



## MEMORANDUM

DATE: SEPTEMBER 15, 2016  
TO: PLANNING COMMISSION  
FROM: JOHN SPEKA  
SUBJECT: MS\_2014-0010/U\_2015-0003 (MARIETTA VINEYARDS)

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On April 21, 2016, the Planning Commission reviewed the applicant's request for a Minor Subdivision of a 269± acre parcel to create four parcels of approximately 40, 28, 161 and 40 acres. A use permit was also requested as part of the project to implement a Planned Development (PD) on the subject property as was an exception to "flag lot" standards with a proposed access driveway over 300 feet in depth.

Based on concerns brought up by the Commission during the hearing related to lot sizes and configurations, proposed setbacks from new property lines, fragmentation of agricultural lands and other items, direction was given to staff to develop findings for denying the project which was continued to May 19, 2016.

At the May 19<sup>th</sup> Planning Commission hearing, the applicant requested the opportunity to address concerns raised by the Commission and bring back for consideration revisions to the project at a later date. As a result, the project was continued to a date uncertain to allow for the revisions to be made and subsequently reviewed by the Subdivision Committee before being scheduled for another hearing by the Planning Commission.

Revisions were submitted to Planning for review including, 1) new lot configurations resulting in parcels of 40, 44, 133 and 52 acres (removing the non-conforming Parcel 2 originally proposed to be approximately 28 acres), 2) revised building envelopes ensuring that all structures are a minimum of 200 feet from newly proposed lot lines, and 3) a "no build" note placed on the map to protect riparian vegetation located on Parcel 1 between Old River Road and the Russian River. The proposed revisions will not result in any significant changes to previously analyzed impacts and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act (CEQA).

The Subdivision Committee reviewed the revisions on July 14, 2016, recommending approval of the project subject to the addition of Condition Number 26 to read:

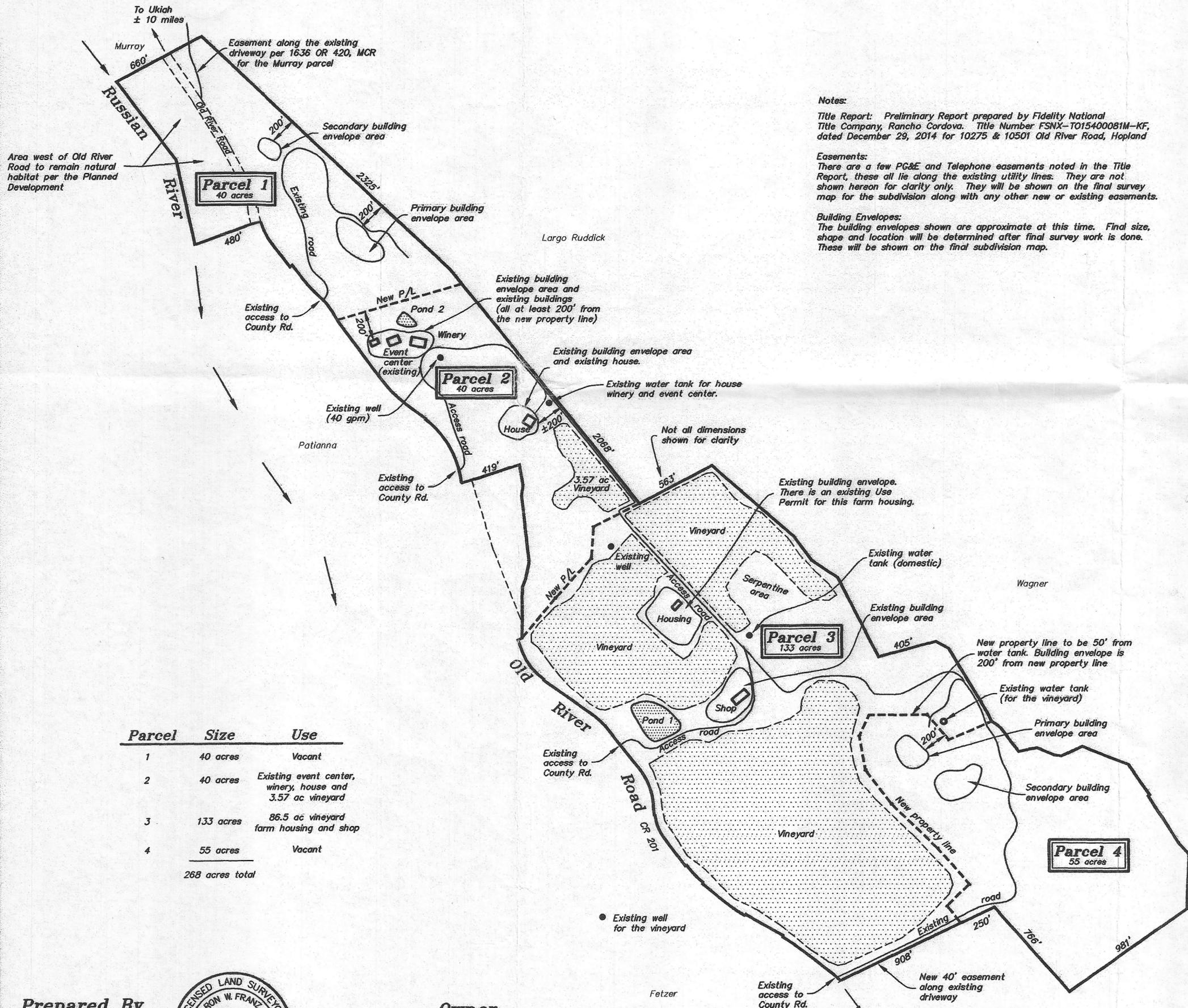
No future development or disturbance of riparian vegetation shall occur on the portion of Parcel 1 between Old River Road and the Russian River. A note shall be placed on the Parcel Map stating this restriction with respect to said portion of Parcel 1.

All other conditions are to remain per the original resolution prepared for the April 21 hearing.

**RECOMMENDATION:** The Planning Commission adopts the attached revised resolution to certify the Mitigated Negative Declaration and approves the request for a Minor Subdivision and Use Permit creating four parcels with the recommended conditions of approval and mitigation measures in Exhibit A.

**ATTACHMENTS:**

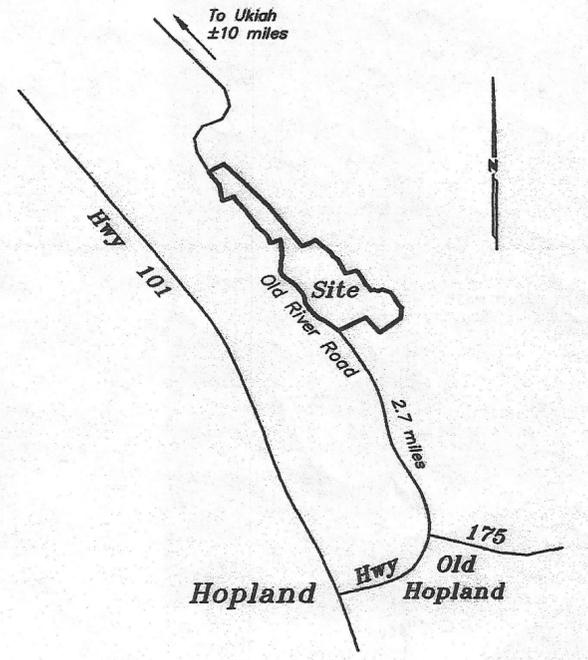
- A. Revised Tentative Map
- B. Revised Resolution
- C. Planning Commission Packet- April 21, 2016
- D. April 21, 2016 PC Minutes
- E. May 19, 2016 PC Minutes



**Notes:**  
 Title Report: Preliminary Report prepared by Fidelity National Title Company, Rancho Cordova. Title Number FSNX-T01540081M-KF, dated December 29, 2014 for 10275 & 10501 Old River Road, Hopland

**Easements:**  
 There are a few PG&E and Telephone easements noted in the Title Report, these all lie along the existing utility lines. They are not shown hereon for clarity only. They will be shown on the final survey map for the subdivision along with any other new or existing easements.

**Building Envelopes:**  
 The building envelopes shown are approximate at this time. Final size, shape and location will be determined after final survey work is done. These will be shown on the final subdivision map.



**Location Map**  
 Not to Scale

Parcel	Size	Use
1	40 acres	Vacant
2	40 acres	Existing event center, winery, house and 3.57 ac vineyard
3	133 acres	86.5 ac vineyard farm housing and shop
4	55 acres	Vacant
268 acres total		

**Prepared By**  
 Ron W. Franz RCE, PLS  
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 707-462-1087



**Owner**  
 Marietta Vineyards, LLC  
 P.O. Box 800  
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 707-433-2747

**- Revised -  
 Tentative Map**  
 Minor Subdivision 10-2014  
 10275 & 10501 Old River Road, Hopland  
 Revised May 5, 2016 -- Scale: 1"=500'

10/28/15 Revisions to building envelopes and setbacks.  
 05/05/16 Revisions to building setbacks and parcel sizes.





County of Mendocino  
Ukiah, California  
September 15, 2016

MS\_2014-0010/U\_2015-0003 - MARIETTA VINEYARD LLC

RESOLUTION OF THE PLANNING COMMISSION, COUNTY OF MENDOCINO, STATE OF CALIFORNIA, ADOPTING A MITIGATED NEGATIVE DECLARATION AND GRANTING A MINOR SUBDIVISION AND USE PERMIT FOR A PLANNED DEVELOPMENT FOUR PARCEL SUBDIVISION OUTSIDE OF HOPLAND.

WHEREAS, the applicant, MARIETTA VINEYARD LLC, filed a revised application for Minor Subdivision and Use Permit with the Mendocino County Department of Planning and Building Services to subdivide a 269 +/- acre parcel creating 4 parcels of 40, 44, 133 and 52 acres, respectively, and implement a Planned Development (PD); and

WHEREAS, a Mitigated Negative Declaration (MND) was prepared for the Project and noticed and made available for agency and public review on March 20, 2016, 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 April 21, 2016, and again on May 19, 2016, and September 15, 2016, at which time the Planning Commission heard and received all relevant testimony and evidence presented orally or in writing regarding the MND and the Project. All interested persons were given an opportunity to hear and be heard regarding the MND and the Project; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission makes the following findings;

1. General Plan Findings: The subject property is classified Agricultural Lands (AG) under the General Plan. The project is consistent with the General Plan per Policy DE-16.
2. Zoning Findings: The subject property is zoned Agricultural (AG 40) with an overlay Planned Development (PD) Combining District. The project is consistent with County Zoning per Section 20.052 and Section 20.136.020.
3. Use Permit Findings: The Planning Commission approves Minor Subdivision and Use Permit MS\_2014-0010/U\_2015-0003 subject to the conditions of approval recommended by staff and found in Exhibit A of the resolution further finding:
  - a) That the establishment, maintenance or operation of a use or building applied for is in conformity to the General Plan;
  - b) That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.
  - c) That the proposed use will not constitute a nuisance or be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in or passing through the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the county.
  - d) That such use preserves the integrity of the zoning district.

4. Division of Land Regulations: The Planning Commission finds the project to be consistent with Chapter 17 of the Mendocino County Code (Division of Land Regulations).
5. ~~Subdivision Moratorium: The Planning Commission finds that the project is exempt from the moratorium imposed by the Coplan Settlement agreement due to the following:~~
  - a) ~~The subject property does not fit the criteria that would qualify it as a candidate for multifamily rezoning. Both the General Plan designation and the zoning district are Agricultural, with a density of one unit per 40 acres, and~~
  - b) ~~The property does not lie within a water or sewer district, nor is it located within 300 feet of service lines.~~

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

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

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

BE IT FURTHER RESOLVED that the Planning Commission action shall be final on the 11<sup>th</sup> day after the date of the Resolution unless an appeal is taken.

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

ATTEST: ADRIENNE M. THOMPSON  
Secretary to the Planning Commission

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

BY: STEVEN D. DUNNICLIFF  
Director

MOLLY WARNER, Chair  
Mendocino County Planning Commission

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REVISED EXHIBIT A

CONDITIONS OF APPROVAL AND MITIGATION MONITORING  
AND REPORTING PROGRAM  
MS\_2014-0010/U\_2015-0003  
SEPTEMBER 15, 2016

Minor Subdivision of a 269± acre parcel to create 4 parcels of 40, 44, 133 and 52 acres, respectively. A use permit is also requested to implement a Planned Development (PD) on the subject property.

**CONDITIONS OF APPROVAL AND MITIGATION MEASURES:**

**Aesthetics**

1. The following note shall be placed on the **Parcel Map**:

*All future external lighting, whether installed for security, safety or landscape design purposes, shall be shielded, downcast or shall be positioned in a manner that will not shine or allow light glare to exceed the boundaries of the parcel on which it is placed.*

**Agricultural/Forestry**

2. Pursuant to Mendocino County Code Chapter 10A.13 (Nuisance and Consumer Disclosure), A notation shall appear on the **Parcel Map**:

*The property is within, adjacent to or within 300 feet of Agricultural Preserve or Timber Production Zoning and residents of the property may be subject to inconvenience or discomfort arising from use of agricultural chemicals, and from the pursuit of agricultural and timber operations including, but not limited to, cultivation, plowing, spraying, pruning, harvesting, crop protection, which occasionally generate dust, smoke, noise and odor, and protecting animal husbandry from depredation, and should be prepared to accept such inconvenience or discomfort as normal and necessary to farming and timber harvesting operations.*

3. A notation shall appear on the **Parcel Map**:

*All structures (proposed) shall maintain a minimum setback of 200 feet from all property boundaries contiguous with lands classified Agricultural Lands or Range Lands.*

4. A notation shall appear on the **Parcel Map**:

*Second Residential units shall not be allowed on any of the parcels per Contract Rezone #R 4-2006.*

**Air Quality**

5. A note shall appear on the **Parcel Map**:

*Prior to the development phase of the project, the subdivider shall contact the Mendocino County Air Quality Management District for a determination as to the need for an Asbestos Dust Mitigation Plan and/or Geologic Survey to comply with CCR section 93105 and 93106 relating to naturally occurring asbestos. Written verification from the Air Quality Management District shall be submitted to the Department of Planning and Building Services stating that the project is in compliance with State and Local regulations relating to naturally occurring asbestos.*

## Biological Resources

- \*\*6. Subdivider shall adhere to all building envelopes as shown on the Tentative Map dated October 28, 2018, avoiding sensitive habitats as recommended in the Botanical Survey prepared by WRA, dated June 4, 2015, and revised August 18, 2005.

*A note shall be placed on the **Parcel Map** that no development shall be allowed that would disturb any of the Biological or Natural Communities as delineated on Attachment A-2 of the above noted WRA Survey on file with the Department of Planning and Building Services.*

- \*\*7. Prior to the clearing of vegetation and/or initiation of construction activities, a nesting raptor survey shall be performed by a qualified biologist. The preconstruction survey shall be performed within a 500-foot radius of the future development location within 14 days of the onset of construction or clearing activities. If nesting raptors are found, avoidance measures should be incorporated into the construction activities to prevent disturbance to nesting raptors. Impacts would be less than significant.

8. This entitlement does not become effective or operative and no work shall be commenced under this entitlement until the California Department of Fish and Game filing fees required or authorized by Section 711.4 of the Fish and Game Code are submitted to the Mendocino County Department of Planning and Building Services. Said fee of \$ 2,260.25 (OR CURRENT FEE) shall be made payable to the Mendocino County Clerk and submitted to the Department of Planning and Building Services prior to May 2, 2016 (within 5 days of the end of any appeal period). Any waiver of the fee shall be on a form issued by the Department of Fish and Game upon their finding that the project has “no effect” on the environment. If the project is appealed, the payment will be held by the Department of Planning and Building Services until the appeal is decided. Depending on the outcome of the appeal, the payment will either be filed with the County Clerk (if the project is approved) or returned to the payer (if the project is denied). Failure to pay this fee by the specified deadline shall result in the entitlement becoming null and void. **The applicant has the sole responsibility to insure timely compliance with this condition.**

## Cultural Resources

9. A note shall appear on the **Parcel Map**:

*In the event that archaeological resources are encountered during development of the property, work in the immediate vicinity of the find shall be halted until all requirements of Chapter 22.12 of the Mendocino County Code relating to archaeological discoveries have been satisfied.*

10. Those “Recommendations” outlined in the Archaeological Report dated 1/29/2015, prepared by Origer/Holden, Registered Professional Archaeologist s shall be complied with. In the event that additional archaeological resources are encountered during development of the property, work in the immediate vicinity of the find shall be halted until all requirements of Chapter 22.12 of the Mendocino County Code relating to archaeological discoveries have been satisfied.

## Geology & Soils

- \*\*11. The subdivider shall **acknowledge in writing** to the Department of Planning and Buildings Services that all grading activities and site preparation, at a minimum, shall adhere to the following “Best Management Practices”. The applicant shall submit to the Department of Planning and Building Services an acknowledgement of these grading and site preparation standards.
- a. That adequate drainage controls be constructed and maintained in such a manner as to prevent contamination of surface and/or ground water, and to prevent erosion.
  - b. The applicant shall endeavor to protect and maintain as much vegetation on the site as possible, removing only as much as required to conduct the operation.

- c. All concentrated water flows, shall be discharged into a functioning storm drain system or into a natural drainage area well away from the top of banks.
- d. Temporary erosion and sediment control measures shall be established and maintained until permanent protection is established.
- e. Erosion control measures shall include, but are not limited to, seeding and mulching exposed soil on hill slopes, strategic placement of hay bales below areas subject to sheet and rill erosion, and installation of bioengineering materials where necessary. Erosion control measures shall be in place prior to October 1<sup>st</sup>.
- f. All earth-moving activities shall be conducted between May 15<sup>th</sup> and October 15<sup>th</sup> of any given calendar year unless wet weather grading protocols are approved by the Department of Planning and Building Services or other agencies having jurisdiction.
- g. Pursuant to the California Building Code and Mendocino County Building Regulations a grading permit will be required unless exempted by the Building Official or exempt by one of the following:
  - i. An excavation that (1) is less than 2 feet (610 mm) in depth or (2) does not create a cut slope greater than 5 feet (1524 mm) in height and steeper than 1 unit vertical in 1½ units horizontal (66.7% slope).
  - ii. A fill less than 1 foot (305 mm) in depth and placed on natural terrain with a slope flatter than 1 unit vertical in 5 units horizontal (20% slope), or less than 3 feet (914 mm) in depth, not intended to support structures, that does not exceed 50 cubic yards (38.3 m<sup>3</sup>) on any one lot and does not obstruct a drainage.

## Hazards/Hazardous Materials

### Flood

12. All areas within the subdivision subject to flooding shall be clearly identified on the **Parcel Map**. The information on the parcel map shall be based on a flood hazards report prepared by a Civil Engineer and filed with the Planning and Building Services Department and the Mendocino County Department of Transportation. The flood hazards report, using data developed by the Federal Emergency Management Agency, shall clearly identify the magnitude of the flood potential as such relates to the subdivision. A reference to the report shall be made on the parcel map.

The area of the subdivision within the “floodway” as defined by the federal Emergency Management Agency and on file with the Mendocino County Planning and Building Services Department shall be delineated as a drainage easement on the Parcel Map.

A note shall appear on the **Parcel Map**:

*Development within the flood plain as identified on this map is subject to those restrictions in the Flood Plain Regulations of the Mendocino County Code.*

### Fire

13. The subdivider shall comply with those recommendations in the **California Department of Forestry** letter of 1/20/2015 (**CalFire# 10-15**) or other alternatives as acceptable to the **Department of Forestry**. Written verification shall be submitted from the **Department of Forestry** to the Department of Planning and Building Services that this condition has been met to the satisfaction of the **Department of Forestry**.

14. The subdivider shall comply with those recommendations of the **Sanel Valley Fire District** or other alternatives as acceptable to the **Fire District**. Written verification shall be submitted from **Fire District** to the Department of Planning and Building Services that this condition has been met to the satisfaction of the **Fire District**.

### **Hydrology and Water Quality**

15. The applicant shall provide the Division of Environmental Health adequate advance written notice (minimum of 15 days) of the date and time any field soil testing procedures for any proposed on-site sewage systems to allow the Division of Environmental Health staff to be present for soil testing.
16. The applicant shall submit to the Division of Environmental Health an acceptable site evaluation report (DEH FORM # 42.04) for parcel(s) 1 and 4 completed by a qualified individual demonstrating compliance with the North Coast Regional Water Quality Control Board's Basin Plan Policy for On-site Waste Treatment and Disposal and Mendocino County Division of Environmental Health's Land Division Requirements (DEH FORM # 26.09).
17. The applicant shall submit to the Division of Environmental Health an acceptable site development plan at a scale of not more than 1 inch = 50 feet showing all adjacent parcels on one sheet completed by a qualified individual showing the location and dimensions of the initial sewage disposal system(s), 100% replacement area(s), acceptable setback distances to water wells and other pertinent setback distances which may impact project site development.
18. The applicant shall submit to the Division of Environmental Health acceptable water quantity evaluation(s):
  - 1200 gallon Proof of Water Test Form 26.05 per current requirements. Inland Areas, (DEH FORM # 26.05) completed by a qualified individual of a water source located on parcel(s) 1, 2, 3, OR 4, of the subdivision demonstrating an adequate water supply in compliance with the Division of Environmental Health's Land Division Requirements (DEH FORM # 26.09).
19. The applicant shall submit to the Division of Environmental Health an acceptable standard mineral analysis performed by a certified public health laboratory from an identified source on the subdivision. Compounds to be tested for, at a minimum are: Calcium, Iron (total), Magnesium, Manganese (total), Potassium, Sodium, Bicarbonate, Carbonate, Corrosivity (pH), Alkalinity (total), Total dissolved solids, Turbidity, Chloride, Fluoride, Nitrate, Sulfate, Calcium hardness, Magnesium hardness and Total hardness.

### **Land Use and Planning**

20. All existing structures shall meet current setback requirements to newly proposed property lines. A site map shall be submitted to the satisfaction of Planning and Building Services clearly identifying compliance.

### **Population/Housing**

21. The subdivider shall pay into the County Affordable Housing Trust Fund (per County Code Section 20.238.035) an amount equaling 2% of the County-wide median sales price of a single family residence as determined by the County Assessor. Said fee shall be collected prior to the recording of the Parcel Map.

### **Transportation**

22. If a Parcel Map is filed, all easements of record shall be shown on the parcel map. All utility lines shall be shown as easements with widths as shown of record or a minimum of ten (10) feet, whichever is greater.

23. If approval of the tentative map is conditioned upon certain improvements being made by the subdivider, the subdivider shall notify the Mendocino County Department of Transportation when such improvements have been completed.
24. ROAD IMPROVEMENT REQUIREMENTS.
  - A. Standard private driveway approaches shall be constructed to serve Parcels 1 and 4, both with a minimum width of ten (10) feet, and length to be improved fifteen (15) feet from the edge of the County road, and paved with surfacing comparable to that on the County road. Commercial road approaches shall be constructed to serve Parcels 2 and 3 with a minimum width of eighteen (18) feet, and length to be improved f
  - B. Any proposed work within County rights-of-way requires obtaining an encroachment permit from the Mendocino County Department of Transportation.

**Additional Conditions**

25. Pursuant to Government Code Section 66492 & 66493, prior to recordation of the **Parcel Map**, the subdivider must: (1) Obtain a Certificate from the Mendocino County Tax Collector stating that all current taxes and any delinquent taxes have been paid and; (2) Pay a security deposit (or bond) for taxes that are a lien, but not yet due and payable.
- \*\*26. No future development or disturbance of riparian vegetation shall occur on the portion of Parcel 1 between Old River Road and the Russian River. A note shall be placed on the Parcel Map stating this restriction with respect to said portion of Parcel 1.

\*\* Indicates conditions relating to Environmental Considerations - deletion of these conditions may affect the issuance of a Mitigated Negative Declaration.

**THIS DIVISION OF LAND IS DEEMED COMPLETE WHEN ALL CONDITIONS HAVE BEEN MET, AND THE APPROVED PARCEL MAP IS RECORDED BY THE COUNTY RECORDER.**





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**PLANNING COMMISSION STAFF REPORT  
MINOR SUBDIVISION AND USE PERMIT**

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**APRIL 21, 2016  
MS\_2014-0010  
U\_2015-0003**

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**SUMMARY**

**OWNER/APPLICANT:** MARIETTA VINEYARDS, LLC  
PO BOX 800  
GEYSERVILLE, CA 95441

**AGENT:** BEN KAISI  
PO BOX 800  
GEYSERVILLE, CA 95441

**REQUEST:** Minor Subdivision of a 269± acre parcel to create 4 parcels of 40, 28, 161 and 40 acres, respectively. A use permit is also requested to implement a Planned Development (PD) on the subject property. Application includes a request for an exception to "flag lot" standards with a proposed access driveway over 300 feet in depth.

**DATE DEEMED COMPLETE:** JANUARY 14, 2016

**LOCATION:** Approximately 3.9 miles northeast of Hopland, lying on the east side of Old River Road (CR 201), 3± miles north of its intersection with University Road (CR 116B), located at 9801, 10275 and 10501 Old River Road: APN's 047-310-09, 047-370-11 and 047-380-05.

**TOTAL ACREAGE:** 269± acres

**GENERAL PLAN:** Agriculture- 40 acre minimum (AG40)

**ZONING:** Agriculture- 40 acre minimum: Planned Development: Flood Plain (AG40:PD:FP)

**SUPERVISORIAL DISTRICT:** 5

**ENVIRONMENTAL DETERMINATION:** MITIGATED NEGATIVE DECLARATION

**RECOMMENDATION:** **APPROVE WITH CONDITIONS**

**PROJECT PLANNER:** JOHN SPEKA

**BACKGROUND**

**PROJECT DESCRIPTION:** The applicant is requesting the Minor Subdivision of a 269 ± acre parcel to create four parcels of approximately 40, 28, 161 and 40 acres, respectively. While the AG zoning district requires minimum parcel sizes of 40 acres, County Code provides for a reduction in lot sizes for properties also located within a Planned Development (PD) Combining District. As a means of implementing better defined design parameters, a project must secure a use permit to ensure that the proposed features of the "planned development" are applied. As a result, a use permit is also requested as part of the subject project. The application includes a request for an exception to "flag lot" standards with a proposed access driveway over 300 feet in depth.

**RELATED APPLICATIONS:** On January 10, 1991, Use Permit #U 48-90 was approved by the Zoning Administrator on a portion of the subject property allowing two structures (manager's residence and bunkhouse) to be used for Farm Labor Housing. The permit expired in 1996, although continued use of the structures beyond that year necessitated the subsequent approval by the Zoning Administrator of Use Permit #U 5-2014 on June 12, 2014.

Boundary Line Adjustment #B 50-99 was approved by the Subdivision Committee on June 25, 1999, including a portion of the subject property. A Completion Certificate was issued on June 28, 1991.

On July 21, 2011, the Planning Commission recommended that the Board of Supervisors adopt General Plan Amendment #GP 3-2006, amending the General Plan Land Use classification of the subject property from Range Lands (RL) to Agricultural Lands (AG). As part of the project, the Planning Commission also recommended that the Board adopt the associated Rezone #R 4-2006, amending the zoning designation of the subject property from Range Land (RL160) to Agricultural with a Planned Development Combining District (AG40:PD). The rezoning was subject to a contract, or a Contract Rezone (CR), ensuring that several existing structures and uses were brought into zoning compliance. The contract consisted of four conditions summarized as follows:

1. Approval of a use permit to continue use of the existing farm labor structures (see reference to #U 5 2014, above).
2. A building permit for an unpermitted mobile home on-site used as farm employee housing (since removed).
3. Future subdivision of the property shall not allow for second residences.
4. The Event Center shall be recognized as an existing use subject to current or future provisions governing wineries and/or winery operations.

On August 12, 2011, the Board of Supervisors adopted, by resolution, #GP 3-2006 and the associated #R 4-2006, by ordinance.

### **PROJECT SETTING**

**SITE CHARACTERISTICS:** The project area consists of approximately 269 acres, lying mainly along the east side of Old River Road with a 10-acre portion located between the west side of the road and the Russian River. Moderate to steep slopes characterize the landscape which includes scattered development, agriculture (vineyards), riparian woodlands, oak woodlands, native and non-native grasslands. There are several seasonal drainages that generally flow in a southwest direction toward the Russian River. Surrounding land uses consist of sparse residential and agricultural on larger (between 10 and 100+ acres), AG and RL zoned property. Current improvements on the proposed parcels include the following:

Parcel 1 (40 acres) - Existing driveway off of Old River Road used to access primary and secondary building envelopes. No structures or other improvements currently exist on the parcel.

Parcel 2 (28 acres) – Three existing buildings (events center, barn and winery) are located at the northerly end of the parcel with an existing single family residence near the southern end. The parcel includes two existing leach fields and a well and takes access from Old River Road.

Parcel 3 (161 acres) – Mainly comprised of vineyards and associated ponds, the parcel includes farm labor housing (per Minor Use Permit #U 5-2014, see above), a shop, a developed but currently unused well and a water tank which is located along its southeasterly border.

Parcel 4 (40 acres) – Currently vacant with primary and secondary building envelopes near the western boundary. Access to the proposed envelopes would be taken from Old River Road. No other improvements currently exist on the parcel.

**SURROUNDING LAND USE AND ZONING:**

	<b>GENERAL PLAN</b>	<b>ZONING</b>	<b>LOT SIZES</b>	<b>USES</b>
<b>NORTH</b>	AG40/RL160	AG40/RL160	9.42± acres	Residential
<b>EAST</b>	AG40/RL160	AG40/RL160	396.99± acres and 1,069.16± acres	Rangeland, vineyard
<b>SOUTH</b>	RL160	RL160	84.08± acres	Rangeland, vineyard, residential
<b>WEST</b>	AG40/RL160	AG40/RL160	126.6± acres	Vineyard, residential

**SERVICES:**

Access: OLD RIVER ROAD (CR 201)  
Fire District: SANEL VALLEY  
Water District: NONE  
Sewer District: NONE  
School District: UKIAH UNIFIED

**AGENCY COMMENTS:**

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

REFERRAL AGENCIES	RELATED PERMIT	COMMENT	DATE
Department of Transportation	Encroachment Permit	Comments	1/12/16 and 1/26/16
Environmental Health-FB/Ukiah		Comments	1/14/16
Building Services-Ukiah PBS		No Comment	11/10/15
Assessor		No Response	
Farm Advisor		No Response	
Agriculture Commissioner		No Response	
Forestry Advisor		No Response	
Air Quality Management District		No Response	
Archaeological Commission		Comments	1/29/15
Resource Lands Protection Comm		No Comment	12/17/15
Native Plant Society		Comments	12/18/15
CalFire		Comments	11/11/15
Dept. of Fish & Wildlife		Comments	12/22/15
Sanel Fire District		No Response	

**KEY ISSUES**

**Key Issue #1 General Plan and Zoning Consistency:** The subject property is classified Agricultural Lands (AG) under the General Plan, lying within an Agricultural (AG40) Zoning District (40-acre minimum lot size), with an overlay Planned Development (PD) Combining District.

Policy DE-16 of the General Plan notes “[r]esidential uses, farmworker housing [and] agricultural uses” as among the acceptable uses under an Agricultural designation, each of which currently take place on the property and would not be impacted by approval of the project.

General Plan Policy RM-109 states that:

*Discretionary projects and parcels created by land divisions shall be designed and sized to be compatible with contiguous lands classified Agricultural Lands or Range Lands. Criteria include but are not limited to the following:*

- *The number of ownerships and land use intensities adjacent to parcels classified Agricultural Lands or Range Lands shall be minimized.*
- *Projects shall be designed to reduce growth-inducing impacts and maintain a stable limit to urban development.*
- *Building envelopes, clustered development, and commercial, industrial, civic, and sensitive uses shall be designed with buffers or setbacks from lands classified Agricultural Lands or Range Lands. Buffers are defined generally as a physical separation of 200 - 300 feet (depending on pesticide application impacts) with the potential for a reduced separation when a topographic feature, substantial tree-stand, landscaped berm, watercourse, or similar existing or constructed feature is provided and maintained...*

Proposed building envelopes would place any new structures a minimum of 200 feet from adjacent Range Lands classified property east of the project. Existing structures on Parcel 2 (i.e. event center approximately 50 feet minimum from the northerly property line and residence approximately 100 feet from the southerly property line) can be shown to be separated by tree stands, drainages or surrounding vineyard. Similarly, proposed property lines for Parcel 4 would situate a building envelope approximately 50 feet from the adjacent Parcel 3. Given the relative seclusion of the building pad within an opening of surrounding tree lines, staff considers the separation to be sufficient for the purposes of the General Plan policy.

**Key Issue #2- Planned Development:** Chapter 20.136 of the County Code allows for Planned Developments to be implemented subject to the approval of a use permit. Section 20.052.030 of the County Code requires a minimum lot area of 40 acres within an Agricultural District. While proposed Parcel 2 would be only 28± acres, Section 20.136.020 states that lot size regulations do not apply for property under a Planned Development.

Section 20.136.010 provides for General Development Criteria of a Planned Development, which are to be met before the project is granted a use permit, as follows:

- (A) *Compatibility with Adjacent Land Uses. A planned development shall be designed and developed in a manner compatible with and complementary to existing and potential residential, commercial or agricultural development in the immediate vicinity of the project site. Site planning on the perimeter shall give consideration to protection of the property from adverse surrounding influences, as well as protection of the surrounding areas from potentially adverse influences within the development.*
- (B) *Relation to Natural Features. A planned development shall relate harmoniously to the topography of its site, make suitable provision for preservation of water courses, wooded areas, rough terrain and similar natural features and areas, and shall otherwise be so designed as to use such natural features and amenities to best advantage.*

The creation of four lots will be compatible with adjacent land uses subject to the building envelopes proposed as part of the design. The envelopes are setback from adjacent agricultural lands in a manner as to protect surrounding vineyard or other agricultural uses. One residence is to be permitted on each of the newly created parcels as restricted by the previously adopted Contract Rezone. In addition, the building envelopes were sited to avoid noted sensitive habitat areas (e.g. serpentine soils, riparian areas, oak woodlands, etc.), as well as to have minimal impact of existing vineyard activities.

**Key Issue #3- Division of Land Regulations:** The project was reviewed by the County Subdivision Committee on January 14, 2016, at which time conditions of approval were recommended to ensure compliance with Chapter 17 of the Mendocino County Code (Division of Land Regulations).

An Exception to lot design standards has been requested to allow for a “flag lot” configuration on Parcel 4. County Code Section 17-52(K) states that:

*Flag lots or parcels whose access to the abutting street is provided by a strip or segment which is a part of said lot or parcel may be approved by the Planning Commission when necessitated by topography or other special condition, provided however, that the main portion of the lot meets the provisions of this Chapter as to length, depth, area and design. In no case shall the access strip be less than twenty (20) feet in width nor greater than three hundred (300) feet in depth and improvements shall be constructed therein to provide an all weather driveway.*

Article X of the County Division of Land Regulations provides for Exception requests in certain cases. Section 17-87 states as follows:

*The Planning Commission may grant a request for an exception only upon the affirmative finding that:*

- (A) There are special circumstances or conditions affecting the proposed division of land.*
- (B) The granting of the exception will not be detrimental to the public welfare or injurious to surrounding property.*

Access to proposed Parcel 4 is encumbered by an existing vineyard which necessitates an extended “flag stem” of more than 300 feet allowing for the requisite findings to be made. Granting of the Exception would not be detrimental to the public welfare or injurious to surrounding property. Comments received from the County Department of Transportation (DOT) have additionally expressed support for the request.

**Key Issue #4- Environmental Protection:** An Initial Study was completed for the project in accordance with the California Environmental Quality Act (CEQA) Guidelines. Included as part of the review was a Protocol-level Special-status and Sensitive Natural Community Survey prepared for the project by WRA Environmental Consultants dated June 4, 2015, with a revised version dated August 18, 2015. According to the survey, nine special-status plant species have the potential to occur within the vicinity of the Project Area, although the survey resulted in a “negative finding” for those species of concern.

Two of the nine special-status species, *Colusa layia (Layia septentionalis)* and *Guggolz' harmonia (Harmonia guggolziorum)*, “were determined to be senesced and beyond ready identification,” due to the April/May bloom season of the noted species and the actual date of the survey taking place on May 22, 2015. This fact was echoed in comments received from the California Native Plant Society (Sanhedrin Chapter) noting that the survey was conducted too late in the season to identify certain rare plants.

Normally, the inability to identify a sensitive species due to the appropriateness of the bloom season would require additional surveys of a project area. However, the particular habitat requirements of the two noted special-status species include serpentine soils, also considered to be a sensitive habitat in Mendocino County. Building envelopes have been established on each of the proposed parcels which lie outside of these areas. According to the survey, “[t]he siting of proposed building envelopes outside of serpentine habitats avoids impacts to both this protected community as well as *Colusa layia (Layia septentionalis)* and *Guggolz' harmonia (Harmonia guggolziorum)*, as these species are strict endemics or strong indicators or serpentine habitat.” Comments received from the California Department of Fish and Wildlife concurred with the assessment made in the report, stating “avoiding areas of serpentine habitats will greatly reduce the risk of impacting serpentine-endemic species,” and that “in this specific instance additional surveys could be deemed unnecessary.”

Condition Number 6 is recommended to ensure that any future development remain within the proposed building envelopes, or, in cases where new access roads are to be developed, outside of sensitive areas mapped within the report prepared by WRA dated August 18, 2015. Adherence to the condition requirements would hold impacts to a less than significant level with respect to sensitive or special-status habitats.

A second item with regard to environmental protection involves potential nesting grounds in the area. Recommendations were made in a biological evaluation for the previous General Plan Amendment/Rezone project on the subject property dated May 10, 2010, which recognized that future development could disturb nesting raptors or other wildlife on the property. Specifically, the report noted the possibility that future site development could disturb nesting raptors. As a result, it was recommended in the evaluation "that a nesting raptor search be performed with a 500-foot radius of any future development locations prior to initiation of construction activities." Condition Number 7 is therefore recommended to require a survey prior to future construction on any of the newly created parcels. If nesting raptors are found, avoidance measures should be incorporated into the construction activities to prevent disturbance to nesting raptors.

Given that a use permit is required in conjunction with the requested subdivision as part of the Planned Development, the conditions proposed for the project will ensure that potential impacts are held to a less than significant level. As a result, a Mitigated Negative Declaration (MND) is can be adopted.

**Key Issue #5- Subdivision Moratorium:** On September 3, 2008, the County of Mendocino entered into a settlement agreement (BOS Agreement 10-023) referred to as the "Coplen Settlement" which required the County to rezone 24 acres of land to R-3 Multiple Family Residential or MU-2 Mixed Use General zoning. To count toward the settlement, all rezoned parcels were required to be within public water and sanitation districts and within 300-feet of existing water and sewer lines. Per a stipulation of the settlement agreement, beginning December 14, 2014, (two days prior to receiving the current application) no subdivisions were to occur within the Ukiah Valley Area Plan (UVAP) area unless the parcel did not meet these criteria and thus could not be rezoned to fulfill the terms of the Coplen Settlement. That area was expanded on June 1, 2015, to include subdivisions County wide. As a result, the project is now subject to the moratorium.

While the moratorium has yet to be lifted, the County has fulfilled its obligation with the requisite number of acres having been rezoned in recent months. In addition, the subject property does not fit the criteria that would qualify it as a candidate for multifamily rezoning. Both the General Plan designation and the zoning district are Agricultural, with a density of one unit per 40 acres. Furthermore, the property does not lie within a water or sewer district, nor is it located within 300 feet of service lines. Given the above circumstances, the subdivision is deemed to be exempt from the requirements of the moratorium.

**RECOMMENDATION:**

Adopt attached resolution to certify the Mitigated Negative Declaration and approve the request for a Minor Subdivision and Use Permit creating four parcels with the recommended conditions of approval and mitigation measures in Exhibit A.

\_\_\_\_\_  
DATE

Signature on File

\_\_\_\_\_  
JOHN SPEKA

JS/at  
March 1, 2016  
Appeal Fee: \$1820.00  
Appeal Days: 10 days

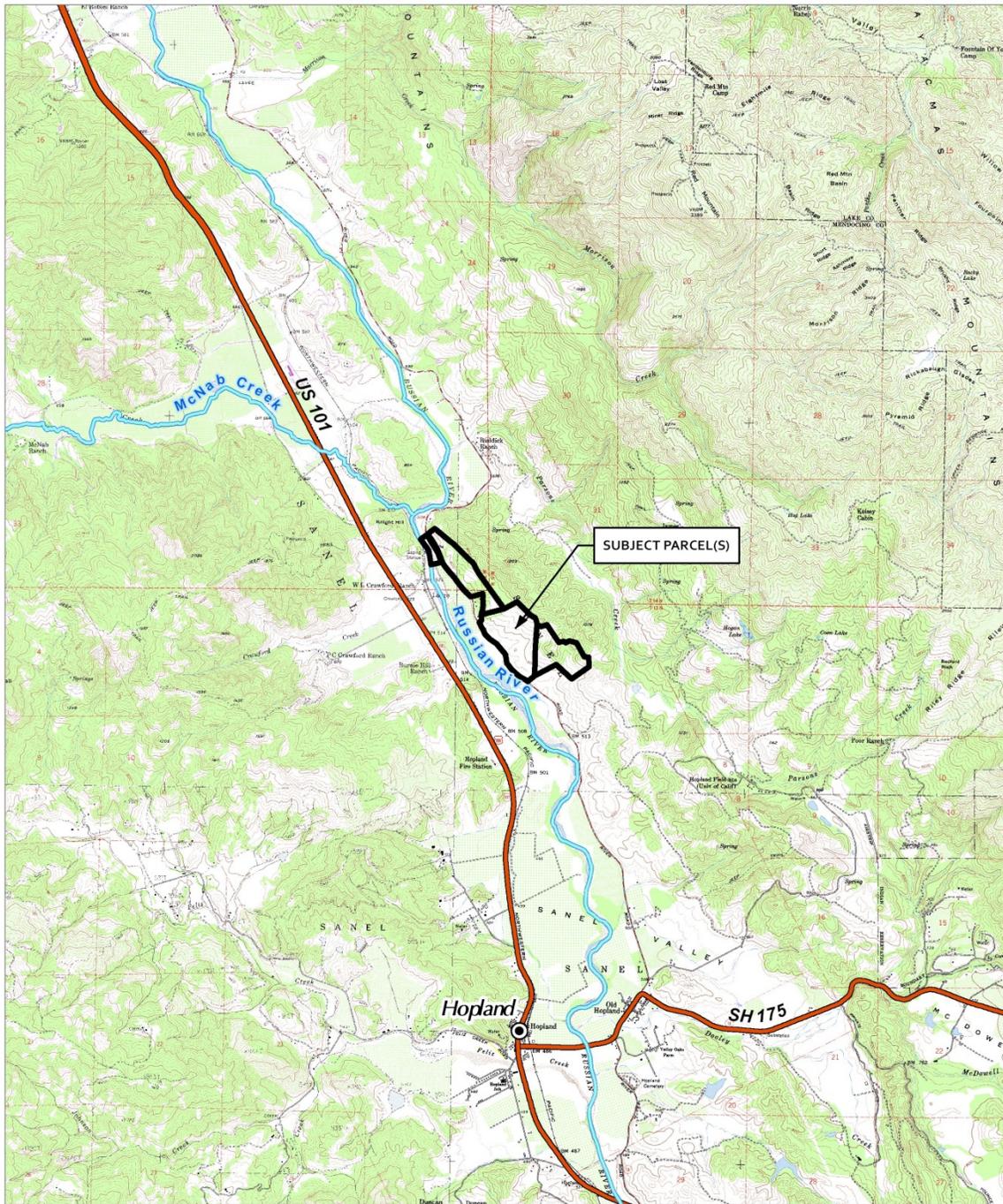
**ATTACHMENTS:**

- A. Location Map
- B. Topographical Map
- C. Aerial Map
- D. Tentative Map
- E. Adjacent Owner Map
- F. Zoning Map
- G. General Plan Map
- H. Fire Hazards Map
- I. Flood Zone Map
- J. Williamson Act Map

**RESOLUTION AND CONDITIONS OF APPROVAL (Exhibit A):**

**INITIAL STUDY:**





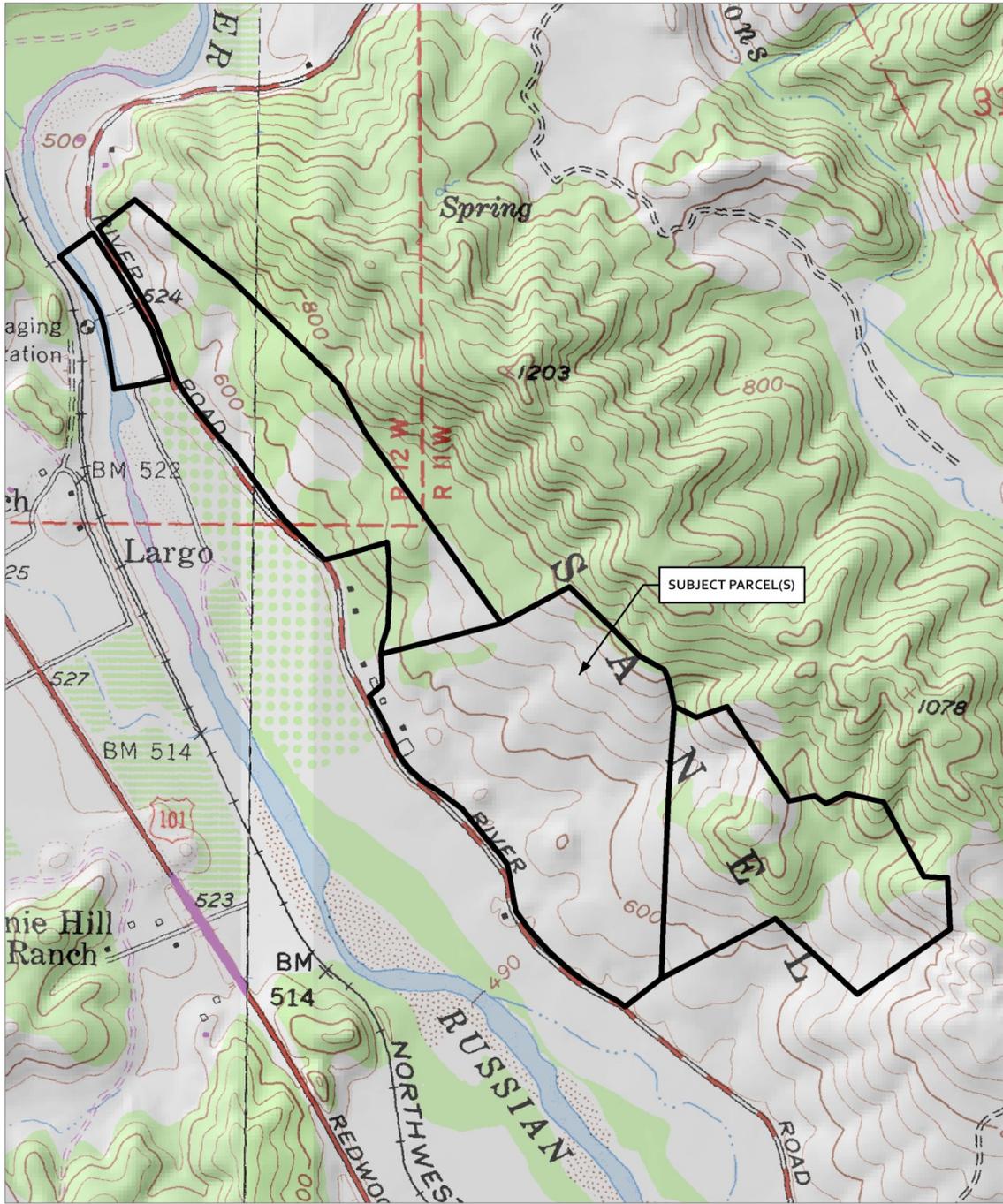
CASE: MS 2014-0010 / U 2015-0003  
 OWNER: Marietta Vineyards, LLC  
 APN: 047-310-05, 09, et. al.  
 APLT: Marietta Vineyards  
 ADDRESS: 10275 Old River Rd., HO

- Major Towns & Places
- Major Rivers
- Highways

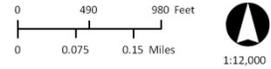


LOCATION MAP

Map produced by the Mendocino County Planning & Building Services, March, 2015  
 All spatial data is approximate. Map provided without warranty of any kind.

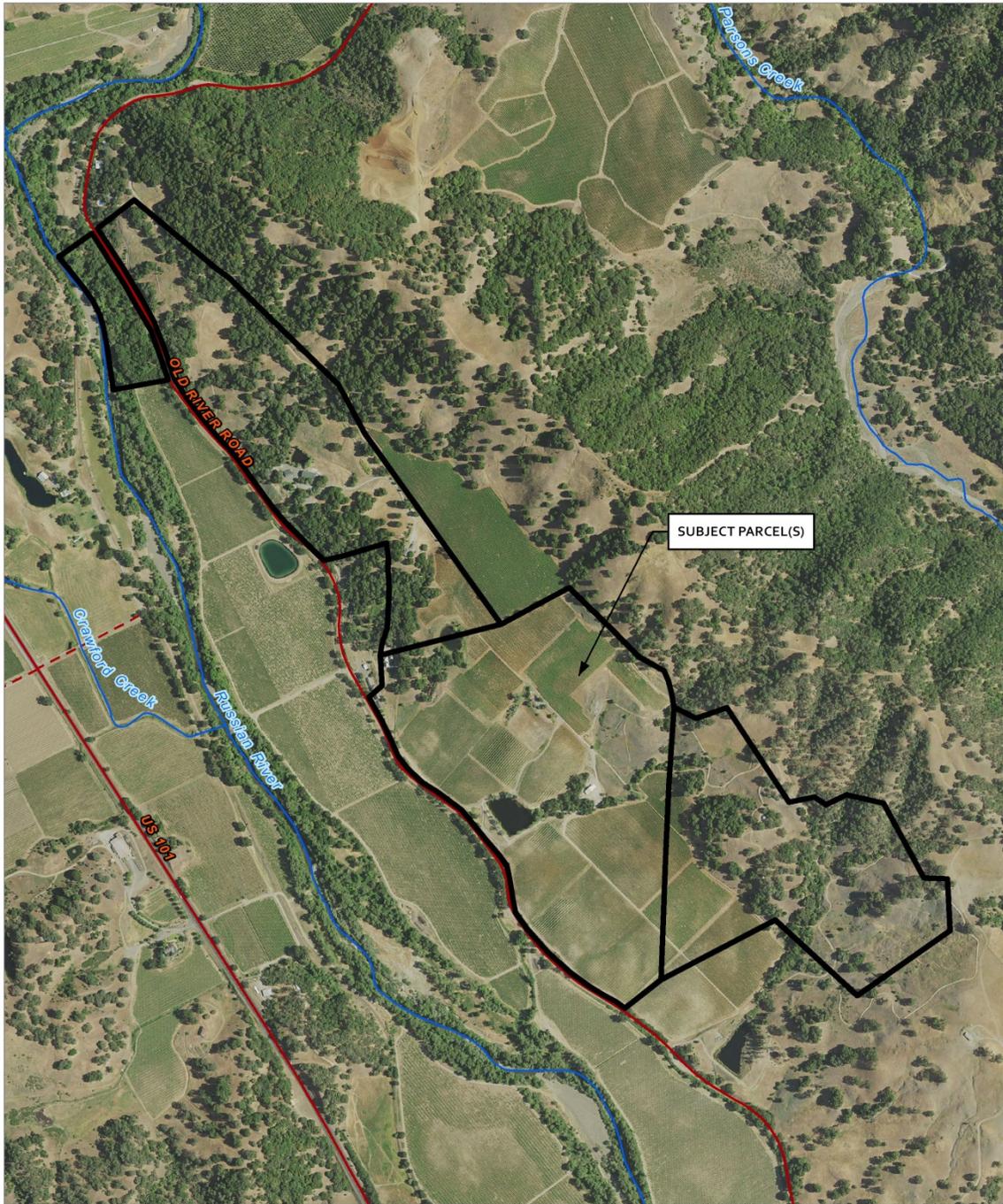


CASE: MS 2014-0010 / U 2015-0003  
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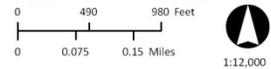
1:12,000  
TOPOGRAPHIC MAP  
CONTOUR INTERVAL IS 40 FEET

Map produced by the Mendocino County Planning & Building Services, March, 2015  
All spatial data is approximate. Map provided without warranty of any kind.



CASE: MS 2014-0010 / U 2015-0003  
OWNER: Marietta Vineyards, LLC  
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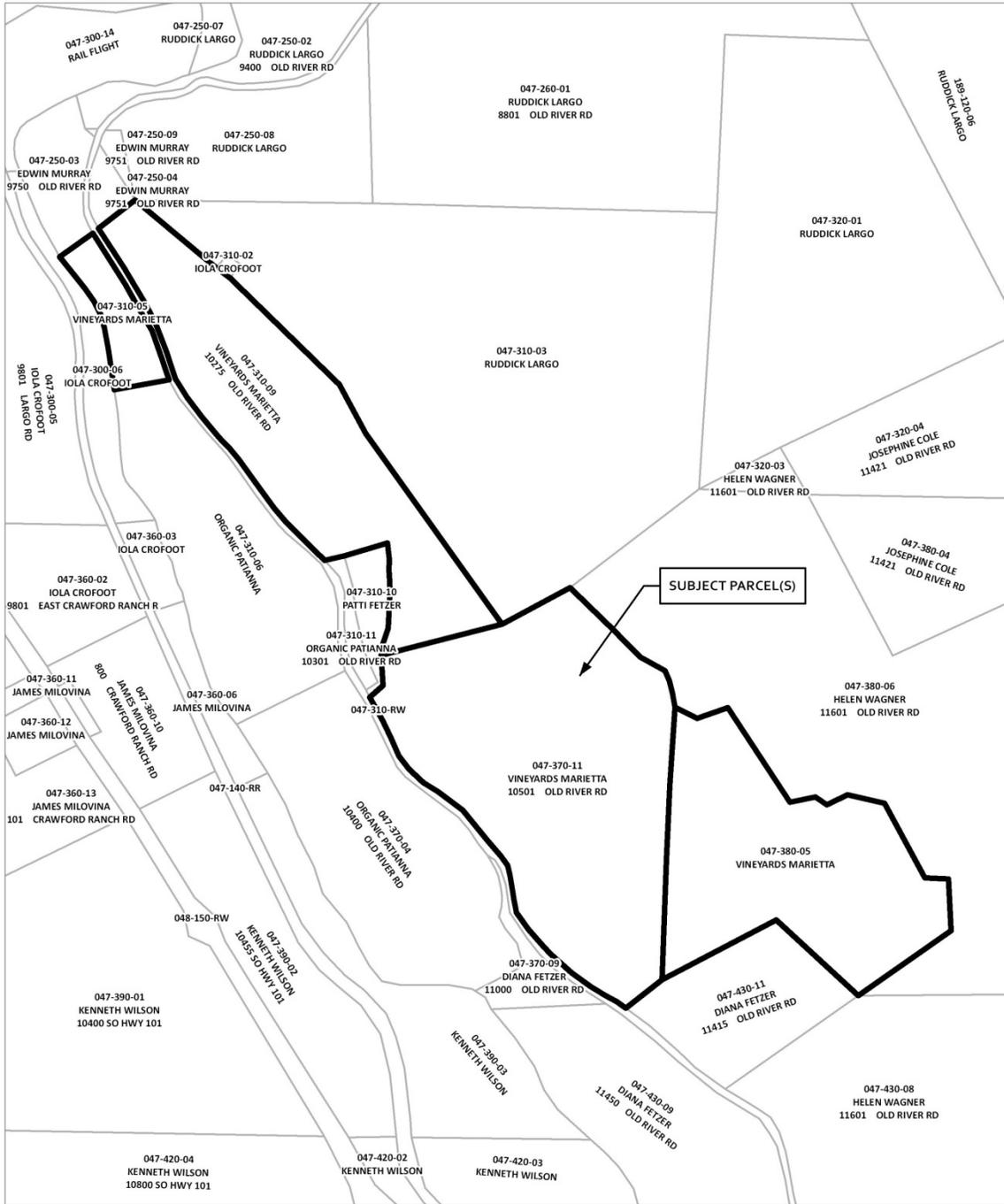
-  Named Rivers
-  Public Roads
-  Private Roads



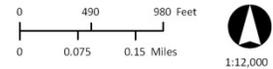
2014 NAIP AERIAL ORTHOPHOTO

Map produced by the Mendocino County Planning & Building Services, March, 2015  
All spatial data is approximate. Map provided without warranty of any kind.



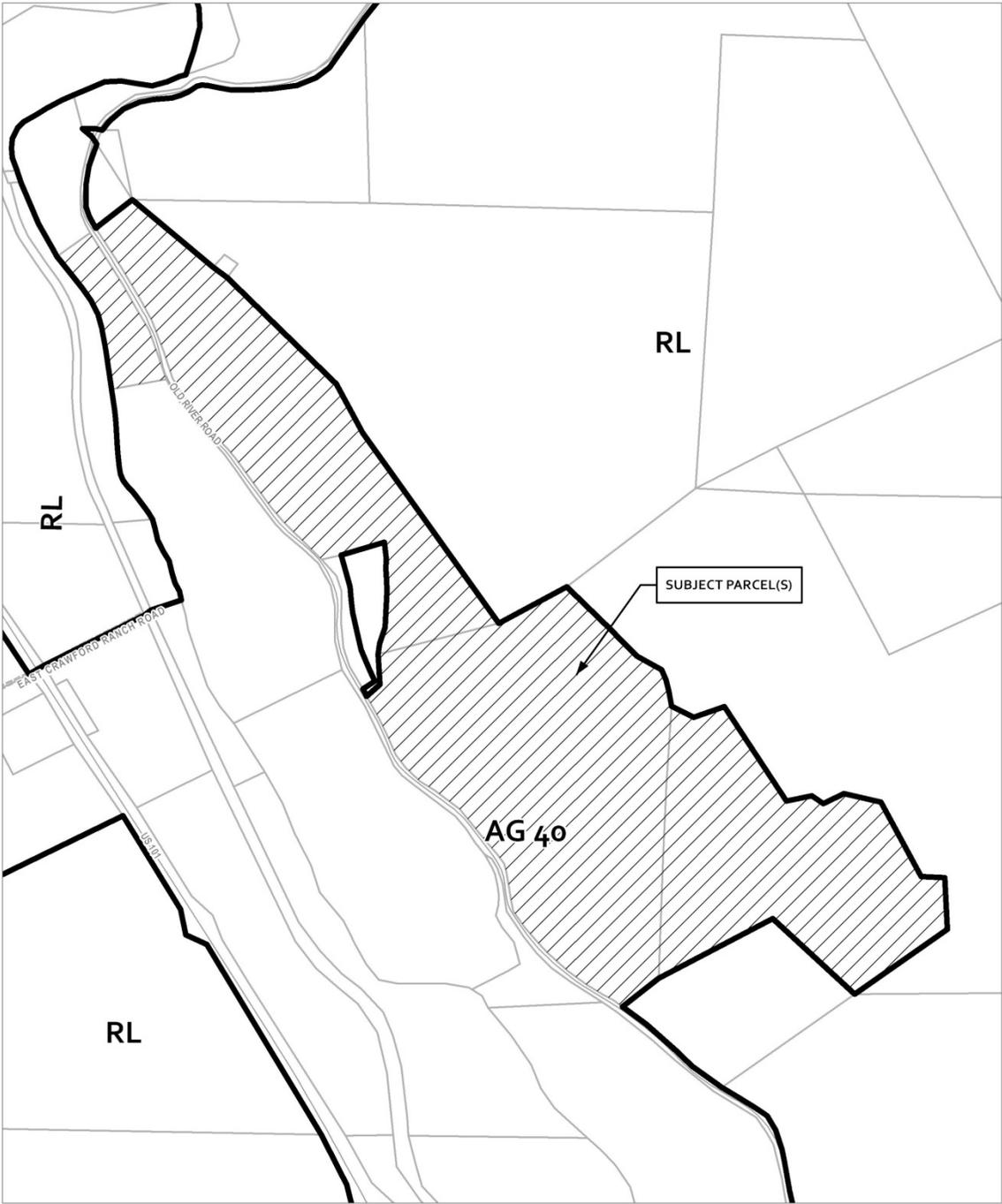


CASE: MS 2014-0010 / U 2015-0003  
 OWNER: Marietta Vineyards, LLC  
 APN: 047-310-05, 09, et. al.  
 APLCT: Marietta Vineyards  
 ADDRESS: 10275 Old River Rd., HO



ADJACENT PARCELS  
 1:12,000

Map produced by the Mendocino County Planning & Building Services, March, 2015  
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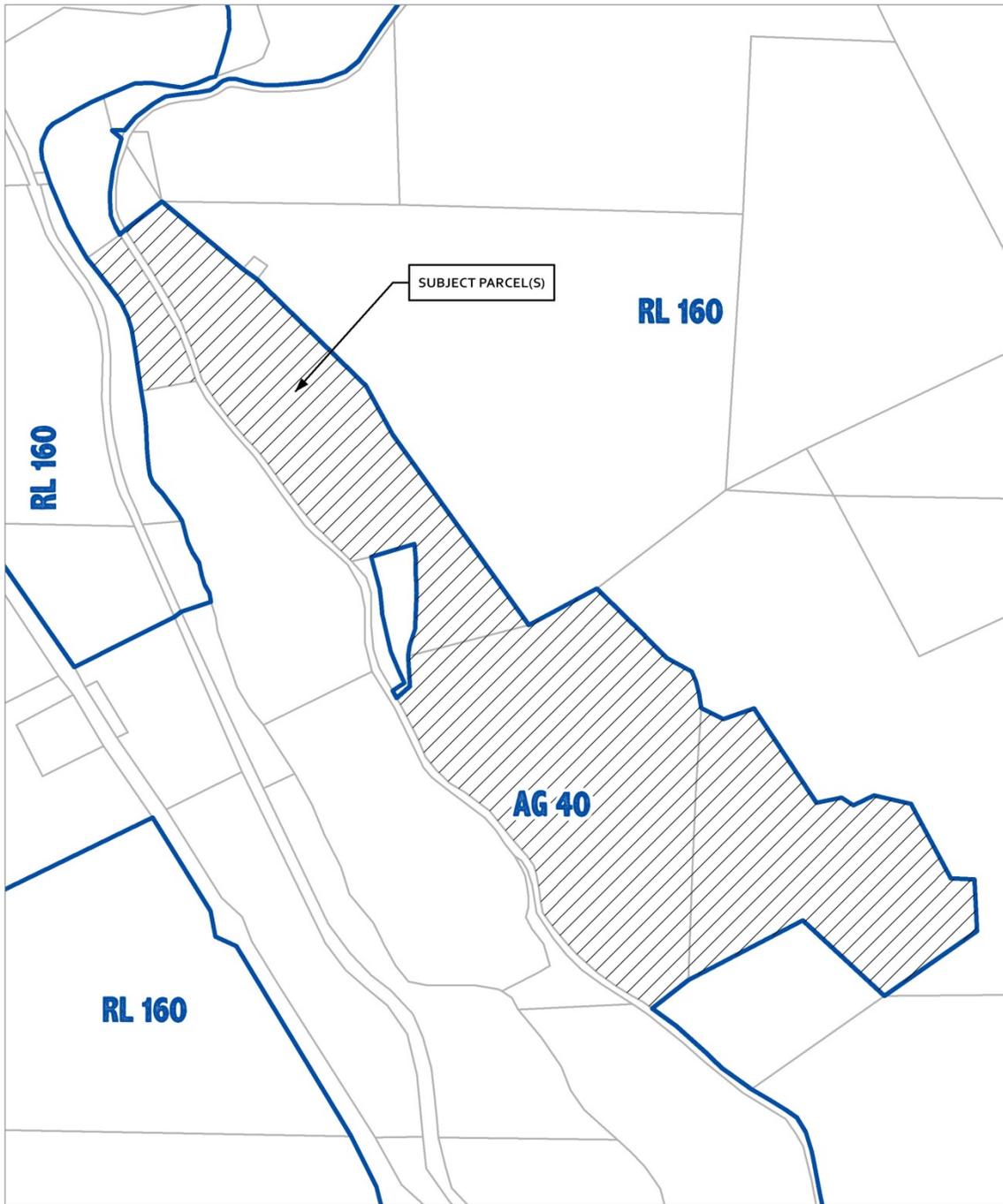
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 OWNER: Marietta Vineyards, LLC  
 APN: 047-310-05, 09, et. al.  
 APLT: Marietta Vineyards  
 ADDRESS: 10275 Old River Rd., HO

 Zoning Master



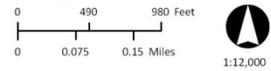
ZONING DISPLAY MAP

Map produced by the Mendocino County Planning & Building Services, March, 2015  
 All spatial data is approximate. Map provided without warranty of any kind.



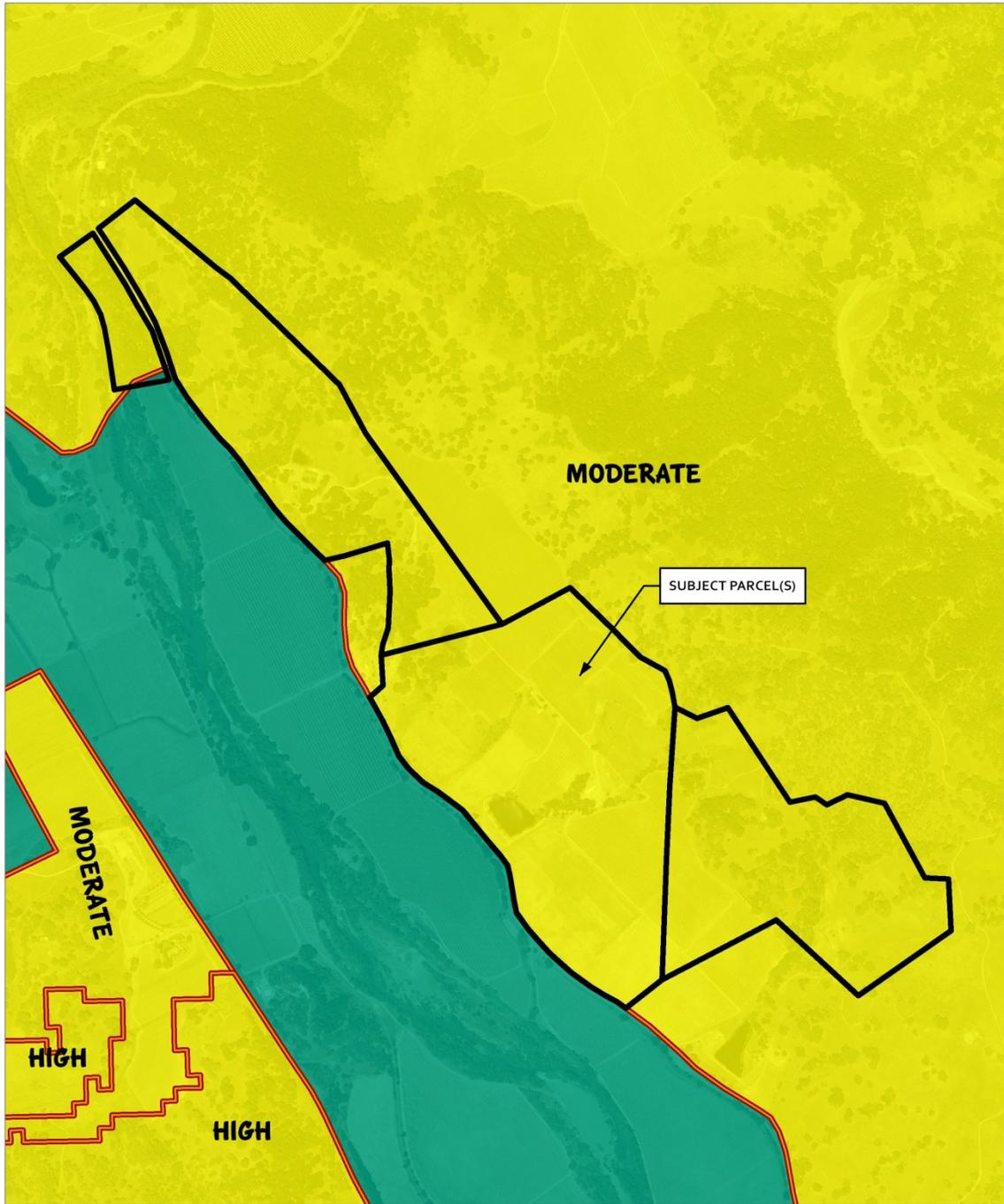
CASE: MS 2014-0010 / U 2015-0003  
OWNER: Marietta Vineyards, LLC  
APN: 047-310-05, 09, et. al.  
APLT: Marietta Vineyards  
ADDRESS: 10275 Old River Rd., HO

 General Plan Master



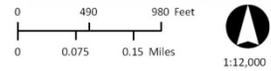
GENERAL PLAN CLASSIFICATIONS

Map produced by the Mendocino County Planning & Building Services, March, 2015  
All spatial data is approximate. Map provided without warranty of any kind.



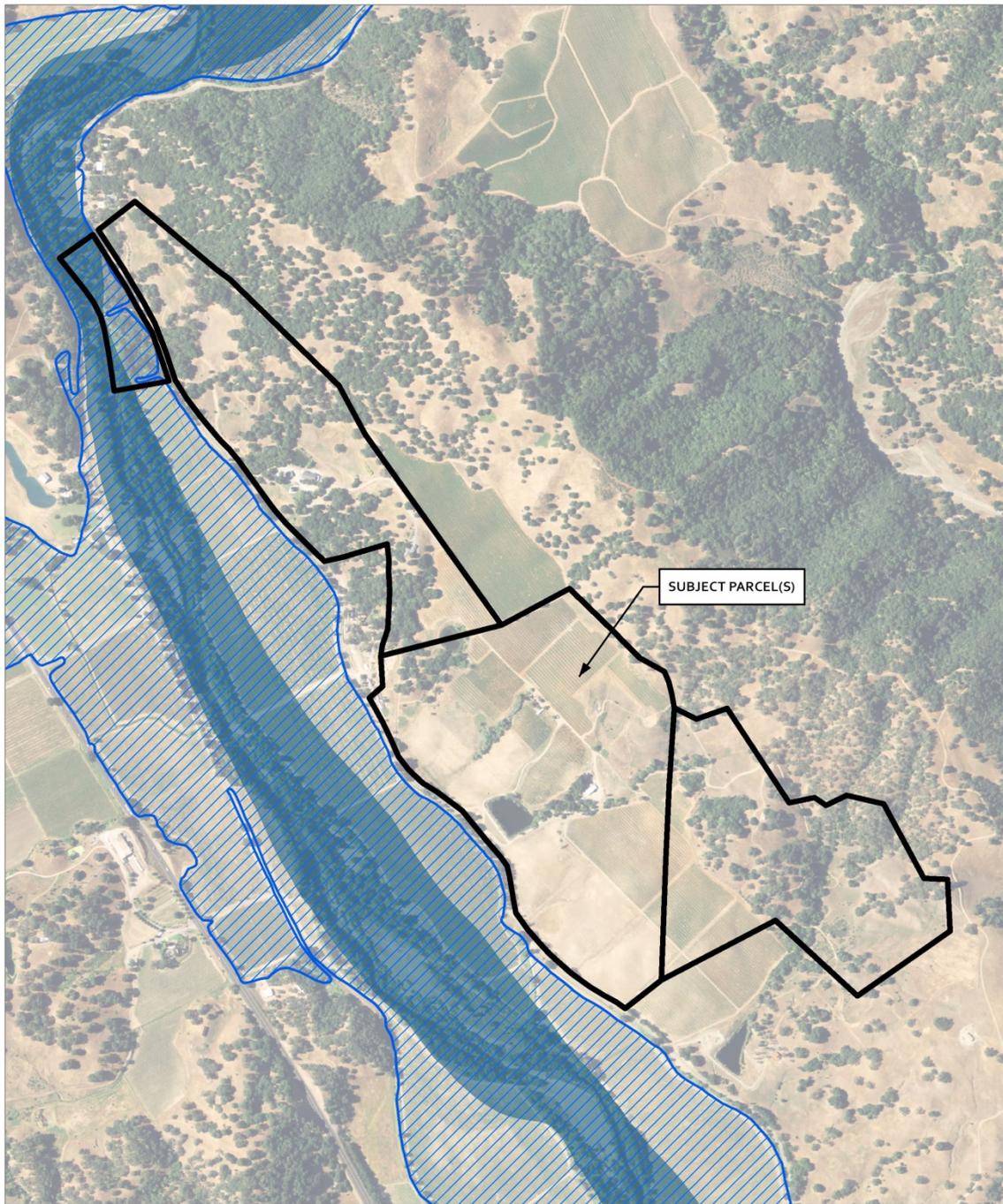
CASE: MS 2014-0010 / U 2015-0003  
OWNER: Marietta Vineyards, LLC  
APN: 047-310-05, 09, et. al.  
APLCT: Marietta Vineyards  
ADDRESS: 10275 Old River Rd., HO

- Local Responsibility Areas
- State Responsibility Areas



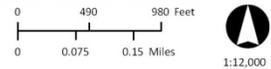
FIRE HAZARD ZONES & RESPONSIBILITY AREAS  
SANEL VALLEY FIRE DISTRICT

Map produced by the Mendocino County Planning & Building Services, March, 2015  
All spatial data is approximate. Map provided without warranty of any kind.



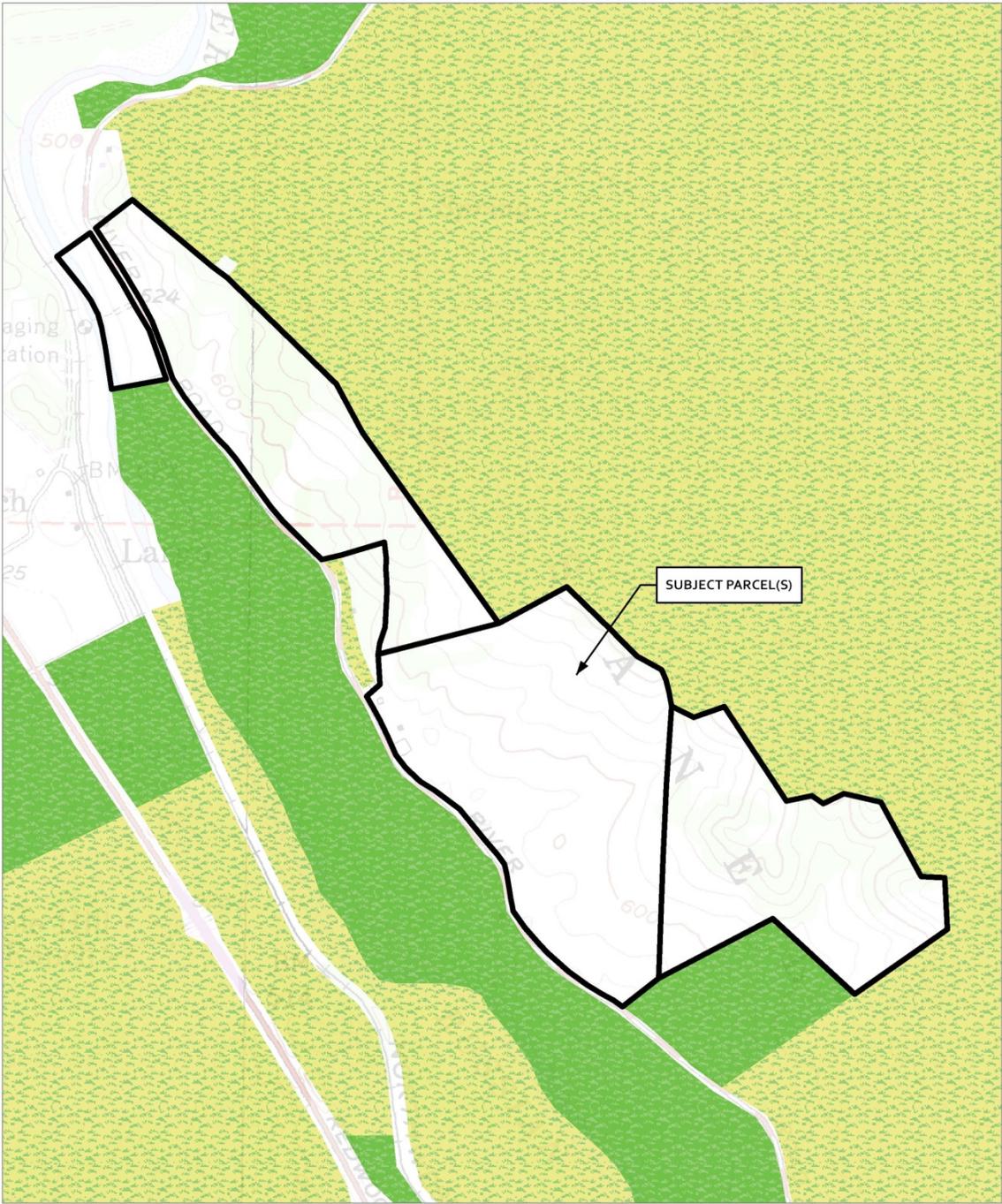
CASE: MS 2014-0010 / U 2015-0003  
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APLCT: Marietta Vineyards  
ADDRESS: 10275 Old River Rd., HO

 Flood Zone  
 Floodway



FEMA FLOOD ZONE  
NFIP MAPS, JUNE 2nd, 2011

Map produced by the Mendocino County Planning & Building Services, March, 2015  
All spatial data is approximate. Map provided without warranty of any kind.



CASE: MS 2014-0010 / U 2015-0003  
OWNER: Marietta Vineyards, LLC  
APN: 047-310-05, 09, et. al.  
APLCT: Marietta Vineyards  
ADDRESS: 10275 Old River Rd., HO

- Williamson Act 2014
- Prime Ag 2014
- Non-Prime Ag 2014



LANDS IN WILLIAMSON ACT CONTRACTS

Map produced by the Mendocino County Planning & Building Services, March, 2015  
All spatial data is approximate. Map provided without warranty of any kind.

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

County of Mendocino  
Ukiah, California  
APRIL 21, 2016

MS\_2014-0010/U\_2015-0003 MARIETTA VINEYARD LLC

RESOLUTION OF THE PLANNING COMMISSION, COUNTY OF MENDOCINO, STATE OF CALIFORNIA, ADOPTING A MITIGATED NEGATIVE DECLARATION AND GRANTING A MINOR SUBDIVISION AND USE PERMIT FOR A PLANNED DEVELOPMENT FOUR PARCEL SUBDIVISION OUTSIDE OF HOPLAND.

WHEREAS, the applicant, MARIETTA VINEYARD LLC, filed an application for Minor Subdivision and Use Permit with the Mendocino County Department of Planning and Building Services to subdivide a 269 +/- acre parcel creating 4 parcels of 40, 28, 161 and 40 acres, respectively, and implement a Planned Development (PD); and

WHEREAS, a Mitigated Negative Declaration (MND) was prepared for the Project and noticed and made available for agency and public review on March 20, 2016, 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 April 21, 2016, at which time the Planning Commission heard and received all relevant testimony and evidence presented orally or in writing regarding the MND and the Project. All interested persons were given an opportunity to hear and be heard regarding the MND and the Project; and

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

WHEREAS, an Exception was approved to allow the lot design of Parcel 4 to exceed the standards of Section 17-52(K) of the County Code with regards to "flag lots." Parcel 4 would include a flag lot whose stem exceeds the maximum 300 feet in depth.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission makes the following findings;

1. General Plan Findings: The subject property is classified Agricultural Lands (AG) under the General Plan. The project is consistent with the General Plan per Policy DE-16.
2. Zoning Findings: The subject property is zoned Agricultural (AG 40) with an overlay Planned Development (PD) Combining District. The project is consistent with County Zoning per Section 20.052 and Section 20.136.020.
3. Use Permit Findings: The Planning Commission approves Minor Subdivision and Use Permit MS\_2014-0010/U\_2015-0003 subject to the conditions of approval recommended by staff and found in Exhibit A of the resolution further finding:
  - a) That the establishment, maintenance or operation of a use or building applied for is in conformity to the General Plan;
  - b) That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.
  - c) That the proposed use will not constitute a nuisance or be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in or passing through the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the county.

- d) That such use preserves the integrity of the zoning district.
4. Division of Land Regulations: The Planning Commission finds the project to be consistent with Chapter 17 of the Mendocino County Code (Division of Land Regulations), further finding, per Section 17-87 of the County Code, that an Exception can be granted due to the following:
    - a) There are special circumstances or conditions affecting the proposed division of land.
    - b) The granting of the exception will not be detrimental to the public welfare or injurious to surrounding property.
  5. Subdivision Moratorium: The Planning Commission finds that the project is exempt from the moratorium imposed by the Coplan Settlement agreement due to the following:
    - a) The subject property does not fit the criteria that would qualify it as a candidate for multifamily rezoning. Both the General Plan designation and the zoning district are Agricultural, with a density of one unit per 40 acres, and
    - b) The property does not lie within a water or sewer district, nor is it located within 300 feet of service lines.

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

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

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

BE IT FURTHER RESOLVED that the Planning Commission action shall be final on the 11<sup>th</sup> day after the date of the Resolution unless an appeal is taken.

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

ATTEST: ADRIENNE M. THOMPSON  
Secretary to the Planning Commission

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

BY: STEVEN D. DUNNICLIFF  
Director

MOLLY WARNER, Chair  
Mendocino County Planning Commission

## EXHIBIT A

### CONDITIONS OF APPROVAL AND MITIGATION MONITORING AND REPORTING PROGRAM MS\_2014-0010/U\_2015-0003 APRIL 21, 2016

Minor Subdivision of a 269± acre parcel to create 4 parcels of 40, 28, 161 and 40 acres, respectively. A use permit is also requested to implement a Planned Development (PD) on the subject property. Application includes a request for an exception to "flag lot" standards with a proposed access driveway over 300 feet in depth.

#### **CONDITIONS OF APPROVAL AND MITIGATION MEASURES:**

##### **Aesthetics**

1. The following note shall be placed on the **Parcel Map**:

*All future external lighting, whether installed for security, safety or landscape design purposes, shall be shielded, downcast or shall be positioned in a manner that will not shine or allow light glare to exceed the boundaries of the parcel on which it is placed.*

##### **Agricultural/Forestry**

2. Pursuant to Mendocino County Code Chapter 10A.13 (Nuisance and Consumer Disclosure), A notation shall appear on the **Parcel Map**:

*The property is within, adjacent to or within 300 feet of Agricultural Preserve or Timber Production Zoning and residents of the property may be subject to inconvenience or discomfort arising from use of agricultural chemicals, and from the pursuit of agricultural and timber operations including, but not limited to, cultivation, plowing, spraying, pruning, harvesting, crop protection, which occasionally generate dust, smoke, noise and odor, and protecting animal husbandry from depredation, and should be prepared to accept such inconvenience or discomfort as normal and necessary to farming and timber harvesting operations.*

3. A notation shall appear on the **Parcel Map**:

*All structures (proposed) shall maintain a minimum setback of 200 feet from all property boundaries contiguous with lands classified Agricultural Lands or Range Lands.*

4. A notation shall appear on the **Parcel Map**:

*Second Residential units shall not be allowed on any of the parcels per Contract Rezone #R 4-2006.*

##### **Air Quality**

5. A note shall appear on the **Parcel Map**:

*Prior to the development phase of the project, the subdivider shall contact the Mendocino County Air Quality Management District for a determination as to the need for an Asbestos Dust Mitigation Plan and/or Geologic Survey to comply with CCR section 93105 and 93106 relating to naturally occurring asbestos. Written verification from the Air Quality Management District shall be submitted to the Department of Planning and Building Services stating that the project is in compliance with State and Local regulations relating to naturally occurring asbestos.*

## Biological Resources

- \*\*6. Subdivider shall adhere to all building envelopes as shown on the Tentative Map dated October 28, 2018, avoiding sensitive habitats as recommended in the Botanical Survey prepared by WRA, dated June 4, 2015, and revised August 18, 2005.

*A note shall be placed on the **Parcel Map** that no development shall be allowed that would disturb any of the Biological or Natural Communities as delineated on Attachment A-2 of the above noted WRA Survey on file with the Department of Planning and Building Services.*

- \*\*7. Prior to the clearing of vegetation and/or initiation of construction activities, a nesting raptor survey shall be performed by a qualified biologist. The preconstruction survey shall be performed within a 500-foot radius of the future development location within 14 days of the onset of construction or clearing activities. If nesting raptors are found, avoidance measures should be incorporated into the construction activities to prevent disturbance to nesting raptors. Impacts would be less than significant.
8. This entitlement does not become effective or operative and no work shall be commenced under this entitlement until the California Department of Fish and Game filing fees required or authorized by Section 711.4 of the Fish and Game Code are submitted to the Mendocino County Department of Planning and Building Services. Said fee of \$ 2,260.25 (OR CURRENT FEE) shall be made payable to the Mendocino County Clerk and submitted to the Department of Planning and Building Services prior to May 2, 2016 (within 5 days of the end of any appeal period). Any waiver of the fee shall be on a form issued by the Department of Fish and Game upon their finding that the project has “no effect” on the environment. If the project is appealed, the payment will be held by the Department of Planning and Building Services until the appeal is decided. Depending on the outcome of the appeal, the payment will either be filed with the County Clerk (if the project is approved) or returned to the payer (if the project is denied). Failure to pay this fee by the specified deadline shall result in the entitlement becoming null and void. **The applicant has the sole responsibility to insure timely compliance with this condition.**

## Cultural Resources

9. A note shall appear on the **Parcel Map**:

*In the event that archaeological resources are encountered during development of the property, work in the immediate vicinity of the find shall be halted until all requirements of Chapter 22.12 of the Mendocino County Code relating to archaeological discoveries have been satisfied.*

10. Those “Recommendations” outlined in the Archaeological Report dated 1/29/2015, prepared by Origer/Holden, Registered Professional Archaeologist s shall be complied with. In the event that additional archaeological resources are encountered during development of the property, work in the immediate vicinity of the find shall be halted until all requirements of Chapter 22.12 of the Mendocino County Code relating to archaeological discoveries have been satisfied.

## Geology & Soils

- \*\*11. The subdivider shall **acknowledge in writing** to the Department of Planning and Buildings Services that all grading activities and site preparation, at a minimum, shall adhere to the following “Best Management Practices”. The applicant shall submit to the Department of Planning and Building Services an acknowledgement of these grading and site preparation standards.
- That adequate drainage controls be constructed and maintained in such a manner as to prevent contamination of surface and/or ground water, and to prevent erosion.
  - The applicant shall endeavor to protect and maintain as much vegetation on the site as

possible, removing only as much s required to conduct the operation.

- c. All concentrated water flows, shall be discharged into a functioning storm drain system or into a natural drainage area well away from the top of banks.
- d. Temporary erosion and sediment control measures shall be established and maintained until permanent protection is established.
- e. Erosion control measures shall include, but are not limited to, seeding and mulching exposed soil on hill slopes, strategic placement of hay bales below areas subject to sheet and rill erosion, and installation of bioengineering materials where necessary. Erosion control measures shall be in place prior to October 1<sup>st</sup>.
- f. All earth-moving activities shall be conducted between May 15<sup>th</sup> and October 15<sup>th</sup> of any given calendar year unless wet weather grading protocols are approved by the Department of Planning and Building Services or other agencies having jurisdiction.
- g. Pursuant to the California Building Code and Mendocino County Building Regulations a grading permit will be required unless exempted by the Building Official or exempt by one of the following:
  - i. An excavation that (1) is less than 2 feet (610 mm) in depth or (2) does not create a cut slope greater than 5 feet (1524 mm) in height and steeper than 1 unit vertical in 1½ units horizontal (66.7% slope).
  - ii. A fill less than 1 foot (305 mm) in depth and placed on natural terrain with a slope flatter than 1 unit vertical in 5 units horizontal (20% slope), or less than 3 feet (914 mm) in depth, not intended to support structures, that does not exceed 50 cubic yards (38.3 m<sup>3</sup>) on any one lot and does not obstruct a drainage.

## Hazards/Hazardous Materials

### Flood

12. All areas within the subdivision subject to flooding shall be clearly identified on the **Parcel Map**. The information on the parcel map shall be based on a flood hazards report prepared by a Civil Engineer and filed with the Planning and Building Services Department and the Mendocino County Department of Transportation. The flood hazards report, using data developed by the Federal Emergency Management Agency, shall clearly identify the magnitude of the flood potential as such relates to the subdivision. A reference to the report shall be made on the parcel map.

The area of the subdivision within the “floodway” as defined by the federal Emergency Management Agency and on file with the Mendocino County Planning and Building Services Department shall be delineated as a drainage easement on the Parcel Map.

A note shall appear on the **Parcel Map**:

*Development within the flood plain as identified on this map is subject to those restrictions in the Flood Plain Regulations of the Mendocino County Code.*

### Fire

13. The subdivider shall comply with those recommendations in the **California Department of Forestry** letter of 1/20/2015 (**CalFire# 10-15**) or other alternatives as acceptable to the **Department of Forestry**. Written verification shall be submitted from the **Department of Forestry** to the Department of Planning and Building Services that this condition has been met to the satisfaction of the **Department of Forestry**.

14. The subdivider shall comply with those recommendations of the **Sanel Valley Fire District** or other alternatives as acceptable to the **Fire District**. Written verification shall be submitted from **Fire District** to the Department of Planning and Building Services that this condition has been met to the satisfaction of the **Fire District**.

### **Hydrology and Water Quality**

15. The applicant shall provide the Division of Environmental Health adequate advance written notice (minimum of 15 days) of the date and time any field soil testing procedures for any proposed on-site sewage systems to allow the Division of Environmental Health staff to be present for soil testing.
16. The applicant shall submit to the Division of Environmental Health an acceptable site evaluation report (DEH FORM # 42.04) for parcel(s) 1 and 4 completed by a qualified individual demonstrating compliance with the North Coast Regional Water Quality Control Board's Basin Plan Policy for On-site Waste Treatment and Disposal and Mendocino County Division of Environmental Health's Land Division Requirements (DEH FORM # 26.09).
17. The applicant shall submit to the Division of Environmental Health an acceptable site development plan at a scale of not more than 1 inch = 50 feet showing all adjacent parcels on one sheet completed by a qualified individual showing the location and dimensions of the initial sewage disposal system(s), 100% replacement area(s), acceptable setback distances to water wells and other pertinent setback distances which may impact project site development.
18. The applicant shall submit to the Division of Environmental Health acceptable water quantity evaluation(s):
  - 1200 gallon Proof of Water Test Form 26.05 per current requirements. Inland Areas, (DEH FORM # 26.05) completed by a qualified individual of a water source located on parcel(s) 1, 2, 3, OR 4, of the subdivision demonstrating an adequate water supply in compliance with the Division of Environmental Health's Land Division Requirements (DEH FORM # 26.09).
19. The applicant shall submit to the Division of Environmental Health an acceptable standard mineral analysis performed by a certified public health laboratory from an identified source on the subdivision. Compounds to be tested for, at a minimum are: Calcium, Iron (total), Magnesium, Manganese (total), Potassium, Sodium, Bicarbonate, Carbonate, Corrosivity (pH), Alkalinity (total), Total dissolved solids, Turbidity, Chloride, Fluoride, Nitrate, Sulfate, Calcium hardness, Magnesium hardness and Total hardness.

### **Land Use and Planning**

20. All existing structures shall meet current setback requirements to newly proposed property lines. A site map shall be submitted to the satisfaction of Planning and Building Services clearly identifying compliance.

### **Population/Housing**

21. The subdivider shall pay into the County Affordable Housing Trust Fund (per County Code Section 20.238.035) an amount equaling 2% of the County-wide median sales price of a single family residence as determined by the County Assessor. Said fee shall be collected prior to the recording of the Parcel Map.

### **Transportation**

22. If a Parcel Map is filed, all easements of record shall be shown on the parcel map. All utility lines shall be shown as easements with widths as shown of record or a minimum of ten (10) feet,

whichever is greater.

23. If approval of the tentative map is conditioned upon certain improvements being made by the subdivider, the subdivider shall notify the Mendocino County Department of Transportation when such improvements have been completed.
24. ROAD IMPROVEMENT REQUIREMENTS.
  - A. Standard private driveway approaches shall be constructed to serve Parcels 1 and 4, both with a minimum width of ten (10) feet, and length to be improved fifteen (15) feet from the edge of the County road, and paved with surfacing comparable to that on the County road. Commercial road approaches shall be constructed to serve Parcels 2 and 3 with a minimum width of eighteen (18) feet, and length to be improved f
  - B. Any proposed work within County rights-of-way requires obtaining an encroachment permit from the Mendocino County Department of Transportation.

**Additional Conditions**

25. Pursuant to Government Code Section 66492 & 66493, prior to recordation of the **Parcel Map**, the subdivider must: (1) Obtain a Certificate from the Mendocino County Tax Collector stating that all current taxes and any delinquent taxes have been paid and; (2) Pay a security deposit (or bond) for taxes that are a lien, but not yet due and payable.

\*\* Indicates conditions relating to Environmental Considerations - deletion of these conditions may affect the issuance of a Mitigated Negative Declaration.

**THIS DIVISION OF LAND IS DEEMED COMPLETE WHEN ALL CONDITIONS HAVE BEEN MET, AND THE APPROVED PARCEL MAP IS RECORDED BY THE COUNTY RECORDER.**



<b>Section I Description Of Project.</b>
<p><b>DATE:</b> 1/21/2016  <b>CASE#:</b> MS_2014-0010/ U_2015-0003  <b>DATE FILED:</b> 12/16/2014  <b>OWNER/APPLICANT:</b> MARIETTA VINEYARDS, LLC  <b>AGENT:</b> BEN KAISI  <b>PROJECT COORDINATOR:</b> JOHN SPEKA  <b>REQUEST:</b> Minor Subdivision of a 269± acre parcel to create 4 parcels of 40, 28, 161 and 40 acres, respectively. A use permit is also requested to implement a Planned Development (PD) on the subject property. Application includes a request for an exception to "flag lot" standards with a proposed access driveway over 300 feet in depth.  <b>ENVIRONMENTAL DETERMINATION:</b> Mitigated Negative Declaration  <b>LOCATION:</b> Approximately 3.9 miles northeast of Hopland, lying on the east side of Old River Road (CR 201), 3± miles north of its intersection with University Road (CR 116B), located at 9801, 10275 and 10501 Old River Road.</p>
<b>Section II Environmental Checklist.</b>
<p><i>"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).</i></p> <p><i>Accompanying this form is a list of discussion statements for <u>all</u> questions, or categories of questions, on the Environmental Checklist (See Section III). This includes explanations of "no" responses.</i></p>

**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 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 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.

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

a) *through* c) **No Impact:** The project area does not lie within a scenic vista, nor would surrounding scenic resources be impacted. The project would result in residential (or other accessory structure) development within well-defined building envelopes on four newly created parcels with second units precluded as a result of an earlier recorded contract rezone. Given the wooded, hillside topography of the site which shields much of the developable area, the size of the parcels relative to the structural development potential of each and its overall remote nature, visual resources would not be impacted.

d) *Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?* **Less than Significant Impact:** Condition Number 1 (*General Plan Policy RM-134*) will require that all external lighting be shielded and down cast to prohibit light from being cast beyond the property boundaries.

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

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

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?* **No Impact:** Land used for existing agricultural purposes (vineyards) would not be impacted. Building envelopes would limit the development potential of each of the newly created parcels with the majority of the acreage available for future agricultural uses.

b) *Conflict with existing zoning for agricultural use, or a Williamson Act contract?* **Less Than Significant Impact:** The subject property is zoned Agricultural (AG 40) and lies adjacent to land on all sides currently under Williamson Act contracts. Building envelopes will be established as part of the subdivision with residential development limited to one unit per parcel. In addition, setbacks from adjacent agricultural lands are recommended to provide appropriate buffers between building envelopes and agricultural activities. Condition Number 3 (*General Plan Policy RM-109*) would require proposed structures to maintain a 200 foot buffer from all property boundaries contiguous with lands under Williamson Act contract (however, this would not apply to an existing structure on proposed Parcel 2 that lies 170 feet from the existing boundary between the new parcel and vineyard lands to the east). Conditions Number 2 and 4 are also recommended to require notes on the Parcel Map to inform of the new property's proximity to existing ag uses as well as to re-affirm limitations on second residences per a previous contract rezoning.

c) through e) **No Impact:** The project area is not located near timberland, nor would it result in the conversion of agricultural land beyond existing allowances for homesite development of agriculturally utilized lands.

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

d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a) and c) through e) **No Impact:** The Mendocino County Air Quality Management District (AQMD) is responsible for enforcing the State and Federal Clean Air Acts as well as local air quality protection regulations. The project will not conflict with or obstruct implementation of any air quality plan, will not cumulatively result in a considerable net increase of any criteria pollutant, will not expose sensitive receptors to substantial pollutant concentrations and will not create objectionable odors affecting a substantial number of people.

b) *Violate any air quality standard or contribute substantially to an existing or projected air quality violation?* **Less than Significant Impact:** According to County maps, the project site lies within an area likely to contain Naturally Occurring Asbestos (NOA). While the County AQMD did not provide comments to Planning's referral, standard requirements for an Asbestos Dust Mitigation Plan and/or Geologic Survey will apply in order to comply with local and State regulations (see Condition Number 5). (CCR section 93105 and 93106)

<b><u>IV. BIOLOGICAL RESOURCES.</u></b> <b>Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

**Mitigation Incorporated:** A Protocol-level Special-status and Sensitive Natural Community Survey was prepared for the project by WRA Environmental Consultants dated June 4, 2015, with a revised version dated August 18, 2015. According to the survey, nine special-status plant species have the potential to occur within the vicinity of the Project Area, although the survey resulted in a “negative finding” for those species of concern.

Two of the nine special-status species, *Colusa layia* (*Layia septentionalis*) and Guggolz’ harmonia (*Harmonia guggolziorum*), “were determined to be senesced and beyond ready identification,” due to the April/May bloom season of the noted species and the actual date of the survey taking place on May 22, 2015. This fact was echoed in comments received from the California Native Plant Society (Sanhedrin Chapter) noting that the survey was conducted too late in the season to identify certain rare plants.

Normally, the inability to identify a sensitive species due to the appropriateness of the bloom season would require additional surveys of a project area. However, the particular habitat requirements of the two noted special-status species include serpentine soils, also considered to be a sensitive habitat in Mendocino County. Building envelopes have been established on each of the proposed parcels which lie outside of these areas. According to the survey, “[t]he siting of proposed building envelopes outside of serpentine habitats avoids impacts to both this protected community as well as *Colusa layia* (*Layia septentionalis*) and Guggolz’ harmonia (*Harmonia guggolziorum*), as these species are strict endemics or strong indicators of serpentine habitat.” Comments received from the California Department of Fish and Wildlife concurred with the assessment made in the report, stating that “avoiding areas of serpentine habitats will greatly reduce the risk of impacting serpentine-endemic species,” and that “in this specific instance additional surveys could be deemed unnecessary.”

Condition Number 6 is a recommended mitigation measure to ensure that any future development remain within the proposed building envelopes, or, in cases where new access roads are to be developed, outside of sensitive areas mapped within the report prepared by WRA dated August 18, 2015. Adherence to the condition requirements would hold impacts to a less than significant level with respect to sensitive or special-status habitats.

b) *Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations and or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?* **Less Than Significant with Mitigation Incorporated:** Condition Number 6 is a recommended mitigation measure to ensure that any future development remain within the proposed building envelopes, or, in cases where new access roads are to be developed, outside of sensitive areas mapped within the report prepared by WRA dated August 18, 2015. Adherence to the condition requirements would hold impacts to a less than significant level with respect to riparian habitat or other sensitive natural community.

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?* **No Impact:** Any future development will remain within the proposed building envelopes, or, in cases where new access roads are to be developed, outside of sensitive areas mapped within the report prepared by WRA dated August 18, 2015. Adherence to the condition requirements would hold impacts to a less than significant level with respect to protected wetlands.

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?* **Less Than Significant with Mitigation Incorporated:** Recommendations were made in a biological evaluation for a previous General Plan Amendment/Rezone project on the subject property dated May 10, 2010, which recognized that future development could disturb nesting raptors or other wildlife on the property. Specifically, the report noted the possibility that future site development could disturb nesting raptors. As a result, it was recommended in the evaluation “that a nesting raptor search be performed with a 500-foot radius of any future development locations prior to initiation of construction activities.” Condition Number 7 is therefore recommended to require a survey prior to future construction on any of the newly created parcels. If nesting raptors are found, avoidance measures should be incorporated into the construction activities to prevent disturbance to nesting raptors. Impacts would be less than significant.

e) *Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?* **Less than Significant Impact:** Any future development will remain within the proposed building envelopes, or, in cases where new access roads are to be developed, outside of sensitive areas mapped within the report prepared by WRA dated August 18, 2015. Tree or other biological resources would thus be protected resulting in less than significant impacts in this area.

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?* **No Impact:** The project would not interfere with any adopted conservation plans at the local, regional or state level.

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

a) through e) **No Impact:** An Archaeological Survey was prepared for the project by Origer/Holden dated January 29, 2015, with no cultural, historical or archaeological sites observed. The survey was accepted by the County Archaeological Commission on December 9, 2015. Standard Conditions Number 9 and 10 are recommended requiring that provisions of Chapter 22.12.090 (Discovery Clause) be adhered to in the event that resources are encountered during future development.

<b><u>VI. GEOLOGY AND SOILS.</u></b> <b>Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a) and c) through e) **No Impact:** The project is not located within a known fault zone, mapped area indicating potential for landsliding or unstable soils. The County Division of Environmental Health has recommended Conditions Numbers 15 through 17 to ensure adequate soils for septic purposes. Impacts would therefore not result from disposal system capabilities.

b) *Result in substantial soil erosion or the loss of topsoil?* **Less than Significant Impact with Mitigation Incorporated:** Approval of the subdivision has the potential to allow for three additional residential units (second units are precluded "if future subdivision...is to occur" per Contract Rezone #R 2006-0004), accessory structures such as garages and outbuildings, and other improvements within defined building envelopes. Given the amount of potential disturbance relative to the overall size of the proposed parcels, staff does not anticipate any significant impacts from the project with respect to ground or soil resources aside from minor disruptions or displacement of the soil associated with future grading, road construction or residential development. Condition Number 11 is a recommended mitigation measure to ensure that Best Management Practices are employed during any future construction. As a result, erosion related impacts from the project are expected to be less than significant.

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

a) and b) *Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?* **Less Than Significant Impact:** Assembly Bill 32 (AB32), the California Global Warming Solutions Act, 2006, recognized that California is a source of substantial amounts of greenhouse gas (GHGs) emission which poses a serious threat to the economic well-being, public health, natural resources, and the environment of California. AB32 established a state goal of reducing GHG emission to 1990 levels by the year 2020 with further reductions to follow. In order to address global climate change associated with air quality impacts, CEQA statutes were amended to require evaluation of GHG emission which includes criteria air pollutants (regional) and toxic air contaminants (local). As a result, Mendocino County Air Quality Management District (MCAQMD) adopted CEQA thresholds of significance for criteria air pollutants and GHGs, and issued updated CEQA guidelines to assist lead agencies in evaluating air quality impacts to determine if a project's individual emissions would be cumulatively considerable. According to the MCAQMD, 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. The project, as proposed, would create three (3) additional parcels, which will 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. Thus the impacts of the project will be less than significant. No mitigation required.

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

a) through g) **No Impact:** The project is not located near any hazardous materials facilities, public use airports, private airstrips, nor does it involve the use any toxic materials that would result in a safety hazard.

h) *Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?* **Less Than Significant Impact:** The subject parcel is located in a moderate fire hazard zone within California Department of Forestry (CalFire) jurisdiction. Compliance with recommendations in CalFire letter **#10-15** and any recommendations of the **Sanel Valley Fire District** will help reduce potential fire hazard impacts from wildland

fires in the area of the proposed parcels. Conditions Number 13 and 14 would ensure that such recommendations are adhered to and impacts are held to a less than significant level as a result. No mitigation is required.

<b>IX. HYDROLOGY AND WATER QUALITY. Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
k) Result in an increase in pollutant discharges to receiving waters considering water quality parameters such as temperature, dissolved oxygen, turbidity and other typical stormwater pollutants (e.g. heavy metals, pathogens, petroleum derivatives, synthetic organics, sediment, nutrients, oxygen-demanding substances, and trash)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
l) Have a potentially significant impact on groundwater quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
m) Impact aquatic, wetland or riparian habitat?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a), e) and k) *Violate any water quality standards or waste discharge requirements? 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?* **Less than Significant Impact:** Approval of the subdivision has the potential to allow for three additional residential units (second units are precluded “if future subdivision...is to occur” per Contract Rezone #R 2006-0004). Building envelopes proposed for the lots would not impact existing drainages and lying outside of wetland and riparian habitat. Additional runoff from the development will be minimal. No mitigation is required.

b) through d), f) through k) and l) **No Impact:** The project will result in residential development with a maximum of three additional residences. The County Division of Environmental Health will require that all future water supplies meet standard quality and quantity requirements. Developable portions of the property are neither subject to flooding nor inundation by seiche, tsunami or mudflow. The project is not within a dam inundation zone, and would not create an impoundment, reservoir, or levee that could threaten surrounding residences. Development of the proposed parcels will not significantly alter the existing drainage pattern of the site. The project would not create polluted runoff at the site and there is no use or construction proposed on the site that would substantially degrade water quality. No significant impacts to water quality are anticipated if the proposed parcels are further developed.

g) through i) and m) *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? Place within a 100-year flood hazard area structures which would impede or redirect flood flows? 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? Impact aquatic, wetland or riparian habitat?* **Less Than Significant Impact:** The property includes areas identified to lie within a Flood Plain and Floodway between Old River Road and the Russian River. In addition, drainages have been identified on other portions of the property that may contain riparian habitat. Condition Number 6 and 12 are recommended to ensure that all future development avoid flood plains, floodways and riparian areas. Impacts would therefore be held to a less than significant level. No mitigation is required.

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

a) and c) **No Impact:** The project would not result in the physical division of an established community, nor conflict with any applicable habitat or natural community conservation plans.

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?* **Less Than Significant Impact:** The project lies within an Agricultural (AG 40) Zoning District allowing for minimum lot sizes of 40 acres. A Planned Development (PD) Combining District was added to the district during the General Plan Amendment and Rezone adopted in 2011.

Four parcels of 40, 28, 161 and 40 acres, respectively, would result from the subject project, with the otherwise substandard 28 acre parcel (Parcel 2) allowed through the PD Combining District provisions. Specifically, County Code Section 20.136.020 states that "lot size regulations within the zoning district shall not apply in a planned development." The proposed design of the project (e.g. use of existing development, establishment of building envelopes and existing access roads) is intended to complement current agricultural uses of the property including a winery, event center and vineyards. Condition Number 6 is recommended to ensure that building remain within the noted envelopes.

An Exception to lot design standards has been requested to allow for a "flag lot" configuration on Parcel 4. County Code Section 17-52(K) states that

*Flag lots or parcels whose access to the abutting street is provided by a strip or segment which is a part of said lot or parcel may be approved by the Planning Commission when necessitated by topography or other special condition, provided however, that the main portion of the lot meets the provisions of this Chapter as to length, depth, area and design. In no case shall the access strip be less than twenty (20) feet in width nor greater than three hundred (300) feet in depth and improvements shall be constructed therein to provide an all weather driveway.*

Section 17-87 provides for an Exception request as follows:

*The Planning Commission may grant a request for an exception only upon the affirmative finding that:*

- (A) There are special circumstances or conditions affecting the proposed division of land.*
- (B) The granting of the exception will not be detrimental to the public welfare or injurious to surrounding property.*

Access to proposed Parcel 4 is encumbered by an existing vineyard which necessitates an extended "flag stem" of more than 300 feet allowing for the requisite findings to be made.

Finally, General Plan Policy RM-109 states that:

*Discretionary projects and parcels created by land divisions shall be designed and sized to be compatible with contiguous lands classified Agricultural Lands or Range Lands. Criteria include but are not limited to the following:*

- The number of ownerships and land use intensities adjacent to parcels classified Agricultural Lands or Range Lands shall be minimized.*
- Projects shall be designed to reduce growth-inducing impacts and maintain a stable limit to urban development.*
- Building envelopes, clustered development, and commercial, industrial, civic, and sensitive uses shall be designed with buffers or setbacks from lands classified Agricultural Lands or Range Lands. Buffers are defined generally as a physical separation of 200 - 300 feet (depending on pesticide application impacts) with the potential for a reduced separation when a topographic feature, substantial tree-stand, landscaped berm, watercourse, or similar existing or constructed feature is provided and maintained...*

Proposed building envelopes would place any new structures a minimum of 200 feet from adjacent Range Lands classified property east of the project. Existing structures on Parcel 2 (i.e. event center approximately 50 feet minimum from the northerly property line and residence approximately 100 feet from the southerly property line) can be shown to be separated by tree stands, drainages or surrounding vineyard. Similarly, proposed property lines for Parcel 4 would situate a building envelope approximately 50 feet from the adjacent Parcel 3. Given the relative seclusion of the building pad within an opening of surrounding tree lines, staff considers the separation to be sufficient for the purposes of the General Plan policy. No mitigation is required.

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

a) and b) **No Impact:** No known mineral resources exist at the site and the project would not result in the loss of availability in this area.

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

a) through c) and e) and f) **No Impact:** The negligible increase in residential density that could result from the project is not expected to significantly increase existing (or expose people to severe) noise levels.

d) *A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?* **Less than Significant Impact:** An increase in noise levels will most likely result from potential grading, road construction and housing construction phases of any future development. Overall, however, the project would not cause significant impacts beyond the minor inconvenience during this notably "short term" period. No mitigation is required.

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

a) *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)?* **Less Than Significant Impact:** The project could result in a total of three additional residential units. Second units are precluded “if future subdivision...is to occur” per Contract Rezone #R 2006-0004. Condition Number 4 is recommended to fulfill provisions of Chapter 20.238 of the County Code (Inclusionary Housing Ordinance) by requiring that in lieu fees be paid into the County Affordable Housing Trust Fund. No mitigation is required.

b) and c) **No Impact:** No displacement of available housing stock would occur as a result of the project.

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

a) *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?* **Less than Significant Impact or No Impact:** The subject parcel is located in a moderate fire hazard zone within California Department of Forestry (CalFire) jurisdiction. Compliance with recommendations in CalFire letter #10-15 and any recommendations of the **Sanel Valley Fire District** will mitigate impacts from wildland fires in the area of the proposed parcels. Conditions Number 13 and 14 would ensure that such recommendations are adhered to and impacts are held to a less than significant level as a result. A substantial increase in other services noted above would not be warranted for the project.

<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>
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a) and b) **No Impact:** No impacts to existing recreational facilities/parks and no development of new facilities/parks are required as part of the project. No mitigation required.

<u><b>XVI. TRANSPORTATION/TRAFFIC.</b></u> <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 substantial additional vehicular movement?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Effect existing parking facilities, or demand for new parking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially impact existing transportation systems?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Alter present patterns of circulation or movement of people and/or goods?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Increase traffic hazards to motor vehicles, bicyclists or pedestrians.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a) *Generation of substantial additional vehicular movement?* **Less than Significant Impact:** Each of the proposed parcels would be accessed directly from Old River Road (CR# 201) over existing road approaches. Comments were received from the County Department of Transportation (DOT) recommending that each of the approaches be improved to County standards. More specifically, standard driveway approaches are recommended for Parcels 1 and 4, and commercial road approaches to be constructed on Parcels 2 and 3. No other mitigation is required (see Condition Number 24).

b), d) and e) **No Impact:** Adequate parking is available on-site to accommodate residential development of the project area. No impacts to traffic circulation or emergency access would occur as a result of approval.

c) and f) *Substantial impact upon existing transportation systems? Increase in traffic hazards to motor vehicles, bicyclists or pedestrians?* **Less than Significant Impact:** Additional traffic generated from the project would not be significant. There is adequate capacity on Old River Road to accommodate the traffic generated by the possible three single family dwelling units. No mitigation is required.

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

*a) through g) No Impact:* An existing residence on Parcel 2 and farm labor housing located on Parcel 3 are each served served by private wells and septic systems. Building envelopes are proposed for Parcels 1 and 4, both of which are undeveloped and will be served by private septic systems and private water wells which must be approved by the Mendocino County Division of Environmental Health (see Conditions Number 16 through 18). No other mitigation is 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>
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a) *Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?* **Less than Significant Impact with Mitigation Incorporated:** As discussed above under Section IV (Biological Resources), the proposed building envelopes would adequately protect botanical or other sensitive habitat communities from potential impacts. In addition, recommendations that a nesting raptor search be performed prior to future development within the envelopes. Subsequent avoidance measures would be required prior to construction activities to prevent disturbance to nesting raptors. As a result of the mitigation, impacts would be less than significant.

b) and c) **No Impact:** Impacts from the project will not be significant on an individual or cumulative level.

**DETERMINATION:**

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
Signature on File  
JOHN SPEKA