



COUNTY OF MENDOCINO  
DEPARTMENT OF PLANNING AND BUILDING SERVICES  
501 LOW GAP ROAD · ROOM 1440 · UKIAH · CALIFORNIA · 95482

IGNACIO GONZALEZ, DIRECTOR  
Telephone 707-463-4281  
FAX 707-463-5709  
pbs@co.mendocino.ca.us  
www.co.mendocino.ca.us/planning

DECEMBER 23, 2010

NOTICE OF PUBLIC HEARING AND AVAILABILITY OF DRAFT NEGATIVE  
DECLARATION FOR PUBLIC REVIEW

NOTICE IS HEREBY GIVEN THAT the Mendocino County Planning Commission at its regular meeting on Thursday, January 20, 2011, at 9:00 a.m., to be held in the Board of Supervisors Chambers, 501 Low Gap Road, Ukiah, California, will conduct a public hearing on the following project and the Draft Negative Declaration at the time listed or as soon thereafter as the item may be heard.

**CASE#:** MS 4-2010

**DATE FILED:** 3/24/2010

**OWNER/ APPLICANT:** TERRY & TAMMY BRAY

**AGENT:** RON FRANZ

**REQUEST:** Minor Subdivision of an 8.77+/- acre parcel to create two parcels containing 3.23+/- acres and 5.54+/- acres.

**LOCATION:** 3.9+/- miles southeast of the City of Fort Bragg, lying on either side of Canyon Road (private), 0.1+/- miles north of its intersection with Turner Road (CR# 414F), located at 16620 Canyon Road; AP# 019-430-03.

**PROJECT COORDINATOR:** DUSTY DULEY

**ENVIRONMENTAL DETERMINATION:** The Department of Planning and Building Services has prepared a Draft Negative Declaration for the above project (no significant environmental impacts are anticipated which cannot be adequately mitigated). A copy of the Draft Negative Declaration is available for public review at 501 Low Gap Road, Room 1440, Ukiah, California, and at 790 South Franklin Street, Fort Bragg, California. The staff report and notice are available on the Department of Planning and Building Services website at [www.co.mendocino.ca.us/planning](http://www.co.mendocino.ca.us/planning).

Your comments regarding the above project and/or the Draft Negative Declaration are invited. Written comments should be submitted to the Department of Planning and Building Services, at 501 Low Gap Road, Room 1440, Ukiah, California, no later than January 19, 2011. Oral comments may be presented to the Planning Commission during the public hearing.

The Planning Commission's action regarding this item shall be final unless appealed to the Board of Supervisors. The last day to file an appeal is the 10th day after the Planning Commission's decision. To file an appeal of the Planning Commission's decision, a written statement must be filed with the Clerk of the Board with a filing fee prior to the expiration of the above noted appeal period. If you challenge the project in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Department of Planning and Building Services or the Planning Commission at, or prior to, the public hearing. All persons are invited to appear and present testimony in this matter.

Additional information regarding the above noted item may be obtained by calling the Department of Planning and Building Services at 463-4281, Monday through Friday, 8:00 a.m. through 5:00 p.m. Should you desire notification of the Planning Commission's decision you may do so by requesting notification in writing and providing a self-addressed stamped envelope to the Department of Planning and Building Services.

IGNACIO GONZALEZ, Director of Planning & Building Services

**OWNER/APPLICANT:** TERRY AND TAMMY BRAY  
5959 HIGHWAY 175  
HOPLAND, CA 95449

**REQUEST:** Minor subdivision of an 8.77+/- acre property to create 2 parcels containing 3.23± and 5.54± acres each.

**LOCATION:** 3.9± miles southeast of the City of Fort Bragg, lying on either side of Canyon Road (private), 0.1± mile north of its intersection with Turner Road (CR# 414F), located at 16620 Canyon Road; AP# 019-430-03.

**TOTAL ACREAGE:** 8.77± Acres

**GENERAL PLAN:** Rural Residential 80,000 square foot minimum (RR2)

**ZONING:** Rural Residential 80,000 square foot minimum (RR 2)

**ADJACENT ZONING:** North: Rural Residential 80,000 square foot minimum (RR 2)  
East: Rural Residential 80,000 square foot minimum (RR 2)  
South: Rural Residential 80,000 square foot minimum (RR 2)  
West: Rural Residential 80,000 square foot minimum (RR 2)

**SURROUNDING LOT SIZES:** North: 1.0± - 5± Acres  
East: 2.0± - 3.0± Acres  
South: 1.5± - 5.7± Acres  
West: 31.7± Acres

**EXISTING USES:** Residential

**SURROUNDING LAND USES:** North: Residential  
East: Residential  
South: Residential  
West: Vacant

**COASTAL ZONE:** No

**SUPERVISORIAL DISTRICT:** 4

**OTHER RELATED APPLICATIONS ON SITE:**

- General Plan Amendment #GP 20-82 was denied by the Board of Supervisors on March 14, 1983. The proposal was to change the land use classification on 1,200± acres of land, including the subject parcel, from RR-2 to RR-1.
- Certificate of Compliance #CC 34-84, recorded on September 5, 1984, recognized eight parcels, one of which encompassed the subject parcel.
- An application was submitted for a Minor Subdivision #MS 7-93 to create 4 parcels ranging in size from 2.13± to 2.16± acres on the subject parcel. Upon reviewing the case file, staff had requested a botanical study be completed for the property, however the applicant (Sullivan) did not complete the study and the application was subsequently cancelled prior to any public hearing.

**OTHER RELATED APPLICATIONS IN SURROUNDING AREA:**

- The adjacent property to the south was subdivided (#MS 42-91) creating 2 parcels of 2.1+/- and 3.3+/- acres each.
- A Minor Subdivision application (#MS 27-88) to subdivide the adjacent 5± acres parcel to the north into two parcels of 2.43± and 2.07± acres was approved by the Planning Commission on August 18, 1988. Conditions of approval were not completed and the division was allowed to expire.
- An application (#MS 42-90) to subdivide another adjacent 5± acres property to the north into 2 parcels containing 2.5± acres each was denied by the Planning Commission and subsequently by the Board of Supervisors on June 10, 1991. According to the meeting minutes, the reason for denial was that the property did not have deeded access.

**PROJECT DESCRIPTION:** The owners are proposing to subdivide 8.77± acres into 2 parcels containing 3.23± and 5.54± acres each. The property is located 3.9± miles southeast of Fort Bragg, just outside the Coastal Zone. The property is relatively flat with half the area consisting of Pygmy Cypress Forest. A seasonal creek runs along the southern end of the property. There is a large open meadow on proposed parcel 2 where two mobile homes were located before being removed upon reaching a state of disrepair. Access to parcels 1 and 2 is provided by existing driveways off the privately maintained Canyon Road. The property is zoned Rural Residential 80,000 net square foot minimum (RR 2) parcel size after subtracting all easements and is currently improved with a single-family home and a small shed. As proposed all improvements will be on proposed parcel 1 leaving proposed parcel 2 vacant. Surrounding lands primarily range in size between 1± and 5.65± acres, exempting the adjacent parcel to the west which is 31.66± acres in size and are used to support single-family residences.

**ENVIRONMENTAL REVIEW:** In completing the initial study environmental checklist, the following areas of concern are noted:

Earth and Water (Items 1B, 1C, 1E, 1F, 3B, 3D, 3E, 3F and 3G): Although the applicant notes that no grading or vegetation removal is necessary to complete the project, staff anticipates that some grading may be necessary to complete driveway improvements, building pads the septic systems. No significant impacts are anticipated as long as the applicant adheres to "Best Management Practices" for all earth moving activities.

Water will be provided from existing individual on-site wells. The property is located in a *Sufficient Water Resource* (SWR) area and no proof of water study is being required. As County Code potentially allows for two homes per legal parcel, and there is one existing home, the development could eventually result in three additional dwelling units as well as new accessory buildings, paved areas and landscaping features, which may have an effect on absorption rates and drainage patterns or the rate and amount of surface runoff. The County Water Agency is requesting that future development be subject to implementing appropriate source controls as found in the County Standard Urban Storm Water Mitigation Plan (SUSMP). A goal of the SUSMP is to minimize opportunities for pollutants to enter stormwater drains and impact water quality. This may be done by conserving natural areas on the property, minimizing impervious surface areas, disconnecting downspouts, etc... Condition numbers 1 and 2 are provided to address immediate and short-term impacts from grading activities and as a means of protecting surface and ground water resources from development related activity.

Air Quality (Item 2A): The Mendocino County Air Quality Management District (AQMD) offered a "no comment" response to staff referral, however in past similar cases AQMD provided comments regarding potential impacts on air quality resulting from the use of unpaved roads, grading activities, fugitive dust emissions, asbestos content in road surfacing materials, an additional 9.6 vehicle trips per day for each new dwelling unit and impacts resulting from the use of wood stoves and fireplaces as primary heat sources. Staff notes that any rock material used for surfacing, including rock from onsite sources, must comply with regulations regarding asbestos content. Furthermore, all grading activities must comply with District Regulation 1 Rule 430 regarding fugitive dust emissions.

Although approval of the subdivision will lead to more vehicle trips, a potential increase in greenhouse gas emissions and deteriorating local air quality, staff resolves that such an impact should be addressed by a broader policy at the County, State, and national level of government.

Of note are the new air quality regulations in effect as of May 5, 2007, which regulate the following:

- Total prohibition on new fireplaces
- Woodstoves and fireplace inserts would only be allowed if all of the following criteria are met:
  - Must be EPA certified or a pellet stove, and
  - Located within a residential dwelling(s) of three units or less, and
  - Is not located within a major subdivision that has filed a tentative map after the effective date of these regulations.

Condition numbers 3 and 4 are provided to insure consistency with air quality standards.

Plant and Wildlife (Items 4A, 4C, and 5D): The California Natural Diversity Database showed the property to lie within an area proximate to several known regions of sensitive plant species. A botanical survey dated November 15, 2009 and authored by Alison Gardner was submitted with the Subdivision application for the vacant proposed parcel 2 only. The survey was prepared to determine the presence of any sensitive plant species and assess the project's potential impacts to them. Special-status plants and plant communities documented on the project site include: Pygmy cypress forest, bolander pine, California sedge, bolander's reed grass and the coast lily. Riparian vegetation consisting of Labrador tea, alders and wax myrtle was discovered along the seasonal creek which borders the southern property boundary. The botanist is recommending that a 50 foot buffer from development be established around the riparian area, coast lily and bolander's reed grass. The project agent, Mr. Ron Franz, prepared a map (page PC 14) at staff's request identifying area suitable for development after recognizing the 50 foot resource protection buffers from resources mapped in the botanical study along with standard property line setbacks applied to new construction. Since preparation of the map, staff received an email from the botanist on December 12, 2010 recommending a 20 foot buffer from the pygmy cypress trees "to avoid cutting into the root zone of the trees during any excavation." (See condition number 5) After recognizing these constraints, staff determined that adequate room would remain to develop a single-family residence and associated improvements on the undeveloped parcel. While the subdivision would allow for the development of two residential units on proposed parcel 1, along with guest cottages, accessory structures and other improvements (i.e., garages, driveways, fences), adherence to the setback buffers as recommended by the botanist would be sufficient to protect the noted sensitive resources on the property. Condition number 5 limits development to the areas outside the buffer areas as identified in the Botanical Survey prepared by Alison Gardner, dated November 15, 2009 and email to staff dated December 12, 2010. Staff also recommends that high visibility fencing be placed around the buffered areas and Pygmy Cypress Forest prior to construction activities. No construction workers or equipment shall be allowed within the fenced area. Best Management Practices shall be adhered to at all times to ensure that sediment does not travel into the buffer area. The fencing shall remain in place until construction is completed.

Parcel 1 was not included in the botanical survey, but contains Pygmy Cypress Forest and possibly other sensitive plant resources. Therefore staff recommends condition number 6 which states that no further development will occur on proposed Parcel 1 unless it can be shown upon completing a botanical survey that it would not impact any sensitive resource.

The California Department of Fish and Game has not offered comments as to potential adverse impacts upon sensitive plant or wildlife habitat or species. However, the project is subject to the filing fees required by Fish and Game Code Section 711.4 unless a waiver is granted by the agency. See Condition number 7.

Noise (Item 6A): The increase in residential density that could result from the project is not expected to significantly increase existing (or expose people to severe) noise levels. Likewise, although an increase in noise levels will most likely result from any minor grading, road construction and housing construction phases of any future development, overall staff does not believe the project would cause significant impacts beyond the minor inconvenience during this period. No mitigation is required.

Light and Glare (Item 7A): With the increased development on site, outside lighting and glare may impact surrounding residences and impact the quality of the nighttime sky "dark sky". Condition number 8 will address any concerns with regards to lighting and glare by requiring lighting to be downcast and internally directed.

Land Use (Item 8A): The property is designated Rural Residential (RR). The RR Intent section (Policy DE-14) of the General Plan's Land Use Element states in part,

“The RR classification is intended to encourage small scale food production (farming) in areas which are not well suited for large scale commercial agriculture, defined by present or potential use, location, mini-climate, slope, exposure, etc. The Rural Residential classification is not intended to be a growth area, and residences should be located as to create minimal impact on agricultural viability.”

Minimal land is available for any commercial agricultural endeavor due to development constraints from special-status plants and plant communities documented on the project site. As the majority of the property contains Pygmy Cypress Forest, in order to make the property suitable for commercial agricultural use, much of the forest would need to be removed. Staff has determined that Pygmy Cypress Forest is a protected resource, therefore the preferred use of the land would be for residential purposes. Residential uses are allowed in the RR Land Use Category. Staff determined that the subdivision request meets the minimal parcel size of 5 acres and is consistent with Policy DE-14 of the County of Mendocino General Plan.

Housing (Item 11A): As the project will result in only one new parcel, the applicant is not required to pay any in-lieu fees per the County Inclusionary Housing Ordinance (Mendocino County Code Chapter 20.238).

Transportation/Circulation (Items 12A, 12C, 12D, and 12F): Access to proposed parcels 1 and 2 is provided by private driveways extending from Canyon Road, a 20-foot wide, private graveled road. The Mendocino County Department of Transportation (DOT) has reviewed the project request. Conditions recommended by DOT concern standard road, driveway approach and easement standards and are listed in conditions numbers 9 through 14. The existing 60 foot wide roadway and public utility easement, Canyon Road, that runs through the property has been offered for dedication to the County to allow for improved circulation by effectively connecting Pearl Drive (private) with Turner Road (CR# 414F). Adherence to the mitigating conditions recommended above, traffic and circulation related impacts resulting from the project are expected to be held to a less than significant level.

Public Services (Item 13A): The property is located within the State Responsibility Area (SRA) of the California Department of Forestry and Fire Protection (Cal-Fire) and is designated as an area of Moderate Fire Hazard. Comments received from Cal-Fire in a preliminary letter dated March 2, 2010 recommend standard road and water supply conditions. The Fort Bragg Rural Fire District responded to staff's referral recommending approval without comment. Condition number 15 is recommended to require adherence to Cal-Fire District standards which are expected to mitigate impacts relating to emergency services. Other types of public services are not expected to be significantly affected by the project.

Environmental Health/Utilities (Items 15A and 15B): Each proposed parcel is improved with an on-site well and septic system. The County Division of Environmental Health (DEH) has recommended conditions intended to assure adherence to standard water, septic and/or related policies required by the County. Condition numbers 16 through 18 are offered to address these issues and are expected to hold impacts in this area to a less than significant level. No other utility-related mitigations are required.

Cultural Resources/Archaeological (Item 19A): The Mendocino County Archaeological Commission reviewed the project at their August 11, 2010 meeting and determined that an archeological survey was not warranted. However staff still recommends that the “Discovery Clause” be added to the conditions of approval in the event that any archeological discoveries are made in the process of developing the property. See condition number 19. No further mitigation required.

**GENERAL PLAN CONSISTENCY REVIEW:** Subject to the recommended conditions of approval, the proposed project is consistent with applicable goals and policies of the General Plan.

**RECOMMENDED MOTION FOR THE PLANNING COMMISSION:** The Planning Commission approves Minor Subdivision #MS 4-2010 making the following findings and subject to the following conditions of approval:

**Environmental Findings:** The Planning Commission finds that the environmental impacts identified for the project can be adequately mitigated through the conditions of approval, or features of the project design so that no significant adverse environmental impacts will result from this project, therefore, a Negative Declaration is adopted.

**General Plan Findings:** Pursuant to Section 66473.5 of the California Government Code, the Planning Commission finds the proposed subdivision, together with the provisions for its design and improvement is consistent with the applicable goals and policies of the General Plan.

**Project Findings:** The Planning Commission, making the environmental and General Plan findings above, approves #MS 4-2010, subject to the following conditions of approval as recommended within the staff report, further finding:

Pursuant to California Government Code Section 66445(e) the Planning Commission finds that division and development of the property in the manner set forth on the approved or conditionally approved tentative map will not unreasonably interfere with the free and complete exercise of the public entity or public utility right-of-way or easement.

**STANDARD CONDITIONS OF APPROVAL:** For a Minor Subdivision, which has been approved according to the Mendocino County Code, the following "Conditions of Approval" shall be completed prior to filing a Parcel Map.

- \*\*1. The subdivider shall acknowledge in writing to the Department of Planning and Buildings Services that all grading activities and site preparation, at a minimum, shall adhere to the following "Best Management Practices". The applicant shall submit to the Department of Planning and Building Services an acknowledgement of these grading and site preparation standards.
- a. That adequate drainage controls be constructed and maintained in such a manner as to prevent contamination of surface and/or ground water, and to prevent erosion.
  - b. The applicant shall endeavor to protect and maintain as much vegetation on the site as possible, removing only as much as required to conduct the operation.
  - c. All concentrated water flows, shall be discharged into a functioning storm drain system or into a natural drainage area well away from the top of banks.
  - d. Temporary erosion and sediment control measures shall be established and maintained until permanent protection is established.
  - e. Erosion control measures shall include, but are not limited to, seeding and mulching exposed soil on hill slopes, strategic placement of hay bales below areas subject to sheet and rill erosion, and installation of bioengineering materials where necessary. Erosion control measures shall be in place prior to October 1<sup>st</sup>.
  - f. All earth-moving activities shall be conducted between May 15<sup>th</sup> and October 15<sup>th</sup> of any given calendar year unless the Department of Planning and Building Services or other agencies having jurisdiction approve wet weather grading protocols.
  - g. Future development shall be subject to implementing appropriate source controls found in the Mendocino County Standard Urban Stormwater Mitigation Plan (SUSMP).
  - 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:
    1. 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 to 1.5 units horizontal (66.7% slope)
    2. A fill less than 1 foot (305 mm) in depth and placed on natural terrain with a slope flatter than 1 unit vertical to 5 units horizontal (20% slope), or less than 3 feet (914 millimeters) in depth, not intended to support structures, that does not exceed 50 cubic yards (38.3 cubic millimeters) on any one lot and does not obstruct a drainage.

- \*\*2. A notation shall be placed on the Parcel Map stating that, "Future development of buildings, building sites, access roads or driveways may be subject to the grading requirements and drainage control measures identified in condition number 1 of the subdivision."
- \*\*3. A note shall appear on the Parcel Map that the access road, driveway and interior circulation routes be maintained in such a manner as to insure minimum dust generation subject to Air Quality Management District Regulation 1 Rule 430.
- \*\*4. All roads shall be covered with an impermeable sealant or rocked at a bare minimum. Any rock material used for surfacing, including rock from onsite sources, must comply with Regulations regarding asbestos content.
- \*\*5. The subdivider shall submit to the Department of Planning and Building Services an Exhibit Map defining the buffers from all rare plant communities in accordance with the Botanical Survey prepared by Alison Gardner, dated November 15, 2009 and email to staff dated December 12, 2010. The Exhibit Map shall include the following notations:
- a. no development shall be allowed within the buffer areas as delineated on the Exhibit map
  - b. High visibility fencing shall be placed outside the buffer areas prior to any new construction and shall remain in place until construction is complete. No construction personnel or equipment shall enter beyond the fenced area
- \*\*6. A note shall be placed on the Parcel Map that no further development shall be allowed on proposed Parcel 1 before a botanical survey by a qualified profession is completed showing that area exists to support development without impacting any sensitive resources. Any study shall be reviewed and approved by the Department of Planning and Building Services.
- \*\*7. This entitlement does not become effective or operative and no work shall be commenced under this entitlement until the California Department of Fish and Game filing fees required or authorized by Section 711.4 of the Fish and Game Code are submitted to the Mendocino County Department of Planning and Building Services. Said fee of \$2,094.00 shall be made payable to the Mendocino County Clerk and submitted to the Department of Planning and Building Services prior to February 4, 2011 (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 Department of Planning and Building Services will hold the payment until the appeal is decided. Depending on the outcome of the appeal, the payment will either be filed with the County Clerk (if the project is approved) or returned to the payer (if the project is denied). Failure to pay this fee by the specified deadline shall result in the entitlement becoming null and void. **The applicant has the sole responsibility to insure timely compliance with this condition.**
- \*\*8. A note shall appear on the Parcel Map that: "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."
- \*\*9. There shall be provided an access easement of sixty (60) feet in width (as per tentative map) from a publicly maintained road to each parcel being created. Documentation of access easement shall be provided to the Mendocino County Department of Transportation for their review prior to final approval.
- \*\*10. If a Parcel Map is filed, all easements of record shall be shown on the parcel map. All utility lines shall be shown as easements with widths as shown of record or a minimum of ten (10) feet, whichever is greater.
- \*\*11. If approval of the tentative map is conditioned upon certain improvements being made by the subdivider, the subdivider shall notify the Mendocino County Department of Transportation when such improvements have been completed.

- \*\*12. Construct a twenty-two (22) foot wide road from Turner Road (CR# 414F) to the northern driveway of the proposed subdivision within the access easement, including eight (8) inch minimum rock base. New or replaced culverts shall be a minimum of 18 inches in diameter.
- \*\*13. Private roads and public utility easements shall be offered for dedication.
- \*\*14. Any proposed work within County rights of way requires obtaining an encroachment permit from the Mendocino County Department of Transportation.
- \*\*15. The subdivider shall comply with those recommendations in the California Department of Forestry (Cal-Fire) letter of March 2, 2010 (CDF# 55-10) or other alternatives as acceptable to Cal-Fire. Written verification shall be submitted from Cal-Fire to the Department of Planning and Building Services that this condition has been met to the satisfaction of Cal-Fire.
- \*\*16. The applicant shall provide the Division of Environmental Health adequate advance written notice (minimum of 15 days) of the date and time any field soil testing procedures for any proposed on-site sewage systems to allow the Division of Environmental Health staff to be present for soil testing.
- \*\*17. The applicant shall submit to the Division of Environmental Health an acceptable site evaluation report (DEH FORM # 42.04) for parcel 2 completed by a qualified individual demonstrating compliance with the North Coast Regional Water Quality Control Board's Basin Plan Policy for On-site Waste Treatment and Disposal and Mendocino County Division of Environmental Health's "Land Division Requirements" (DEH FORM # 26.09).
- \*\*18. The applicant shall submit to the Division of Environmental Health an acceptable standard mineral analysis performed by a certified public health laboratory from a source of water on the subdivision.
- \*\*19. A note shall appear on the Parcel Map that in the event that archeological resources are encountered during development of the property, work in the immediate vicinity of the find shall be halted until all requirements of Chapter 22.12 of the Mendocino County Code relating to archaeological discoveries have been satisfied.
- \*\*20. Pursuant to Government Code Section 66492 & 66493, prior to recordation of the Parcel Map the subdivider must: (1) Obtain a Certificate from the Mendocino County Tax Collector stating that all current taxes and any delinquent taxes have been paid and; (2) Pay a security deposit (or bond) for taxes that are a lien, but not yet due and payable.

ALL CONDITIONS OF APPROVAL MUST BE MET PRIOR TO EXPIRATION OF TWENTY-FOUR (24) MONTHS FROM DATE OF APPROVAL, UNLESS RENEWED PURSUANT TO THE MENDOCINO COUNTY CODE.

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

\_\_\_\_\_  
DATE

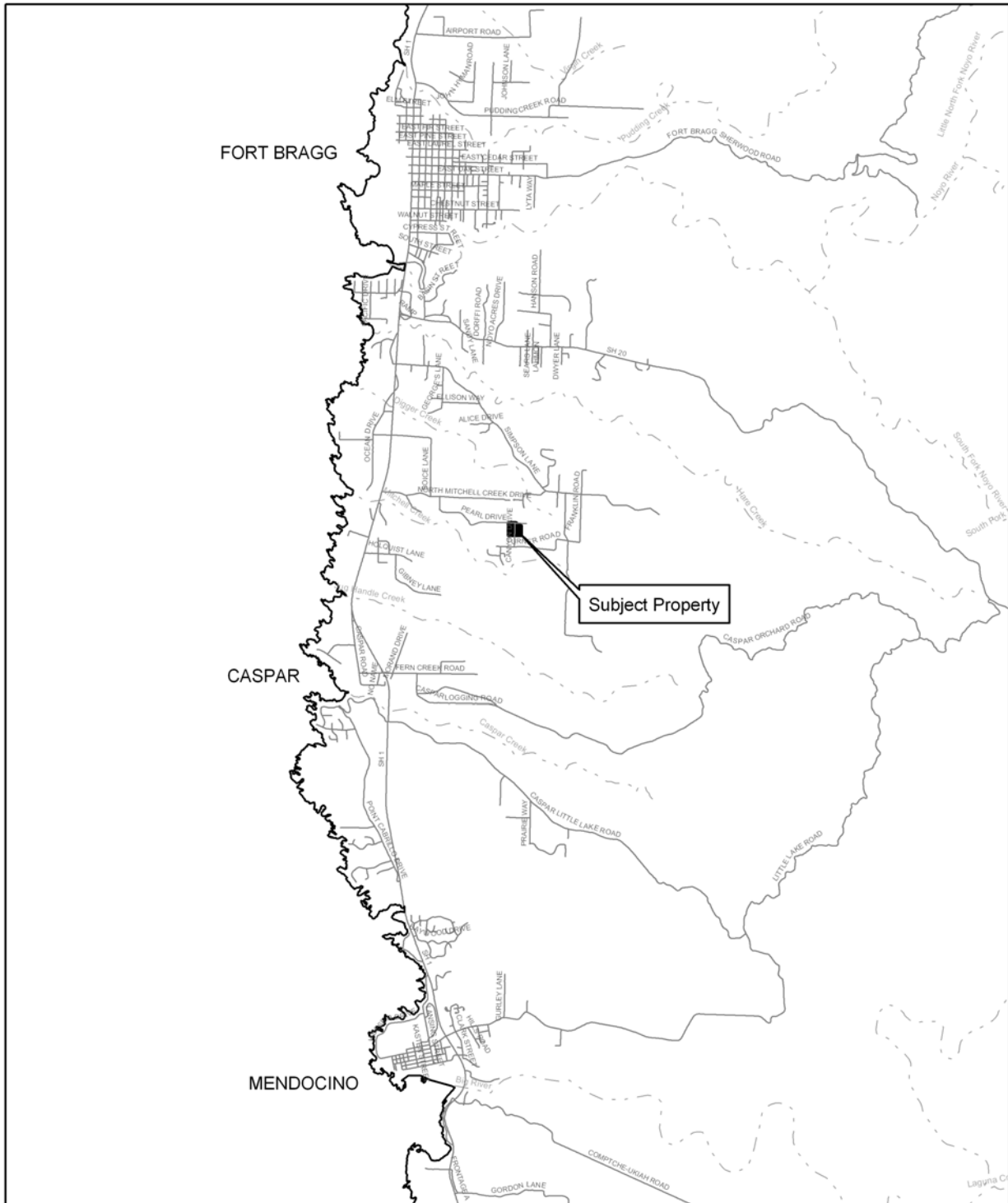
\_\_\_\_\_  
DUSTY DULEY  
PLANNER II

DD/at  
December 13, 2010

Negative Declaration  
Appeal Fee - \$910  
Appeal Period - 10 days

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

REFERRAL AGENCIES	REFERRAL NOT RETURNED	REFERRAL RECEIVED "NO COMMENT"	COMMENTS RECEIVED
Dept. of Transportation			X
Environmental Health			X
Building Inspection		X	
Assessor	X		
Air Quality Management	X		
County Water Agency			X
Archaeological Commission			X
Sonoma State-Northwest Information Services			X
Dept. of Fish and Game	X		
County Addresser		X	
Planning FB office			X
Native Plant Society	X		
Cal-Fire	X		
Soil Conservation Service	X		
US Fish & Wildlife Services	X		
Fort Bragg Rural Fire District		X	

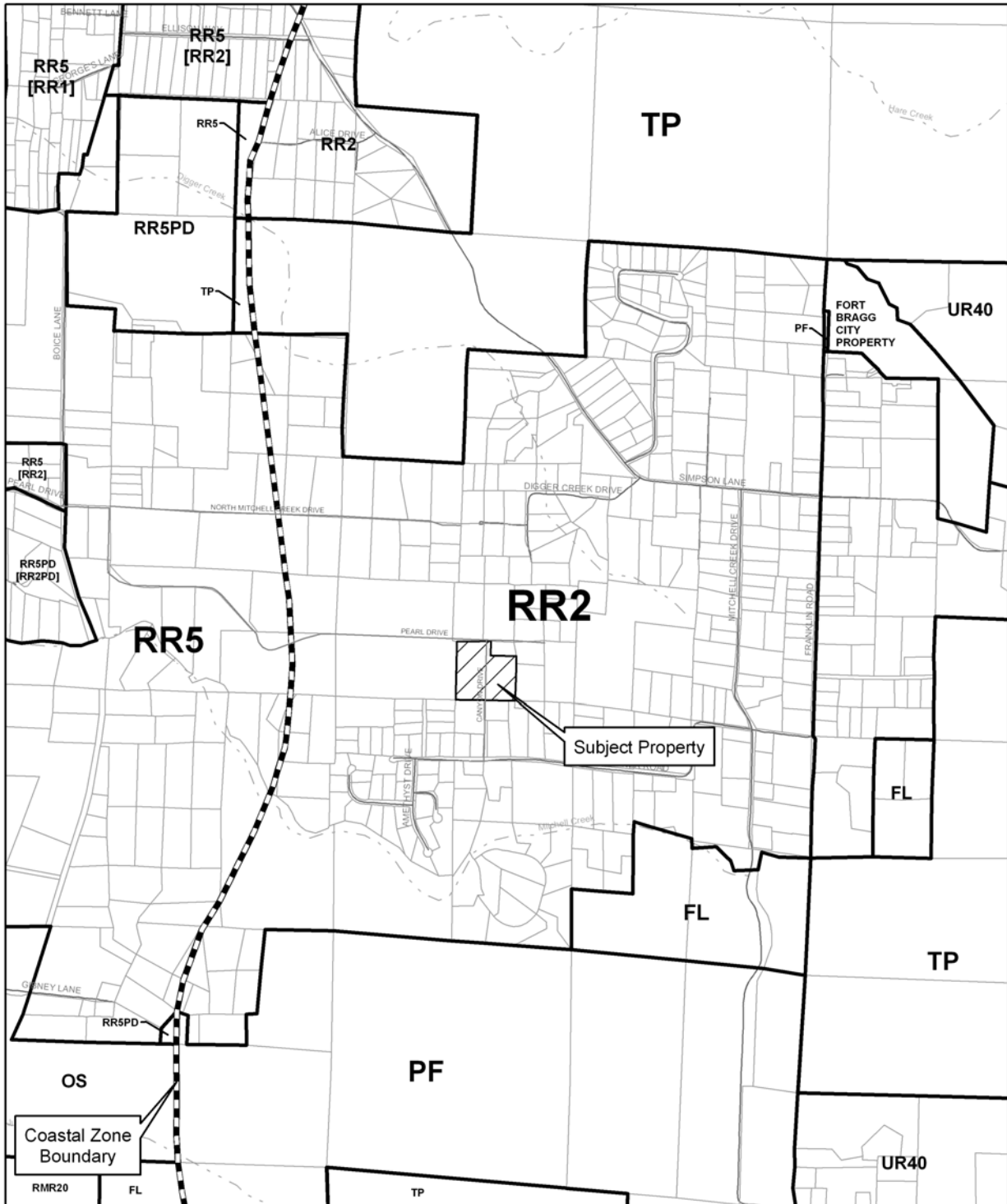


OWNER: BRAY, Terry & Tammy  
CASE: MS 4-2010  
APNs: 019-430-03

LOCATION MAP

Parcel lines are approximate. Parcel lines on this map are NOT SURVEY LINES, they are for viewing purposes only and should not be used to determine legal boundary lines. Parcel line can be over 200 feet off. (Parcel lines are as of December 2008)



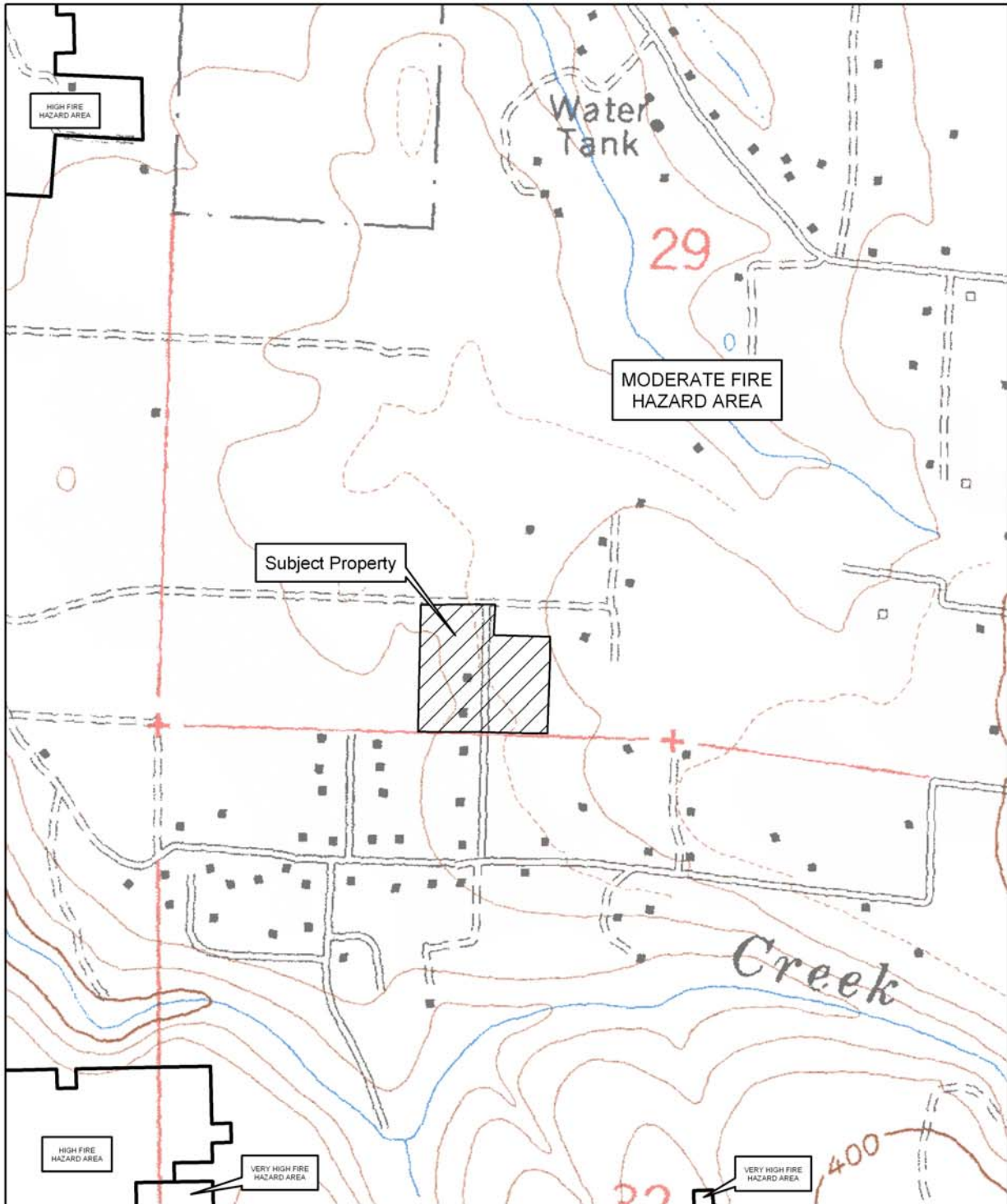


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ZONING DISPLAY MAP

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**FIRE HAZARD SEVERITY ZONES**  
FORT BRAGG RURAL FIRE PROTECTION DISTRICT

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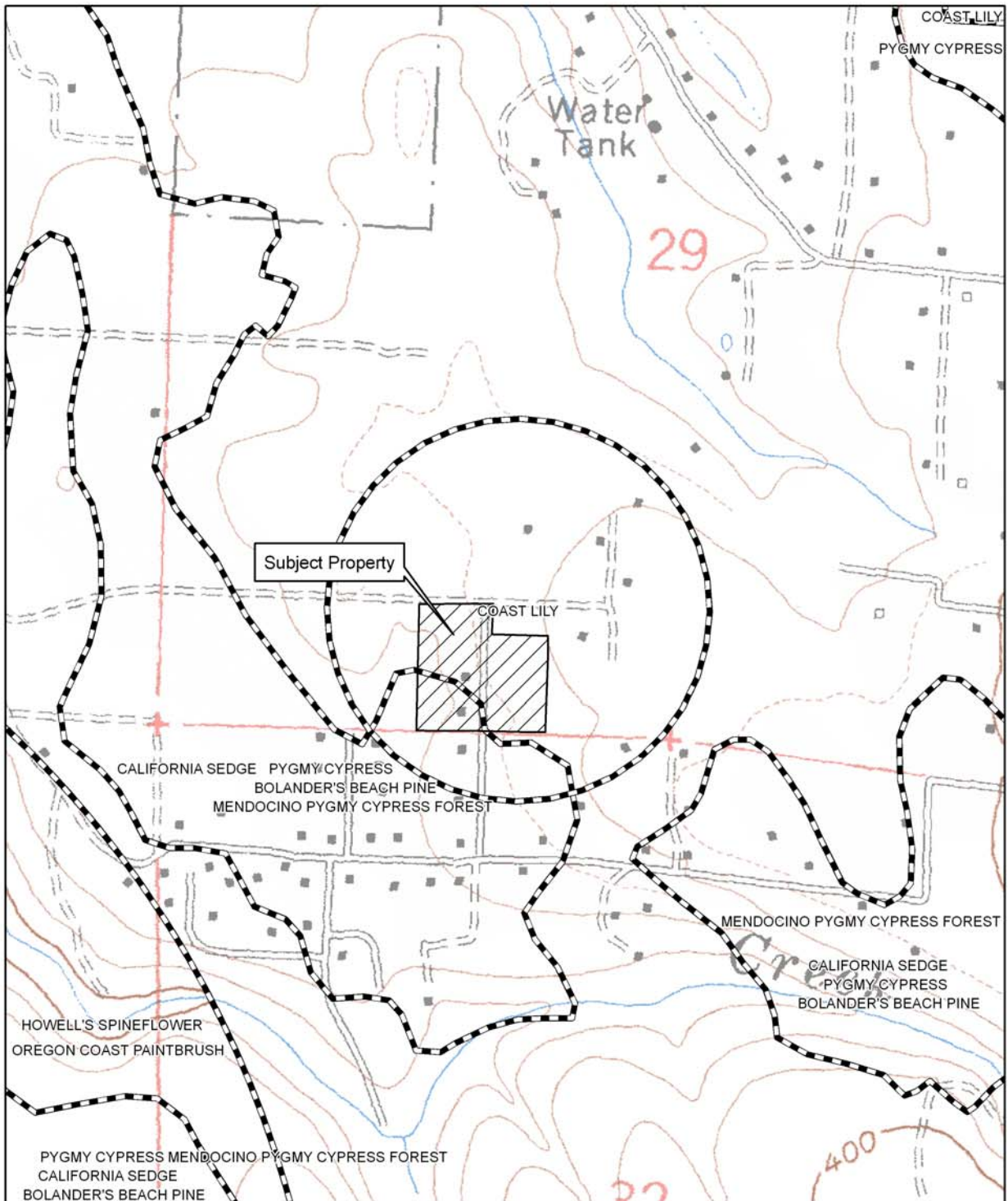


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ORTHOPHOTO - June 2009

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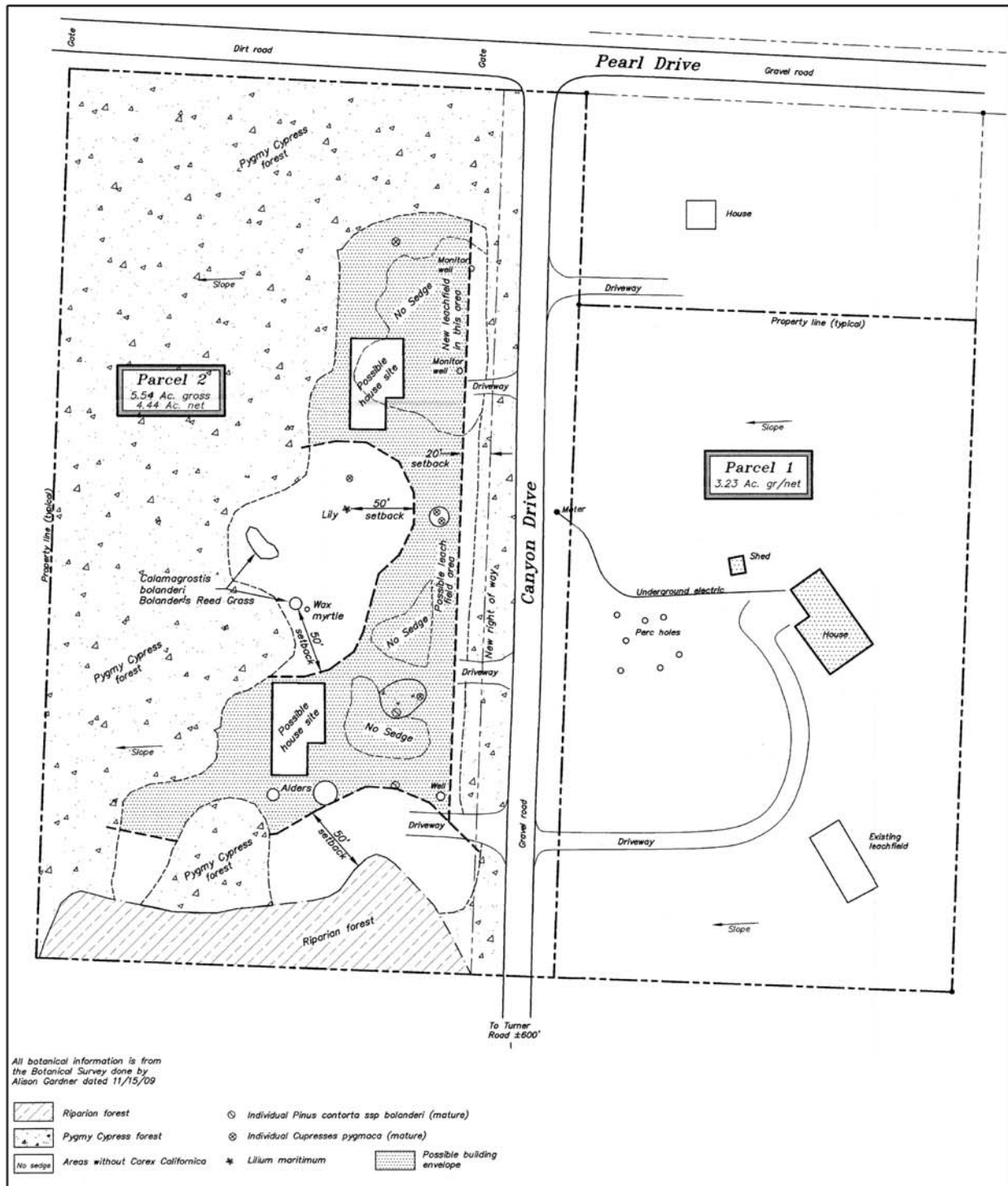


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**CALIFORNIA NATURAL DIVERSITY  
DATABASE RAREFIND** (Jan 2010)

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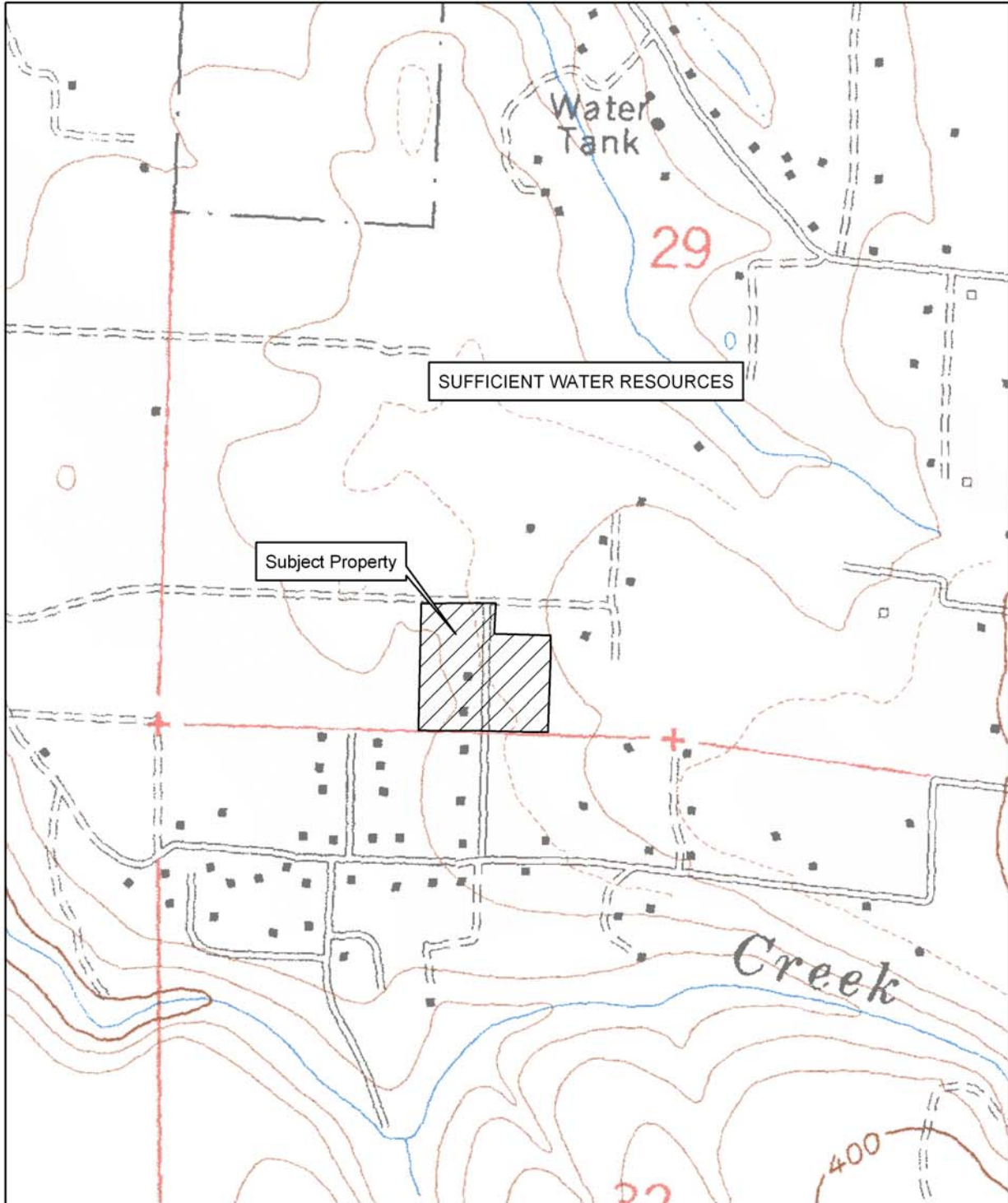




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**BOTANICAL SETBACKS AND BUILDING ENVELOPES**



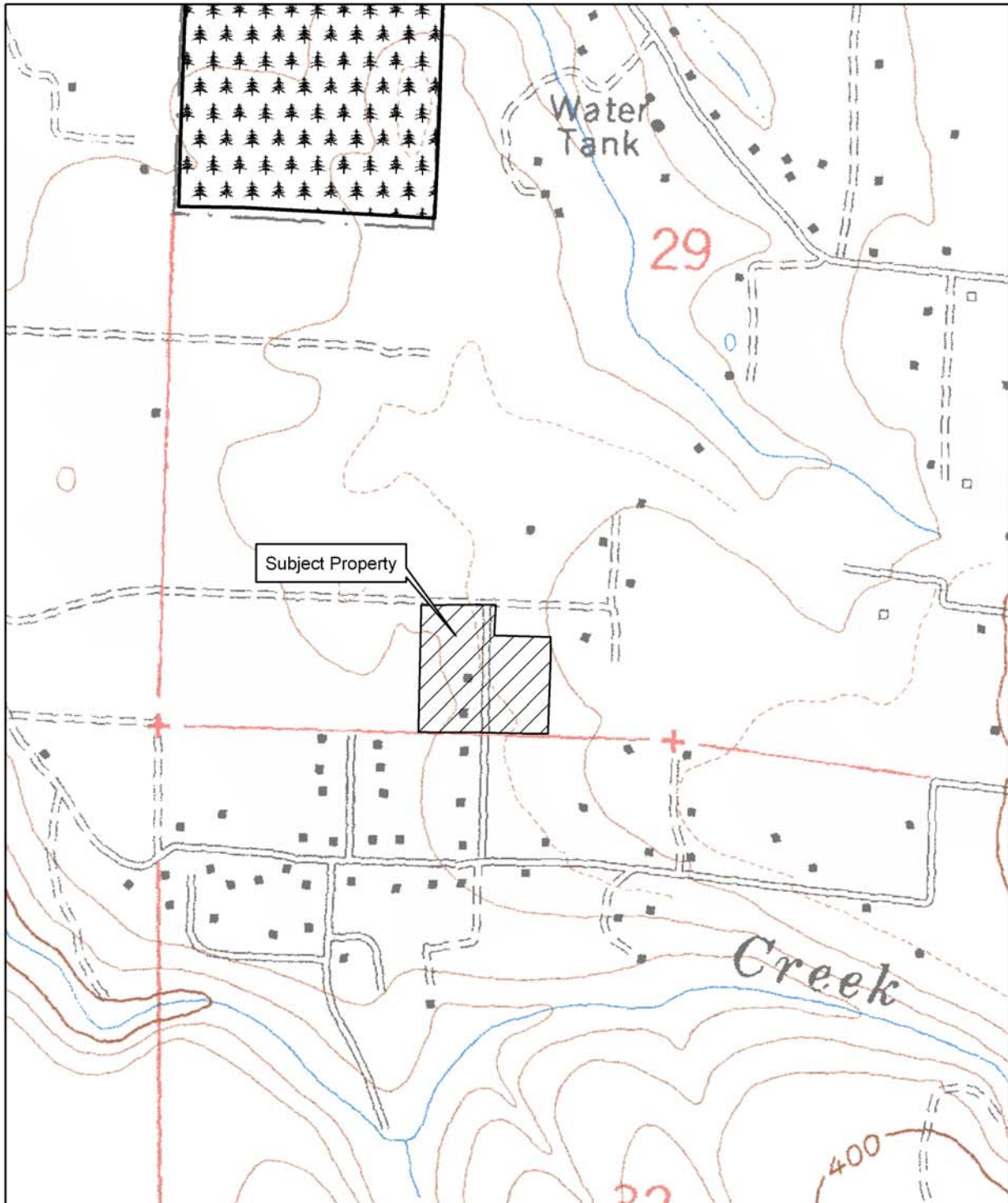


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**COASTAL GROUND WATER RESOURCES**

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OWNER: BRAY, Terry & Tammy  
CASE: MS 4-2010  
APNs: 019-430-03

 LANDS WITHIN TIMBER PRODUCTION ZONE

Parcel lines are approximate. Parcel lines on this map are NOT SURVEY LINES, they are for viewing purposes only and should not be used to determine legal boundary lines. Parcel line can be over 200 feet off. (Parcel lines are as of December 2008)



**COUNTY OF MENDOCINO  
ENVIRONMENTAL REVIEW GUIDELINES  
DRAFT NEGATIVE DECLARATION**

**I. DESCRIPTION OF PROJECT.**

**DATE:** DECEMBER 8, 2010

**CASE#:** MS 4-2010

**DATE FILED:** 3/24/2010

**OWNER:** TERRY & TAMMY BRAY

**APPLICANT:** TERRY & TAMMY BRAY

**AGENT:** RON FRANZ

**REQUEST:** Minor Subdivision of an 8.77+/- acre parcel to create two parcels containing 3.23+/- acres and 5.54+/- acres.

**LOCATION:** 3.9+/- miles southeast of the City of Fort Bragg, lying on either side of Canyon Road (private), 0.1+/- miles north of its intersection with Turner Road (CR# 414F), located at 16620 Canyon Road; AP# 019-430-03.

**PROJECT COORDINATOR:** DUSTY DULEY

**II. DETERMINATION.**

In accordance with Mendocino County's procedures for compliance with the California Environmental Quality Act (CEQA), the County has conducted an Initial Study to determine whether the proposed project may have a significant adverse effect on the environment. On the basis of that study, it has been determined that:

Although the project, as proposed, could have had a significant effect on the environment, there will not be a significant effect in this case because mitigation measures required for the project will reduce potentially significant effects to a less than significant level, therefore, it is recommended that a NEGATIVE DECLARATION be adopted.

The attached Initial Study and staff report incorporates all relevant information regarding the potential environmental effects of the project and confirms the determination that an EIR is not required for the project.

**MENDOCINO COUNTY  
ENVIRONMENTAL REVIEW GUIDELINES  
INITIAL STUDY**

<b>Section I</b>	<b>Description Of Project.</b>
<p><b>DATE:</b> December 8, 2010</p> <p><b>CASE#:</b> MS 4-2010  <b>DATE FILED:</b> 3/24/2010  <b>OWNER/ APPLICANT:</b> TERRY &amp; TAMMY BRAY  <b>AGENT:</b> RON FRANZ  <b>REQUEST:</b> Minor Subdivision of an 8.77+/- acre parcel to create two parcels containing 3.23+/- acres and 5.54+/- acres.  <b>LOCATION:</b> 3.9+/- miles southeast of the City of Fort Bragg, lying on either side of Canyon Road (private), 0.1+/- miles north of its intersection with Turner Road (CR# 414F), located at 16620 Canyon Road; AP# 019-430-03.  <b>PROJECT COORDINATOR:</b> DUSTY DULEY</p>	
<b>Section II</b>	<b>Environmental Checklist.</b>
<p><i>“Significant effect on the environment” means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and aesthetic significance. An economic or social change by itself shall not be considered a significant effect on the environment. A social or economic change related to a physical change, may be considered in determining whether the physical change is significant (CEQA Guidelines, Section 15382).</i></p> <p><i>Accompanying this form is a list of discussion statements for <u>all</u> questions, or categories of questions, on the Environmental Checklist (See Section III). This includes explanations of “no” responses.</i></p>	

Will the project result in the following environmental effects:	No	Yes			
		Not Significant	Significant Unless It is Mitigated	Significant -No Apparent Mitigation	Cumulative
<b>1. EARTH:</b>					
A. Unstable earth conditions or changes in geologic substructures?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B. Disruptions, displacements, compaction, or overcovering of the soil?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C. Change in topography or ground surface relief features?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D. Destruction, covering, or modification of any unique geologic or physical features?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
E. Any increase in wind or water erosion of soils, either on or off the site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
F. Changes in deposition or erosion of beach sands, or changes in siltation, deposition, or erosion that may modify a river channel, stream, inlet, or bay?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
G. Exposure of people or property to geologic hazards such as earthquakes, ground failure, or other hazards?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Will the project result in the following environmental effects:	No	Yes			
		Not Significant	Significant Unless It is Mitigated	Significant -No Apparent Mitigation	Cumulative
<b>2. AIR:</b>					
A. Substantial air emissions or deterioration of ambient air quality?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B. Creation of objectionable odors?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C. Alteration of air movement, moisture, or temperature, or any change in climate, either locally or regionally?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>3. WATER:</b>					
A. Changes in currents, or the course of water movements, in either fresh or marine waters?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B. Changes in absorption rates, drainage patterns, or the rate and amount of surface runoff.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C. Alterations to the course of flow of flood waters?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D. Change in the amount of surface water in any water body?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
E. Discharge into surface waters, or any alteration of surface water quality, such as temperature, dissolved oxygen or turbidity?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
F. Alteration of the direction or rate of flow of ground water?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
G. Change in the quantity of ground water, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
H. Substantial reduction in the amount of water otherwise available for public water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I. Exposure of people or property to water related hazards such as flooding or tsunamis?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>4. PLANT LIFE:</b>					
A. Change in the diversity of species, or number of any species of plants including trees, shrubs, grass, crops, and aquatic plants?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B. Reduction of the numbers of any unique, rare, or endangered species of plants?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C. Introduction of a new plant species into an area, or creation of a barrier to the normal replenishment of existing species.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D. Reduction in acreage of any agricultural crop?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>5. ANIMAL LIFE:</b>					
A. Change in the diversity of species, or number of any species of animals including birds, land animals, reptiles, fish, shellfish, insects, and benthic organisms?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B. Reduction in the number of any unique, rare, or endangered species of animals?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Will the project result in the following environmental effects:	No	Yes			
		Not Significant	Significant Unless It is Mitigated	Significant -No Apparent Mitigation	Cumulative
C. Introduction of new species of animals into an area, or in a barrier to the migration or movement of animals?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D. Deterioration of fish or wildlife habitat?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>6. NOISE:</b>					
A. Increases in existing noise levels?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B. Exposure of people to severe noise levels?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>7. LIGHT AND GLARE:</b>					
A. Production of new light or glare?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>8. LAND USE:</b>					
A. Substantial alteration of the present or planned land use of the area?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>9. NATURAL RESOURCES:</b>					
A. Increased rate of use of any natural resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>10. POPULATION:</b>					
A. Alterations to the location, distribution, density, or growth rate of human populations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>11. HOUSING:</b>					
A. Will the proposal affect existing housing or create a demand for new housing?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>12. TRANSPORTATION/ CIRCULATION:</b>					
A. Generation of substantial additional vehicular movement?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B. Effects on existing parking facilities, or demand for new parking?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C. Substantial impact upon existing transportation systems?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D. Alterations to present patterns of circulation or movement of people and/or goods?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
E. Alterations to waterborne, rail, or air traffic?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
F. Increase in traffic hazards to motor vehicles, bicyclists or pedestrians.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>13. PUBLIC SERVICES:</b>					
A. Will the proposal have an effect upon, or result in a need for new or altered government services in any of the following areas:					
Fire protection?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Police protection?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Schools?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Parks and other recreational facilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Will the project result in the following environmental effects:</b>	<b>No</b>	<b>Yes</b>			
		<b>Not Significant</b>	<b>Significant Unless It is Mitigated</b>	<b>Significant -No Apparent Mitigation</b>	<b>Cumulative</b>
Maintenance of public facilities, and roads?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other governmental services?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>14. ENERGY:</b>					
A. Use of substantial amounts of fuel or energy?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B. Substantial increase in demand upon existing sources of energy, or require development of new energy sources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>15. UTILITIES:</b>					
A. Will the project result in a need for new systems or substantial alterations to the following:					
Potable water?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sewerage?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Energy or information transmission lines?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>16. HUMAN HEALTH:</b>					
A. Creation of any health hazard or potential health hazard?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B. Exposure of people to any existing health hazards?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C. Risk of explosion or release of hazardous substances (i.e. pesticides, chemicals, oil, radiation) in the event of an accident or unusual conditions?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D. Possible interference with emergency response plan or evacuation plan?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>17. AESTHETICS:</b>					
A. Obstruction of any scenic vista or view open to the public, or create an aesthetically offensive site open to public view?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>18. RECREATION:</b>					
A. Impact upon the quality or quantity of existing recreational opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>19. CULTURAL RESOURCES:</b>					
A. Alteration or destruction of a prehistoric or historic archaeological site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B. Adverse physical or aesthetic effects to a prehistoric or historic building or structure?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C. Cause a physical change that would affect the unique ethnic cultural values?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D. Restrict existing religious or sacred uses within the potential impact area?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<b>Section III Responses to Environmental Checklist.</b>
For a discussion of each of the environmental effects listed in the Environmental Checklist along with related goals and policies of the General Plan, see the Environmental Review section of the attached staff report.

<b>Section IV Mandatory Findings of Significance.</b>
<p>A. As discussed in the preceding sections, the project <u>does</u> <del>does not</del> have the potential to significantly degrade the quality of the environment, including effects on animals or plants, or to eliminate historic or prehistoric sites.</p> <p>B. As discussed in the preceding sections, both short-term and long-term environmental effects associated with the project will be <del>less than significant</del> <u>significant</u>.</p> <p>C. When impacts associated with the project are considered alone or in combination with other impacts, the project-related impacts are <del>insignificant</del> <u>significant</u>.</p> <p>D. The above discussions <u>do not</u> identify <u>any</u> substantial adverse impacts to people as a result of the project.</p>

<b>Section V Determination.</b>
<p>On the basis of this initial evaluation, it has been determined that:</p> <p><input type="checkbox"/> The proposed project will not have a significant effect on the environment, and it is recommended that a NEGATIVE DECLARATION be adopted.</p> <p><input checked="" type="checkbox"/> Although the project, as proposed, could have had a significant effect on the environment, there will not be a significant effect in this case because mitigation measures required for the project will reduce potentially significant effects to a less than significant level, therefore, it is recommended that a NEGATIVE DECLARATION be adopted.</p> <p><input type="checkbox"/> The proposed project may have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.</p>

\_\_\_\_\_  
DATE

\_\_\_\_\_  
DUSTY DULEY  
PLANNER II