

**PROJECT TITLE:** J DAVID SPIRITS DISTILLERY OPERATION

**LEAD AGENCY:** DEPARTMENT OF PLANNING AND BUILDING SERVICES  
860 NORTH BUSH STREET  
UKIAH, CA 95482

**CONTACT:** FRED TARR, PROJECT COORDINATOR  
707-234-6650

**LOCATION:** 15± miles north of Willits, lying on the north side of Cherry Creek Road (private), 1± mile north of the intersection of Irvine Lodge Road (private) and Highway 101 North. Located at 900 Cherry Creek Road, Willits; APN 036-010-26

**OWNER/APPLICANT:** JEFFREY BORD  
PO BOX 1676  
WILLITS, CA 95490

**GENERAL PLAN:** Rangeland (RL)

**ZONING:** Rangeland (RL)

**PROJECT DESCRIPTION:** The property owner, Jeffrey Bord proposes to obtain a Minor Use Permit per Mendocino County Code Section (MCC Sec) 20.060.020 D-Packing and Processing-General within the Rangeland-160 (RL-160) zoning district. The use permit would allow for the legal establishment of a distillery operation. The applicant is proposing the construction of a 7,560 square foot building to include barrel storage, fermenting, distillery, tasting room, office, mezzanine, storage and bathrooms. Also to be included will be a waste water facility to comply with North Coast Water Quality Control Board requirements. Water for the project will be from private wells located on the site. At the distilleries busiest time up to 10 employees will be on site. While the distillery will not be open to the public, private events are requested which will host up to 60 people.

As a second phase of the project, the applicant would request construction of an additional 8,000 square foot building for the future storage of supplies, equipment and barrels.

**SETTING:** The property is 15± miles north of Willits, lying on the north side of Cherry Creek Road (private), 1± miles north of the intersection of Irvine Lodge Road (private) and Highway 101 North. The property takes direct access off of Cherry Creek Road. The site is 85± acres of hilly oak studded terrain. The property extends from Highway 101 N/Long Valley Creek to the west which is at an elevation of 1,368 feet to an elevation of 2,200 feet to the east. The parcel is rectangular in shape having dimensions of 1,300 feet by 2,600 feet. The slopes of the parcel vary from 10% to 25% with the average slope of approximately 15%. The distillery building site is located in the northeast corner of the parcel where the slopes are close to 10%.

Located on the site are an existing single family residence with attached garage, a barn and a shed. The residence is served by onsite septic and well. There is also an existing second well. The closest residence to the proposed distillery site is located over 0.5 miles to the south.

**OTHER APPROVALS REQUIRED:** Water Discharge Requirement (WDRs) permit from the Regional Water Control Board or a Waiver of WDRs Order, Industrial Storm-water General Permit from the State Water Resource Control Board (SWRCB), Building Permits through Mendocino County Planning and Building Services, Business License through the Mendocino County Tax Collector and State of California and Federal Government alcoholic beverage licensing.

**ENVIRONMENTAL DETERMINATION:**

**DATE: APRIL 9, 2015**

*“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 checked="" 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

**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  
FT/hm

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FRED TARR  
PLANNER II

**INITIAL STUDY/MITIGATED NEGATIVE DECLARATION (IS/MND):** A Draft Initial Study and Proposed Mitigated Negative Declaration was prepared for the project which was used to identify potentially significant impacts pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15063. The document is available for review at the Ukiah office of the Department of Planning and Building Services.

**1. Aesthetics:**

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

1.c) LSI- Since this will be a commercial business, signage to advertise the business would likely be visible from a public vantage point. Condition Numbers 1 - 4 recommend that all signs require the approval of the Planning Director.

1.d) LSI- The project site cannot be seen from a public vantage point. The remaining acreage is fully obscured by thick stands of forested vegetation. Approval of the requested entitlement would result in new construction which would not be visible from a public vantage point. See Condition Number 5. recommends that all lighting be shielded and downcast to minimize the potential for offsite glare. Visual impacts will be less than significant.

**2. Agricultural/Forestry:**

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<u>II. AGRICULTURE AND FORESTRY RESOURCES.</u> Would the project:				
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	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

use, or a Williamson Act contract?				
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 checked="" type="checkbox"/>	<input type="checkbox"/>

2. b) LSI- The subject property adjoins land to the north that is under a Williamson Act contract. The development of the distillery will be at least 200 feet from the northern property line and in addition there is a natural buffer of pine trees along that same property lines, There will be no conflict with the adjacent agricultural use or with the existing lands in a Williamson Act Contract. No mitigation is required.

2. e) LSI- The subject property is not currently used for cattle grazing and the area to be developed was vegetated with dense scrubs and small trees and would not have been used for cattle grazing. No mitigation is required

**3. Air Quality:**

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
III. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
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 type="checkbox"/>	<input checked="" type="checkbox"/>

e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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3. a), b) and c) LSI-Construction and grading involved with the project has the potential to impact air quality in the region. Given its remote nature as well as the low intensity of overall use relative to allowances within the Rangeland General Plan classifications (e.g. higher density with an additional single family residence, barns, out buildings and driveways.), the project is not expected to impact air quality in the region. A total of two new structures, service roads and parking areas are proposed. Staff recommends Condition Number 6 and 7 to ensure compliance with any AQMD permitting required. Potential impacts are expected to be less than significant in this area.

**4. Biological Resources:**

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>IV. BIOLOGICAL RESOURCES:</b>				
Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input 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 removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>

4. NI-Project site improvements will include vegetation clearing and grading that will not have the potential to impact biological resources in the area.

No comments were received from the California Department of Fish and Wildlife (CDFW). There is no evidence on the Natural Diversity Database (NDDDB) of any species identified with sensitive or special statue species. No mitigation is required

### 5. Cultural Resources:

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

5. a), b), c), and d) LSI-An Archaeological Survey prepared by Julia Franco and Tom Oniger was accepted by the Mendocino County Archaeological Commission on October 8, 2014. No cultural, historical or archaeological sites were observed. County Code Sections 22.12.090 and 22.12.100 (Discovery Clause) will apply in the event that archaeological resources are encountered during any future excavation operations. See Condition Number 9. No further mitigation is required.

### 6. Geology and Soils:

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

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

6. b) and e) The applicant and his consultant, Brelje & Race, Consulting Engineers, have been working with the North Coast Regional Water Quality Control Board (NCRWQCB) to gain assurance that the waste discharge requirements for the distillery and the Construction Storm Water Permit and General Industrial Storm Water Permit requirements have either been waived or approved by the NCRWQCB. No building permits for the proposed distillery structure will be approved until the NCRWQCB requirements are met. In addition, the sanitary sewer system for domestic use and employee use must meet the requirements of the Mendocino County Division of Environmental Health, (See Condition Numbers 10-12).

**7. Greenhouse Gas Emissions:**

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<u>VII. GREENHOUSE GAS EMISSIONS.</u> Would the project:				
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"/>

7(a)(b) LSI-Assembly Bill 32 (AB 32), The California Warming Solutions Act, 2006 recognized that California is a source of substantial amounts of greenhouse gas (GHGs) emission which poses a serious threat to the economic well-being, public health, natural resources, and the environment of California. AB32 established a state goal of reducing GHG emission to 1990 levels by the year 2020 with further reductions to follow. In order to address global climate change associated with air quality impacts, CEQA statues were amended to require evaluation of GHG emission which includes criteria air pollutants (regional) and toxic air contaminants (local). As a result, Mendocino County Air Quality Management District (MCAQMD) adopted CEQA thresholds of significance for criteria air pollutants and GHGs, and issued updated CEQA guidelines to assist lead agencies in evaluating air quality impacts to determine if a are the same as those which have been adopted by the Bay Area Air Quality Management District

(BAAQMD). Pursuant to the BAAQMD CEQA Guidelines, the threshold for project significance of GHG emissions is 1,100 Metric tons CO<sub>2</sub>e (CO<sub>2</sub>e equivalent) of operation emission on an annual basis. The project, as proposed, would create a production plant for fermentation and distillation of grains and a building for barrel storage. The result in CO<sub>2</sub>e emissions would be well below the threshold for project significance of 1,100 Metric tons CO<sub>2</sub>e. Thus the impacts of the project will be less than significant. No mitigation required.

**8. Hazards and Hazardous Materials:**

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

10.h) LSI-Hazard risk associated with the project would mainly involve wildfire potential. The project site lies within an area designated as “High Fire Hazard,” although within close proximity to a major highway and emergency services. The entrance of the site is located less than 0.50 mile from an off-ramp to Highway 101. The nearest California Department of Forestry and Fire Protection (CalFire) station is located within nine miles of the project site south of Laytonville (the CalFire station operates during the fire season).

Preliminary comments (file # 66-14) were received from CalFire requiring that address, driveway and defensible space standards be met and maintained. Additional comments (file #98-14) were also received stating that any road extension must meet CalFire road standards. Staff will recommend Condition Number 13 to address the concerns of CalFire. As a result, impacts can be held to a less than significant level with respect to fire safety. No further mitigation is required.

**9. Hydrology and Water Quality:**

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<u>IX. HYDROLOGY AND WATER QUALITY.</u> Would the project:				
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern 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 stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

flows?				
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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
l) Have a potentially significant impact on groundwater quality?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
m) Impact aquatic, wetland or riparian habitat?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

9. a), k) and l) LSI-The North Coast Regional Water Quality Control Board requires that no discharge to the process wastewater treatment and disposal system may take place until Waste Discharge Requirements (WDR) or waiver of WDR coverage has been obtained from the Regional Water Board and the distillery shall apply for coverage under the State Water Resource Control Boards (SWRCB) Industrial Stormwater General Permit. See Conditions Numbers 9 and 10.

9. a) and b) LSM-According to the application materials, water usage for the distillery would come mainly from one existing water well source with four 2,500 gallon tanks that will be located on the easterly property boundary to provide flow equalization and storage. Yield of the well was demonstrated at 3 gpm in August 2013 which is expected to provide more than the quantity necessary for the distillery use. The water quality has been tested by Alpha Analytical Laboratories Inc. The quality of the water must meet the standards required for the distillery use. See Condition Number 14.

9. c), d), e) and f) LSI-The project site is located within the Upper Eel River water shed. The subject property drains west into Long Valley Creek which drains south into Outreach Creek which drains north into the Eel River. With respect to an increase in surface runoff or soil displacement, impacts from the project are not expected aside from minor disruptions associated with future grading, road development or building. The County Building Services Division will require property erosion control methods be used at the time of grading for driveway, parking and distillery pad. See Condition Number 15.

**10. Land Use and Planning:**

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<u>X. LAND USE AND PLANNING.</u> Would the project:				
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"/>
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10. a), b) and c) NI-The proposed distillery is a discretionary use in the Rangeland zoning district requiring a minor use permit and this particular use will not conflict with existing land use plans or habitat conservation plans as long as the recommended conditions of approval are met. No mitigation is required.

**11. Mineral Resources:**

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<u>XI. MINERAL RESOURCES.</u> Would the project:				
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"/>

The project proposal will not impact the unknown potential availability of mineral resources in the area. No mitigation is required.

**12. Noise:**

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

residing or working in the project area to excessive noise levels?				
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The project site is located on an approximately 85 acre property within a forested setting in a sparsely populated region of the County. The closest residence is 0.5+/- miles to the south and the proposed use will not create noises that will create negative impacts on the neighbors. No mitigation is required impact.

**13. Population and Housing:**

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<u>XIII. POPULATION AND HOUSING.</u> Would the project:				
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"/>

Population growth and/or impacts to existing or future housing will not be impacted by the project. No mitigation is required.

**14. Public Services:**

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

As discussed above, potential fire hazard would increase the need for fire protection at the project site. However, the proximity of the nearest California Department of Forestry and Fire Protection (CalFire) station (less than 8 miles) would lessen response times or distances. The project must meet CalFire

recommended conditions as are noted in the CalFire File # 66-14, dated March 17, 2014, and as noted in a memorandum dated April 22, 2014 (File #98-14). Condition Number 12 will ensure adherence to fire safety requirements of CalFire. As a result, impacts will be less than significant.

**15. Recreation:**

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

The proposed distillery would not increase recreational activity at neighboring or regional facilities. No mitigation is required.

**16. Transportation/Traffic:**

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<u>XVI. TRANSPORTATION/TRAFFIC.</u> Would the project:				
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The subject property is 15± miles north of Willits, lying on the north side of Cherry Creek Road (private), 1± mile north of the intersection of Irvine Lodge Road (private) and State Highway 101 North. The subject parcel is the first parcel served by Cherry Creek Road which provides access to numerous residential lots beyond the subject property. The project will result in an increase in vehicular trips but there will be no additional traffic that will directly impact the other residential lots which have access off of Cherry Creek Road. Irvine Lodge Road and the section of Cherry Creek Road that access the subject property are well maintained, approximately 18 feet in width and have slopes that do not appear to exceed 15%. The driveway to the proposed distillery is also well maintained. Staff recommends that the applicant have the driveway and parking areas surfaced with, at a minimum, gravel and treated with a dust suppressant and maintained in such a manner as to insure minimum dust generation subject to the Air Quality Management District's dust regulations. See Conditions Numbers 6 & 7.

The applicant and his engineering consultant estimate that there will be an average of three (3) employees driving to the distillery on workdays and that there will be approximately eight (8) semi tractors making supply deliveries and pick-ups every month. Cherry Creek Road and the applicant's driveway are not designed for semi tractors and the trucking companies will not deliver directly to the distillery. The applicant has arranged to transfer the supplies from the semi tractors to either a pick-up truck with a 20' trailer or to a 27' flat-bed truck. This transfer will be made at a turn-out on the flat section of Irvine Lodge Road before it becomes Cherry Creek Road.

Staff recommends that, if there is a home-owner's road maintenance contract for Cherry Creek Road, the applicant shall be a participant and the applicant shall provide the Mendocino County Department of Planning and Building Services with a copy of that agreement. See Condition Number 13.

No significant impacts are expected and no further mitigation is required.

**17. Utilities and Service Systems:**

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

Impacts to existing or future utilities and service systems in this remote region of the County are not expected to result from the project. Comments received from the County Division of Environmental Health (DEH) recommended approval subject to standard water and septic design standards for the domestic uses. See Condition Number 11.

Although the subject property is not served by special districts, there are certain requirements that the Regional Water Quality Control Board have that must be met prior to the operation of the distillery and after these requirements are met, impacts will be held to a less than significant level and no additional mitigation is required. See Condition Numbers 9 and 10.

**18. Mandatory Findings of Significance:**

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<u>XVIII. MANDATORY FINDINGS OF SIGNIFICANCE.</u>				
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"/>

Potential environmental impacts from the proposed uses of the project site have been analyzed in this document and mitigation has been included that ensures impacts can be held to a less than significant level. Nor would individual impacts from the project significantly contribute to cumulative impacts in the area. Overall, no significant environmental impacts are anticipated which cannot be adequately mitigated. Therefore, a Mitigated Negative Declaration is recommended.

**CONDITIONS OF APPROVAL:** Conditions which must be met prior to use and/or occupancy and for the duration of this permit:

Aesthetics

- \*\*1. All informational signs shall not exceed four (4) square feet in size. Sign locations shall be subject to the approval of the Director of the Department of Planning and Building Services.
- \*\*2. Elevation drawings of all signs, including visual appearance and method of illumination, shall be submitted to the Department of Planning and Building Services for review and approval.
- \*\*3. No signs shall be allowed within any public right-of-way/roadway.
- \*\*4. All off-site signs shall comply with Mendocino County Code Off Site Sign Standards Section 20.184.010.
- \*\*5. All external lighting shall be shielded and downcast to prohibit light from being cast beyond the property boundaries. The number of exterior lighting fixtures shall be kept to the minimum required for safety.

Air Quality

- \*\*6. The access road from Cherry Creek Road, parking area and interior circulation routes shall be surfaced with, at minimum, gravel. Prior to the installation of the surfacing material, the natural grade shall be prepared in accordance with good engineering practices to insure long surface life.
- \*\*7. The access road from Cherry Creek Road, parking area and interior circulation routes shall be treated with a dust suppressant and maintained in such a manner as to insure minimum dust generation subject to the Air Quality Management District's dust regulations.

Cultural Resources:

- \*\*8. In the event that archaeological resources are encountered during normal operation activities at the site, work in the immediate vicinity of the find shall be halted until all requirements of Chapter 22.12 of the Mendocino County Code relating to archaeological discoveries have been satisfied.

Geology and Soils:

- \*\*9. The discharge from the process wastewater system shall be regulated by the Regional Water Board, through the issuance of or enrollment under, Waste Discharge Requirements (WDRs) or a Waiver of WDRs Order. No discharge to the process wastewater treatment and disposal system may take place until WDR or Waiver of WDR coverage has been obtained from the Regional Water Board.
- \*\*10. The distillery shall apply for coverage under the State Water Resource Control Boards (SWRCB) Industrial Stormwater General Permit.
- \*\*11. The discharge of domestic waste water originating from the distillery will be discharged to an existing on-site septic tank and leachfield system serving the residence which is overseen and regulated by the County of Mendocino, Environmental Health.

Hazards and Hazardous Materials:

- \*\*12. Written verification shall be submitted by CalFire which indicates that the conditions that are outlined in CalFire File # 66-14 and dated 3/17/2014 and CalFire File # 98-14 and dated April 22, 2014 have been met.

Transportation/Traffic:

- \*\*13. If there is a home-owner's road maintenance contract for Cherry Creek Road, the applicant shall be a participant and the applicant shall provide the Mendocino County Department of Planning and Building Services with a copy of that agreement.

Standard Conditions:

14. Water quality for the proposed distillery shall meet standards, if any are required, for the commercial distillery use.
15. The applicant shall secure all required permits from the Building Services Division of the Department of Planning and Building Services for all construction, structural modifications, grading, changes of occupancy for the conversion of structures into commercial uses, establishment of signs, and compliance with handicapped accessibility for the facility if required.
16. A detailed parking and circulation plan shall be prepared and submitted to the Department of Planning and Building Services for approval. The plan shall provide adequate area for both parking and circulation movements outside public rights-of-way and private ways not intended for that purpose or use.
17. A valid Mendocino County Business License for the subject property shall be issued by the Mendocino County Tax Collector, and a copy of said license shall be submitted to the Department of Planning and Building Services prior to the operation of the business.
18. This permit shall become effective after all applicable appeal periods have expired or appeal processes exhausted. Failure of the permittee to make use of this permit within one year or failure to comply with payment of any fees within specified time periods shall result in the automatic expiration of this permit.
19. 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.
20. That the application along with supplemental exhibits and related material be considered elements of this entitlement and that compliance therewith be mandatory, unless a modification has been approved by the Zoning Administrator.
21. In the event that the use of the facility should cease operation for a period exceeding one year or more, the use shall be deemed invalid and a new use permit will be required for the operation as approved by U\_2014-0003.
22. The applicant shall grant access to the property during hours of operation to permit County representatives or any consultants hired by the County for inspection, enforcement, or monitoring activities deemed desirable by the County. The applicant shall designate an individual who is to be available at all times for purposes of supplying information deemed necessary by the authorized County representatives in connection with such work during working hours.

23. 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:
- a. The permit was obtained or extended by fraud.
  - b. One or more of the conditions upon which the permit was granted have been violated.
  - c. 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.

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

24. 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.
25. That the application along with supplemental exhibits and related material be considered elements of this entitlement and that compliance therewith be mandatory, unless a modification has been approved by the Planning Commission. This permit authorized J.David Spirits, LLC to operate a distillery within a 7,200 square foot commercial building, allowing for private product exhibition and business related product awareness for friends and wholesalers be conducted a maximum of twice a month with no more than 25 visitors at a time. There will be no public tastings or tours or retail sales from the premises.
26. That this permit be subject to securing of all necessary permits for the proposed development and eventual use from County, State and Federal agencies having jurisdiction. An requirements imposed by an agency having jurisdiction shall be considered a condition of this permit.
27. 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:
- 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.

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

28. 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.
29. 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.

Mitigated Negative Declaration  
Use Permit Appeal Fee: \$910.00  
Appeal period: 10 days

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