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

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**SEPTEMBER 15, 2016  
U\_2015-0015**

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**SUMMARY**

**OWNER:** LORIN GEOFFRION/ MARTHA BETZ  
PO BOX 1401  
LAYTONVILLE, CA 95454

**APPLICANT:** LORIN GEOFFRION  
PO BOX 1401  
LAYTONVILLE, CA 95454

**AGENT:** TRANS TECH CONSULTANTS  
930 SHILOH RD, 44-J  
WINDSOR, CA 95492

**REQUEST:** Use Permit to establish and operate a retail service station ("Automotive and Equipment-Gasoline Sales" per MCC §20.024.025(D)) with 4 fueling pumps under a 2,200 sq. ft. canopy; two 12,000 gal. above-ground storage tanks; and the attendant lighting and signage, per MCC §20.092.015. Project also comprises a 4,480 sq. ft. combination retail store and restaurant, permissible by MCC §. 20.092.010. This is a single-phase project.

**APPLICATION DEEMED COMPLETE:** May 5, 2016

**LOCATION:** 0.5± miles north of Laytonville town center, lying on the west side of Highway 101 and just north of its intersection with Branscomb Road (CR 429), located at 45500 N Highway 101; APN 014-020-67.

**TOTAL ACREAGE:** 3

**GENERAL PLAN:** RC – Rural Community

**ZONING:** C1 – Limited Commercial, 6K

**SUPERVISORIAL DISTRICT:** 3

**ENVIRONMENTAL DETERMINATION:** Mitigated Negative Declaration

**RECOMMENDATION:** Approve with Conditions

**STAFF PLANNER:** ADELE PHILLIPS

**BACKGROUND**

**PROJECT DESCRIPTION:** The applicant is requesting a Use Permit to establish and operate a retail service station ("Automotive and Equipment-Gasoline Sales" per MCC §20.024.025(D)) with 4 fueling pumps under a 2,200 sq. ft. canopy, two 12,000 gal. above-ground storage tanks, and the attendant lighting and signage on a C1 zoned property approximately 0.5 miles north of Laytonville, and on the west

side of US Highway 101 (US 101). The proposed project also consists of a 4,480 sq. ft. combination retail store and restaurant, which is a permitted use per Mendocino County Code (MCC) §20.092.010.

The initial proposal comprised three phases, involving multiple structures with kitchen facilities, as well as areas designated for food trucks. In response to agency comments received after the initial referral issued September 2, 2015, the applicant reduced the scope of the proposal significantly to that which is described in the project Request.

**RELATED APPLICATIONS:**

**On-Site**

- Use Permit #U 36-89 permitted the use of the subject property as a collection point for aluminum/glass/plastic recyclables. Expired.

**SITE CHARACTERISTICS:** The subject property represents the northern most extent of Laytonville's commercial zoning district, and has frontage along US 101. At the subject location, the posted speed limit for southbound US 101 traffic is 45 miles per hour, while the speed limit for northbound traffic increases from 45 to 55 miles per hour.

The property is flanked on the north, west, and south by open grazing land. The north and west parcel is under Williamson Act contract. The south is zoned as a commercial district, but is currently undeveloped and used as open grazing land. The neighboring property to the east is also zoned as a commercial district, and has a retail sales business on the property.

The site is generally flat with a slight slope to the southwest, with large Valley Oaks, and several Ash and assorted trees are found on site. Currently, a low, wooden stage exists on the property, but it will be removed as part of this project. According to the applicant, the subject property was used as an RV park in the past, and has on site between 5 and 8 RV hook ups with associated concrete pads and two existing leach field areas (one of which will be utilized for the proposed project). The County has no records of permitted use as an RV park.

**SURROUNDING LAND USE AND ZONING:**

	<b>GENERAL PLAN</b>	<b>ZONING</b>	<b>LOT SIZES</b>	<b>USES</b>
<b>NORTH</b>	AG40	AG	73.5	AGRICULTURAL
<b>EAST</b>	RC	C1	2-5	COMMERCIAL
<b>SOUTH</b>	RC	C1 FP	26.5	AGRICULTURAL
<b>WEST</b>	AG40	AG40	73.5	AGRICULTURAL

**PUBLIC SERVICES:**

Access: US HWY 101  
Fire District: LONG VALLEY  
Water District: LAYTONVILLE  
Sewer District: NONE  
School District: LAYTONVILLE

**AGENCY COMMENTS:** On September 2, 2015, and May 10, 2015, 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 is discussed in full as key issues in the following section.

REFERRAL AGENCIES	RELATED PERMIT	COMMENT	DATE
<b>Department of Transportation</b>		No Comment	6/16/2016
<b>Environmental Health-Ukiah (EH)</b>		Comments	
<ul style="list-style-type: none"> <li>Consumer Protection: A complete set of scaled plans for each proposed food facility, manufacturers' material and equipment technical specification sheets to be submitted to EH for review and approval</li> <li>HazMat: HMMP and Specification Tier 3 plans required before commencing operations</li> <li>Land Use: Septic permit required. May need permit from California Dept. of Public Health's State Drinking Water Program.</li> </ul>			9/2/2015
<ul style="list-style-type: none"> <li>Submit plans and application with fee payments to EH Consumer Protection for the store/restaurant</li> </ul>			5/19/2016
<b>Building Services-Ukiah</b>		No Comment	9/22/2015
<b>Emergency Services</b>		No Response	
<b>Assessor</b>		No Response	
<b>Agriculture Commissioner</b>		No Response	
<b>Air Quality Management District</b>		Comments	
<ul style="list-style-type: none"> <li>Permit required for gasoline dispensing facility, and above ground gasoline storage tanks</li> <li>Permit required for grading in excess of 1 acre</li> <li>Construction/grading activities must comply with Regulation 1-430</li> </ul>			9/8/2015
<b>California Dept. of Transportation (Caltrans)</b>	Encroachment	Comments	
<ul style="list-style-type: none"> <li>Traffic Impact Study (TIS) requested, including left-turn channelization and right-turn deceleration analyses</li> <li>Encroachment permit for access, stormwater, utilities, signs, and other items in the state highway clear recovery zone</li> </ul>			9/17/2015
<ul style="list-style-type: none"> <li>Noted discrepancies between project description and TIS, requested revisions, including: revised project description, updated site plan, revised trip generation, revised pass-by trip evaluation, revised left-turn channelization warrant, internal trip analysis</li> <li>Standard commercial driveway entrance likely required</li> <li>Design for parking of large vehicles on wide road shoulders or mitigate with "No Parking" signage</li> <li>Include highway lighting in site plan revisions</li> <li>Liquid propane gas tank should be moved away from the highway to avoid exposure to vehicle strike, and allow refilling operations to be performed without use of shoulder</li> <li>Right of way is prescriptive; some right of way may need to be dedicated or transferred by the developer to accommodate for additional width of left turn lane</li> <li>Survey of highway required at this location</li> </ul>			2/3/2016
<ul style="list-style-type: none"> <li>Have reviewed revised TIS and do not concur with findings</li> <li>A northbound left turn pocket on US 101 will be required for the project</li> <li>Access to site should be provided via only one driveway in order to minimize conflicts</li> </ul>			6/14/2016
<b>California Dept. of Forestry and Fire Protection (Calfire)</b>		Comments	
<ul style="list-style-type: none"> <li>Per California Code of Regulations, Title 14, §1270.07, Exceptions to Standards, there is a onetime exemption to §1276.01 Setback for Structure Defensible Space, for the "permitted" structures</li> <li>Buildings shall be setback a minimum of 20 feet from property line</li> <li>There will be at least 5700 gallon water storage provided on site</li> <li>Emergency Water Supply Standard may also be met if the structure is within 0.5 miles driving distance of a working hydrant, or within 5 driving miles of a year-round</li> </ul>			8/25/2015

fire station		
<b>California Dept. of Fish and Wildlife</b>	No Response	
<b>Sonoma State University-NWIC</b>	Comments	
<ul style="list-style-type: none"> <li>No record of any previous cultural resource studies</li> <li>Archaeological study is recommended</li> </ul>		9/14/2015
<b>Archaeological Commission</b>	Comments	
<ul style="list-style-type: none"> <li>Archaeological survey required</li> <li>Survey accepted; no cultural, historical, or archaeological sites observed</li> <li>MCC §22.12.090 applies</li> </ul>		11/10/2015 2/10/2016
<b>Regional Water Quality Control Board</b>	No Response	
<b>County Highway Patrol</b>	No Response	
<b>Laytonville Municipal Advisory Council</b>	Comments	
<ul style="list-style-type: none"> <li>Left-hand turn lane suggested</li> <li>Concerns regarding adequate drainage, and antiquated septic system</li> <li>LMAC voted 10/28/2015 to approve the project</li> </ul>		11/2/2015
<b>Laytonville School District</b>	No Response	
<b>Laytonville County Water District</b>	Comments	
<ul style="list-style-type: none"> <li>Site has existing District water service</li> </ul>		9/8/2015
<b>Long Valley Fire District</b>	No Response	

### KEY ISSUES

#### **1. GENERAL PLAN and ZONING CONSISTENCY**

The project is consistent with its General Plan designation of Rural Community (RC). The Land Use Section Policy DE-11 of the General Plan states that the intent of the Rural Community land use designation is as follows:

*The Rural Community classification designates areas which are logical, planned center for future growth. [It] is intended to be applied to small, unincorporated towns and community centers...which provide a variety of community and tourist-oriented goods and services but may not have well-defined or identifiable commercial or residential districts... [It] anticipates multiple land uses on any given lot, consistent with and supportive of a higher intensity of development in the community area core that will further define each of these town centers.*

As discussed in the staff report and the Initial Study, the project will be located on a previously developed site. The impacts of any tree removal, grading, and other development activities, will be reduced to the greatest extent possible via the Conditions of Approval.

The project is subject to the policies of the Mendocino County General Plan, and Title 20 Division I of the Mendocino County Code (MCC). "Automotive and Equipment – Gasoline Sales", as defined in MCC §20.024.025(D), is a use subject to a Minor Use Permit per MCC §20.088.015 of C-1 Limited Commercial District.

#### **2. SPECIAL PLANS**

The subject property is within the Laytonville Community Planning Area and is consistent with the following goals and policies:

Goal CP-L-1: Retain the rural atmosphere and natural resources of Long Valley.

Goal CP-L-3: Enhance the aesthetic appeal of Laytonville along the US 101 corridor.

Goal CP-L-4: Focus development and community services in proximity to the town center of Laytonville.

Action Item CP-L-2.1: Continue to refer discretionary projects to, and consider recommendations of, the Laytonville Area Municipal Advisory Commission[sic] prior to taking action on the proposal.

Policy CP-L-4: The visual impacts of signs along roadways and in the Laytonville community shall be reduced to the extent possible.

Policy CP-L-7: Laytonville and Long Valley shall be maintained as a community with businesses that are unique or local to Mendocino County which entice people to get out of their vehicles; and provide a community scale and context compatible with surrounding uses.

The Laytonville Area Municipal Advisory Council (LMAC) is supportive of the project, stating in their October 28, 2015, letter on file with PBS that LMAC voted unanimously to approve the project. The project as modified by the Conditions of Approval and Mitigation Measures will satisfy the LMAC's concerns regarding the following expressed in the aforementioned letter: adequate drainage, whether there is adequate septic system capacity, and the suggestion that a left hand turn pocket be created for northbound US 101 traffic.

### 3. USE PERMIT

#### 3.1 Traffic Safety

The subject property has frontage along US 101, and is under the jurisdiction of California Department of Transportation (Caltrans). Access to the property will be via a new encroachment from US 101. A traffic impact study analyzing the traffic impacts to US 101 was conducted by the owner/applicant and reviewed by Caltrans for completeness, accuracy, and anticipated impact.

Based on traffic counts conducted by Caltrans, it is estimated that the project will generate 160 vehicles per hour visiting the retail service station on a typical weekday. It is estimated that approximately 60 northbound vehicles per hour would be turning left onto the subject property during peak hours between 12:00 p.m. and 4:00 p.m. In addition, the following should be noted:

- Weekend and summer traffic is typically heavier than midweek traffic, and left turn warrants will increase during these times.
- The northern property boundary marks the beginning of the return to highway conditions (55 mph speed limit), and a point at which northbound drivers will begin to increase their speeds as they depart the Laytonville area speed zone.
- Small vehicles towing trailers make up a large percentage of the traffic accessing the area's retail service stations. These vehicles favor larger gaps in traffic in order to make turning movements.

Given the above factors, a northbound left turn pocket on US 101, allowing safe deceleration and turning of vehicles from the northbound lane onto the subject property is required. The owner/applicant shall be required to obtain an encroachment permit for the provision of a left-hand turn pocket for northbound US 101 traffic. The left-turn channelization shall be designed and built in conformance with current Highway Design Manual standards. Additionally, the owner/applicant shall be required to obtain an encroachment permit for a *single* commercial driveway onto US 101.

#### 3.2 Use Permit Findings

- a. *That adequate utility, access roads, drainage and other necessary facilities have been or are being provided for the proposed retail service station.*

Caltrans has reviewed the project and recommends conditional approval provided a left-turn pocket for northbound US 101 traffic is constructed.

- b. *That the retail service station 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 the facility, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the county.*

The retail service station is located within a relatively sparsely populated valley, and within a pre-existing commercial area. Staff is unaware of any public complaints received for any activities on the subject property. Based on the above, and by limiting the hours of operation, and shielding exterior lighting, staff finds that the proposed project will not create a public nuisance.

c. *That the retail service station preserves the integrity of the zoning district.*

The proposed use is in conformance with the zoning district and will not undermine its integrity.

#### 4. CEQA

Staff has completed an Initial Study for the project and determined that the project could have a significant impact on transportation and traffic. The Mitigated Negative Declaration was released for public comment on August 11, 2016. As discussed in the Initial Study and Key Issues section of the staff report, mitigation measures have been identified to mitigate potentially significant impacts to transportation and traffic to a less than significant level. Staff recommends that the Planning Commission certify a Mitigated Negative Declaration for the project.

### RECOMMENDATION

By resolution, adopt a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program] and grant a Use Permit for the Project, as proposed by the applicant, based on the facts and findings and subject to the Conditions of Approval.

August 9, 2016

DATE

Signature on file

ADELE PHILLIPS

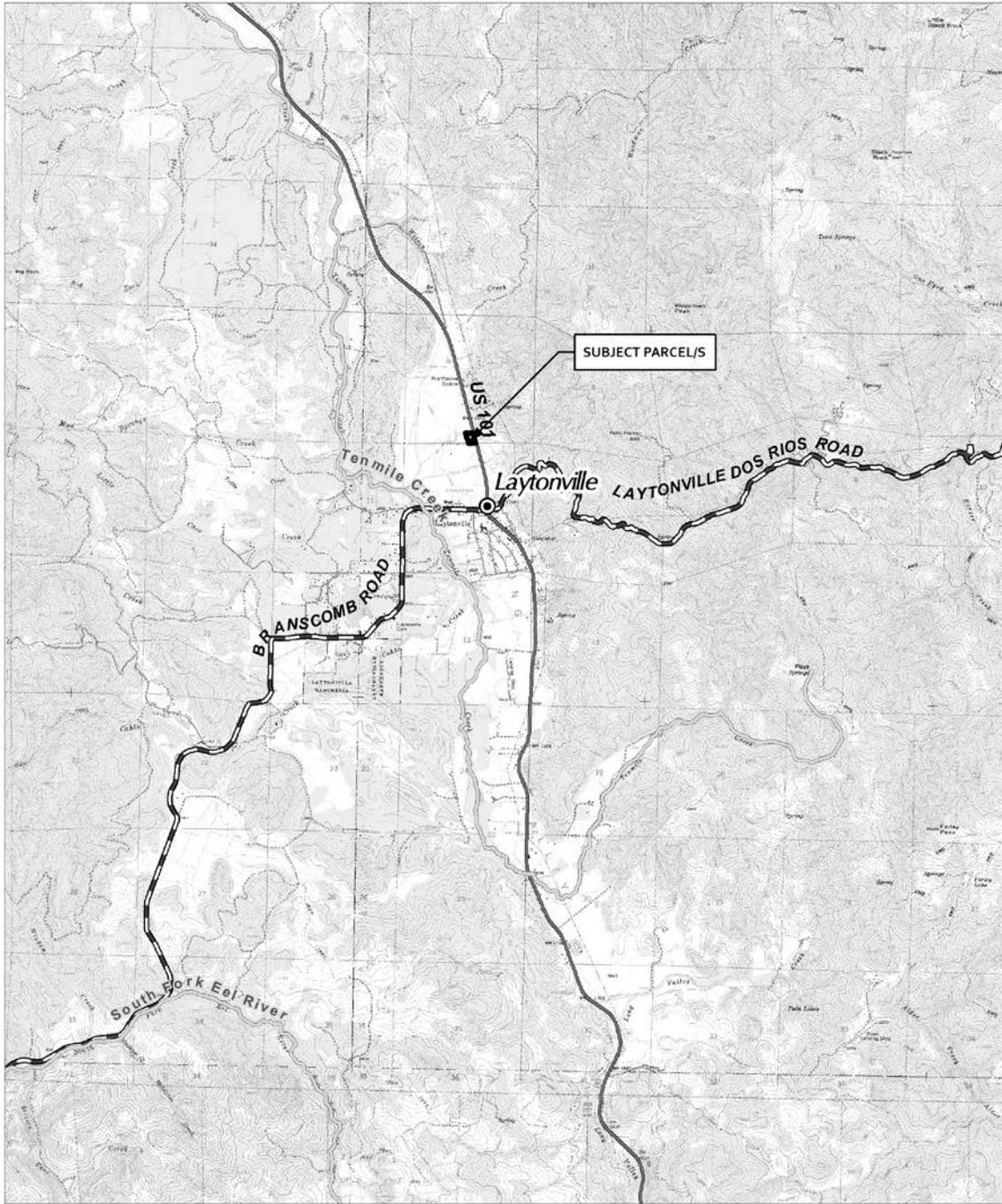
Appeal Period: 10 Days  
Appeal Fee: \$910.00

#### ATTACHMENTS:

- A. Location Map
- B. Aerial Map
- C. Aerial Map: Previous Use
- D. Plot Plan
- E. Plot Plan Tree Removal
- F. Plot Plan without Vegetation
- G. Restaurant Layout
- H. Rendering Looking North
- I. Rendering Looking Southwest
- J. Streetview Looking Southwest
- K. North and East Elevations
- L. Freestanding Sign
- M. Adjacent Owner Map
- N. Zoning Map
- O. General Plan/LCP Map
- P. Fire Hazards Map
- Q. Williamson Act Map
- R. Water District

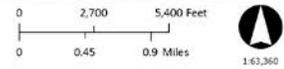
### INITIAL STUDY/DRAFT MITIGATED NEGATIVE DECLARATION

### RESOLUTION AND CONDITIONS OF APPROVAL (Exhibit A)



CASE: U 2015-0015  
OWNER: GEOFRION/BETZ  
APN: 014-020-67  
APLCT: Lorin Geoffrion III  
ADDRESS: 45500 N. Hwy. 101, LA

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



LOCATION MAP

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



CASE: U 2015-0015  
OWNER: GEOFFRION/BETZ  
APN: 014-020-67  
APLCT: Lorin Geoffrion III  
ADDRESS: 45500 N. Hwy. 101, LA

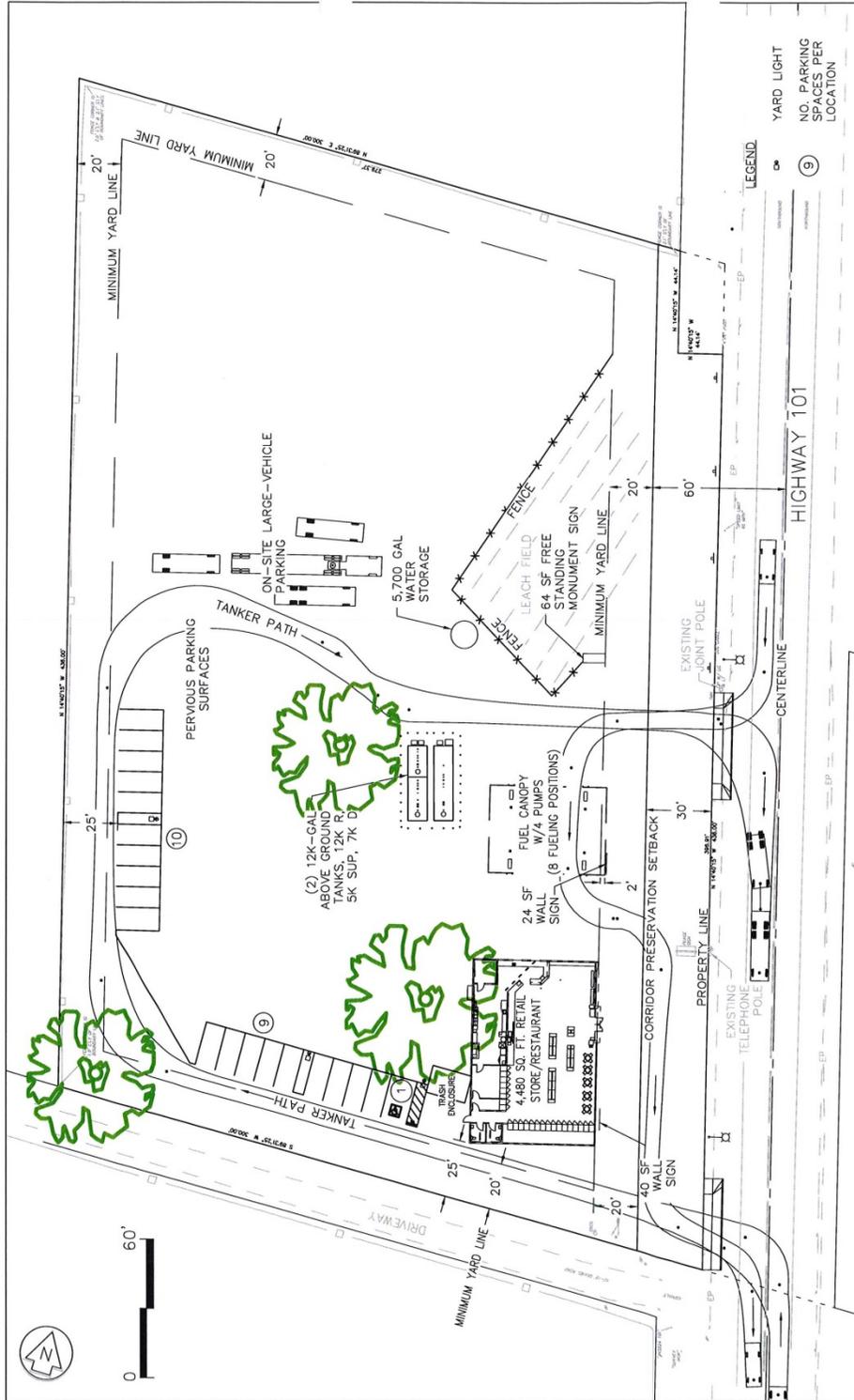
Public Roads

0 25 50 Feet  
0 0.0045 0.009 Miles  
1:650

GOOGLE EARTH IMAGERY  
IMAGERY DATE: 5-30-2014

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





<p><b>TRANS TECH CONSULTANTS</b>                  930 SHILOH RD., BLDG. 44, SUITE J                  WINDSOR, CA 95492                  PHONE: 707-837-8408 FAX: 707-837-7334</p>	<p>DATE: 05/03/2016</p>
	<p>DATE: 05/03/2016</p>
<p>PLATE: 3</p>	<p>DATE: 05/03/2016</p>
<p>RETAIL STORE/RESTAURANT BUILDING AND SERVICE STATION                  GEOFFRION and BETZ                  45500 N. Highway 101, Laytonville, CA                  APN 014-020-67</p>	<p>DATE: 05/03/2016</p>
<p>JOB NUMBER: 2537.01</p>	<p>DATE: 05/03/2016</p>
<p>APPR. BY: MED</p>	<p>DATE: 05/03/2016</p>
<p>DRAWN BY: MED</p>	<p>DATE: 05/03/2016</p>
<p>BASE: 2537</p>	<p>DATE: 05/03/2016</p>



930 SHILOH RD., BLDG 44, SUITE J  
WINDSOR, CA 95492  
PHONE: 707-837-8408 FAX: 707-837-7334

LANDSCAPE PLAN  
RETAIL STORE/RESTAURANT BUILDING AND SERVICE STATION  
GEOFFRION and BETZ  
45500 N. Highway 101, Laytonville, CA  
APN 014-020-67

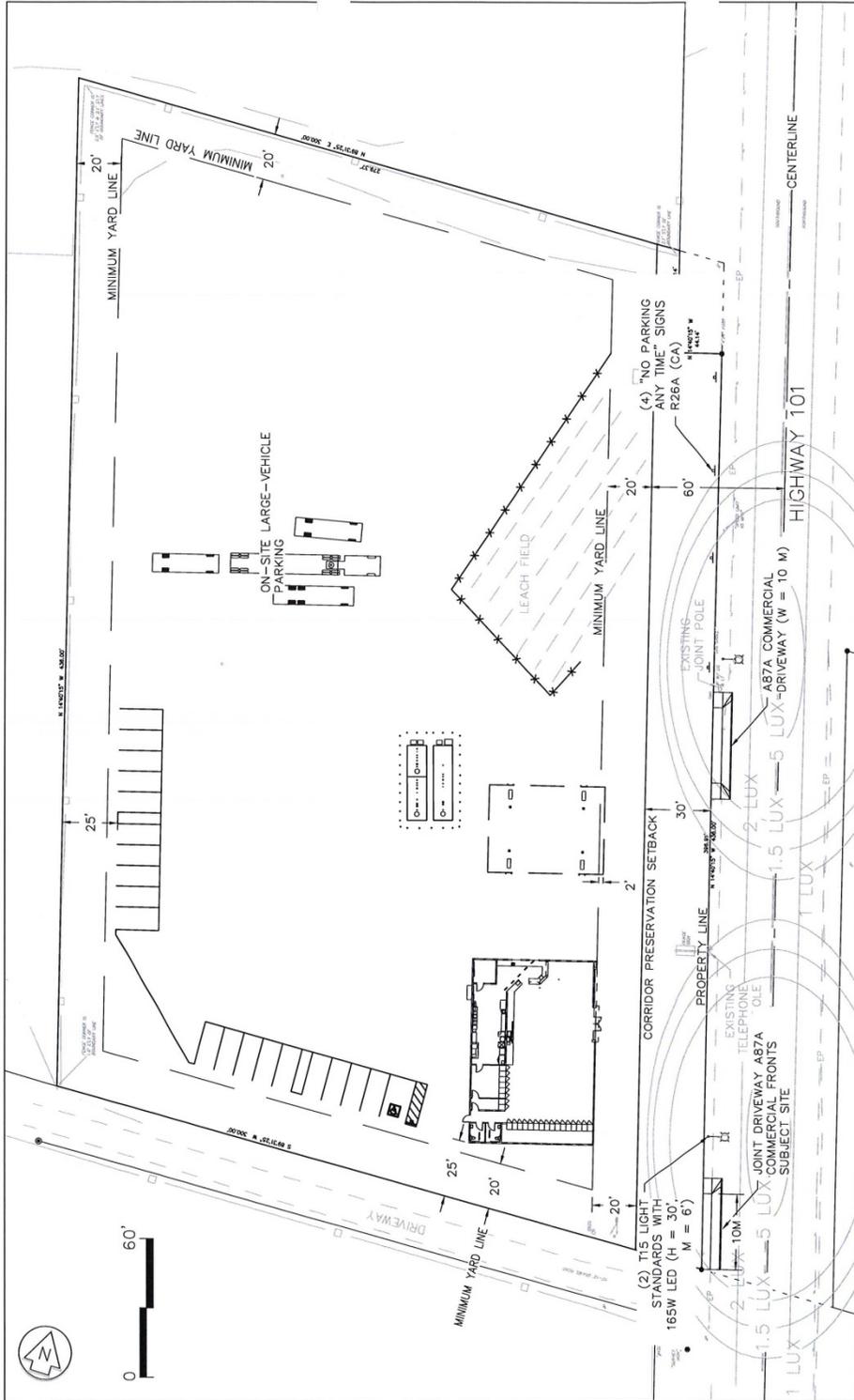
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JOB NUMBER:  
2537.01

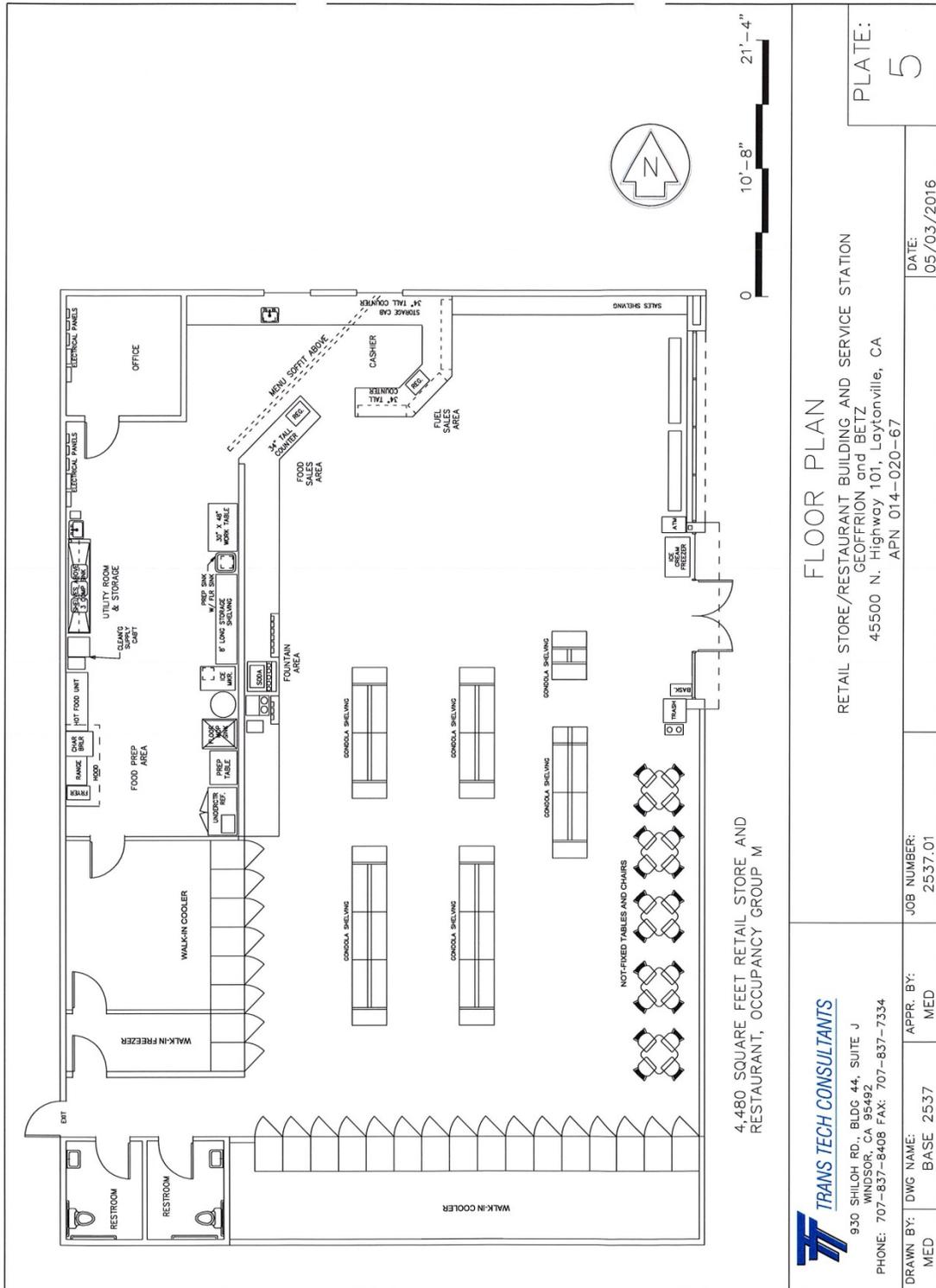
APPR. BY:  
MED

DRAWN BY: DWG NAME:  
BASE 2537

DATE:  
05/03/2016



<p><b>TRANS TECH CONSULTANTS</b>                  930 SHILOH RD, BLDG 44, SUITE J                  WINDSOR, CA 95492                  PHONE: 707-837-8408 FAX: 707-837-7334</p>		<p><b>CALTRANS DETAILS</b>                  RETAIL STORE/RESTAURANT BUILDING AND SERVICE STATION                  GEOFFRION and BETZ                  45500 N. Highway 101, Laytonville, CA                  APN 014-020-67</p>	
<p>DATE: 05/03/2016</p>	<p>PLATE: 10</p>	<p>DATE: 05/03/2016</p>	<p>PLATE: 10</p>
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<p>BASE 2537</p>	<p>DATE: 05/03/2016</p>	<p>DATE: 05/03/2016</p>	<p>PLATE: 10</p>
<p>DWG NAME: BASE 2537</p>	<p>DATE: 05/03/2016</p>	<p>DATE: 05/03/2016</p>	<p>PLATE: 10</p>
<p>DRAWN BY: MED</p>	<p>DATE: 05/03/2016</p>	<p>DATE: 05/03/2016</p>	<p>PLATE: 10</p>



4,480 SQUARE FEET RETAIL STORE AND RESTAURANT, OCCUPANCY GROUP M



TRANS TECH CONSULTANTS  
 930 SHILOH RD., BLDG 44, SUITE J  
 WINDSOR, CA 95492  
 PHONE: 707-837-8408 FAX: 707-837-7334

FLOOR PLAN

RETAIL STORE/RESTAURANT BUILDING AND SERVICE STATION  
 GEOFFRION and BETZ  
 45500 N. Highway 101, Laytonville, CA  
 APN 014-020-67

PLATE:  
 5

DRAWN BY: DWG NAME: MED	BASE 2537	APPR. BY: MED	JOB NUMBER: 2537.01	DATE: 05/03/2016
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**TRANS TECH CONSULTANTS**

930 SHILOH RD., BLDG 44, SUITE J  
 WINDSOR, CA 95492  
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**VIEW FROM SOUTH**

RETAIL STORE/RESTAURANT BUILDING AND SERVICE STATION  
 GEOFFRION and BETZ  
 45500 N. Highway 101, Laytonville, CA  
 APN 014-020-67

PLATE:  
 6

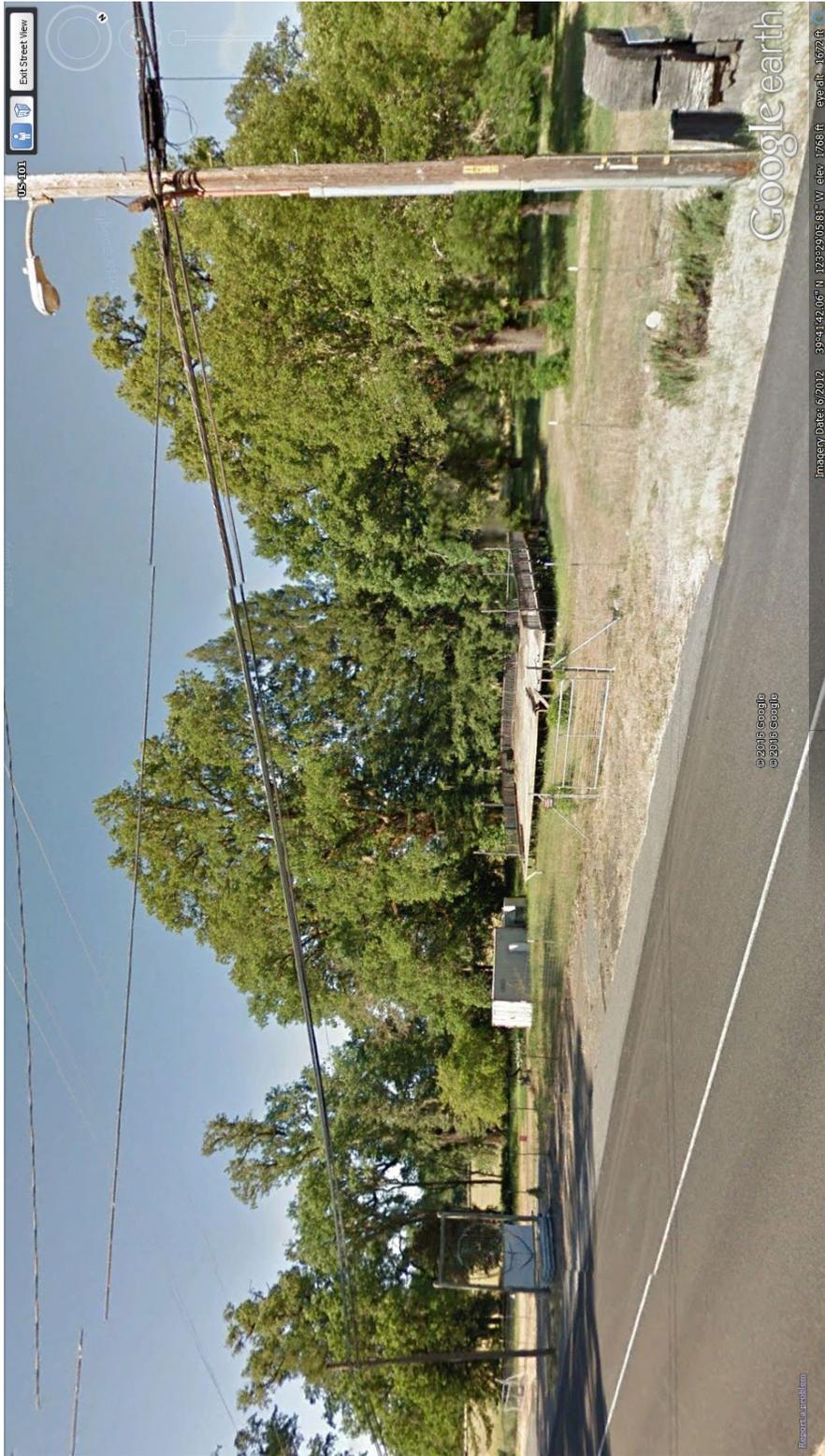
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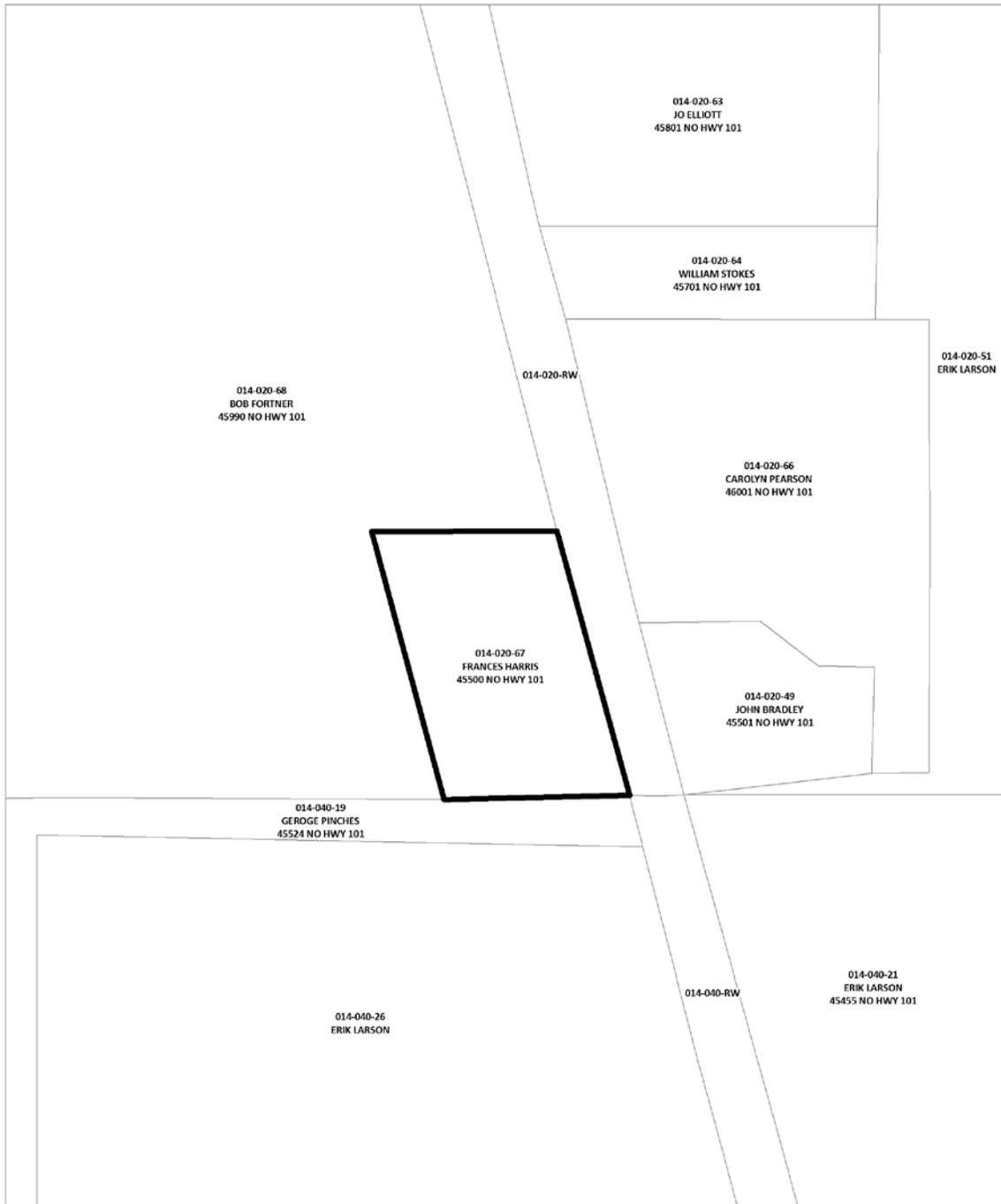


 <p><b>TRANS TECH CONSULTANTS</b>                  830 SHILOH RD., BLDG 44, SUITE J                  WINDSOR, CA 95492                  PHONE: 707-837-8408 FAX: 707-837-7334</p>		<p>VIEW FROM NORTH</p> <p>RETAIL STORE/RESTAURANT BUILDING AND SERVICE STATION                  GEOFFRION and BETZ                  45500 N. Highway 101, Laytonville, CA                  APN 014-020-67</p>		<p>PLATE: 7</p>
<p>DRAWN BY: DWG NAME: BASE 2537</p>	<p>APPR. BY: MED</p>	<p>JOB NUMBER: 2537.01</p>	<p>DATE: 05/03/2016</p>	

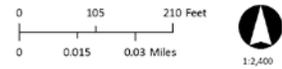


		<p>NATURAL FOOD STORE ELEVATIONS</p> <p>RETAIL STORE/RESTAURANT BUILDING AND SERVICE STATION</p> <p>GEOFFRION and BETZ</p> <p>45500 N. Highway 101, Laytonville, CA</p> <p>APN 014-020-67</p>		<p>PLATE:</p> <p>8</p>
		<p>DATE:</p> <p>05/03/2016</p>	<p>JOB NUMBER:</p> <p>2537.01</p>	<p>APPR. BY:</p> <p>MED</p>
<p>TRANS TECH CONSULTANTS</p> <p>930 SHILOH RD., BLDG 44, SUITE J</p> <p>WINDSOR, CA 95492</p> <p>PHONE: 707-837-8408 FAX: 707-837-7334</p>	<p>DRAWN BY:</p> <p>MED</p>	<p>DWG NAME:</p> <p>BASE 2537</p>	<p>40 SF ROOF SIGN</p>	

	<p>64 SF FREE STANDING SIGN</p>	<p>UNREGULATED STATE-REQUIRED FUEL PRICE SIGN</p>	<p>NORTH/SOUTH ELEVATION</p>
<p><b>TRANS TECH CONSULTANTS</b> 930 SHILOH RD., BLDG 44, SUITE J WINDSOR, CA 95492 PHONE: 707-837-8408 FAX: 707-837-7334</p>	<p>DRAWN BY: DWG NAME: BASE 2537 MED</p>	<p>APPR. BY: MED JOB NUMBER: 2537.01</p>	<p>FREESTANDING SIGN ELEVATION RETAIL STORE/RESTAURANT BUILDING AND SERVICE STATION GEOFFRION and BETZ 45500 N. Highway 101, Laytonville, CA APN 014-020-67</p>
			<p>PLATE: 9</p>
			<p>DATE: 05/03/2016</p>

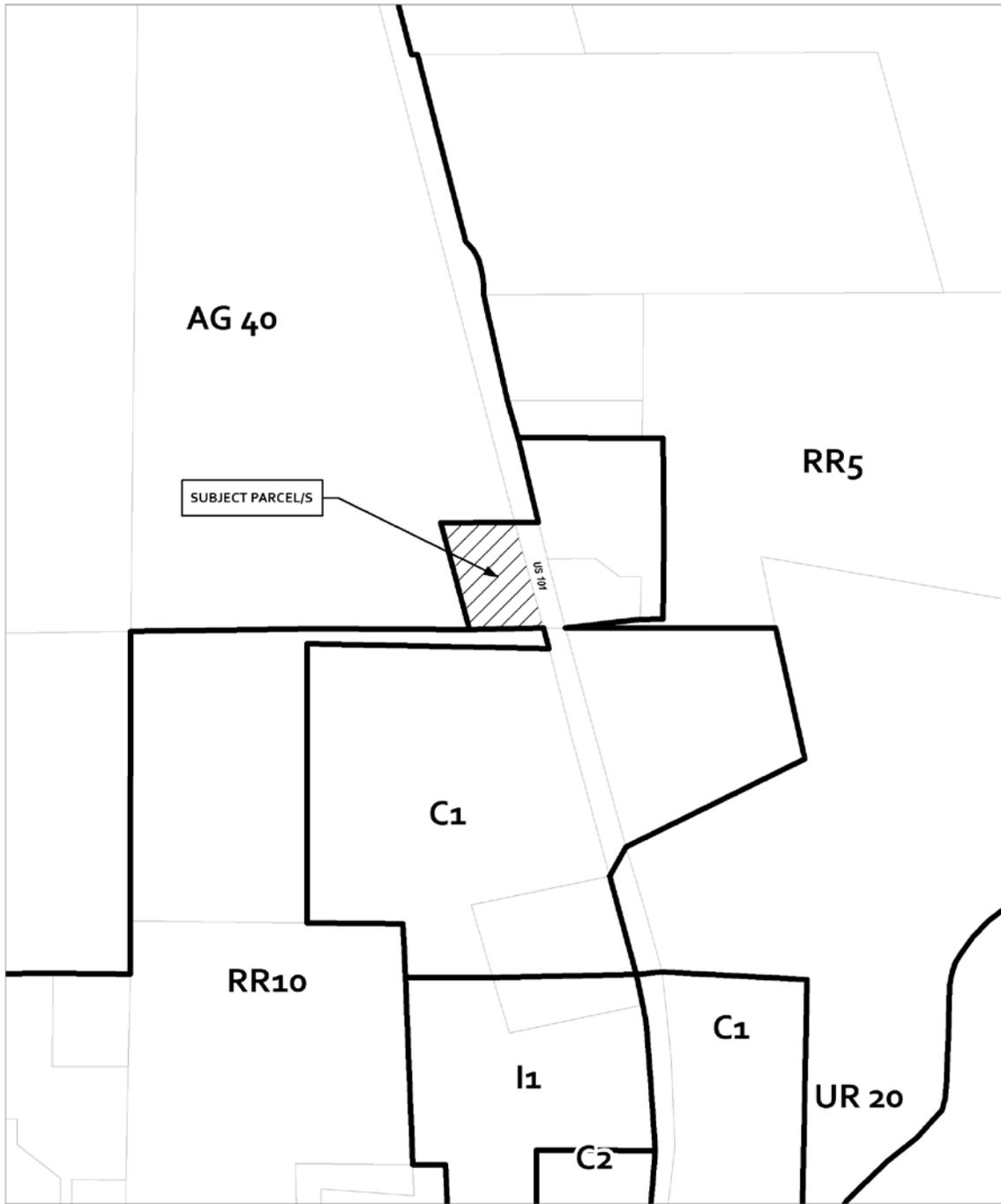


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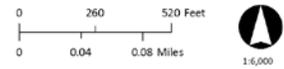
ADJACENT PARCELS

Map produced by the Mendocino County Planning & Building Services, August, 2015  
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 Zoning Master



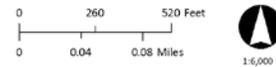
ZONING DISPLAY MAP

Map produced by the Mendocino County Planning & Building Services, August, 2015  
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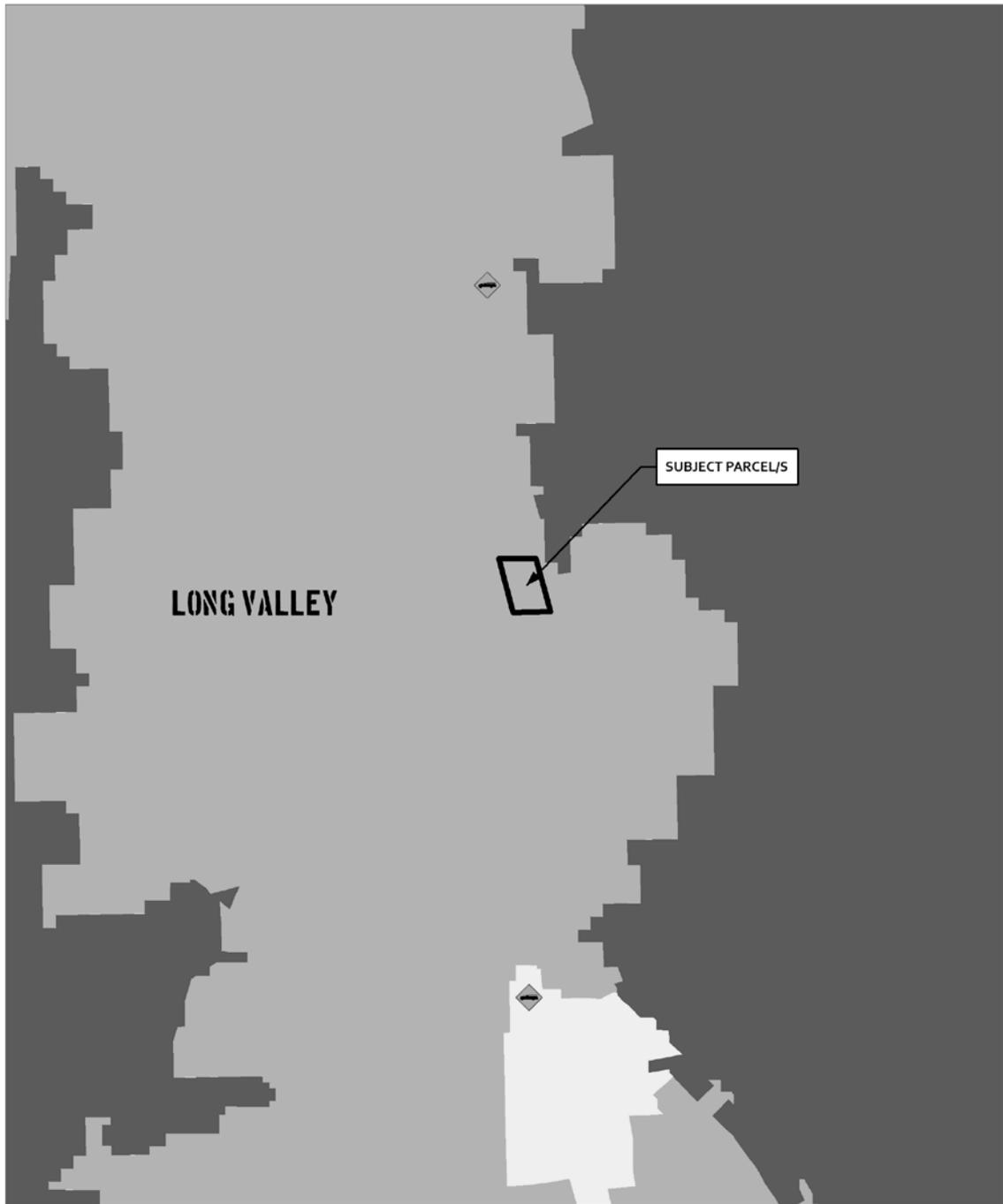
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 General Plan Master



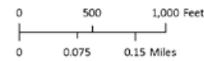
GENERAL PLAN CLASSIFICATIONS

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



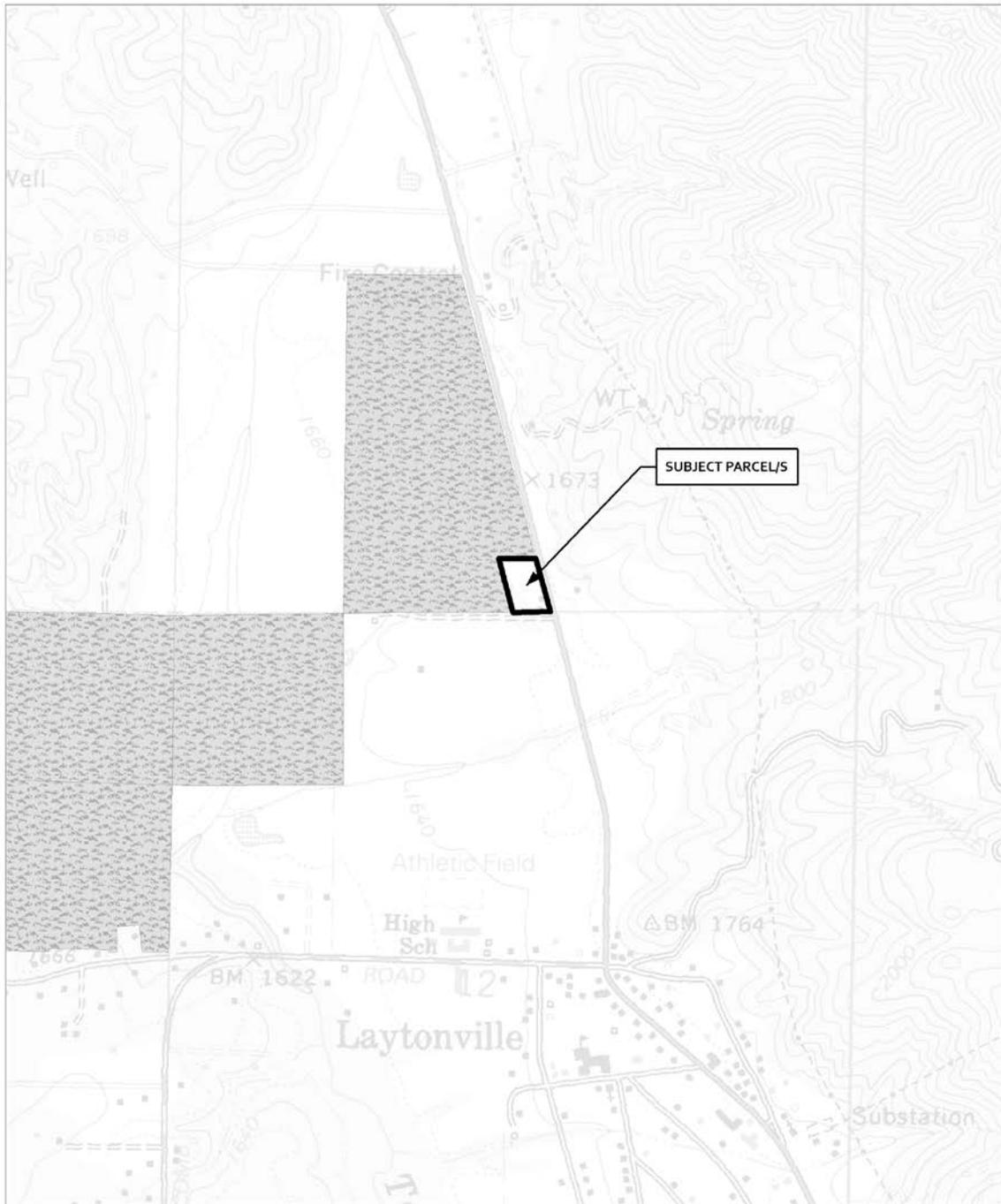
CASE: U 2015-0015  
OWNER: GEOFFRION/BETZ  
APN: 014-020-67  
APLT: Lorin Geoffrion III  
ADDRESS: 45500 N. Hwy. 101, LA

-  Fire Stations
-  Very High Fire Hazard
-  High Fire Hazard
-  Moderate Fire Hazard



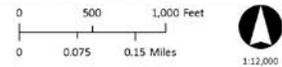
**FIRE HAZARD ZONES & RESPONSIBILITY AREAS**  
STATE RESPONSIBILITY AREA

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



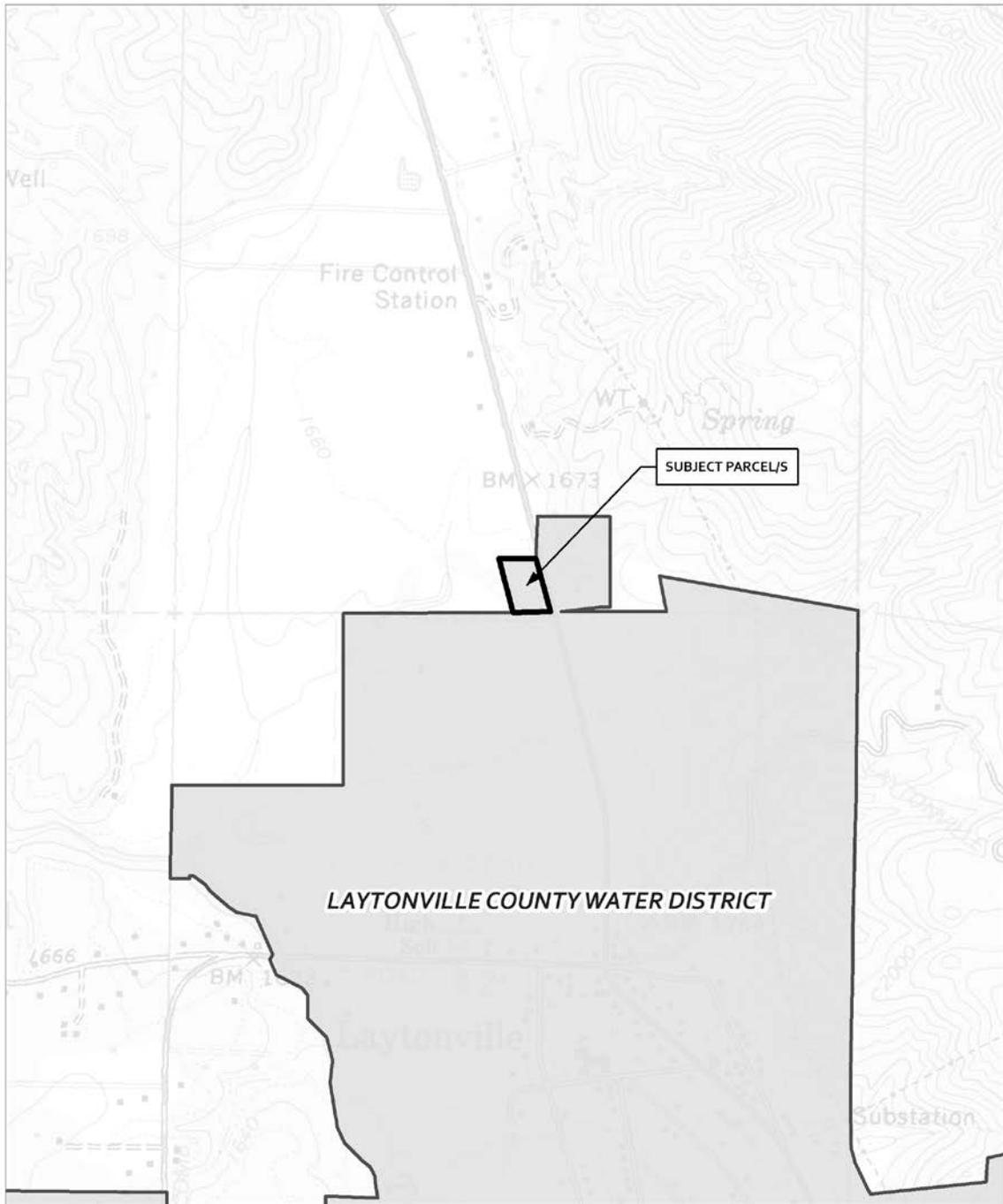
CASE: U 2015-0015  
OWNER: GEOFFRION/BETZ  
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 Williamson Act 2014  
 Non-Prime Ag 2014



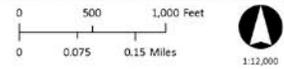
LANDS IN WILLIAMSON ACT CONTRACTS

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



CASE: U 2015-0015  
OWNER: GEOFFRION/BETZ  
APN: 014-020-67  
APLT: Lorin Geoffrion III  
ADDRESS: 45500 N. Hwy. 101, LA

 County Water Districts



WATER DISTRICTS

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

**INITIAL STUDY/MITIGATED NEGATIVE DECLARATION**

**Section I Description Of Project.**

**DATE:** 7/26/2016  
**CASE#:** U\_2015-0015  
**DATE FILED:** 8/5/2015  
**OWNER/APPLICANT:** LORIN GEOFFRION  
**PROJECT COORDINATOR:** ADELE PHILLIPS  
**REQUEST:** Use Permit to establish and operate a retail service station ("Automotive and Equipment-Gasoline Sales" per MCC §20.024.025(D)) with 4 fueling pumps under a 2,200 sq. ft. canopy; two 12,000 gal. above-ground storage tanks; and the attendant lighting and signage, per MCC §20.092.015. Project also comprises a 4,480 sq. ft. combination retail store and restaurant, permissible by MCC §. 20.092.010. This is a single-phase project.  
**ENVIRONMENTAL DETERMINATION:** Mitigated Negative Declaration  
**LOCATION:** 0.5± miles north of Laytonville town center, lying on the west side of Highway 101 and just north of its intersection with Branscomb Road (CR 429), located at 45500 N Highway 101; APN 014-020-67.

**Section II Environmental Checklist.**

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

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

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

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

<input type="checkbox"/> Aesthetics	<input type="checkbox"/> Agriculture and Forestry Resources	<input type="checkbox"/> Air Quality
<input 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 type="checkbox"/> Land Use / Planning	<input type="checkbox"/> Mineral Resources	<input type="checkbox"/> Noise
<input type="checkbox"/> Population / Housing	<input type="checkbox"/> Public Services	<input type="checkbox"/> Recreation
<input checked="" type="checkbox"/> Transportation/Traffic	<input type="checkbox"/> Utilities / Service Systems	<input type="checkbox"/> Mandatory Findings of Significance

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

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

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

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

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

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

<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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Mendocino County is a scenic and visually diverse county, and is considered predominantly rural with respect to existing development. The following are the applicable visual resource policies found within County of Mendocino’s General Plan:

- Policy DE-78:** Site planning and design shall adhere to resource protection standards in order to integrate and complement the natural ecology and environmental setting. The emphasis shall be on creation of livable communities, function of scale, and land use pattern and intensity.
- Policy DE-79:** Compatibility with desired architectural character in established neighborhoods and communities shall be evaluated when considering new development.
- Policy DE-81:** Encourage that landscaping of new residential subdivisions, mobile home parks, and commercial and industrial uses is adequate to enhance the site and reflects the local climate and drought tolerance in the choice of plant materials.
- Policy DE-82:** Encourage new commercial, office and industrial developments to include attractive and varied building materials, building designs that break or reduce the massing of large walls, building and rooflines, and landscaping plans.
- Policy DE-83:** Parking lots should be located and designed to: 1) appear subordinate to the uses served, 2) be visually attractive, 3) meet normal, not maximum single day expected vehicle demand, and 4) provide for on-site treatment of stormwater.
- Policy DE-89:** Reduce excessive artificial light and offsite light impacts while maintaining nighttime safety, security, and productivity.
- Policy DE-94:** Promote infill, reuse, redevelopment and brownfield redevelopment supported by existing or improved infrastructure.
- Policy CP-L-4:** The visual impacts of signs along roadways and in the Laytonville community shall be reduced to the extent possible.

The natural setting of the proposed project is the north end of Laytonville, and in the northern third of Long Valley, where US 101 is flanked by open oak savannah. Laytonville is a rural community with a centralized downtown commercial district, located about one half mile south of the subject property.

The subject property represents the northern-most extent of Laytonville’s commercial zoning district, and has frontage along US 101. It is flanked on the north, west, and south by open grazing land. The north and west parcel is under Williamson Act contract. The south is zoned as a commercial district, but is currently undeveloped and used as open grazing land. The neighboring property to the east is also zoned as a commercial district, and has a retail sales business on the property.

The site is generally flat with a slight slope to the southwest, with large Valley Oaks, and several Ash and assorted trees are found on site. Currently, a low, wooden stage exists on the property, but it will be removed as

part of this project. In the past the subject property was used as an RV park, and it has between 5 and 8 RV hook ups with associated concrete pads. The subject property also includes two existing leach field areas, one of which will be utilized for the proposed project.

**a, b) No Impact**

Under CEQA, those visual resources that uniquely contribute to the public benefit are scenic resources under CEQA. Only that portion of US 101 extending from the Mendocino-Humboldt county line to its intersection with US Highway 1 at the community of Leggett has been identified by the California Department of Transportation (Caltrans) as being *eligible* for designation as a State Scenic Highway; currently it is *not officially designated* as such (Caltrans, 2016). No scenic resources exist on the property, or in close proximity.

**c) Less Than Significant Impact**

Visual character is descriptive and non-evaluative, which means that it is based on defined subjective attributes that are neither good nor bad in and of themselves. The ability of an area to absorb visual change is dependent on its context. The proposal takes advantage of a site which has previously been utilized as a small RV park, an informal parking and pull-off site for US 101 traffic, and a recycling collection area. As a result, it has accumulated associated clutter. Bearing the marks of previous development, the site is not pristine, and the proposed development not likely to substantially degrade the existing visual character of the site.

The tenants of the commercial structure have an interest in signage for their respective businesses. This has the potential to create visual clutter. Therefore, **Conditions Number 10 and 11** will be applied to ensure consistency with the above County policies.

**d) Less than Significant Impact with Mitigation Incorporated**

With the establishment of a fuelling canopy and parking areas, the proposed use may potentially be a source of light pollution or glare. The property is screened to the south and west from neighboring areas by large trees. To ensure consistency with the above County policies related to exterior lighting and ensure that lighting will not significantly impact aesthetics and nighttime views, **Condition Number 14** will be applied to ensure consistency with the above County policies and further minimize impact.

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

While no policies speak directly to the northerly limits of the Laytonville commercial zoning district, Community-specific goals described in the General Plan regarding Laytonville encourage the implementation of “Smart Growth” planning principles for the Laytonville area, and the maintenance of the agricultural nature of the valley. Infill development is encouraged.

**Policy RM-42:** Direct new development to community areas and limit development of rural resource lands.

**a – e) No Impact**

No conversion of farmland will take place. The subject property abuts land within a Williamson Act contract to the north and west. The applicant is advised that the subject property is located within 300 feet of agricultural land and visitors to the property may be subject to inconvenience or discomfort arising from use of agricultural chemicals, and from the pursuit of agricultural 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 farm operation. **Condition Number 15** is recommended to help ensure that no development is constructed that may create future conflicts with the adjoining agricultural lands.

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

The project is located within a part of the North Coast Air Basin, consisting of Del Norte, Humboldt, Trinity, Mendocino, and northern Sonoma counties. 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.

**Policy RM-35:** The County shall work to maintain ‘attainment status’ for state and federal air quality standards which are currently met, and toward attainment for currently exceeded standards.

**Policy RM-36:** Maintain Federal Clean Air Act, Class 1 air quality standards in Federal Wilderness Areas and work to reduce out-of-county transport of significant pollution that will impact other Class 1 areas.

**Policy RM-37:** Public and private development shall not exceed Mendocino County Air Quality Management District emissions standards.

**Policy RM-38:** The County shall work to reduce or mitigate particulate matter emissions resulting from development, including emissions from wood-burning devices.

**Policy RM-41:** Reduce dust generation from unpaved roads.

**Policy RM-43:** Reduce the effects of earth-moving, grading, clearing and construction activities on air quality.

**a, b, c) Less Than Significant Impact**

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

- Combustion emission associated with operation of off-road equipment
- Combustion emissions associated with operation of on-road motor vehicles
- Fugitive dust from earth-moving activities
- Off-gassing from asphalt paving and architectural coatings

Anticipated emissions during the project operation include:

- Reactive Organic Gasses (ROG) emissions associated with fuel dispensing
- Combustion emissions associated with operation of on-road motor vehicles
- Emissions from “area sources”, including architectural coating off-gassing.

The AQMD is in attainment for all State standards with the exception of particulate matter less than 10 microns in size (PM10). The most common source of PM10 is wood smoke from home heating or brush fires, and dust generated by vehicles traveling over unpaved roads. A PM10 attainment plan was finalized in 2005 that provides mitigation measures for construction and grading activities and unpaved roads. During the construction phase of the project, the proposed project has the potential to increase PM10 in the immediate vicinity of the site due to site grading and truck traffic to the site. Local impacts to the area during construction would be mitigated using standard dust control measures. After construction is completed, weed barrier and potentially gravel would be placed over the bare ground of the project area, minimizing dust from traffic and wind borne particles, until the time at which a suitable landscape is installed. **Conditions Number 16, 17, and 18** will ensure that the project will achieve compliance with AQMD standards.

**d) Less Than Significant Impact**

Sensitive receptors can include schools, parks, playgrounds, day care centers, nursing homes, hospitals, and residential dwellings. Pollutant emissions in the form of PM-10 would only occur during construction from construction equipment, and thereafter the site would emit minimal air quality pollutants during its normal operation. The nearest residence is approximately 700 feet away and well screened by trees. Exhaust from gas dispensing operations and construction would not have a significant impact on neighbors due to standard emission control measures. **Condition Number 16** applies.

**e) No Impact**

The proposed project would create insignificant objectionable odors during its normal operation or during construction, and is not in a location that would affect substantial numbers of people. Additionally, compliance with AQMD Regulation 3, per **Condition Number 16**, will limit objectionable odors.

<u>IV. BIOLOGICAL RESOURCES.</u> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

removal, filling, hydrological interruption, or other means?				
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Mendocino County is largely rural and forested and has a wide range of climates, topography, soils, and watershed conditions, all of which produce very diverse plant and animal communities. The Mendocino County General Plan Chapter 4 Resource Management includes policies related to biological resources. Following are summaries of several applicable policies:

- Policy RM-7:** Promote the incorporation of efficient indoor plumbing fixtures in new development and redevelopment. Where appropriate, promote drought tolerant landscaping and the implementation of other water conservation best management practices.
- Policy RM-19:** Promote the incorporation of project design features that will improve water quality by minimizing impervious surface areas, maximizing on-site retention of storm water runoff, and preserving existing vegetation to the extent possible. Examples include:
  - Using Low Impact Development (LID) techniques.
  - Updating the County’s Building Codes to address “green” building and LID techniques that can reduce pollution of runoff water, and promoting these techniques
- Policy RM-20:** Require integration of storm water best management practices, potentially including those that mimic natural hydrology, into all aspects of development and community design, including streets and parking lots, homes and buildings, parks, and public landscaping
- Action Item RM 28.1:** The County shall develop CEQA standards that require disclosure of impacts to all sensitive biotic communities during review of discretionary projects. These standards shall require the following mitigation: ...Maintain and improve oak woodland habitat to provide for slope stabilization, soil protection, species diversity and wildlife habitat through the following measures: Preserve, to the maximum extent possible, oak trees and other vegetation that occur near the heads of drainages or depressions to maintain diversity of vegetation type and wildlife habitat as part of agricultural projects [truncated, see page 4-38 of the Mendocino County General Plan for full text].
- Policy RM-81:** Vegetation management and landscaping for public and private development should emphasize protection and continuity of natural habitats and hydrology.
- Policy RM-82:** Promote the conservation and use of native species or drought-tolerant, fire resistive and noninvasive vegetation.
- Policy DE-84:** Incorporate green building principles and materials into site designs and facility planning, construction and operations.
- Policy RM-89:** Conserve and enhance watercourses to protect habitat, fisheries, soils, and water quality.
- Policy RM-90:** Conserve and enhance streamside (riparian) vegetation through development design and standards.
- Policy RM-92:** Whenever possible, use riparian vegetation in conjunction with natural or appropriate structural materials to achieve a natural appearance.

**a, b, c, e, f) No Impact**

There are no adopted Habitat Conservation Plans, Natural Community Conservation Plans, or other approved local, regional, or state habitat conservation plans for the site of the proposed project. Additionally, the California Natural Diversity Database (CNDDB) does not indicate the presence of any sensitive plant or animal species to be located on the subject properties. Additionally, there are no identified wetlands on the site. It is unlikely that local wildlife is utilizing the site as a nursery or migratory stopover given its proximity to US 101, commercial development, and agricultural activities.

The proposed project would not conflict with local ordinances or policies protecting biological resources. Local policies are focused on project sites larger than 5 acres, or that involve significant changes to land zoned for timber production or as forest land. This site is located on a previously developed property. The project footprint is relatively small, and it is not anticipated that there will be any significant impact on plants or wildlife; however, the project will require limited tree removal. **Condition Number 20 applies.** Additionally, the project is subject to the Department of Fish and Game Code Section 711.4 wildlife habitat loss mitigation fee. **Condition Number 21 applies.**

**d) Less Than Significant Impact**

The property is fronted by US 101 and some drainage of surface water from US 101 may be disrupted if the commercial driveway access is not properly designed to manage seasonal runoff. Grading and the construction of the new encroachment have the potential to create sediment. Additionally, the project will increase the total area of impermeable surfacing, which will affect the amount of surface water runoff. The nature of the use and the increased amount of vehicular traffic will also affect the quality of the surface water runoff. All of these factors have the impact the water quality of Ten Mile Creek

Potential impacts caused by grading activities and increases in impermeable surfacing and change in use will be mitigated by **Conditions Number 19, 23, and 24.**

<u>V. CULTURAL RESOURCES.</u> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input 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"/>

Mendocino County General Plan Chapter 3 Development Element includes policies related to cultural resources, including:

**Policy DE-114:** Fully evaluate and protect historical, archaeological and cultural resources through the development process, including resources of national, state or local significance.

Both **Policy DE-115** and **Mendocino County Code Chapter 22.12 Archaeological Resources** include provisions for archaeological sensitivity review, field evaluations, impact mitigations, archaeological discovery, and human remain discovery protocols (MCC Sec. 22.12.050 – 22.12.100). Furthermore, all projects are referred to Sonoma State University’s Northwest Information Center (NWIC) for review for cultural resource sensitivity, and existence of previous records.

**a – d) No Impact**

NWIC responded to PBS’ referral request with a letter dated September 14, 2015, stating that their office has no record of any previous cultural resource studies for the proposed project area, and that an archaeological study was recommended. The project was reviewed by the Mendocino County Archaeological Commission on November 10, 2015, and the archaeological survey of the project site accepted on February 10, 2016. **Condition Number 22** applies.

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

The Mendocino County General Plan Chapter 3 Development Element, discusses the area’s seismic hazards. Mendocino County is located just south of the Cascadia Subduction Zone and will likely be subjected to a strong earthquake in the foreseeable future. A number of faults are located throughout the county, including the San Andreas Fault in the southwest corner of the county, the Maacama Fault in the inland valley from Sonoma County to Laytonville, the Round Valley Fault in the northeastern part of the county, and the Etsel Ridge Fault in the eastern portion of the county (Mendocino County General Plan, 2009). Any structure built in Mendocino County will likely be subjected to seismic activity during its expected lifespan.

According to the Division of Mines and Geology Fault Zone Map for the Laytonville Quadrant, the eastern edge of the Maacama Fault zone is located approximately 500 feet west of the project site. Historically, the Maacama Fault has generated only a few moderate earthquakes. However, an abundance of micro-earthquakes (less than magnitude 3) are clearly associated with the fault (Mendocino County General Plan, 2009).

**a) No Impact**

Any project in the area could be subjected to a strong earthquake affecting the region. The proposed development would be built to modern construction standards and would be designed to withstand earthquakes that can be expected in the region. Being within an alluvial basin, the project site comprises soil types (Cole Loam, and Feliz Clay Loam) that are prone to liquefaction.

There are no escarpments, bluffs, cliffs, or other formations in the area that would be subject to failure in the event of an earthquake. Furthermore, the site does not appear prone to landslides. The surrounding forests and vegetation show no indication of landslides in the vicinity. The site and project itself would not destabilize the soil in a way that would subject surrounding land uses to increase risk from landslide.

The nature of the proposed use and the proposed development do not inherently subject the users to a greater seismic risk than that to which they would otherwise be exposed.

**b) Less than Significant Impact**

The project proposes a new encroachment onto US 101. The grading and the construction of the new encroachment have the potential to create sediment, impacting the water quality of Ten Mile Creek, located approximately 3,900 ft from the subject property. Additionally, the project will increase the total area of impermeable surfacing. This will affect the amount of surface water runoff draining into the drainage which connects the subject property to Ten Mile Creek. After grading and construction is completed, weed barrier and potentially gravel would be placed over any bare ground of the project area, and a suitable landscape will be installed. These activities will minimize soil erosion, and loss of topsoil. **Conditions Number 23 and 24** will be implemented to avoid potentially significant impacts.

**c, d, e) No Impact**

The soil at the project site is Feliz Loam. This soil type is not considered to be an expansive soil as defined in Table 18-1-B of the Uniform Building Code (1994); however, construction of the facility will still require engineered plans to be approved through the building permit process.

The Feliz soil series consists of very deep, well drained soils on flood plains. These soils formed in alluvium derived from mixed sedimentary rocks and have slopes of 0 to 8 percent. They are characterized as having slow to medium runoff; and moderate permeability. The soil will adequately support the use of septic tanks and alternative wastewater disposal systems where sewers are not available.

<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"/>

The framework for regulating GHG emissions in California is described under Assembly Bill (AB) 32. In 2006, the California Global Warming Solutions Act (AB 32) definitively established the state’s climate change policy and set GHG reduction targets (health & Safety Code §38500 et sec.), including setting a target of reducing GHG emissions to 1990 levels by 2020. AB 32 requires local governments to take an active role in addressing climate change and reducing greenhouse gas (GHG) emissions. The MCAQMD does not have rules, regulations, or thresholds of significance for non-stationary or construction-related GHG emissions.

Because Mendocino County is primarily rural, the amount of greenhouse gases (GHG) generated by human activities, primarily the burning of fossil fuels for vehicles, heating, and other uses, is small compared to other, more urban counties (Mendocino General Plan, 2009).

**a) Less Than Significant Impact**

Construction activities associated with the establishment of the retail service station facilities could generate GHGs from the engine emissions. These activities are limited in scope and duration and would not contribute significantly to greenhouse gas emissions. The refueling of vehicles once the retail service station is in operation could also generate GHGs from the engine emissions. The provision of fuel does not inherently increase the demand for fuel or consumption thereof. Given the relatively small size of the project scale, the proposed project would not have a measurable or considerable contribution to the cumulative GHG impact at the local, regional or state level.

**b) No Impact**

There are no adopted local plans for reducing the emission of greenhouse gasses. The Mendocino County AQMD Regulation 3 Airborne Toxic Control Measures provides measures for reducing the emissions of greenhouse gasses. The project will be subject to all rules of Regulation 3 and the applicant/owner will be required to acquire permits from AQMD prior to installation of gasoline tanks and associated dispensing hardware, as stated in **Condition Number 16**.

<b><u>VIII. HAZARDS AND HAZARDOUS MATERIALS. Would the project:</u></b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 type="checkbox"/>	<input checked="" type="checkbox"/>

Mendocino County has adopted numerous plans related to hazard management and mitigation including, but not limited to: Community Wildfire Protection Plan, Multi-Hazard Mitigation Plan, Hazardous Waste Management Plan, and Operational Area Emergency Plan.

The project proposes the installation of two 12,000 gal. above-ground storage tanks, and is situated within the High Fire Hazard Severity Zone. There exist two fire stations within close proximity to the subject property: the Laytonville Fire Station located approximately 0.5 mi. to the south, and the CalFire Laytonville Fire Station located approximately 0.5 mi. to the north.

**a, b) Less Than Significant Impact**

The operation of a retail service station requires the routine use, transportation, and handling of hazardous materials. Both diesel and gasoline will be stored on site. These materials would be contained according to applicable regulations. Development standards require spill prevention, containment, and cleanup contingencies

to be included in the project design. These would not create significant hazard to the public, or the environment, through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment, because the fuel stored would be contained as required by applicable laws. **Conditions Number 25 and 26** apply.

**c) No Impact**

There are no existing or proposed schools within one-quarter mile (1,320 ft.) of the subject property. Maps indicate that the nearest school is Laytonville Public High School, located approximately 2,400 ft. straight-line distance to the southwest of the subject property.

**d, e, f) No Impact**

The subject property is not included in California Environmental Protection Agency's Cortese List of hazardous materials sites. Neither is the subject property located within the vicinity of an airport or private airstrip. The project would not result in a safety hazard for people residing or working in the project area.

**g) No Impact**

Mendocino County has an Emergency Operations Plan adopted in 2006. The plan outlines areas of responsibility for the County's different departments and protocols for responding to disasters, but does not designate evacuation routes or other specifics. Highway 101 is a main thoroughfare in the area and it is likely that during an evacuation that many residents would use Highway 101 to travel north or south. However, the proposed project would not impede traffic during construction nor would there be any significant increase in traffic as a result of the proposed project that would impede an evacuation. The proposed project would not have an effect on the execution of emergency response plans or evacuation plans.

**h) No Impact**

The subject property lies within the Longvalley Fire District. It is in a High Fire Hazard Severity Zone, and the State Responsibility Area. The retail service station could be exposed to wildland fires due to the fact that it exists at the edge of a developed area. However, most of the area around the service station is cleared of dense vegetation, which can reduce the risk of fire damage. Furthermore, the County will require clearance from CalFire for defensible space compliance, and the structure will be subject to rules and regulations for fire suppression systems. **Conditions Number 26 and 27** apply.

<b><u>IX. HYDROLOGY AND WATER QUALITY.</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) 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 checked="" type="checkbox"/>	<input type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

stormwater drainage systems or provide substantial additional sources of polluted runoff?				
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
k) Result in an increase in pollutant discharges to receiving waters considering water quality parameters such as temperature, dissolved oxygen, turbidity and other typical stormwater pollutants (e.g. heavy metals, pathogens, petroleum derivatives, synthetic organics, sediment, nutrients, oxygen-demanding substances, and trash)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
l) Have a potentially significant impact on groundwater quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
m) Impact aquatic, wetland or riparian habitat?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The Mendocino County General Plan Chapter 4 Resource Management Element includes policies related to protection of environmentally sensitive habitat areas and maintaining water quality by minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

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

As discussed in sections III. Air Quality, IV. Biological Resources, and VI. Geology and Soils, some grading will occur on site during construction, the amount of impermeable surfaces on the subject property will increase, and surface water runoff will carry an increased amount of pollutants associated with a retail service station. Implementation of Best Management Practices and Low Impact Design requirements of **Condition Number 23** will apply.

The increase in impermeable surfacing and the proposed new encroachment onto North State Street have the potential to alter the existing drainage pattern of the site. The owner/applicant will be required to meet **Condition Number 24**.

**b) No Impact**

The site is served by the Long Valley Water District, and has existing District Water Service. The proposed use will not impact the District.

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

The site lies outside of any flood zone, and away from any bodies of water that could pose seiche, tsunami, or mudflow threat.

**k, l, m) Less Than Significant**

Potential impacts have been discussed in previous sections III, IV, and VI, and will be addressed by the conditions in sections I, III, IV, and VI.

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

The project is subject to the policies of the Mendocino County General Plan, and Title 20 Division I of the Mendocino County Code (MCC). “Automotive and Equipment – Gasoline Sales” is a use subject to a Minor Use Permit per MCC §20.088.015 of C-1 Limited Commercial District.

**Policy DE-73:** Encourage infill development in the core area through increased densities, reduced setbacks, increased building heights, and joint-use parking.

**Policy DE-74:** Focus new commercial development in the community areas in the ‘core’ area of each community.

**Policy DE-76:** Encourage improvement to existing structures.

**a, b, c) No Impact**

The project will not result in any physical improvements or barriers that would divide an established community. Neither will the project conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect. The project is not located within any habitat conservation or natural community conservation plan areas.

<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 variety of minerals resources are known to exist in the county. The most predominant minerals found in Mendocino County are aggregate resources, primarily sand and gravel. Three sources of aggregate materials are present in Mendocino County: quarries, instream gravel, and terrace gravel deposits (General Plan 2009).

**a, b) No Impact**

There are no known mineral resources on the site that would be of value to the region or the residents of the state. The property does not include a mineral resource recovery site delineated on a local general plan, specific plan or other land use plan.

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

The County has identified noise standard within the County General Plan to ensure noise compatibility between land uses. The project is subject to the noise standards found in the County General Plan including:

- The Exterior Noise Level Standards (Table 3-J) General Plan Policy DE-100
- The Noise Compatibility Guidelines (Table 3-K) General Plan Policy DE-101
- Maximum Acceptable Interior Noise Levels (Table 3-L) General Plan Policy DE-103

Major noise sources in Mendocino County consist of highway and local traffic, railroad operations, airports, commercial and industrial uses, and recreation and community facilities. Highways with traffic that generate significant noise include U.S. Highway 101 and the State Routes (1, 20, 128, 162, 175, and 253).

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

Occasional noise or vibrations may be caused by the presence of semi-truck trailers to refuel the above-ground storage tanks, or as customers to the retail service station. These visits can reasonably be assumed to be short in duration and only during typical hours of operation. The only other anticipated noise to be generated by the project will result from construction activity and vehicles. After construction, the project will not result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project. Residential areas near the project are well-screened from the project site by trees. Additionally, they are of an elevation and change in topography such that the transmittal of groundborne vibration and noise levels is unlikely. The ambient noise generated by the project is anticipated to be less than that generated by the traffic of neighboring State Highway 101.

The project will not result in any permanent increase in ambient noise levels in the project vicinity. There are no activities associated with the project that would generate excessive groundborne vibration or groundborne noise levels. The project will not result in any permanent increase in ambient noise levels in the project vicinity.

**e, f) No Impact**

There are no public use airports located within 2 miles of the project site. Neither are there any private airstrips within the vicinity of the project site.

<b><u>XIII. POPULATION AND HOUSING.</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) 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 type="checkbox"/>	<input checked="" 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"/>

Retail service stations are a necessary component of a rural community, and serve as components of emergency infrastructure.

**a, b, c) No Impact**

The proposed project would occupy a previously-developed commercially zoned property, and will not displace any housing, or people. The project will not induce population growth, and create a demand for new housing, nor will existing residences be displaced or removed as a result of the project.

<b><u>XIV. PUBLIC SERVICES.</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) 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) Less than Significant Impact or No Impact**

Demand for fire protection and police services are not expected to significantly increase as a result of the project. The project is within the Long Valley Fire District (LVCFD). The project was referred to LVCFD on September 2, 2015; the agency offered no response.

The project is also within the California Department of Forestry and Fire Protection (CalFire) state responsibility area. CalFire reviewed the proposed project and recommended fire safe standards pursuant to CalFire File Number 192-15. **Condition Number 27** requires the applicant to complete fire safe standards to the satisfaction of CalFire regulations.

The project will not increase population or demand for schools and parks or police and medical services. The project will have no direct impact on public facilities.

<b><u>XV. RECREATION.</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) 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, b) No Impact**

The project will not increase the use of recreational facilities. Nor will it generate demand for new or expanded recreational facilities.

<b><u>XVI. TRANSPORTATION/TRAFFIC.</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 substantial additional vehicular movement?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Effect existing parking facilities, or demand for new parking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially impact existing transportation systems?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Alter present patterns of circulation or movement of people and/or goods?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The subject property has frontage along US 101, and is under the jurisdiction of California Department of Transportation (Caltrans). Access to the property will be via a new encroachment from US 101. A traffic impact study analyzing the traffic impacts to US 101 was conducted by the owner/applicant and reviewed by Caltrans for completeness, accuracy, and anticipated impact.

**a, c, d, f) Less than Significant Impact with Mitigation Incorporated**

Based on traffic counts conducted by Caltrans, it is estimated that the project will generate 160 vehicles per hour visiting the retail service station on a typical weekday. It is estimated that approximately 60 northbound vehicles per hour would be turning left onto the subject property during peak hours between 12:00 p.m. and 4:00 p.m. In addition, the following should be noted:

- Weekend and summer traffic is typically heavier than midweek traffic, and left turn warrants will increase during these times.
- The northern property boundary marks the beginning of the return to highway conditions (55 mph speed limit), and a point at which northbound drivers will begin to increase their speeds as they depart the Laytonville area speed zone.
- Small vehicles towing trailers make up a large percentage of the traffic accessing the area's retail service stations. These vehicles favor larger gaps in traffic in order to make turning movements.

Given the above factors, a northbound left turn pocket on US 101, allowing safe deceleration and turning of vehicles from the northbound lane onto the subject property is required. **Mitigation Measures Number 31 and 32** apply.

**b) Less than Significant Impact**

The retail service station is able to accommodate at least 20 parking spaces, including at least 1 ADA accessible space. **Conditions Number 29 and 30** shall apply.

**e) No Impact**

No aspect of the project hinders existing emergency access routes.

<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 checked="" type="checkbox"/>	<input 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"/>

Mendocino County General Plan Chapter 3 Development Element includes policies to carry out applicable provisions.

**a, b, d, e) No Impact**

Retail service stations do require some water during their day-to-day operations. Water service is provided to the subject property via the Laytonville County Water District, and no impact to the water district is anticipated. The property is not within any sanitation district, and wastewater must be accommodated by the existing septic facility.

**c) Less Than Significant Impact**

Proposed modification of existing drainage due to the creation of new encroachment will be addressed by **Condition Number 23 and Mitigation Measure Number 33**.

**f, g) No Impact**

Solid waste will be generated during the construction phase, and during the operation of the retail service station. **Conditions Number 34 and 35** apply.

<u><b>XVIII. MANDATORY FINDINGS OF SIGNIFICANCE.</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) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

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

**a) Less Than Significant**

Based on the findings in this Initial Study, the proposed project would have a less than significant impact related to the potential to degrade the quality of the environment, substantially reduce habitat values, or otherwise impact listed species. See Biological Resources Section for a specific discussion of biological resources supporting this finding. The proposed project would not eliminate important examples of California history or prehistory. See Cultural Resources Section for a specific discussion of historic resources supporting this finding.

**b) Less Than Significant**

No cumulative impacts have been identified as a result of the proposed project. The proposed retail service station does not encourage, promote, or otherwise incentivize the construction of retail service stations. The project's individual impacts would not add appreciably to any existing or foreseeable future significant cumulative impact, such as visual quality, historic resources, traffic impacts, or air quality degradation. Any impacts are able to be reduced to the level of insignificance through existing regulations with which the project will be required to comply.

**c) Less Than Significant**

Based on the findings in this Initial Study, the proposed retail service center would not have environmental effects that would cause substantial adverse effects on human beings either directly or indirectly. The proposed project is

consistent with the General Plan and zoning requirements, and development standards to reduce potential impacts have been incorporated into the project.

**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.

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DATE

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ADELE PHILLIPS

**REFERENCES**

- California Department of Conservation. (2012) *Williamson Act Maps*. Retrieved from: [ftp://ftp.consrv.ca.gov/pub/dlrp/wa/mendocino\\_no\\_10\\_11\\_WA.pdf](ftp://ftp.consrv.ca.gov/pub/dlrp/wa/mendocino_no_10_11_WA.pdf)
- California Department of Conservation. (2015) *Alquist-Priolo Earthquake Fault Zone Maps, Laytonville Quad*. Retrieved from: <http://gmw.consrv.ca.gov/shmp/download/quad/LAYTONVILLE/maps/LAYTONVILLE.PDF> (year published: 1983)
- California Department of Toxic Substance Control. (2016) *Hazardous Waste and Substances Sites (Cortese) List*. Retrieved from: [http://www.dtsc.ca.gov/SiteCleanup/Cortese\\_List.cfm](http://www.dtsc.ca.gov/SiteCleanup/Cortese_List.cfm)
- Caltrans. (2016) *Scenic Highways*. Retrieved from: [http://www.dot.ca.gov/hq/LandArch/16\\_livability/scenic\\_highways/](http://www.dot.ca.gov/hq/LandArch/16_livability/scenic_highways/)
- Mendocino County Air Quality Management District. (n.d.) *Particulate Matter Attainment Plan*. Retrieved from: <http://www.co.mendocino.ca.us/aqmd/AttainmentPlan.htm>
- Mendocino County. (2009) *Mendocino County General Plan*.
- Laytonville Municipal Advisory Council. (2007) *Laytonville Traffic Calming and Revitalization Plan*. Retrieved from: [http://www.mendocinocog.org/reports\\_projects-Laytonville.shtml](http://www.mendocinocog.org/reports_projects-Laytonville.shtml)
- USDA Soil Conservation Service. (1991) *Soil Survey of Mendocino County, Eastern Part, and Trinity County, Southwestern Part, California*.

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

County of Mendocino  
Ukiah, California  
September 16, 2016

U\_2015-0015 LORIN GEOFFRION

RESOLUTION OF THE PLANNING COMMISSION, COUNTY OF MENDOCINO, STATE OF CALIFORNIA, ADOPTING A MITIGATED NEGATIVE DECLARATION AND GRANTING A MINOR USE PERMIT FOR A COMBINATION RETAIL SERVICE STATION AND RESTAURANT, LOCATED 0.5± MI. NORTH OF LAYTONVILLE ON THE WEST SIDE OF US 101.

WHEREAS, the applicant, Lorin Geoffrion, filed an application for a Minor Use Permit with the Mendocino County Department of Planning and Building Services to establish and operate a retail service station (“Automotive and Equipment-Gasoline Sales” per MCC §20.024.025(D)) with 4 fueling pumps under a 2,200 sq. ft. canopy; two 12,000 gal. above-ground storage tanks; attendant lighting and signage per MCC §20.092.015; and a 4,480 sq. ft. combination retail store and restaurant, permissible by MCC §. 20.092.010, 0.5± miles north of Laytonville town center, lying on the west side of Highway 101 and just north of its intersection with Branscomb Road (CR 429). Located at 45500 N Highway 101; APN 014-020-67; General Plan RC – Rural Community; Zoning C1 – Limited Commercial: 6K; Supervisorial District 3; (the “Project”); and

WHEREAS, a MITIGATED NEGATIVE DECLARATION was prepared for the Project and noticed and made available for agency and public review on August 11, 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, September 15, 2016, at which time the Planning Commission heard and received all relevant testimony and evidence presented orally or in writing regarding the Mitigated Negative Declaration and the Project. All interested persons were given an opportunity to hear and be heard regarding the Mitigated Negative Declaration and the Project; and

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

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

**1. General Plan Findings:**

The proposed project is consistent with the property’s General Plan land use designation of Rural Community (RC) and with applicable goals and policies of the General Plan as subject to the Conditions of Approval found in Exhibit A of the resolution.

**2. Service Station Use Permit Findings:**

- a. That adequate utility, access roads, drainage and other necessary facilities have been or are being provided for the proposed retail service station.
- b. That the retail service station 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 the facility, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the county.
- c. That the retail service station preserves the integrity of the zoning district.

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

BE IT FURTHER RESOLVED that the Planning Commission hereby grants the requested UP\_MINOR\_INLAND, 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 Zoning Administrator decision herein is based. These documents may be found at the office of the County of Mendocino Planning and Building Services, 860 North Bush Street, Ukiah, CA 95482.

BE IT FURTHER RESOLVED that the 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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## EXHIBIT A

### CONDITIONS OF APPROVAL AND MITIGATION MONITORING AND REPORTING PROGRAM SEPTEMBER 15, 2016

#### U\_2015-0015 - GEOFFRION

Use Permit to establish and operate a retail service station ("Automotive and Equipment-Gasoline Sales" per MCC §20.024.025(D)) with 4 fueling pumps under a 2,200 sq. ft. canopy; two 12,000 gal. above-ground storage tanks; and the attendant lighting and signage, per MCC §20.092.015. Project also comprises a 4,480 sq. ft. combination retail store and restaurant, permissible by MCC §. 20.092.010. Located 0.5± miles north of Laytonville town center, lying on the west side of US Highway 101.

**APPROVED PROJECT DESCRIPTION:** Use Permit to establish and operate a retail service station ("Automotive and Equipment-Gasoline Sales" per MCC §20.024.025(D)) with 4 fueling pumps under a 2,200 sq. ft. canopy; two 12,000 gal. above-ground storage tanks; and the attendant lighting and signage, per MCC §20.092.015. Project also comprises a 4,480 sq. ft. combination retail store and restaurant, permissible by MCC §. 20.092.010. This is a single-phase project.

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

##### **Conditions of Approval:**

1. This permit shall become effective after all applicable appeal periods have been expired or appeal processes exhausted. Failure of the permittee to make use of this permit within two (2) years or failure to comply with payment of any fees within specified time periods shall result in the automatic expiration of this permit.
2. In the event that the use of the facility should cease operation for a period exceeding one (1) year or more, the use shall be deemed invalid and a new use permit will be required for the operation as approved by U\_2015-0009.
3. The use and occupancy of the premises shall be established and maintained in conformance with the provisions of Title 20 of the Mendocino County Code unless modified by conditions of the use permit.
4. The application along with supplemental exhibits and related material shall be considered elements of this entitlement and that compliance therewith be mandatory, unless a modification has been approved by the Planning Commission.
5. This permit shall be subject to revocation or modification by the Planning Commission upon a finding of any one (1) or more of the following grounds, and any such revocation shall proceed as specified in Title 20 of the Mendocino County Code:
  - a. That such permit was obtained or extended by fraud.
  - b. That one or more of the conditions upon which such permit was granted have been violated.
  - c. That the use for which the permit was granted is so conducted as to be detrimental to the public health, welfare or safety, or as to be a nuisance.
6. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit described boundaries. Should, at any time, a legal determination be made that the number, size or shape of parcels within the permit described boundaries are different than that which is legally required by this permit, this permit shall become null and void.

7. This permit is subject to the securing of all necessary permits for the proposed development and eventual use from County, State and Federal agencies having jurisdiction. Any requirements imposed by an agency having jurisdiction shall be considered a condition of this permit.
8. The requirements set forth in the below noted letters shall be adhered to. Said letters are on file with the Department of Planning and Building Services:
  - a. California Department of Transportation (CalTrans): January 7, 2016, and February 3, 2016
  - b. County of Mendocino Department of Transportation (DOT): October 14, 2015, and February 10, 2016
  - c. California Department of Forestry and Fire Protection (CalFire): May 19, 2015
  - d. County of Mendocino Department of Planning and Building Services (PBS): July 25, 2015
  - e. Mendocino County Air Quality Management District (AQMD): August 3, 2015
  - f. Mendocino County Environmental Health (EH): August 4, 2015
  - g. County of Mendocino Archaeological Commission: September 9, 2015
9. It shall be the responsibility of the applicant to ensure that contractors engaged to perform work on the site are aware of the conditions of this permit and that all work performed is in compliance with applicable conditions

### **Aesthetics**

10. Prior to construction, plan and elevation drawings of all signs, including visual appearance and method of illumination, shall be submitted to PBS for review and approval in accordance with MCC Chapter 20.184. All signs, including informational and/or directional signs shall not cumulatively exceed 160 sq. ft. in area. Banners and similar temporary signs shall count towards total square footage used.
11. No signs shall be allowed within any public right-of-way/roadway.
12. All landscaping shall comply with current State mandated "Water Efficient Landscape" requirements as managed by the State Department of Water Resources. A detailed landscaping plan shall be submitted to PBS for review and approval. Landscaping proposed shall be drought tolerant and native to the area. Approved landscaping shall be established and maintained.
13. During construction, no tree removal or limb removal of the existing trees on the subject property shall occur without prior review and approval by the Department of Planning and Building Services. In the event that the screening trees located on the south and west portions of the subject property die during the life of the project, they shall be replaced with similar species in the same location.
14. 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**

15. All structures proposed as part of this request, and any proposed at a future date shall maintain a minimum setback of 50 feet from all property boundaries contiguous with lands under a Williamson Act contract.

### **Air Quality**

16. The project is subject to all rules of Regulation 3 (Airborne Toxic Control Measures) of the Mendocino County Air Quality Management District (AQMD). Prior to issuance of building permit, applicant shall acquire permits from AQMD prior to installation of gasoline tanks and hardware.

17. The access road, driveway, parking areas, and interior circulation routes shall be maintained in such a manner as to ensure minimum dust generation subject to AQMD Regulation 1 Rule 430 (Fugitive Dust Emissions). All grading must comply with AQMD Regulations Rule 430. Any rock material, including natural rock from the property, used for surfacing must comply with AQMD regulations regarding asbestos content.
18. Prior to issuance of building permit, the owner/applicant shall contact the Mendocino County AQMD 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 AQMD shall be submitted to PBS stating that the project is in compliance with State and Local regulations relating to naturally occurring asbestos.

### **Biological Resources**

19. No material shall be placed into or where it may pass into any stream or watercourse in quantities which would be deleterious to fish, wildlife or other beneficial uses.
20. The owner/applicant shall preserve, to the maximum extent possible, oak trees and other vegetation that occur near the heads of drainages or depressions located in the south and westerly areas of the subject property in order to maintain diversity of vegetation type and wildlife habitat.
21. 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 PBS. Said fee of \$2,260.25, OR CURRENT FEE, shall be made payable to the Mendocino County Clerk and submitted to PBS 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 PBS 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 ensure timely compliance with this condition.**

### **Cultural Resources**

22. 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 MCC Chapter 22.12.090 “Discoveries” relating to archaeological discoveries have been satisfied.

### **Geology and Soils**

23. The owner/applicant shall acknowledge in writing to PBS that all grading activities and site preparation, at a minimum, shall adhere to the following “Best Management Practices”. The applicant shall submit to PBS 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 project shall utilize Low Impact Design techniques to reduce the amount of surface water runoff, and to filter runoff before it enters the drainage swale.
  - c. 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.
  - d. 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.
  - e. Temporary erosion and sediment control measures shall be established and maintained until permanent protection is established.

- f. 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>.
- g. All earth-moving activities shall be conducted between May 15<sup>th</sup> and October 1<sup>st</sup> of any given calendar year unless wet weather grading protocols are approved by PBS or other agencies having jurisdiction.
- h. 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.

24. Prior to issuance of building permit, the applicant shall have a drainage plan prepared that is consistent with the National Pollutant Discharge Elimination System (NPDES) program, including post-construction standards that demonstrate how the drainage features will be maintained for the life of the project. Said plan will be submitted to both the Mendocino County Water Agency and PBS for approval.

#### **Hazards and Hazardous Materials**

- 25. Prior to issuance of building permit, a Spill Prevention, Control and Countermeasures (SPCC) Tier III plan approved by Environmental Health (EH) shall be submitted to PBS.
- 26. Prior to issuance of building permit, a Hazardous Materials Management Plan (HMMP) approved by EH shall be submitted to PBS. An HMMP is required if any hazardous material/waste onsite exceeds 55 gallons (liquid), 500 lbs (solids), or 200 cubic feet (gases) in quantity. This plan shall be maintained and complied with for the duration of the project.
- 27. The Owner/Applicant shall comply with those recommendations in CalFire letter of August 25, 2015 (CalFire# 192-15) or other alternatives as acceptable to CalFire. Prior to Final of building permit, written verification from CalFire shall be submitted by the owner/applicant to PBS confirming that conditions have been met to the satisfaction of CalFire.
- 28. Owner/Applicant shall comply with all requirements of the Fire Code. Prior to Final of building permit, written verification from Long Valley Fire District shall be submitted by the owner/applicant to PBS confirming that conditions have been met to the satisfaction of the Fire District.

#### **Transportation/Traffic**

- 29. Prior to issuance of a building permit, a parking plan shall be submitted PBS for review and approval. Parking area shall be located and designed to:
  - a. appear subordinate to the uses served;
  - b. be visually attractive;
  - c. meet normal, not maximum single day expected vehicle demand;
  - d. provide adequate area for both parking and circulation movements outside public rights-of-way and private ways not intended for that purpose or use, and

- e. provide for on-site treatment of stormwater.
30. All parking areas shall be paved with permeable surfacing materials such as permeable pavers or gravel to encourage onsite infiltration of stormwater runoff. Traffic patterns and parking spaces shall be delineated.

Mitigation Measures:

31. \*\* Prior to the issuance of the building permit and pursuant to encroachment permit procedures administered by Caltrans, the applicant shall obtain an encroachment permit for **the provision of a left-hand turn pocket for northbound US 101 traffic.** Left-turn channelization shall be designed and built in conformance with current Highway Design Manual standards. **No building permits shall be issued without prior Final Clearance by Caltrans of the left-hand turn pocket.**
32. \*\* Prior to the issuance of the building permit and pursuant to encroachment permit procedures administered by Caltrans, the applicant shall obtain an encroachment permit for a commercial driveway, and all work within the State Right of Way:
- a. owner/applicant shall provide the necessary signs and striping, as determined by DOT
  - b. owner/applicant shall pay for their installation by a qualified general contractor per CalTrans' specifications;
  - c. a copy of the approved encroachment permit shall be submitted to PBS Planning Division along with the building permit application for the retail service station;
  - d. this encroachment permit shall be separate from the encroachment permits relating to the proposed new site entrance.

**Utilities and Service Systems**

33. Prior to issuance of building permit, the owner/applicant shall obtain approval from EH for septic system.
34. Prior to issuance of building permit, owner/applicant shall submit a Construction Waste Management Plan.
35. Prior to Final of building permit, owner/applicant shall contract with a commercial solid waste disposal service to provide disposal services.

**Business License**

36. Prior to Final of building permit and the commencement of operations, the applicant shall submit a copy of their Mendocino County Business License to PBS. This license shall be kept active and if in the event that the license is inactive for a period of one (1) year or longer, the use permit and business will automatically expire.