



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

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June 24, 2011

**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, July 21, 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#: UR 49-85-2009

DATE FILED: 7/27/2009

OWNER: DAVID & KATHRYN LOWE

APPLICANT: KATHRYN LOWE for NORTH AMERICAN ORGANICS

REQUEST: Use Permit to establish a commercial dog kennel and breeding business for up to 20 dogs. Also, a Use Permit Renewal to allow for the continuing operation of the packaging, processing and sale of pre-composted materials and amendments as well as a modification to allow for the on-site composting of 3,000 tons of grape pomace per year. No additional materials will be composted on-site. Request includes alteration of previous conditions to allow the business to operate on Sunday's and to reduce an established 100 foot buffer between stored materials and the northern property line to 20 feet.

LOCATION: 1 mile north of Redwood Valley town center, lying at the terminus of Held Road (CR# 230C), 0.2 miles west of its intersection with East Road (CR# 230), located at 1790 Held Road; AP# 1691-120-25.

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.

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 July 20, 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: DAVID AND KATHRYN LOWE
PO BOX 70
REDWOOD VALLEY, CA 95470

APPLICANT: KATHRYN LOWE
PO BOX 70
REDWOOD VALLEY, CA 95470

REQUEST: Use Permit (#U 15-2009) to establish a commercial dog kennel and breeding business for up to 20 dogs. Also, a Use Permit Renewal (#UR 49-85/2009) to allow for the continued operation of North American Organics and the packaging, processing and sale of pre-composted materials and amendments as well as a modification to allow for the on-site composting of 3,000 tons of grape pomace per year. Request includes alteration of previous conditions to allow the business to operate on Sundays and to reduce an established 100 foot buffer between stored materials and the northern property line to 20 feet.

LOCATION: 1± mile north of Redwood Valley town center, lying at the terminus of Held Road (CR# 230C), 0.2± mile west of its intersection with East Road (CR# 230), located at 1790 Held Road; AP# 161-120-25.

TOTAL ACREAGE: 13.5± acres (5 acres used for business)

GENERAL PLAN: Agriculture- 40 acre minimum (AG 40)

ZONING: Agriculture- 40 acre minimum and Flood Plain (AG 40 + FP)

ADJACENT ZONING: North: Agriculture- 40 acre minimum and Flood Plain (AG 40 + FP)
East: Agriculture- 40 acre minimum (AG 40)
South: Agriculture- 40 acre minimum / Flood Plain (AG 40 + FP)
West: Rural Residential- 5 acre minimum / Flood Plain (RR 5 + FP)

EXISTING USES: Residential + packaging, processing and sale of pre-composted materials.

SURROUNDING LAND USES: North: Residential + Vineyards
East: Residential
South: Residential + Vineyards
West: Russian River + Residential

SUPERVISORIAL DISTRICT: 1

OTHER RELATED APPLICATIONS ON SITE OR SURROUNDING AREA: Use Permit #U 49-85 was approved by the Planning Commission on January 16, 1985 for the establishment of a composting operation (animal waste processing) along with a commercial firewood lot.

Use Permit Renewal #UR 49-85/89 was approved by the Planning Commission on April 6, 1989, for the continued composting operation and firewood storage lot.

Boundary Line Adjustment #B 24-97 to reconfigure two parcels was approved by the Subdivision Committee on April 25, 1997 resulting in a 1± acre parcel and the current configuration of the subject 13.5± acres parcel.

Use Permit Renewal #UR 49-85/99 was approved by the Planning Commission on August 5, 1999 with modifications as requested by the applicant. After reviewing the project, the California Department of Fish and Game, Mendocino County Water Agency and the Regional Water Quality Control Board (RWQCB) recommended additional mitigation measures related to the protection of water quality. For example, in a letter dated May 6, 1999 the RWQCB stated,

“When Mr. Lowe was engaged in commercial compost operations, we requested that his company, North American Organics, file a Notice of Intent for the General Industrial Storm Water Permit. Mr. Lowe indicated that he would prefer to modify his activities such that a storm water permit would not be necessary. The understanding which we have reached with Mr. Lowe is that he will discontinue commercial composting operations and store all materials which are deleterious to water quality under roofs or tarps whenever it is raining. We have no evidence that Mr. Lowe is operating outside of our understanding. Therefore, we have no objection to renewing the Use Permit [#UR 49-85/99] for the North American Organics facility”

The Planning Commission, at the August 5, 1999 meeting, agreed to this compromise prohibiting the composting of materials on-site and limiting the operation to the sale of pre-composted materials and amendments only.

BACKGROUND: At the January 20, 2011 meeting, the Commission reviewed North American Organic's (NAO) Use Permit request to continue the packaging, processing and sale of pre-composted landscaping and garden materials. At the meeting, staff noted the recent discovery that grape pomace from local vineyards was being delivered to and composted at the NAO site, a violation of their previous Use Permit #UR 49-85/99. A discussion ensued about composting grape pomace, with staff explaining regulations governing composting operations in California including additional requirements from the Local Enforcement Agency (LEA), and the RWQCB. Rather than removing the pomace from the site, NAO chose to include the composting of grape pomace as part of the Use Permit request. The Commission directed staff to evaluate the change in project request and bring the item back at a future hearing.

Staff requested the applicant provide a composting plan of operations to include information on the method of composting, volume and type of materials to be composted and storage location. The applicant was also notified of the need to complete an Odor Impact Mitigation Plan (OIMP) as required for any commercial composting operation per state law (Title 14, CCR Section 17863.4 and Section 18227). NAO hired a consultant, Matt Cotton, to prepare the documents and an OIMP and Compost Facility Operations Plan were provided to staff on May 1, 2011. The information was used to create an accurate project description to include the composting of up to 3,000 tons of grape pomace per year using the aerated static pile (ASP) method of composting. The Operations Plan describes the ASP method,

With ASP composting, aerobic conditions are maintained throughout the compost pile by mechanically forcing air into the pile. Controlling the oxygen flow allows the operator (via a variable speed blower) to control pile temperatures which, in turn, expedites the composting process and yields a high-quality compost product that is effectively free of pathogens, and weed seeds. By composting in this manner, the facility has increased control of offensive odors and flies, and can quickly produce a superior product with reduced labor.

Staff re-referred the revised project out to applicable agencies for comments. The only notable agency response was from RWQCB in a letter to the applicant dated May 25, 2011, notifying NAO of the need to file a Notice of Intent for coverage under the Industrial Storm Water General Permit as well as complete a Storm Water Pollution Prevention Plan (SW3P) that outlines how ground and surface water will be protected.

The Operations Plan (Exhibit A) and OIMP (Exhibit B) are attached.

PROJECT DESCRIPTION: The applicants are requesting the renewal of their existing Use Permit #U 49-85 to allow for the continued operation involving the packaging, processing and sale of pre-composted materials as well as modify their Use Permit to allow for the composting of up to 3,000 tons of grape pomace per year. Majority of the business involves the sale of loose materials that is loaded into the back of the customer's vehicle on-site or in one of NAO's trucks and delivered to a customer's property. The operation will continue to sell bagged products such as cocoa bean hulls, rice hulls, and animal waste products including animal manures and worm castings. On-site materials are either stored outside, to be tarped whenever it rains, or within the three covered barns as

shown on the applicant's plot plan. The current Use Permit does not limit the amount of materials that can be stored on site, but does limit operations to occur within 5 acres of the 13.5± acres property, remainder being utilized for vineyard production. Staff is aware that the facility has been successful in selling increased quantities of materials over the years. Based on numbers provided by the applicant from tracking total business sales, the facility sold approximately 7,500 cubic yards of material in 1999 compared to 15,000 cubic yards of materials sold in January 2007. According to the applicant, 90% of sales occur from early March till late June.

The applicant is requesting that the business hours be extended to include Sundays from 10:00 a.m. to 2:00 p.m. NAO hours of operation are currently limited to between 7:00 a.m. and 8:00 p.m. on weekdays and Saturdays. The Commission required the applicant to maintain a 100 foot buffer between all property lines and stored materials to help minimize any potential nuisance to off-site receptors. The applicant is requesting that the buffer be reduced to 20 feet along the northern property line only.

The applicant is also requesting permission to establish a commercial dog kennel for the boarding, breeding and training of up to 20 dogs. The keeping of over 7 animals falls under the commercial use type "Animal Sales and Services – Kennel" subject to obtaining a minor use permit. A kennel has been constructed that includes 270 square feet of inside space along with outside runs totaling 144 square feet.

Access to the site is directly off Held Road that follows the southern property boundary. Surrounding lands are primarily used for vineyard production and residential use. The Russian River runs along the western property boundary. Single-family homes are located across from Held Road and on adjacent properties to the east. There are approximately 12 single-family homes within a ¼ mile radius of the project site.

ENVIRONMENTAL REVIEW: In assessing potential environmental impacts from the project, the following areas of concern were identified.

Earth (Item 1e): The project site, including the materials storage area, has been previously developed however, some grading will still be necessary to maintain the site. All grading and erosion control activities are subject to Best Management Practices per Condition number 1. Condition number 2 requires that the ground at and around the outside storage area be graded to avoid leachate ponding and at a slope to effectively divert runoff into the retention pond. Further discussion found below in the Water Section of this report.

Air Quality (Item 2b): The storage of pre-composted material and composting of grape pomace has the potential to create objectionable odors that can travel off-site. Over the years of operation, NAO has received odor complaints, mainly from two receptor parcels. The applicant is required to obtain and operate under the County Air Quality Management District's (AQMD) Permit to Operate. Section XIV(H)1 of the permit includes language that establishes a threshold for the number of odor complaints that must be verified before AQMD determines that a public nuisance is occurring. Once AQMD determines that a public nuisance has occurred, the applicant is required to submit an Odor Control Plan to AQMD to mitigate odors emissions. AQMD noted that their office has received numerous odor complaints regarding the facility, resulting in the consumption of significant District time and resources; however the complaints did not rise to the level of a public nuisance. AQMD further noted:

In this case the land use process has allowed two incompatible land uses to be established in close proximity. The problem of incompatible land uses is the source of significant complaints to the District. The District has no objection to the continued operation of the business in this location – with the caveat that no additional residential uses or rezoning to residential uses should be permitted in the immediate area.

At staff's request and per state law, the applicant has developed an Odor Impact Minimization Plan (OIMP). The intent of the OIMP is to provide guidance to on-site personnel in the handling, storage, and removal of materials. The OIMP includes a step by step process for verifying and responding to odor complaints, documenting the measures taken to reduce odor generation and their effectiveness. If the County continues to receive odor complaints that the operator is unable to resolve, the Division of Environmental Health (DEH), acting as the Local Enforcement Agency (LEA) for composting operations, upon determining that objectionable odors from the facility are traveling off-site and finding that the applicant is not adequately addressing odor controls, will have the authority to require additional reasonable and feasible operational and/or technical modifications to the facility and the OIMP to minimize off-site odors. See Condition number 4.

The applicant has offered some proposed mitigation measures to help control odors from traveling off-site as noted in the applicant's letter dated February 6, 2010, (see attached), with the stated goal of reducing odors by 50% or more. Staff agrees that the improvements will help alleviate odors.

The keeping and breeding of dogs should not create an odor issue as long as the kennels are kept clean and animal waste is removed and disposed of in a timely fashion. The County Division of Environmental Health (DEH) is recommending that the applicant develop a kennel waste management plan. See Condition number 5.

During summer months the access road and operation pad become a source for dust that could potentially cause a significant impact to off-site receptors (i.e. residences) if not controlled properly. Staff offers Condition number 6 requiring the applicant apply a dust suppressant to effectively minimize the generation of dust. Compliance with Condition numbers 2 through 13 are expected to mitigate impacts to air quality from odor or dust.

Water (Item 3b): The main concern regarding water quality is leachate entering into nearby water bodies including the Russian River. Some materials are stored under roofed structures; however most of the materials are stored outside within the material storage area as shown on the plot plan (Exhibit C). The storage area has been graded to direct leachate and stormwater to the west and into a containment pond. Two drop inlets have also been installed to capture runoff and direct it into the pond. A berm separates the pond and the Russian River. Collected runoff is periodically used to saturate composting materials during dry times. Settled materials that accumulate at the pond bottom are removed as necessary and reintroduced to the composting piles. The pond is in the 100 year flood plain as designated by the Federal Emergency Management Agency. Staff is not aware that the pond has ever overflowed or flooded, however the potential for the pond to be overtaken during a sizeable flood event exists.

Staff from the Regional Water Quality Control Board (RWQCB) conducted a site visit on April 29, 2010 and offered recommendations to protect water quality. RWQCB staff is recommending that the drain pipe leading from one of the drop inlets be rerouted to discharge into the pond rather than land applied. It is recommended that a vegetated fenced swale be constructed along a drainage ditch found on the north side of the material storage area. During the site visit that staff attended, much of the site was observed to be under a foot of mud. The applicant stated that she had multiple loads of rock brought in, however large vehicles used in the operations would compact the rocks below the ground and failing to minimize or eliminate the muddy conditions. RWQCB staff is also recommending that the applicant place geotextile fabric down before placing rock anywhere heavy equipment runs. Staff agrees that placing the fabric down before adding a layer of rock will substantially improve the site conditions, reducing the amount of sediment that could potentially clog drains and decrease the capacity of the pond to capture runoff.

Upon receiving notice of the revised project request to include composting, RWQCB staff provided a letter to NAO, dated May 25, 2011 (Exhibit D), notifying NAO of the need to file a Notice of Intent for coverage under the Industrial Storm Water General Permit as well as complete a Storm Water Pollution Prevention Plan (SW3P) that outlines how ground and surface water will be protected. Condition Number 14 requires the applicant to maintain compliance with measures identified in the SW3P as approved by the RWQCB.

Condition numbers 14 through 19 are recommended to protect water quality.

Plant and Animal Life (Items 4b, 4c and 5d): Staff cross-referenced the property with the California Natural Diversity Database which indicated that the sensitive plant species Baker's Navarretia may be located on the subject property. As the property has been previously developed and graded multiple times, any habitat has already been degraded and no further study is recommended.

The Russian River is identified by the County's Biological Resources/Natural Area Map as providing habitat for steelhead and trout. As discussed in the Water section, there is a potential for water quality (and thus fish habitat) to be negatively impacted from the project. Staff anticipates that compliance with mitigation measures related to water quality and drainage controls will ensure protection of the waterways and its fish habitat. No comments were received from the California Department of Fish and Game regarding potential impacts to fish and wildlife habitat; however the project is subject to the Department of Fish and Game Code Section 711.4 wildlife habitat loss mitigation fee. See Condition number 20.

Transportation (Items 12a, 12c and 12f): The property is located at the terminus of a County maintained road (Held Road). Held Road is approximately 0.18 miles long and serves as access for ten separate properties.

Large trucks are used by the business to deliver materials to and from the site. Staff is unaware as to how many vehicle trips result from NAO customers, employees, and delivery vehicles. The County Department of Transportation (DOT) was made aware of NAO increased business since the last public hearing in 1999. After visiting the site DOT staff provided a "no comment" response to staff's referral.

CONCLUSION: Staff's main concerns with the project are potential for creation of objectionable odors traveling off-site as well as degradation of water quality including that of the nearby Russian River. As previously mentioned RWQCB staff has visited the site and recommended measures to ensure protection of water quality. RWQCB has the ability to require additional water quality protection measures be implemented in the future through the SW3P should a determination be made that the operation is impacting water quality.

The applicant has developed an OIMP in order to minimize odors from traveling off-site and impacting neighbors. The goal of the OIMP is to identify housekeeping measures that the applicant has undertaken to reduce odors, additional measures that could be implemented should odor issues arise along with a protocol for tracking and responding to odor complaints. Rather than imposing certain measures on the applicant, staff is allowing the applicant to find ways to modify their operations that will reduce odors from traveling off-site. However, the DEH upon determining that objectionable odors from the facility are traveling off-site and finding that the applicant is not adequately addressing odor controls, can require operational and/or technical modifications to the facility as necessary to minimize odors. DEH will consult with AQMD and the County Department of Planning and Building Services.

Condition number 11 of #UR 49-85/99 mandates that no materials may be stored within 100 feet of any property line. The applicant is asking that an exception be made to reduce the buffer along the northern property line to 20 feet. The nearest residence to the north is approximately 1,200 feet away from the northern property line.

The applicant is also requesting that the business hours be extended to include Sundays from 10 a.m. to 2 p.m. NAO hours of operation are currently limited to between 7:00 a.m. and 8:00 p.m. on weekdays and Saturdays. Staff has received calls from the public alleging that the business has been operating on Sunday's. The Planning Commission will need to balance the neighborhood benefit of a day's break from the increased traffic, noise, dust and odor versus the public's inability to obtain materials from NAO on Sundays.

Should the Commission determine that impacts related to water quality and odor can be mitigated staff recommends project approval.

ENVIRONMENTAL RECOMMENDATION: Based on the above, staff recommends that the Planning Commission adopt a Mitigated Negative Declaration for the project finding that any potential impacts can be mitigated to a less than significant level by the proposed conditions of approval.

GENERAL PLAN CONSISTENCY RECOMMENDATION: The proposed project is consistent with applicable goals and policies of the General Plan, as detailed in this report.

RECOMMENDED MOTION:

Environmental Findings: The Planning Commission finds that the project can be adequately mitigated through conditions of approval and therefore the Commission adopts a Negative Declaration.

General Plan Consistency Finding: As discussed under pertinent sections of this report, the proposed project is consistent with applicable goals and policies of the General Plan as subject to the conditions being recommended by staff.

Project Findings: The Planning Commission approves #UR 49-85/2009 and #U 15-2009 subject to the conditions of approval recommended by staff further finding:

1. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.

Access is provided by an existing County road. The County Department of Transportation conducted a site view and determined that access is satisfactory and no additional road improvements are necessary.

2. That the proposed use will not constitute a nuisance or be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in or passing through the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the county.

Based on facility design including the grading of the materials storage area to direct leachate into the containment pond, ongoing maintenance of the drainage features, including drain inlets, drainage ditches and the containment pond, and compliance with condition numbers 14 through 19, staff finds that adequate controls exist to ensure that leachate or any other contaminants will not enter into any water body and impact water quality including any source of drinking water.

Strong odors can arise when composting and storing large amounts of pre-composted materials. The applicant has developed an Odor Impact Minimization Plan (OIMP) to minimize the creation of strong odors and respond to any odor complaints. With the OIMP, established buffers, limits on the size of the business and condition numbers 2 thru 13, odor impacts to off-site receptors will be minimized so as to not create a public nuisance.

3. That such use preserves the integrity of the zoning district. The use of the land to package and sell pre-composted materials, compost grape pomace and to establish a commercial dog breeding operation in the Agricultural (AG 40) zoning district is provided for in the County Inland Zoning Code Section 20.052.020 subject to obtaining a use permit.

RECOMMENDED CONDITIONS OF APPROVAL:

- **1. All grading 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. Temporary erosion control measures shall be in place at the end of each day's work, and shall be maintained until permanent protection is established.
 - d. 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 1st.
- **2. The compost facility operator shall implement the following housekeeping and operational procedures:
 - a. The compost facility site shall be kept clean and free of minor odor sources, which individually would not result in an objectionable odor, but cumulatively could result in an objectionable odor.
 - b. Prior to the rainy season (i.e., by October 1st of each year), the facility operator shall undergo pre-season site preparation to ensure that conditions that could result in ponding of storm water runoff or leachates are minimized or eliminated.
 - c. Site drainage shall be directed towards the drain inlets and the containment pond. No leachate shall be allowed to enter into the Russian River.
- **3. The odor impact coordinator shall coordinate with the Local Enforcement Agency to make any operational and/or technical modifications necessary to minimize the likelihood of future odors,

redesigning portions of the facility to employ different technologies, or other such measures as necessary to minimize objectionable odors.

- **4. The applicant shall execute a waiver authorizing the Local Enforcement Agency (LEA), on written notice, to immediately order North American Organics to stop taking a specific material if the LEA determines that the individual material is causing strong off-site odors to receptors (residents) which have been verified by the LEA. The LEA may impose additional reasonable and feasible operational and/or technical modifications to the facility and the Odor Control Plan to minimize off-site odors.
- **5. Prior to the use of the kennels, the applicant shall develop a kennel waste management plan that is acceptable to the Division of Environmental Health and provide the Department of Planning and Building Services with a letter from the Division noting their satisfaction with the plan.
- **6. Access roads, interior circulation routes and the operation pad shall be treated with a dust suppressant and maintained in such a manner as to ensure minimum generation of dust and shall be subject to pertinent Air Quality Management District regulations.
- **7. No material may be stored within 100 feet of any property line except that materials may be stored within 20 feet of the northern property line.
- **8. The area devoted to the operation of this entitlement shall be limited to the area currently in use as shown on the attached orthophoto dated June 2009, found on page PC 15 of this report and on file in the Department of Planning and Building Services.
- **9. Composting shall be limited to grape pomace only unless a modification to the Use Permit is approved. With the exception of grape pomace, only finished compost may be stored on site. Violation of this condition shall be grounds to revoke the Use Permit.
- **10. Wind direction, weather conditions and time of day shall be taken into account when turning material piles. The applicant/operator shall install a windsock or other wind direction monitoring device at the facility and make use of Air Quality Management District inversion data. Piles shall be turned at such time and in a manner that will minimize particulate (dust) dispersion and to the extent possible, shall not be turned at times when the wind is blowing directly towards nearby residences; or when strong inversions are present.
- **11. The pond shall be managed to minimize odors using aeration or other methods specified in the Odor Impact Minimization Plan. The pond will be cleaned of accumulated sediments annually, or as needed.
- **12. A maximum of 3,000 tons of grape pomace and 15,000 cubic yards of total materials, including pomace shall be permitted on-site at any given time. Failure to maintain compliance with this limitation shall be grounds for revocation of the Use Permit.
- **13. Mitigation measures and operational procedures identified in the applicant's Odor Impact Minimization Plan shall be strictly adhered to.
- **14. The applicant shall maintain compliance with the terms of the Storm Water Pollution Prevention Plan (SW3P) as approved by the Regional Water Quality Control Board. The applicant shall provide Planning and Building Services a letter from the Regional Water Quality Control Board stating that the SW3P has been prepared to their satisfaction.
- **15. All materials stored on site shall either be bagged or stored under a roof and on a cement/non permeable base except that those materials not under a roofed structure shall be tarped.
- **16. A 100 foot buffer shall be maintained between the operation and the stream course. Existing riparian vegetation within the buffer shall be retained.

- **17. Site drainage from the material storage area shall be graded to allow site drainage to be directed into the containment pond. No leachate shall be allowed to enter into the Russian River or any other waterbody.
- **18. Spoils from operations shall not be placed in a location or manner in which it would be allowed to enter into any waterbody or riparian buffer areas.
- **19. Applicant shall regularly monitor onsite drainage to ensure all leachate and/or runoff from the material storage area is fully contained (i.e. directed to the leachate pond). Enforcement agencies may require additional runoff control measures as necessary to ensure water quality protection.
- 20. 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 \$ 2094.00 shall be made payable to the Mendocino County Clerk and submitted to the Department of Planning and Building Services prior to **August 5, 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 payment will be held by the Department of Planning and Building Services until the appeal is decided. Depending on the outcome of the appeal, the payment will either be filed with the County Clerk (if the project is approved) or returned to the payer (if the project is denied). Failure to pay this fee by the specified deadline shall result in the entitlement becoming null and void. **The applicant has the sole responsibility to insure timely compliance with this condition.**
- **21. Hours of operation shall be limited to between 7:00 a.m. and 8:00 p.m. on weekdays and Saturdays and 10:00 a.m. and 2:00 p.m. on Sundays. Use of heavy equipment, except loaders, shall be limited to the hours of 8:00 a.m. to 7:00 p.m. on weekdays and Saturdays. Access on Sundays shall be limited to private vehicles only.
- **22. Noise levels resulting from site operations (including ingress and egress to the site) shall not exceed 60 dba/Ldn as measured from any off-site residence.
- 23. The firewood operation is limited to storage and sale of firewood only.
- 24. The applicant shall remove all vehicles and stored items from the designated expansion leach field area.
- 25. Applicant shall contact the Department of Planning and Building Services and obtain all proper permits for the commercial use of any building. Any handicap accessibility requirements shall be completed prior to use of the building as a commercial dog kennel.
- **26. In the event that archaeological resources are encountered on the site, further disturbance 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.
- 27. 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.
- 28. The application along with supplemental exhibits and related material shall be considered elements of this entitlement and compliance therewith shall be mandatory, unless the Planning Commission has approved a modification.
- 29. This permit is subject to the securing of all necessary permits for the proposed development and eventual use from County, State and Federal agencies having jurisdiction. Any requirements imposed by an agency having jurisdiction shall be considered a condition of this permit.
- 30. This permit shall be subject to revocation or modification by the Planning Commission upon a finding of any one or more of the following grounds:

- a. That the permit was obtained or extended by fraud.
- b. That one or more of the conditions upon which the permit was granted have been violated.
- c. That the use for which the permit was granted is conducted in a manner detrimental to the public health, welfare or safety, or is a nuisance.

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

- 31. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit boundaries. Should, at any time, a legal determination be made that the number, size or shape of parcels within the permit boundaries are different than that which is legally required by this permit, this permit shall become null and void.
- 32. This permit shall become effective after all applicable appeal periods have expired or appeal processes have been exhausted. Failure of the applicant to make use of this permit within two years shall result in the automatic expiration of this permit.
- **33. No boarding of dogs shall be permitted beyond those dogs owned by the applicant.
- **34. All dogs shall be kept inside the on-site house between the hours of 9:00 p.m. and 7:00 a.m. No more than 20 dogs shall be kept on-tie at any one given time.

DATE

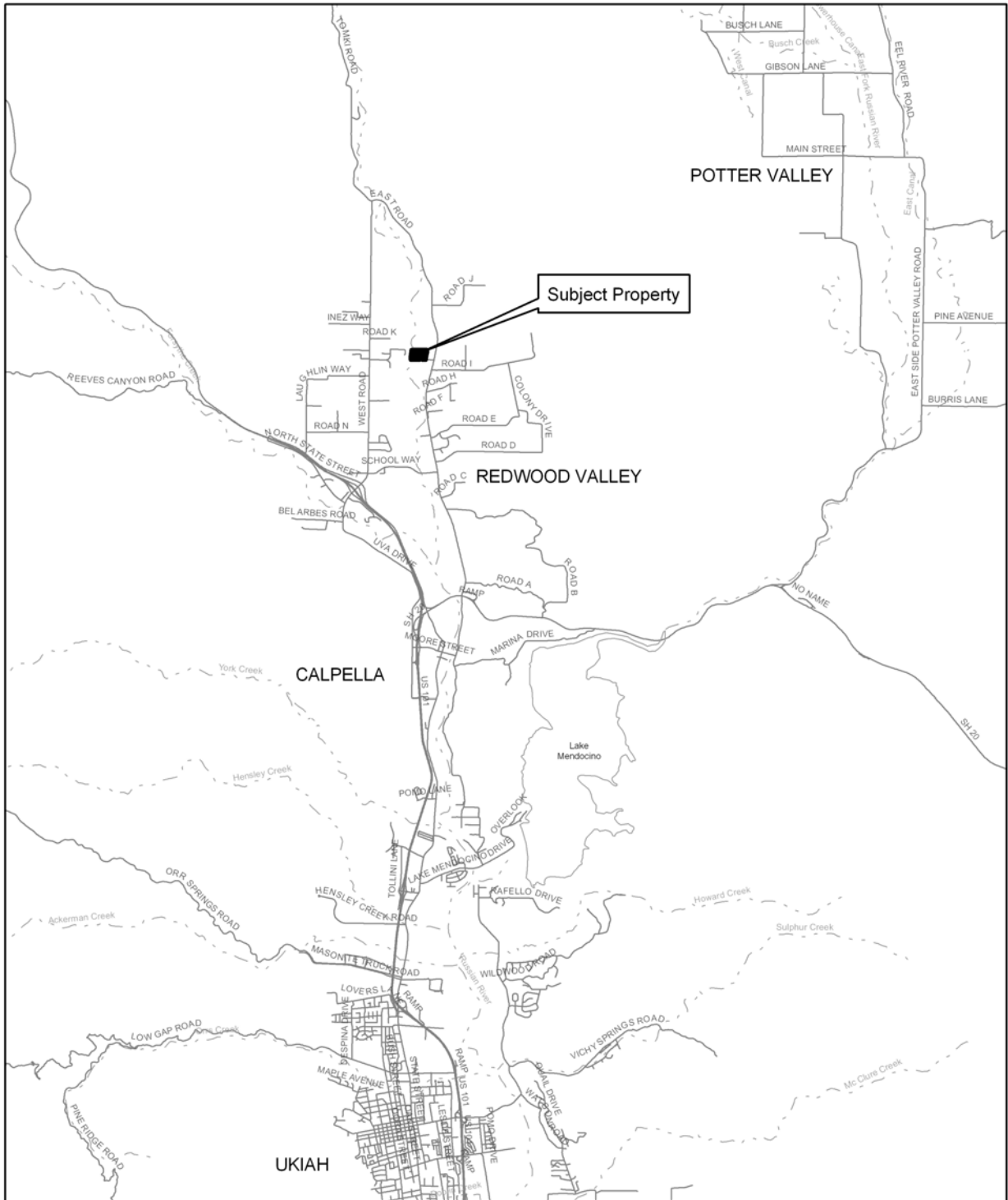
DUSTY DULEY
PLANNER II

DD/at
June 23, 2011

Negative Declaration
Appeal fee: \$1820.00
Appeal period: 10 days

** Indicates conditions relating to Environmental Considerations – Deletion of these conditions may effect the issuance of a Negative Declaration.

REFERRAL AGENCY	REFERRAL NOT RETURNED	REFERRAL RECEIVED NO COMMENT	COMMENTS RECEIVED
Dept. Transportation		X	
Building Division		X	
Environmental Health			X
Assessor	X		
Air Quality			X
Cal Integrated Waste Mgt	X		
Mendo Solid Waste Auth	X		
Dept. Fish & Game	X		
RWQCB			X
Dept. Conservation	X		
Russian River Flood Cont.	X		
Conservation Dist.	X		
County Solid Waste	X		
RV/Calpella Fire	X		
County Water Agency			X
Ag. Commissioner	X		

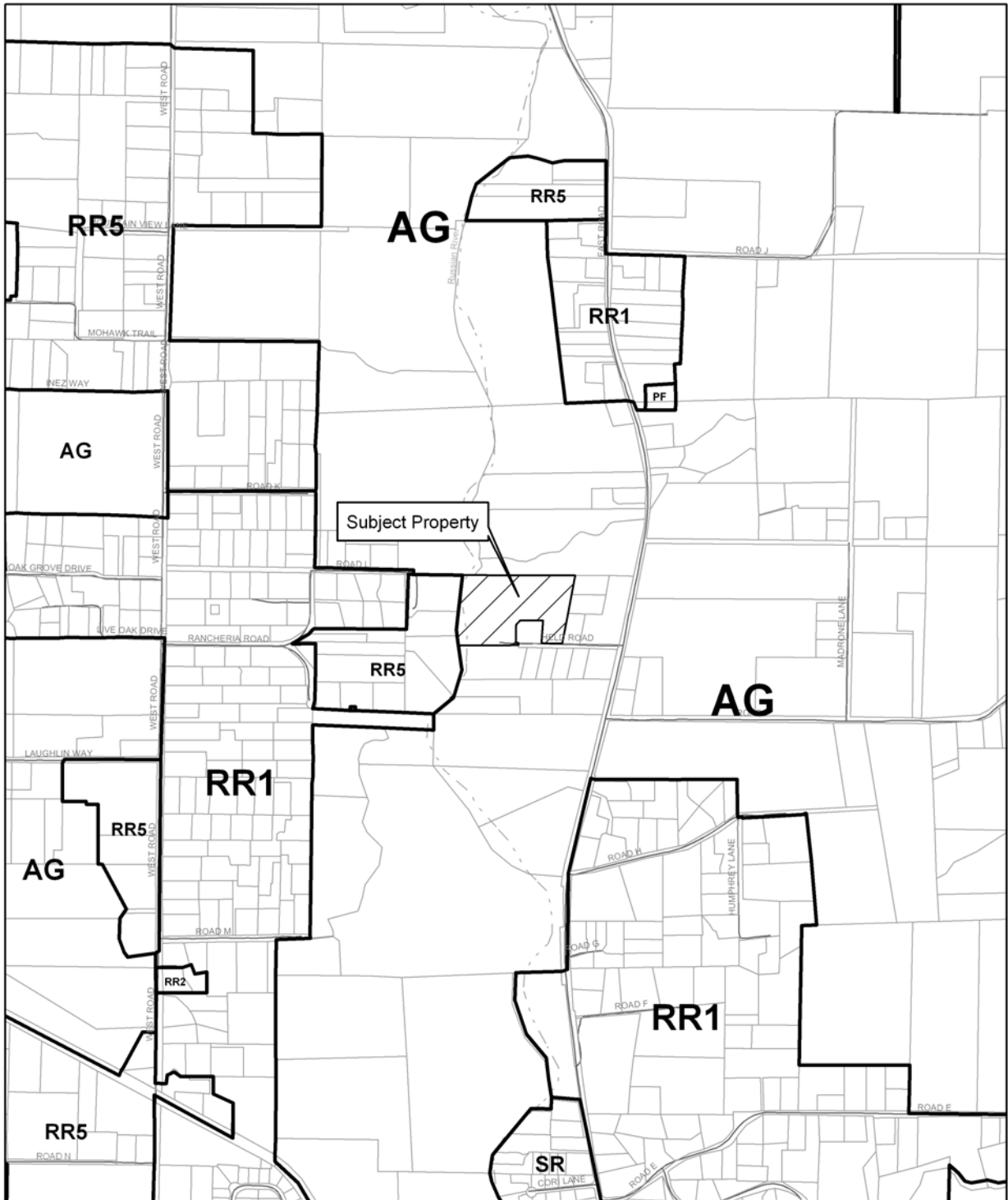


OWNER: LOWE, David & Kathryn
 APPLICANT: LOWE, Kathryn
 CASE #: UM 49-1985 / 2009
 APNs: 161-120-25

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)





OWNER: LOWE, David & Kathryn
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ZONING DISPLAY MAP

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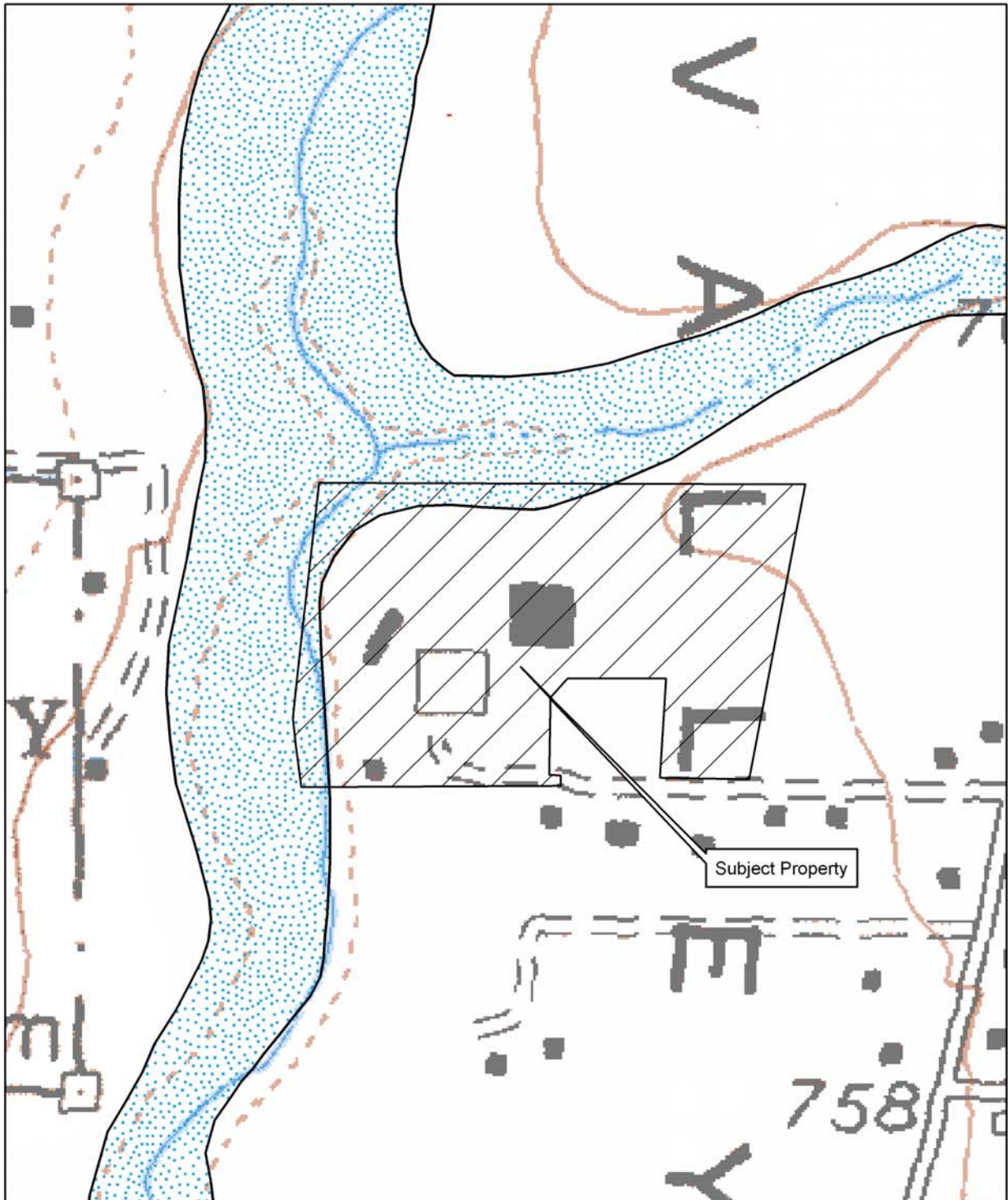


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ORTHOPHOTO - June 2009

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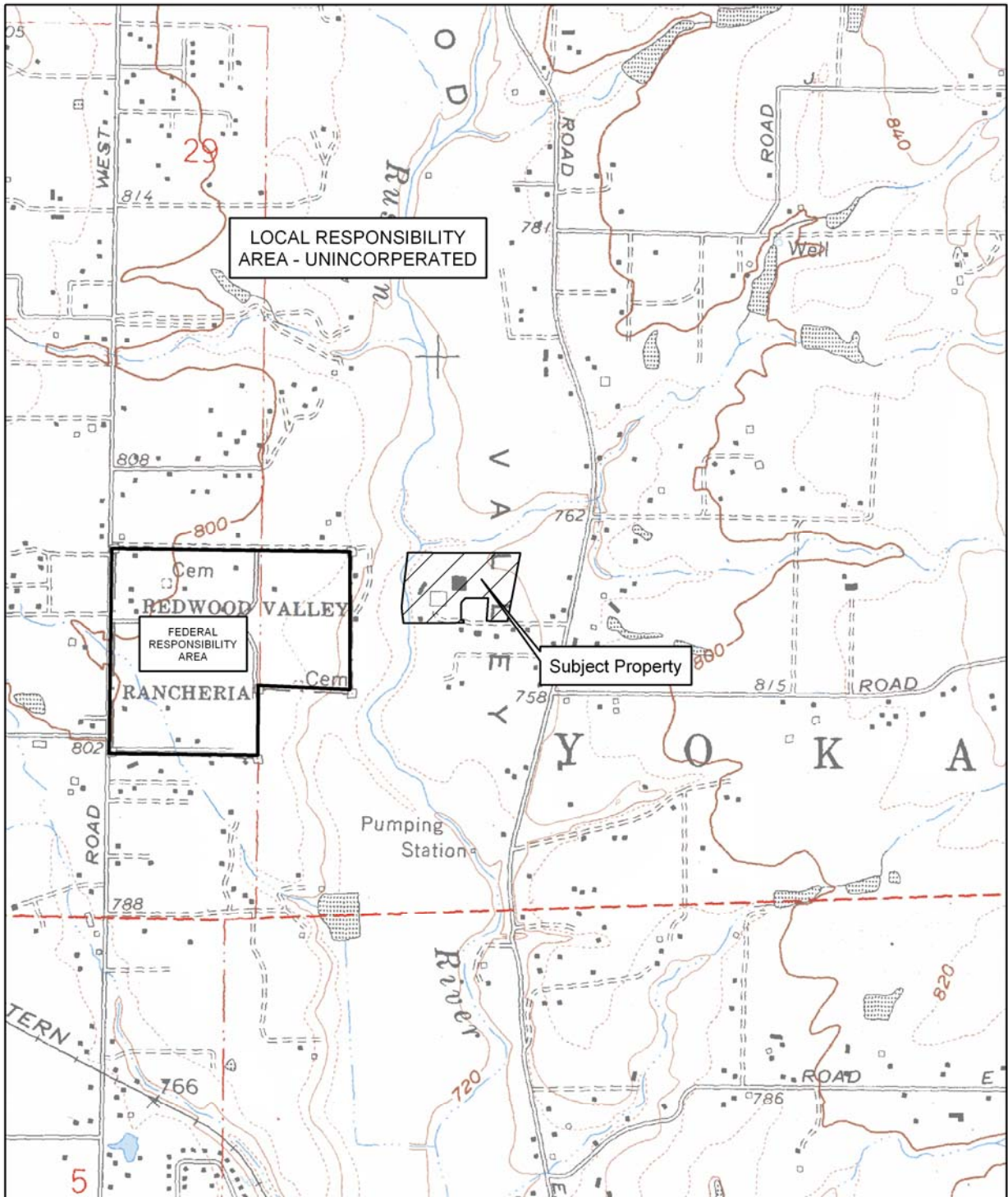


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 100 YEAR FLOOD ZONE

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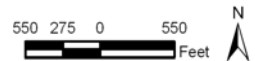




OWNER: LOWE, David & Kathryn
APPLICANT: LOWE, Kathryn
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FIRE HAZARD SEVERITY ZONES
REDWOOD VALLEY CALPELLA RURAL FIRE PROTECTION DISTRICT

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

I. DESCRIPTION OF PROJECT.

DATE: JULY 11, 2011

CASE#: UR 49-85-2009

DATE FILED: 7/27/2009

OWNER: DAVID & KATHRYN LOWE

APPLICANT: KATHRYN LOWE for NORTH AMERICAN ORGANICS

REQUEST: Use Permit to establish a commercial dog kennel and breeding business for up to 20 dogs. Also, a Use Permit Renewal to allow for the continued operation of North American Organics and the packaging, processing and sale of pre-composted materials along with the alteration of previous conditions to allow the business to operate on Sundays and to reduce the required 100 foot buffer between stored materials and the northern property line to 50 feet.

LOCATION: 1 mile north of Redwood Valley town center, lying at the terminus of Held Road (CR# 230C), 0.2 miles west of its intersection with East Road (CR# 230), located at 1790 Held Road; AP# 1691-120-25.

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**

Section I	Description Of Project.
<p>DATE: JULY 11, 2011</p> <p>CASE#: UR 49-85-2009 DATE FILED: 7/27/2009 OWNER: DAVID & KATHRYN LOWE APPLICANT: KATHRYN LOWE for NORTH AMERICAN ORGANICS REQUEST: Use Permit to establish a commercial dog kennel and breeding business for up to 20 dogs. Also, a Use Permit Renewal to allow for the continuing operation of the packaging, processing and sale of pre-composted materials and amendments as well as a modification to allow for the on-site composting of 3,000 tons of grape pomace per year. No additional materials will be composted on-site. Request includes alteration of previous conditions to allow the business to operate on Sunday's and to reduce an established 100 foot buffer between stored materials and the northern property line to 20 feet. LOCATION: 1 mile north of Redwood Valley town center, lying at the terminus of Held Road (CR# 230C), 0.2 miles west of its intersection with East Road (CR# 230), located at 1790 Held Road; AP# 1691-120-25. PROJECT COORDINATOR: DUSTY DULEY</p>	
Section II	Environmental Checklist.
<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
1. EARTH:					
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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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
2. AIR:					
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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>
3. WATER:					
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 type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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"/>
4. PLANT LIFE:					
A. Change in the diversity of species, or number of any species of plants including trees, shrubs, grass, crops, and aquatic plants?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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"/>
5. ANIMAL LIFE:					

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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. NOISE:					
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"/>
7. LIGHT AND GLARE:					
A. Production of new light or glare?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. LAND USE:					
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"/>
9. NATURAL RESOURCES:					
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"/>
10. POPULATION:					
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"/>
11. HOUSING:					
A. Will the proposal affect existing housing or create a demand for new housing?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12. TRANSPORTATION/ CIRCULATION:					
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 checked="" type="checkbox"/>	<input 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"/>
13. PUBLIC SERVICES:					

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"/>
Will the project result in the following environmental effects:	No	Yes			
		Not Significant	Significant Unless It is Mitigated	Significant -No Apparent Mitigation	Cumulative
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"/>
14. ENERGY:					
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"/>
15. UTILITIES:					
A. Will the project result in a need for new systems or substantial alterations to the following:					
Potable water?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sewerage?	<input checked="" type="checkbox"/>	<input 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"/>
16. HUMAN HEALTH:					
A. Creation of any health hazard or potential health hazard?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B. Exposure of people to any existing health hazards?	<input type="checkbox"/>	<input checked="" 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"/>
17. AESTHETICS:					
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"/>
18. RECREATION:					
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"/>
19. CULTURAL RESOURCES:					

A. Alteration or destruction of a prehistoric or historic archaeological site?	<input checked="" type="checkbox"/>	<input 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"/>

Section III Responses to Environmental Checklist.

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.

Section IV Mandatory Findings of Significance.

A. As discussed in the preceding sections, the project does ~~does not~~ have the potential to significantly degrade the quality of the environment, including effects on animals or plants, or to eliminate historic or prehistoric sites.

B. As discussed in the preceding sections, both short-term and long-term environmental effects associated with the project will be ~~less than significant~~ significant.

C. When impacts associated with the project are considered alone or in combination with other impacts, the project-related impacts are ~~insignificant~~ significant.

D. The above discussions do not identify any substantial adverse impacts to people as a result of the project.

Section V Determination.

On the basis of this initial evaluation, it has been determined that:

The proposed project will not have a significant effect on the environment, and it is recommended that a NEGATIVE DECLARATION be adopted.

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 proposed project may have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

DATE

DUSTY DULEY
PLANNER II