

CHAPTER 5

Other CEQA Considerations

5.1 Growth-Inducing Impacts

5.1.1 Introduction

CEQA Guidelines (Section 15126.2(d)) require that an EIR evaluate the growth-inducing impacts of a proposed action. A growth-inducing impact is defined by the CEQA Guidelines as an impact that fosters economic or population growth, or the construction of additional housing, either directly or indirectly. Direct growth inducement would result, for example, if a project involved the construction of new housing. Indirect growth inducement would result if a project established substantial new permanent employment opportunities (e.g., new commercial, industrial, or governmental enterprises) or if it would remove obstacles to population growth (e.g., an expansion of public services that could allow more construction in the service area).

Growth inducement may constitute an adverse impact if the growth is not consistent with or accommodated by the land use plans and growth management plans and policies for the area affected. Local land use plans provide development patterns and growth policies that guide orderly urban development supported by adequate urban public services, such as water supply, roadway infrastructure, sewer services, and solid waste services. A project that would induce “disorderly” growth (i.e., conflict with the local land use plans) could directly or indirectly cause additional adverse environmental impacts and other public services impacts. An example of this would be the redesignation of property planned for agricultural uses to urban uses, possibly resulting in the development of services and facilities that encourage the transition of additional land in the vicinity to more intense urban uses. Another example would be the extension of urban services to a non-urban site, thereby encouraging conversion of non-urban lands to urban lands.

5.1.2 Growth-Inducing Setting and Impacts

The project site is located in an area of Mendocino County that is not heavily populated or near dense residential districts. The nearest residence to the project site is located outside the property boundary approximately 975 feet to the north. Surrounding land uses consist of Ackerman Creek directly to the north with existing industrial uses, including a Lumber Mill, on the other side of the creek. To the south lies land currently used for agricultural purposes. Kunzler Ranch Road and industrial uses are located to the west, while the Russian River borders the site to the east.

Agricultural lands are located on the other side of the Russian River. The predominant land use in the immediate area is industrial.

The availability of sand and gravel aggregate resources does not, in itself, induce or encourage growth. The development of new sources of aggregate is typically considered a response to growth, not something that induces growth. Urban growth in Mendocino County is controlled by the Mendocino County General Plan and is based on long-term land use allocations and the availability of a variety of services and goods, including aggregate. In order to produce housing or roads, an area must have a source of reasonably priced building materials, including aggregate. The demand for construction materials is based primarily on market conditions, specifically for infrastructure and development projects, and these activities are controlled by a variety of other factors. Production at the proposed project and other quarries varies with market conditions. In addition, the California Department of Transportation notified local agencies in February 2006 that California's permitted supplies of aggregate would be insufficient to meet the state's future infrastructure needs.

According to the State of California Department of Finance (DOF), the population of Mendocino County is approximately 90,163. Approximately 69 percent of this population (60,990) is located in unincorporated county lands; 18 percent is located in the City of Ukiah; with the remaining population dispersed between the incorporated cities of Fort Bragg, Willits, and Point Arena. Based on DOF projections, the total population is projected to be approximately 93,166 (a 7 percent increase from 2000) by 2010 and approximately 102,017 (an 18 percent increase from 2000) by 2020. The increasing population of Mendocino County can result in growth problems such as a strain on its infrastructure that creates the roads, water supply systems, wastewater treatment facilities, and drainage systems. If Mendocino County is to sustain its projected growth and achieve a more diversified economic base, new financial and regulatory mechanisms must be established to ensure timely and cost-efficient provision of, and improvements to, the County's infrastructure.

The development of the project site for mining purposes would not be expected to induce substantial new population growth in the area; rather, it would serve to provide for the needed infrastructure of Mendocino County.

5.2 Cumulative Impacts

5.2.1 Introduction

CEQA Guidelines Section 15130(a) requires that an EIR discuss the cumulative impacts of a project when the project's incremental effect is "cumulatively considerable," meaning that the project's incremental effects are considerable when viewed in connection with the effects of past, current, and probable future projects. A consideration of actions included as part of a cumulative impact scenario can vary by geographic extent, timeframe, and scale. They are defined according to environmental resource issue and the specific significance level associated with potential impacts. CEQA Guidelines 15130(b) requires that discussions of cumulative impacts reflect the severity of the impacts and their likelihood of occurrence. The CEQA Guidelines note that the cumulative impacts discussion does not need to provide as much detail as is provided in the analysis of project-

only impacts and should be guided by the standards of practicality and reasonableness and focus on the cumulative impact to which the identified other projects contribute rather than the attributes of other projects which do not contribute to the cumulative impacts.

In addition, CEQA Guidelines Section 15130(b) identifies that the following three elements are necessary for an adequate cumulative analysis:

- A list of past, present, and reasonably anticipated future projects producing related or cumulative impacts, including those projects outside the control of the Lead Agency (i.e., the list approach); or a summary of projections contained in an adopted general plan or related planning document designed to evaluate regional or area-wide conditions (i.e., the plan approach). Any such planning document shall be referenced and made available to the public at a location specified by the Lead Agency.
- A summary of expected environmental effects to be produced by those projects. The summary shall include specific reference to additional information stating where that information is available, such as the Mendocino County General Plan Environmental Background Report.
- A reasonable analysis of the cumulative impacts of the relevant projects. An EIR shall examine reasonable options for mitigating or avoiding any significant cumulative effects of a proposed project.

5.2.2 Cumulative Setting

For the purposes of this EIR, the “cumulative setting” is based on a cumulative growth scenario that incorporates development anticipated under the Draft Mendocino County General Plan Update EIR.

According to the Upper Russian River Aggregate Resources Management Plan (1997), aggregate demand for the year 2040 in Mendocino County is approximately 190-600 cubic yards per year. It is unlikely that that the regional aggregate market demand would cause production levels at the proposed project site to reach maximum annual production. However, the EIR analysis, including cumulative impacts, is based on the maximum permitted production levels.

The cumulative setting is also usually based on other anticipated large-scale development requiring the conversion of prime agricultural land, similar to the proposed project (mining-related development within the vicinity of the proposed project); however in this case there are no proposed or approved projects in the vicinity where the effects resulting from the proposed project could contribute to the cumulative environmental impacts; mainly the conversion of agricultural land.

The analysis for the proposed project in this document considers only the development assumed under the Draft Mendocino County General Plan Update, 2008, and in the General Plan Update Final Environmental Impact Report, February 2009 (SCH# 2008062074). While this plan was adopted subsequent to the NOP date, the environmental analysis contained in the Final EIR was considered the best available information. For certain types of environmental effects the geographic scope of the cumulative analysis is based on the resource. For example, for criteria air pollutants, the air basin is the unit of analysis.

5.2.3 Cumulative Impacts

The proposed project site has historically been used as varietal wine grape production in conjunction with a small commercial trucking operation along the western frontage road. The Mendocino County Zoning Ordinance currently designates the project site as I-2, *General Industrial*. This district is intended to create and preserve areas where a full range of industrial uses with moderate to high nuisance characteristics may locate. Typically this district would be applied to locations where large land acreages were available and where the impacts associated with the unsightliness, noise, odor, and traffic, and the hazards associated with certain industrial uses, would not impact on residential and commercial areas (*Ord. No. 3639 (part), adopted 1987*). The mining and processing of natural resources is permitted under section 20.100.020(D) of the Mendocino County Zoning Code, Uses Subject to a Major Use Permit. Because land uses are expected to change with implementation of the project, environmental issues such as effects on traffic and air quality are expected to change accordingly. Therefore, the proposed project may make incremental contributions to such impacts on a cumulative basis. This EIR addresses the environmental impacts associated with potential quarry construction and operation, focusing on issues such as agricultural, biological, and cultural resources.

The following provides a discussion of cumulative impacts related to the proposed project by environmental topic.

Aesthetics

As discussed in Section 3.1, the project's visual (aesthetic) impacts would be less than significant. This project is not associated with any nearby development that would affect the same viewpoints (or be within the same viewshed). Therefore, the project would not contribute to a cumulative visual impact.

Agricultural Resources

Some of the land in the vicinity of the proposed project is considered highly productive farmland, although a majority of it is located on the eastern side of the Russian River. A large portion of the project site is classified as Prime Farmland by the Department of Conservation's Farmland Mapping and Monitoring Program (Draft, 2006). Once mining ceases, the project site would be reclaimed to open space.

Cumulative conversion of important farmland was determined to be less than significant in the General Plan EIR. The project site is zoned for industrial use, and no adjacent lands currently in agriculture are planned for a conversion to urban use. The project would therefore not contribute to a significant cumulative effect.

Air Quality

According to the FRAQMD guidelines, a cumulative impact occurs when two or more individual effects, considered together, are considerable or would compound or increase other environmental

impacts. Cumulative impacts can result from individually minor but collectively significant impacts, meaning that the project's incremental effects are considerable when viewed in connection with the effects of past, current, and probable future projects. Notably, a project that has direct air quality impacts is considered to significantly contribute to a cumulative air quality impact, as the air basin is in non-attainment (under California standards) for the 1-hour ozone standard, and the PM10 standard.

As discussed in Impact 3.3.5 (see Section 3.3, "Air Quality"), the project is not expected to result in a significant cumulative increase in air pollutant emissions and would not conflict with or obstruct implementation of this plan.

Biological Resources

With respect to biological resources, cumulative adverse impacts could result from an increased disturbance to potential special-status species from increased noise, loss of agricultural land and potential habitat, and increased traffic along roadways, all of which could potentially increase the mortality rate of wildlife. The Final EIR for the proposed general plan update finds impacts to special-status plant and wildlife species, sensitive natural communities, and movement corridors to be cumulatively considerable.

The potential for special status species and their habitat to exist has been identified for the project area. Mitigation measures have been provided for the proposed project that would reduce potential impacts to habitat and special-status species. By complying with the mitigation measures provided in Section 3.4, the impacts of the proposed project would be avoided or reduced and, therefore, would not make any cumulatively considerable contribution to the loss of biological resources. The overall cumulative impact to biological resources would be less than significant.

Cultural Resources

No archaeological sites were recorded in the project area, however, two cultural resources were identified within ½ mile of the project area. As these resources are off-site, it is possible that other projects could effect these resources, causing a cumulative impact. In addition, the Final EIR of the proposed general plan update identifies cultural resources impacts as cumulatively considerable. However, Mitigation Measure 3.5.1 would avoid or reduce impacts to these resources to a less than significant. Mitigation Measures 3.5.2 and 3.5.3, identified in this EIR, would mitigate the potential impacts if any unknown buried resources were inadvertently uncovered during project construction and/or mining activities. With mitigation, the cumulative effect of the project impacts on known and potential cultural and archaeological sites would be less than significant.

Geology, Soils, and Seismicity

The proposed project could result in potential geologic hazard impacts related to slope instability and seismic hazards. Similar to the other proposed and existing mining projects, the slope instability hazards would remain specific to the project site and would be localized within the active mining area and, therefore, would not contribute to a region-wide cumulative slope instability condition,

if one did exist. The project would attract additional workers to the mining area and could place additional people in harms way during an earthquake. The project, therefore, could be responsible for contributing to a cumulative seismic risk impact as other proposed and existing projects in the region attract workers into the area. However, the number of workers added to a region from the proposed project and other mining projects in this area is negligible when considering the overall population that would be exposed to potential harm from a large regional earthquake. Because of this, the project's overall contribution to this impact would not be cumulatively considerable.

Hazardous Materials

Impacts 3.7.1 and 3.7.2 identify potentially significant hazards and hazardous materials impacts. Mitigation Measures in this section reduce all potentially significant impacts to less-than-significant levels. Most potential hazards and hazardous materials impacts associated with the project are site-specific and would result in no cumulative impacts.

Hydrology and Water Quality

The Final EIR for the proposed general plan update finds surface water quality to be less than cumulatively considerable, but impacts to ground water cumulatively considerable. The proposed project, as discussed in Section 3.8, would not adversely impact surface water or groundwater quantity or quality. The project could affect drainage patterns (including the 20-year flood area) as a result of the creation of the mining pits, but this impact is reduced to a less than significant level by Mitigation Measure 3.8.6. This mitigation will, by preserving the current floodplain and stream channels, also render the project's cumulative impact less than cumulatively considerable.

Land Use

As discussed in Section 3.9 of this EIR, the proposed project would not conflict with existing and planned land uses surrounding the site. The project would require County approval of a use permit, the reclamation plan, and financial assurances for the project that must be in conformance with SMARA, the State Mining and Geology Board regulations for surface mining and reclamation practice (CCR Title 14, Ch. 8, Article 1, Section 3500 *et seq.*; Article 9 Section 3700 *et seq.*), and Mendocino County ordinances. Other existing and proposed mining projects in the area are also required to obtain permits, to be consistent with County plans and policies and with SMARA, and to undergo CEQA review. Therefore, cumulative development would not be expected to result in an overall adverse land use impact.

Noise

A cumulative impact arises when two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts. Cumulative impacts can result from individually minor but collectively significant impacts, meaning that the project's incremental effects must be viewed in connection with the effects of past, current, and probable future projects.

As discussed in Section 3.10, although the project in conjunction with other future development would result in substantial and significant increases in noise on roadway segments 1 and 4 (for the Cumulative 2015 plus Project scenario compared to Existing conditions), the project itself would not be cumulatively considerable. The project would not increase noise levels by 3 dBA or more on any of the roadway segments. Thus, it is considered to have a less-than-significant cumulative impact on noise without mitigation.

Public Services and Utilities

Impact 3.11.1 identifies a potentially significant impact to police and fire protection services within Mendocino County; however this impact was determined to be less than significant. There are no other projects in the vicinity that have the potential to significantly impact police or fire protection services within the County. Consideration of impacts to police and fire protection services in conjunction with other projects in the vicinity of the project are not considered to be cumulatively considerable; therefore, no incremental contribution to cumulative effects would occur.

Impact 3.11.3 identifies a less-than-significant impact to water supply. No mitigation is proposed for this impact. However, this impact is site specific. Water supplied for the project is obtained from on-site wells. No other projects or entities utilize water from this source. There is no incremental contribution to cumulative effects on water supply.

Traffic

As discussed in Section 3.12, the project would contribute to significant cumulative impacts in both the near term, 2015, and 2030. As the project does not cause an intersection currently operating at an acceptable level of service to operate at an unacceptable, all the traffic impacts are considered cumulative in nature.

- Impact 3.12.1. Under Existing with Project conditions study area intersections could operation at a deficient LOS.
- Impact 3.12.2. Under the 2015 with Project condition study area intersections could operate at a deficient LOS.
- Impact 3.12.3. Under the 2030 with Project condition study area intersections could operate at a deficient LOS.

5.3 Significant Unavoidable Adverse Impacts

5.3.1 Introduction

CEQA Guidelines 21100(b)(2) and 15126.2(b) require that any significant and unavoidable effect on the environment must be identified. In addition, CEQA Guidelines 15093(a) allows the decision-making agency to determine if the benefits of a proposed project outweigh the unavoidable adverse environmental impacts of implementing the project. The County can approve a project with unavoidable adverse impacts if it prepares and adopts a “Statement of Overriding Considerations”

setting forth the specific reasons for making such a judgment. A list of unavoidable adverse impacts identified in this EIR is provided below. For each of the unavoidable adverse impacts, the County must prepare and adopt a Statement of Overriding Considerations if the County approves the project.

5.3.2 Unavoidable Adverse Impacts

Agricultural Resources

Although the project site is zoned *General Industrial (I-2)*, implementation of the proposed project would result in the permanent conversion of land designated by the Department of Conservation FMMP as *Prime Farmland, Farmland of Statewide Importance or Unique Farmland* (Impact 3.2.1). This impact is *significant and unavoidable*.

Traffic

The measures described in Section 3.12 would reduce the project traffic impacts to less than significant. However, because it is not reasonably foreseeable that all the above improvement could be made (i.e., because Mendocino County, as lead agency, could not implement all of the above measures without the approval of Caltrans, and because funding has not been identified for the non-applicant share), Impact 3.12.1, 3.12.2 and 3.12.3 are considered *significant and unavoidable*.

5.4 Significant Irreversible Environmental Changes

5.4.1 Introduction

CEQA Guidelines 21100(b)(2) and 15126.2(b) require that any significant effect on the environment that would be irreversible if the project is implemented must be identified. Significant irreversible environmental changes include the proposed project's direct and indirect effects that will commit nonrenewable resources to uses that future generations would most likely be unable to reverse.

5.4.2 Significant Irreversible Environmental Changes

Significant irreversible impacts of the project include agricultural resources, as discussed above. The end use of the proposed quarry would not include agriculture.

5.5 Effects Not Found To Be Significant

As required by CEQA, this EIR focuses on expected significant or potentially significant environmental effects (CEQA Guidelines 15143). Two scoping meetings were held for the proposed project in order to identify issues to be evaluated in this EIR.

Impacts related to Population and Housing and Recreation were eliminated from further consideration during the scoping process.

All of the impacts analyzed in this EIR, including those considered to be less than significant, are summarized in Table ES-1 of this EIR.

5.6 References

California Department of Transportation (Caltrans) 2006. Letter to Local Agencies from Will Kempton, Director regarding aggregate supplies. February 27, 2006,

Mendocino County, 2008. Mendocino County Zoning Code (Title 20), Division 1.

Mendocino County, 2009. General Plan Update Final Environmental Impact Report, SCH# 2008062074. February 2009.