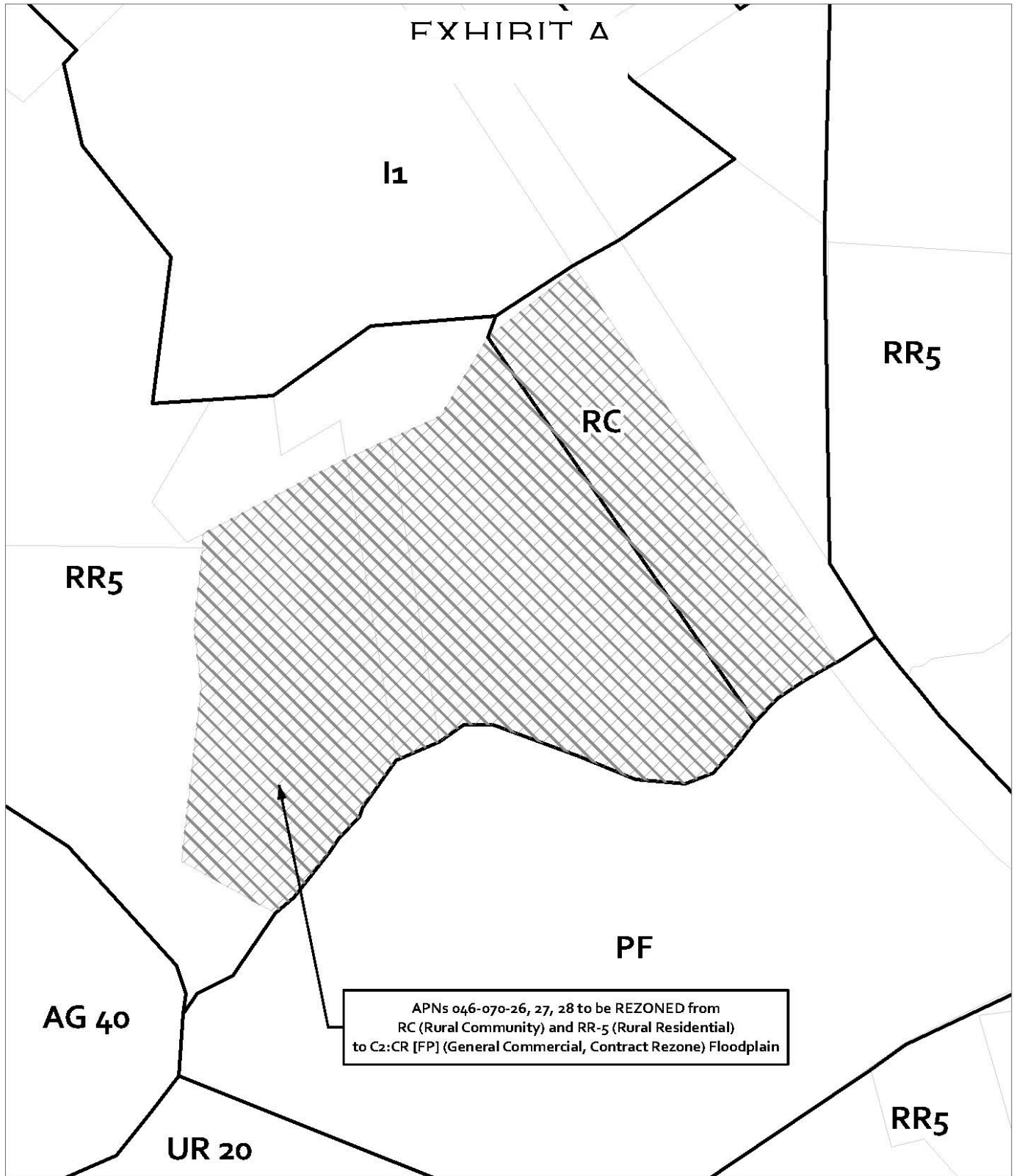
 RECLASSIFY FROM: R-C (Rural Community) and RR-5 (Rural Residential, 5 Ac. minimum)  
 TO: C-2: CR [FP] (General Commercial, Contract Rezone)

 General Plan Classes





GENERAL PLAN EXHIBIT

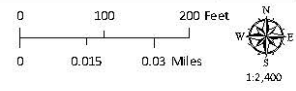
**THIS MAP AND DATA ARE PROVIDED WITHOUT WARRANTY OF ANY KIND.  
 DO NOT USE THIS MAP TO DETERMINE LEGAL PROPERTY BOUNDARIES**



CASE: GP 2014-0002 / R 2014-0003  
 OWNER: ADKINSON, Brian  
 APN: 046-070-26, 27, 28  
 APLCT: Brian Adkinson  
 AGENT:  
 ADDRESS: 8800 Hwy. 128, Philo

 REZONE FROM: R-C (Rural Community) and RR-5 (Rural Residential, 5 Ac. minimum)  
 TO: C-2:CR [FP] (General Commercial, Contract Rezone) Floodplain

 Zoning Districts



REZONE EXHIBIT

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

## 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.

| <b><u>I. AESTHETICS.</u></b><br><b>Would the project:</b>   | <b>Potentially Significant Impact</b> | <b>Less Than Significant with Mitigation Incorporated</b> | <b>Less Than Significant Impact</b> | <b>No Impact</b>                    |
|---|---------------------------------------|---|-------------------------------------|-------------------------------------|
| <b>a)</b> Have a substantial adverse effect on a scenic vista?  | <input type="checkbox"/>              | <input type="checkbox"/>                                  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| <b>b)</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"/> |
| <b>c)</b> 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"/> |
| <b>d)</b> 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

| <b>II. AGRICULTURE AND FORESTRY RESOURCES. Would the project:</b>   | <b>Potentially Significant Impact</b> | <b>Less Than Significant with Mitigation Incorporated</b> | <b>Less Than Significant Impact</b> | <b>No Impact</b>                    |
|---|---------------------------------------|---|-------------------------------------|-------------------------------------|
| <b>a)</b> 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>b)</b> Conflict with existing zoning for agricultural use, or a Williamson Act contract?   | <input type="checkbox"/>              | <input type="checkbox"/>                                  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| <b>c)</b> 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"/> |
| <b>d)</b> 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"/>            |
| <b>e)</b> 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

| <b>III. AIR QUALITY.</b><br>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"/> |

| <p><b>III. AIR QUALITY.</b><br/>                     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:</p>                                    | <p>Potentially Significant Impact</p> | <p>Less Than Significant with Mitigation Incorporated</p> | <p>Less Than Significant Impact</p> | <p>No Impact</p>                    |
|---|---------------------------------------|---|-------------------------------------|-------------------------------------|
| <p><b>c)</b> Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?</p> | <input type="checkbox"/>              | <input type="checkbox"/>                                  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| <p><b>d)</b> Expose sensitive receptors to substantial pollutant concentrations?</p>  | <input type="checkbox"/>              | <input type="checkbox"/>                                  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| <p><b>e)</b> Create objectionable odors affecting a substantial number of people?</p>   | <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

| <p><b>IV. BIOLOGICAL RESOURCES.</b><br/>                     Would the project:</p> | <p>Potentially Significant Impact</p> | <p>Less Than Significant with Mitigation Incorporated</p> | <p>Less Than Significant Impact</p> | <p>No Impact</p> |
|---|---------------------------------------|---|-------------------------------------|------------------|
|---|---------------------------------------|---|-------------------------------------|------------------|

| <b>IV. BIOLOGICAL RESOURCES.</b><br><b>Would the project:</b>   | <b>Potentially Significant Impact</b> | <b>Less Than Significant with Mitigation Incorporated</b> | <b>Less Than Significant Impact</b> | <b>No Impact</b>                    |
|---|---------------------------------------|---|-------------------------------------|-------------------------------------|
| <b>a)</b> 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>b)</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"/>            |
| <b>c)</b> 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"/>            |
| <b>d)</b> Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?   | <input type="checkbox"/>              | <input checked="" type="checkbox"/>                       | <input type="checkbox"/>            | <input type="checkbox"/>            |
| <b>e)</b> 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"/> |
| <b>f)</b> 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

| <b><u>V. CULTURAL RESOURCES.</u></b><br><b>Would the project:</b>   | <b>Potentially Significant Impact</b> | <b>Less Than Significant with Mitigation Incorporated</b> | <b>Less Than Significant Impact</b> | <b>No Impact</b>         |
|---|---------------------------------------|---|-------------------------------------|--------------------------|
| <b>a)</b> 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>b)</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"/> |
| <b>c)</b> 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"/> |

|   |                          |                          |                                     |                          |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| <b>d)</b> 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

| <b>VI. GEOLOGY AND SOILS.</b><br><b>Would the project:</b>  | <b>Potentially Significant Impact</b> | <b>Less Than Significant with Mitigation Incorporated</b> | <b>Less Than Significant Impact</b> | <b>No Impact</b>                    |
|---|---------------------------------------|---|-------------------------------------|-------------------------------------|
| <b>a)</b> 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"/> |
| <b>i)</b> 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"/> |
| <b>ii)</b> Strong seismic ground shaking?   | <input type="checkbox"/>              | <input type="checkbox"/>                                  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| <b>iii)</b> Seismic-related ground failure, including liquefaction?   | <input type="checkbox"/>              | <input type="checkbox"/>                                  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| <b>iv)</b> Landslides?  | <input type="checkbox"/>              | <input type="checkbox"/>                                  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| <b>b)</b> Result in substantial soil erosion or the loss of topsoil?  | <input type="checkbox"/>              | <input type="checkbox"/>                                  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| <b>c)</b> 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"/> |
| <b>d)</b> 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"/>            |
| <b>e)</b> 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

| <b><u>VII. GREENHOUSE GAS EMISSIONS.</u></b><br><b>Would the project:</b>  | <b>Potentially Significant Impact</b> | <b>Less Than Significant with Mitigation Incorporated</b> | <b>Less Than Significant Impact</b> | <b>No Impact</b>         |
|--|---------------------------------------|---|-------------------------------------|--------------------------|
| a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?      | <input type="checkbox"/>              | <input type="checkbox"/>                                  | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? | <input type="checkbox"/>              | <input type="checkbox"/>                                  | <input 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 CO<sub>2</sub>e (CO<sub>2</sub> 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 CO<sub>2</sub>e emissions well below the threshold for project significance of 1,100 metric tons CO<sub>2</sub>e. 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

| <b><u>VIII. HAZARDS AND HAZARDOUS MATERIALS. Would the project:</u></b>   | <b>Potentially Significant Impact</b> | <b>Less Than Significant with Mitigation Incorporated</b> | <b>Less Than Significant Impact</b> | <b>No Impact</b>                    |
|---|---------------------------------------|---|-------------------------------------|-------------------------------------|
| <b>a)</b> 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>b)</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"/> |
| <b>c)</b> 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"/> |
| <b>d)</b> 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"/> |
| <b>e)</b> 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"/> |
| <b>f)</b> 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"/> |
| <b>g)</b> 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"/> |
| <b>h)</b> 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

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

| <b>IX. HYDROLOGY AND WATER QUALITY.</b><br><b>Would the project:</b>  | <b>Potentially Significant Impact</b> | <b>Less Than Significant with Mitigation Incorporated</b> | <b>Less Than Significant Impact</b> | <b>No Impact</b>                    |
|---|---------------------------------------|---|-------------------------------------|-------------------------------------|
| <b>c)</b> Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?   | <input type="checkbox"/>              | <input type="checkbox"/>                                  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| <b>d)</b> 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"/> |
| <b>e)</b> 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"/>            |
| <b>f)</b> Otherwise substantially degrade water quality?  | <input type="checkbox"/>              | <input type="checkbox"/>                                  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| <b>g)</b> 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"/> |
| <b>h)</b> 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"/>            |
| <b>i)</b> 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"/>            |
| <b>j)</b> Inundation by seiche, tsunami, or mudflow?  | <input type="checkbox"/>              | <input type="checkbox"/>                                  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| <b>k)</b> 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"/>            |
| <b>l)</b> Have a potentially significant impact on groundwater quality?   | <input type="checkbox"/>              | <input type="checkbox"/>                                  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| <b>m)</b> 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

| <b>X. LAND USE AND PLANNING.</b><br><b>Would the project:</b>  | <b>Potentially Significant Impact</b> | <b>Less Than Significant with Mitigation Incorporated</b> | <b>Less Than Significant Impact</b> | <b>No Impact</b>                    |
|--|---------------------------------------|---|-------------------------------------|-------------------------------------|
| <b>a)</b> Physically divide an established community?  | <input type="checkbox"/>              | <input type="checkbox"/>                                  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| <b>b)</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"/>            |
| <b>c)</b> 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

| <b><u>XI. MINERAL RESOURCES.</u></b><br><b>Would the project:</b>  | <b>Potentially Significant Impact</b> | <b>Less Than Significant with Mitigation Incorporated</b> | <b>Less Than Significant Impact</b> | <b>No Impact</b>                    |
|--|---------------------------------------|---|-------------------------------------|-------------------------------------|
| <b>a)</b> 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>b)</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

| <b>XII. NOISE.</b><br><b>Would the project result in:</b>  | <b>Potentially Significant Impact</b> | <b>Less Than Significant with Mitigation Incorporated</b> | <b>Less Than Significant Impact</b> | <b>No Impact</b>                    |
|--|---------------------------------------|---|-------------------------------------|-------------------------------------|
| <b>a)</b> 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>b)</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"/> |
| <b>c)</b> 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"/>            |
| <b>d)</b> 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"/>            |
| <b>e)</b> 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"/> |
| <b>f)</b> 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

| <b>XIII. POPULATION AND HOUSING.</b><br><b>Would the project:</b>  | <b>Potentially Significant Impact</b> | <b>Less Than Significant with Mitigation Incorporated</b> | <b>Less Than Significant Impact</b> | <b>No Impact</b>         |
|--|---------------------------------------|---|-------------------------------------|--------------------------|
| <b>a)</b> 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>b)</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"/> |
| <b>c)</b> 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

| <b>XIV. PUBLIC SERVICES.</b>   | <b>Potentially Significant Impact</b> | <b>Less Than Significant with Mitigation Incorporated</b> | <b>Less Than Significant Impact</b> | <b>No Impact</b>                    |
|--|---------------------------------------|---|-------------------------------------|-------------------------------------|
| <b>a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:</b> | <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><b>XV. RECREATION.</b></u>   | <b>Potentially Significant Impact</b> | <b>Less Than Significant with Mitigation Incorporated</b> | <b>Less Than Significant Impact</b> | <b>No Impact</b>         |
|---|---------------------------------------|---|-------------------------------------|--------------------------|
| <b>a)</b> 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>b)</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><b>XVI. TRANSPORTATION/TRAFFIC.</b></u><br><b>Would the project:</b>             | <b>Potentially Significant Impact</b> | <b>Less Than Significant with Mitigation Incorporated</b> | <b>Less Than Significant Impact</b> | <b>No Impact</b>                    |
|---|---------------------------------------|---|-------------------------------------|-------------------------------------|
| <b>a)</b> Generate substantial additional vehicular movement?                       | <input type="checkbox"/>              | <input checked="" type="checkbox"/>                       | <input type="checkbox"/>            | <input type="checkbox"/>            |
| <b>b)</b> Effect existing parking facilities, or demand for new parking?            | <input type="checkbox"/>              | <input checked="" type="checkbox"/>                       | <input type="checkbox"/>            | <input type="checkbox"/>            |
| <b>c)</b> Substantially impact existing transportation systems?                     | <input type="checkbox"/>              | <input type="checkbox"/>                                  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| <b>d)</b> 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"/> |
| <b>e)</b> Result in inadequate emergency access?                                    | <input type="checkbox"/>              | <input type="checkbox"/>                                  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| <b>f)</b> 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

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

| <b><u>XVII. UTILITIES AND SERVICE SYSTEMS.</u></b><br><b>Would the project:</b>  | <b>Potentially Significant Impact</b> | <b>Less Than Significant with Mitigation Incorporated</b> | <b>Less Than Significant Impact</b> | <b>No Impact</b>                    |
|--|---------------------------------------|---|-------------------------------------|-------------------------------------|
| effects?   |                                       |   |                                     |                                     |
| <b>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?</b>                                     | <input type="checkbox"/>              | <input type="checkbox"/>                                  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| <b>d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?</b>  | <input type="checkbox"/>              | <input type="checkbox"/>                                  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| <b>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?</b> | <input type="checkbox"/>              | <input type="checkbox"/>                                  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| <b>f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?</b>  | <input type="checkbox"/>              | <input type="checkbox"/>                                  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| <b>g) Comply with federal, state, and local statutes and regulations related to solid waste?</b>   | <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

| <b><u>XVIII. MANDATORY FINDINGS OF SIGNIFICANCE.</u></b>  | <b>Potentially Significant Impact</b> | <b>Less Than Significant with Mitigation Incorporated</b> | <b>Less Than Significant Impact</b> | <b>No Impact</b>         |
|---|---------------------------------------|---|-------------------------------------|--------------------------|
| <b>a)</b> 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>b)</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"/> |
| <b>c)</b> 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.

7/5/2018  
DATE

  
JULIA ACKER  
SENIOR PLANNER

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

County of Mendocino  
Ukiah, California  
July 19, 2018

GP\_2014-0002/R\_2014-0003 – BRIAN ADKINSON

RESOLUTION OF THE PLANNING COMMISSION, COUNTY OF MENDOCINO, STATE OF CALIFORNIA, RECOMMENDING THE BOARD OF SUPERVISORS ADOPT A MITIGATED NEGATIVE DECLARATION AND GRANT A GENERAL PLAN AMENDMENT TO CHANGE A PORTION OF (APNs: (APNs: 046-070-26, -27, -28) FROM RURAL RESIDENTIAL TO RURAL COMMUNITY AND REZONE OF (APNs: 046-070-26, -27, -28) FROM RURAL RESIDENTIAL AND RURAL COMMUNITY TO COMMERCIAL – GENERAL WITH COMBINING DISTRICTS OF CONTRACT REZONE AND FLOOD PLAIN

WHEREAS, the applicant, Brian Adkinson and James Roberts, filed an application for General Plan Amendment and Rezone with the Mendocino County Department of Planning and Building Services to change the General Plan Land Use Designation of 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), as depicted in Exhibit “A” attached hereto and incorporated by this reference, 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 Contract Rezone and floodplain combining districts (C-2:CR[FP]), as depicted in Exhibit “B” attached hereto and incorporated by this reference, 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). Supervisorial District 5; (the “Project”); and

WHEREAS, a Mitigated Negative Declaration was prepared for the Project and noticed and made available for agency and public review on 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, at which time the Planning Commission heard and received all relevant testimony and evidence presented orally or in writing regarding the Project. All interested persons were given an opportunity to hear and be heard regarding the Project; and

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

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

1. **General Plan and Zoning Consistency Findings:** The proposed project is for a general plan amendment and rezone to make the entire parcel one consistent general plan classification and zoning district. The proposed general plan classification of Rural Community and zoning designation of General Commercial are appropriate for the site. The proposed land use classification for this project, Rural Community, is intended to designate small, unincorporated towns and community centers (including areas in the Community Planning Areas such as the Anderson Valley Community Area) which are logical, planned centers for future growth with the Rural Community classification. The proposed project is consistent with the Anderson Valley Community Area Plan and will help further the achievement of the goals in the Plan. The

proposed General Commercial zoning designation is typically applied in the central core of community areas where commercial facilities are desired. The site for the proposed project is located within the main commercial and industrial area of Philo and the proposed zoning district would be appropriate for the site with inclusion of the protections provided in the proposed Contract Rezone. A Contract Rezone is necessary so as not to create problems inimical to the public health, safety or welfare of the County, in that the conditions imposed by the contract will ensure that resources located within the parcel are protected from potential environmental impacts resulting from the change in general plan designation and zoning district.

2. **Environmental Protection Findings:** The environmental impacts identified in the initial study for the project can be adequately mitigated through the features of the project design or the conditions imposed by the Contract Rezone so that no significant adverse environmental impacts will result from this project; therefore, a Mitigated Negative Declaration is adopted.

BE IT FURTHER RESOLVED that the Planning Commission recommends the Board of Supervisors grant the requested Rezone and General Plan Amendment, subject to the Contract Rezone provisions in Exhibit "C", attached hereto and incorporated herein by this reference.

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

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

ATTEST: VICTORIA DAVIS  
Commission Services Supervisor

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

BY: BRENT SCHULTZ  
Director

MADELIN HOLTKAMP, Chair  
Mendocino County Planning Commission

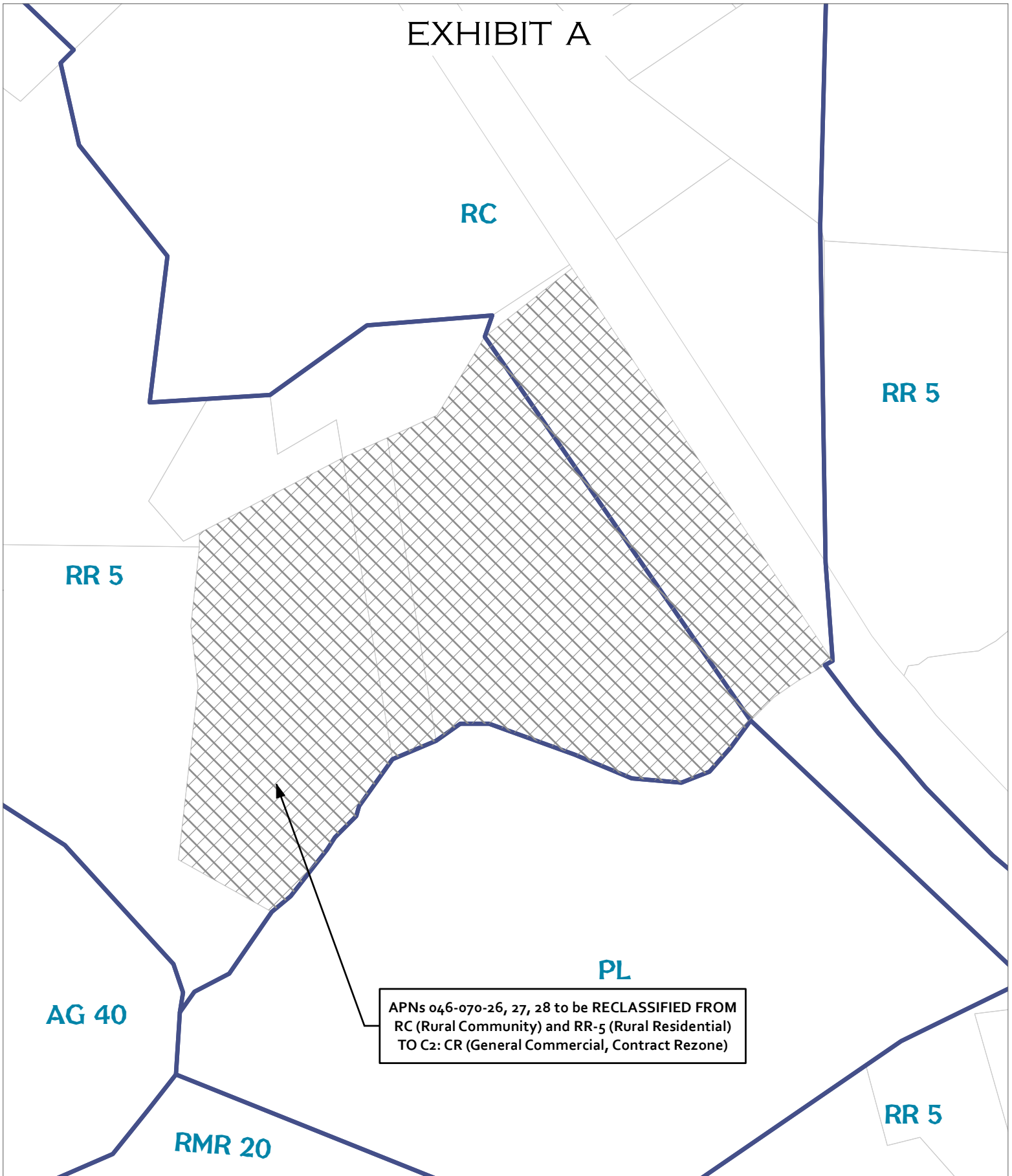
---

**EXHIBIT A: GENERAL PLAN EXHIBIT**

**EXHIBIT B: REZONE EXHIBIT**

**EXHIBIT C: REZONE CONTRACT**

# EXHIBIT A



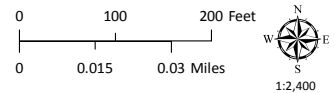
CASE: GP 2014-0002 / R 2014-0003  
OWNER: ADKINSON, Brian  
APN: 046-070-26, 27, 28  
APLCT: Brian Adkinson  
AGENT:  
ADDRESS: 8800 Hwy. 128, Philo



RECLASSIFY FROM: R-C (Rural Community) and  
RR-5 (Rural Residential, 5 Ac. minimum)  
TO: C-2: CR [FP] (General Commercial, Contract Rezone)



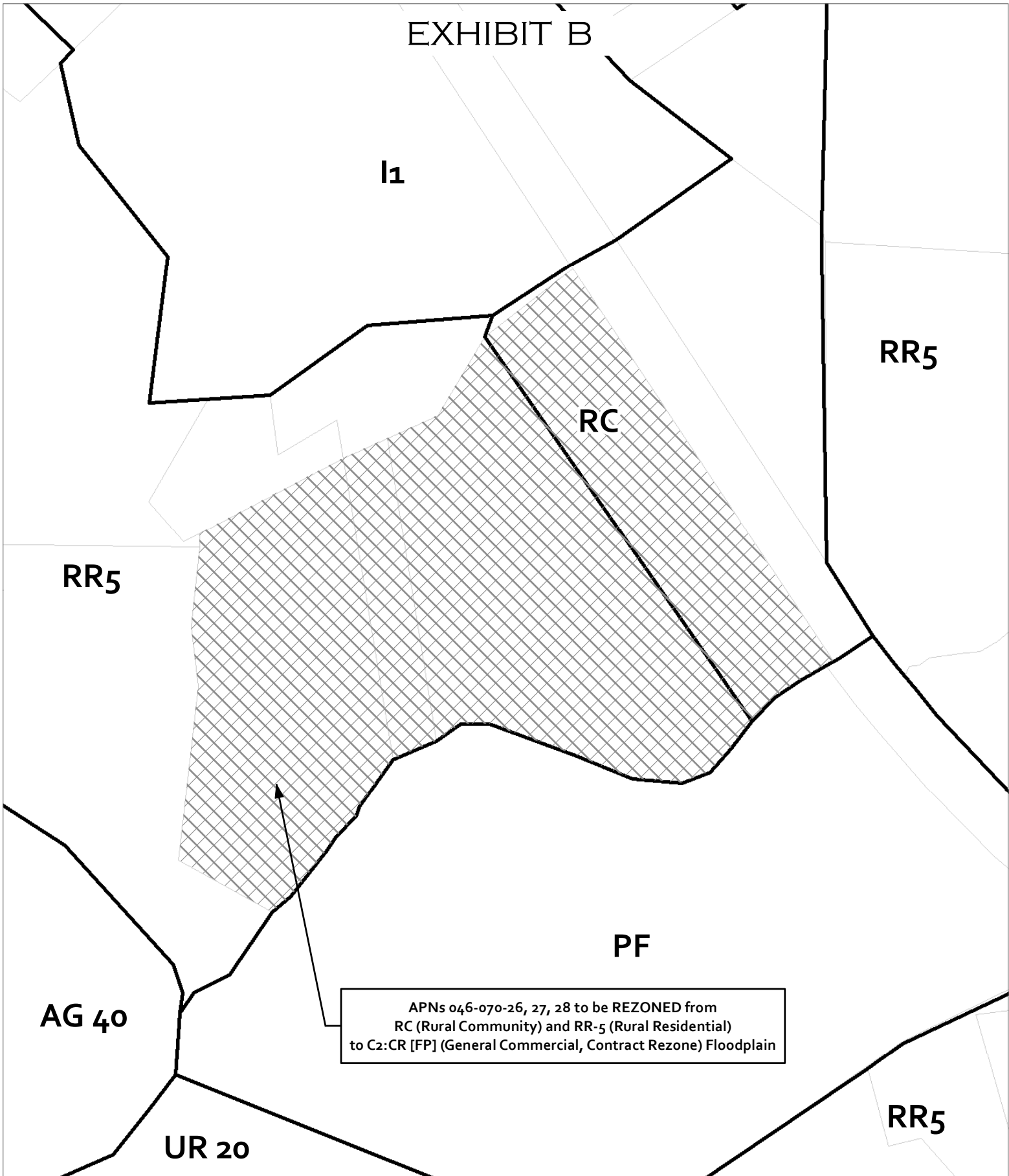
General Plan Classes



GENERAL PLAN EXHIBIT

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

# EXHIBIT B



APNs 046-070-26, 27, 28 to be REZONED from RC (Rural Community) and RR-5 (Rural Residential) to C2:CR [FP] (General Commercial, Contract Rezone) Floodplain

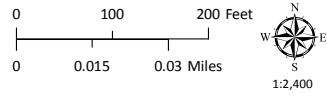
CASE: GP 2014-0002 / R 2014-0003  
OWNER: ADKINSON, Brian  
APN: 046-070-26, 27, 28  
APLCT: Brian Adkinson  
AGENT:  
ADDRESS: 8800 Hwy. 128, Philo



REZONE FROM: R-C (Rural Community) and RR-5 (Rural Residential, 5 Ac. minimum)  
TO: C-2:CR [FP] (General Commercial, Contract Rezone) Floodplain



Zoning Districts



REZONE EXHIBIT

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

RECORDING REQUESTED BY  
AND WHEN RECORDED MAIL TO:  
County of Mendocino  
Board of Supervisors  
501 Low Gap Road  
Ukiah, CA 95482

**CONTRACT FOR COMPLIANCE WITH REZONING CONDITIONS**  
(Section 27281.5 of the Government Code)  
**REZONE R\_2014-0003**

IN CONSIDERATION OF the adoption by the Board of Supervisors of Ordinance Number \_\_\_\_\_ and the grant of a rezone of Assessor’s Parcel Numbers 046-070-26 (Parcel 1 of CC\_2016-0024), 046-070-27 (Parcel 2 of CC\_2016-0024), 046-070-28 (Parcel 3 of CC\_2016-0024), which parcels are depicted in Exhibit A, attached hereto and incorporated herein by this reference, and which parcels are more particularly described in Exhibit B attached hereto and incorporated herein by this reference (the “Property”), from RR-5:FP and RC:FP to C-2:CR[FP], the owner of the above-referenced property, Brian Adkinson (“Owner”), hereby warrants that he is the owner of the foregoing property, and Agrees and Promises to comply with the following conditions pursuant to Section 27281.5 of the California Government Code and Section 20.212 of Mendocino County Code.

**CONDITIONS**

The following conditions are hereby imposed upon the Property, certain of which must be fulfilled prior to or in conjunction with the issuance of an approved building permit to construct any structure for a permitted use or the establishment and construction of accessory structure(s) associated with a permitted use, or the approval of any discretionary action (including a subdivision), hereinafter referred to as “Project”, within the boundaries of the Property shown in Exhibit A:

1. The Contract Rezone to C-2 will limit the **Permitted Uses** on the subject property as follows:

**A. Residential Use Types**

- Family residential-single family

**B. Civic Use Types**

- Cultural exhibits and library services

**C. Commercial Use Types**

- Administrative and business offices
- Animal sales and services-household pets
- Commercial Recreation-
  - Outdoor Sports and Recreation-Limited (samples are tennis courts and athletic fields)
  - Indoor Entertainment (samples are theaters, dance halls, and auditoriums)
  - Outdoor Entertainment (samples are sports arenas, racing facilities, and amusement parks)
- Eating and drinking establishments (samples are restaurants and bars)
- Food and beverage preparation-without consumption (samples include catering)
- Food and beverage retail sales (samples are grocery store, liquor stores and retail bakeries)
- Mail order businesses (sample is phone or on-line sales)
- Personal services (samples are barber shop, beauty parlor, health or physical fitness studios)
- Retail sales-general (samples are department, apparel, furniture stores, specialty items, art supplies and framing and many more)
- Transient Habitation-Lodging (sample are hotels, motels and inns)
- Transient Habitation-Resort and Recreational Facilities

**D. Agricultural Use Types**

- Horticulture
- Packing and processing-limited (packing or processing crops grown on the property)

- Row and field crops
- Tree crops

Uses subject to a **Minor Use Permit**, as follows:

**A. Residential Use Types**

- Family residential – two family
- Family residential – multifamily
- Family residential – dwelling groups

**B. Civic Use Types**

- Day care facilities/small schools
- Group care

**D. Industrial Use Types**

- Custom manufacturing

Uses subject to **Major Use Permit**, as follows:

**A. Residential Use Types**

- Mobile home residential

**B. Civic Use Types**

- Educational facilities

**C. Commercial Use Types**

- Transient habitation – campground

2. A maximum limit of 8,000 square feet of space for “Retail sales-general” and/or “Eating and drinking establishments,” as measured from the footprint of the proposed building.
3. Prior to issuance of a building permit for any development, an Exhibit Map of the site shall be prepared clearly delineating the 150 foot riparian buffer, as measured from the centerline of the creek, with respect to any existing or proposed structures on the property. Copies of the exhibit map shall be kept on file with Mendocino County Department Planning and Building Services for reference.
4. In accordance with recommendations provided by the California Department of Fish and Wildlife, only six (6) accommodation units, campground pavilion, accessory structure, and spa are allowed within the 150 foot buffer to the centerline of Mill Creek and Indian Creek.
5. All work on the Property must comply with the California Fish and Game Code (FGC). Applicable FGC sections include, but are not limited to, those that address:
  - a. Diversion of water from, or impacts to the bed, channel or bank of a stream;
  - b. Take of nesting birds or their eggs;
  - c. Water pollution, or placing deleterious materials where they may pass into a stream; and
  - d. Impacts to threatened or endangered species.
6. Prior to issuance of a building permit, a Site Development Plan shall be required for any future development on the subject property prepared to the satisfaction of the Mendocino County Department of Planning and Building Services providing, at a minimum, the following details:
  - a. site plan including design layout, circulation and parking details
  - b. building elevations and floor plans
  - c. signage and lighting for proposed commercial or other activity
  - d. topography and approximate slope gradient
7. Prior to issuance of a building permit for any development, the applicants will be required to prepare a site plan with their vision of the ultimate build-out on the Property for the review and recommendation of the California



## EXHIBIT C

Department of Transportation (“Caltrans”) for traffic safety along Highway 128 and at the ingress/access point on the Property. Written verification from Caltrans shall be submitted to the Mendocino County Department of Planning and Building Services that all requirements have been met to the satisfaction of that agency.

8. Prior to issuance of a building permit for any development, Best Management Practices and performance standards for prevention of stormwater runoff and erosion shall be specified for the construction phase of the project. The Best Management Practices and performance standards are subject to review and approval by the Mendocino County Planning Division and California Department of Fish and Wildlife.
9. Prior to issuance of a building permit for any development within 150 feet of the centerline of Mill Creek and Indian Creek, the applicant shall demonstrate compliance with the recommended mitigation measures found on pages 16-17 of the Biological Scoping Survey Report, dated April 21, 2015, prepared by Spade Natural Resources Consulting. Copies of the referenced Biological Scoping Survey Report, dated April 21, 2015, prepared by Spade Natural Resources Consulting shall be kept on file with Mendocino County Planning and Building Services for reference. Mitigation Measures are as follows:
  - a. Pomo Bronze Shoulderband Snail – prior to any vegetation removal or ground disturbance a qualified biologist shall survey the site and collect and relocate any individuals of species. Removal of non-native invasive plant species including periwinkle, English ivy, and Himalaya blackberry shall be completed to the greatest extent practicable. Herbicides shall not be used for vegetation removal as they may have a deleterious effect on the snails. Additional plantings of native vegetation shall be considered, big leaf maple, in particular may provide additional favorable habitat for the Pomo bronze shoulderband.
  - b. Sonoma Tree Vole – If Douglas fir trees are to be removed, a Sonoma tree vole survey shall occur within two weeks of tree removal activities. If tree voles are detected, the California Department of Fish and Wildlife shall be consulted and appropriate measures taken to assure protection of this special status wildlife species.
  - c. Special Status Birds and Bats – If vegetation removal and/or structure removal is needed, special status bird and bat surveys may be needed as follows:
    - i. The bird breeding season typically extends from February to August. Ideally, the clearing of vegetation and the initiation of construction can be done in the non-breeding season between September and January. If these activities cannot be done in the non-breeding season, a qualified biologist shall perform preconstruction breeding bird surveys within 14 days of the onset of construction or clearing of vegetation. If active breeding bird nests are observed, generally no ground disturbance activities should occur within a minimum 100-foot exclusion zone. These exclusion zones may vary depending on species, habitat and level of disturbance. The California Department of Fish and Wildlife shall be consulted as to the required exclusion zone. The exclusion zone shall remain in place around the active nest until all young are no longer dependent upon the nest. A biologist should monitor the nest site weekly during the breeding season to ensure the buffer is sufficient to protect the nest site from potential disturbances.
    - ii. As with birds, bat roost sites can change from year to year, so pre-construction surveys are usually necessary to determine the presence or absence of bat roost sites in a given area. Pre-construction bat surveys do not need to be performed if work or vegetation removal is conducted between September 1 and October 31, after young have matured and prior to the bat hibernation period. However, if it is necessary to disturb potential bat roosts sites between November 1 and August 31, pre-construction surveys shall be conducted. Pre-construction bat surveys involve surveying trees, rock outcrops, and buildings subject to removal or demolition for evidence of bat use (guano accumulation or acoustic or visual detections). If evidence of bat use is found, then biologists shall conduct acoustic surveys under appropriate conditions using an acoustic detector, to determine whether a site is occupied. If bats are found, a minimum 50 foot buffer shall be implemented around the roost tree. Removal of roost trees shall occur in September and October, or after the bats have left the roost.

## EXHIBIT C

- iii. In summary, no impacts would be expected and therefore no pre-construction surveys would be required for the species above if vegetation removal (including standing dead trees) is scheduled for the months of September or October. The months of November through August would require a bird and/or bat survey dependent on the time of year.
  - iv. The need for further surveys for marbled murrelet and northern spotted owl may be determined by the California Department of Fish and Wildlife.
- d. Special-status Amphibians and Reptiles – for general development, project contractors shall be trained by a qualified biologist in the identification of the special-status amphibians and reptiles. Construction crews will begin each day with a visual search around all stacked or stored materials, as well as, along any silt fences to species. If a species is detected, construction crews shall contact the California Department of Fish and Wildlife or a qualified biologist prior to re-initiating work. If a rain event occurs, all modular activities will cease for a period of 48 hours after the rain stops. Prior to resuming construction activities, trained construction crew member(s) will examine the site for the presence of special-status amphibians and reptiles. If none are found, activities may resume.
  - e. Special-status Vegetation – Before any removal of native vegetation of the aforementioned special-status vegetation communities (redwood forest, red alder forest, California bay forest, and Douglas-fir – Tanoak forest), consultation with the County of Mendocino Planning and Building Department and California Department of Fish and Wildlife shall occur to determine the appropriate course of action.
  - f. Watercourses – Buffers of a minimum of 100 feet from the banks shall be established around all watercourses, buffers a minimum of 50 feet shall be observed from the drip line of all riparian vegetation (except as otherwise authorized in the conditions of approval). The buffer width required will depend on the development proposed adjacent to the watercourse and the natural resources that are dependent upon the watercourse and the adjacent upland habitat.
  - g. Invasive English ivy (*Hedera helix*), periwinkle (*Vinca major*), French broom (*Genista monspessulana*), and Himalaya-berry (*Rubus armeniacus*) shall be removed from all portions of the property to the greatest extent practicable. Landscaping on the parcel shall consist of non-invasive plants.

IT IS AGREED that the forgoing agreement and promise shall constitute a deed restriction and shall run with the land and constitute an equitable servitude and restrictive covenant on the use and enjoyment of the Property. Any act, contract, or authorization by Owner whether written or oral which uses or would cause to be used or would permit use of the Property contrary to the terms of this Contract will be deemed a violation and a breach hereof. The County may pursue any and all available legal and/or equitable remedies to enforce the terms and conditions of this Contract. In the event of a breach, any forbearance on the part of a party to enforce the terms and provisions hereof shall not be deemed a waiver of enforcement rights regarding any subsequent breach.

In the event of non-compliance with the aforesaid conditions, consent is hereby given that the aforesaid property may be rezoned in compliance with Government Code Sections 65853, et seq., and shall be subject to other action authorized by the Mendocino County Code.

IT IS FURTHER AGREED that this contract shall be binding upon the successors and assigns of the owners of the land known as Assessor Parcel Numbers 046-070-26, -27, -28, which is depicted in Exhibit A, attached hereto and incorporated herein by this reference, and more particularly described in Exhibit B, and shall be effective only after it is signed by the owners and verified by the County of Mendocino.

---

Brian Adkinson  
Owner

---

Date

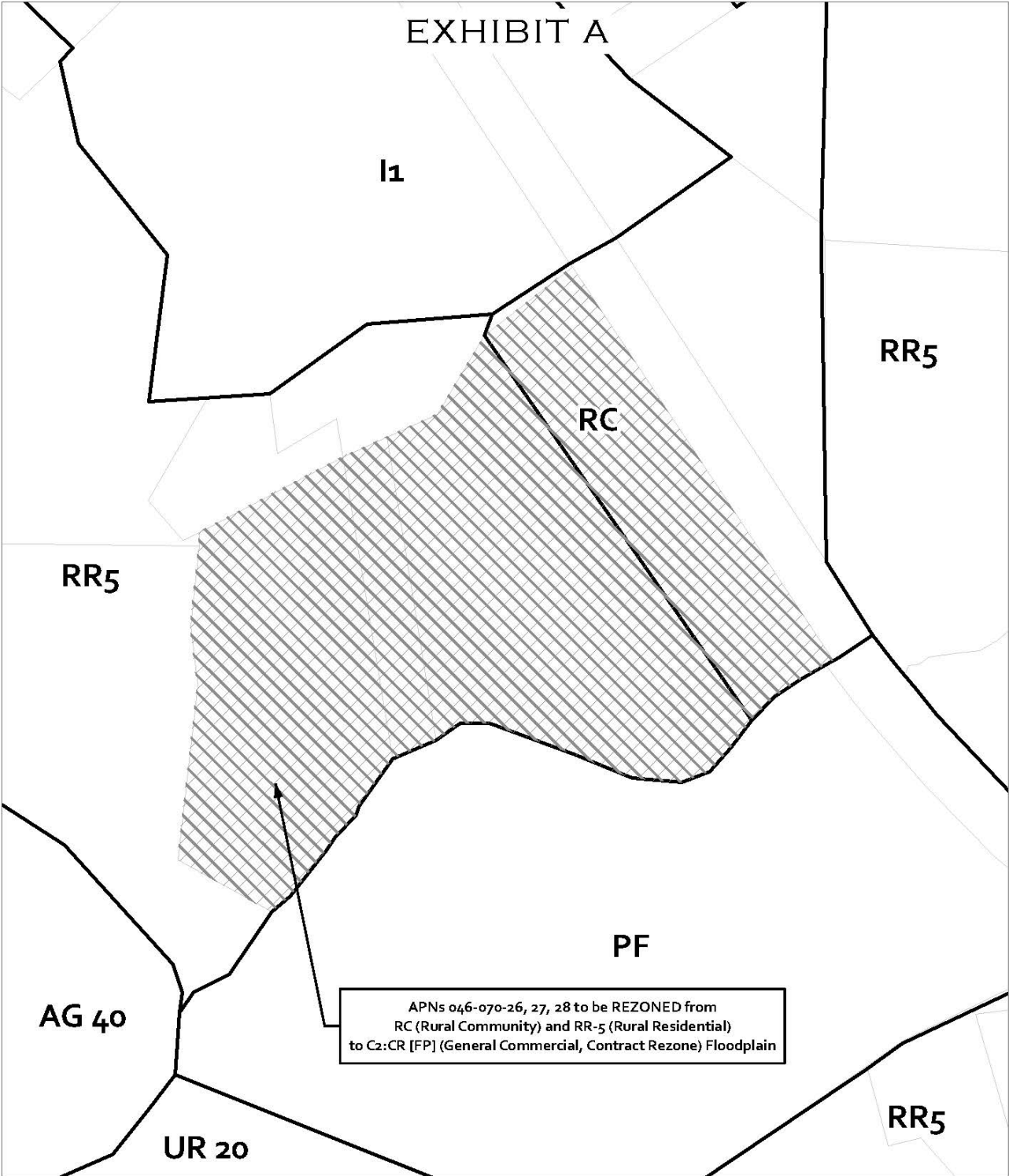
ACKNOWLEDGEMENT

STATE OF CALIFORNIA  
County of Mendocino


On the \_\_\_\_\_ day of \_\_\_\_\_, 2018, before me, the undersigned a Notary Public, in and for said State, personally appeared \_\_\_\_\_ personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/ are subscribed to the within instrument and acknowledge to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf which the person(s) acted, executed the instrument.

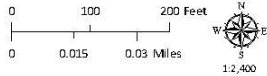
WITNESS my hand and official seal.


\_\_\_\_\_



CASE: GP 2014-0002 / R 2014-0003  
 OWNER: ADKINSON, Brian  
 APN: 046-070-26, 27, 28  
 APLCT: Brian Adkinson  
 AGENT:

 REZONE FROM: R-C (Rural Community) and RR-5 (Rural Residential, 5 Ac. minimum)  
 TO: C-2:CR [FP] (General Commercial, Contract Rezone) Floodplain



 Zoning Districts

REZONE EXHIBIT

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

## Exhibit "B"

(Legal description for Parcel 1 of CC 2016-0024)

Commencing at the corner common to Sections 17, 18, 19 and 20, Township 14 North, Range 14 West, Mount Diablo Meridian; and running thence South 80°10' West, 917.24 feet to the westerly side of State Highway 128; thence Southeasterly along the westerly line of said highway, 837.5 feet; thence South 51°00' West, 187.33 feet; thence South 60°10' West, 265.0 feet; thence South 13°00' East, 66.24 feet to the **POINT OF BEGINNING** of the parcel of land being herein described; thence South 62°59' West, 243.50 feet; thence South 03°10' West, 168.24 feet; thence South 11°30' East, 106.92 feet; thence South 03°48' West, 274.52 feet; thence South 60°42' East, 182.59 feet to a point on the southerly bank of Indian Creek; thence Northeasterly 295.54 feet, more or less, on the said southerly bank of Indian Creek; thence North 13°00' West, 493.76 feet to the Point of Beginning, containing 3.6 acres, more or less, and comprising a portion of the east half of the northeast quarter of said Section 19.

This description is from the deed recorded December 20, 1950 in Book 282, Official Records, Page 277, Mendocino County Records.

EXCEPTING THEREFROM any portion of the above described property that lies within the property described in the Quitclaim Deed recorded April 27, 1960 in Book 538, Official Records, Page 580, Mendocino County Records.

Portion of AP 046-070-14

(Legal description for Parcel 2 of CC 2016-0024)

Commencing at the corner common to Sections 17, 18, 19 and 20, Township 14 North, Range 14 West, Mount Diablo Meridian; and running thence South 80°10' West, 917.24 feet to the westerly side of State Highway 128; thence Southeasterly along the westerly line of said highway, 837.5 feet; thence South 51°00' West, 187.3 feet; thence South 60°10' West, 185.0 feet to the **POINT OF BEGINNING** of this description; thence on the exterior boundaries of the land to be described as follows; South 13°00' East, 574.67 feet to the southerly bank of Indian Creek to a point in the northerly boundary of a certain parcel of land described in a deed from Charles L. Donohoe to the State of California, dated Feb. 1, 1942 and recorded in Liber 156 of Official Records, page 209, Mendocino County Records; thence along said creek in a Southwesterly direction 80.0 feet; thence North 13°00' West, 560.0 feet to a point in the southerly boundary of a certain parcel of land described in a deed from Harold E. Eyles and Hazel D. Eyles to Fred H. Perkins and Adelaide G. Perkins, and recorded in Liber 200 of Official Records, page 378, Mendocino County Records; thence North 60°10' East, 80.0 feet to the Point of Beginning, containing 1.1 acres, more or less, and comprising a portion of the east half of said Section 19.

This description is from the deed recorded December 20, 1950 in Book 254, Official Records, Page 378, Mendocino County Records.

EXCEPTING THEREFROM any portion of the above described property that lies within the property described in the Quitclaim Deed recorded April 27, 1960 in Book 538, Official Records, Page 580, Mendocino County Records.

Portion of AP 046-070-14

## Exhibit "B" Continued

(Legal description for Parcel 3 of CC 2016-0024)

Commencing at the corner common to Sections 17, 18, 19 and 20, Township 14 North, Range 14 West, Mount Diablo Meridian; and running thence South 80°10' West, 917.24 feet to the westerly side of State Highway 128; thence Southeasterly along the westerly line of said highway, 837.5 feet to the **POINT OF BEGINNING** of this description; thence on the exterior boundaries of the land to be described as follows; South 51°00' West, 187.33 feet; thence South 60°10' West, 185 feet; thence South 13°00' East, 574.67 feet to the southerly bank of Indian Creek to a point in the northerly boundary of a certain parcel of land described in a deed from Charles L. Donohoe to the State of California, dated Feb. 1, 1942 and recorded in Liber 156 of Official Records, page 209, Mendocino County Records; thence along said creek in a northeasterly direction 604 feet to the Section line between said Sections 19 and 20; thence North along said Section line to the center of the channel of said creek; thence along the center of the channel of said creek, in a Northeasterly direction, 6 rods and 12 feet to the westerly line of State Highway 128; thence in a Northwesterly direction along the westerly line of said highway, 802 feet to the Point of Beginning, containing 7.5 acres, more or less, and comprising a portion of the east half of the northeast quarter of said Section 19.

This description is from the deed recorded August 22, 1946 in Book 200, Official Records, Page 494, Mendocino County Records.

EXCEPTING THEREFROM any portion of the above described property that lies within the property described in the Quitclaim Deed recorded April 27, 1960 in Book 538, Official Records, Page 580, Mendocino County Records.

Portion of AP 046-070-14