

DRAFT 2007 UKIAH VALLEY AREA PLAN

FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT

SCH NO. 2003072038

April 2011

**Prepared for: County of Mendocino
Department of Planning and Building Services
501 Low Gap Road, Room 1440
Ukiah, California 95482**

**Prepared by: Leonard Charles and Associates
7 Roble Court
San Anselmo, California 94960
415.454.45**

CHAPTER 1

INTRODUCTION

A. PROJECT DESCRIPTION

The County of Mendocino is considering adopting the Draft 2007 Ukiah Valley Area Plan (UVAP). The UVAP sets policy guidelines and establishes land use classifications that will provide a framework for the County's future land use decisions throughout the unincorporated portions of the Ukiah Valley. Once adopted, the plan will become part of the Mendocino County General Plan. It is designed to guide development up to the year 2030, at which point it will be considered for revision. A Draft Program Environmental Impact Report (EIR) was prepared on this proposed plan. To fully address potential impacts that could result from development under the plan, the Draft Program EIR assumed the unlikely scenario of complete buildout (meaning that all development allowed under the land use designations in the Draft 2007 UVAP would occur by 2030). Such buildout would include construction of a maximum of 5,430 dwelling units, 4.6 million square feet of commercial development, and 2.4 million square feet of industrial development.

B. EIR PROCESS AND RESPONSE TO COMMENTS FORMAT

The County of Mendocino prepared a Draft Program Environmental Impact Report (DEIR) for the Draft 2007 Ukiah Valley Area Plan (UVAP) (hereafter called the project) and circulated it for public review in February 2011. The public review period began on February 4, 2011, and ended on March 24, 2011. This Final Program EIR consists of the Draft Program EIR, all comments received on the Draft Program EIR, responses to those comments, and revisions to the Draft Program EIR. It also includes the Mitigation Monitoring and Reporting Program for the project. This Final Program EIR will be reviewed by the Mendocino County Board of Supervisors (the Board) for its adequacy under CEQA. Once the Board determines that the EIR is adequate, it will certify the Final Program EIR. After EIR certification, the Board will consider the merits of the proposed plan and whether to adopt it or one of its alternatives.

This Final Program EIR provides a thorough analysis of the comments on the Draft Program EIR and responds to the comments consistent with the requirements of CEQA. Where comments were received that expressed disagreement with the conclusions of the Draft Program EIR, the responses clearly address the issue by modifying the Draft Program EIR, providing additional mitigation, or justifying the conclusion that the analysis in the Draft Program EIR is correct. This approach will allow the Mendocino County Board of Supervisors to make an informed decision on the project.

Chapter 2 of this report contains the comment letters received and responses to the comments contained in those letters. Those comments and responses are followed by a summary of comments delivered at the four public hearings that were held on the adequacy of the Draft Program EIR. Three public hearings were held on February 17, 2011, March 3, 2011, and March 17, 2011 before the Mendocino County Planning Commission, and one was held on March 15, 2011 before a joint meeting of the Mendocino County Board of Supervisors and the Planning Commission.

Chapter 3 of this report describes the text changes to the Draft Program EIR needed to complete the Final Program EIR. These changes were deemed necessary or desirable given certain comments received. Chapter 4 contains the Mitigation Monitoring and Reporting Program.

CHAPTER 2

WRITTEN COMMENTS AND RESPONSES ON THE DEIR

This chapter provides responses to the written and verbal comments received by the County during the public review period. This section begins with a list of the commentors and where their letter and the EIR preparers' response to the comments can be found. Each letter is followed by a response page(s). Each letter's comments and corresponding responses are numbered for easy reference.

A. LIST OF COMMENTERS ON THE DRAFT EIR

The County received 34 comment letters on the Draft Program EIR during the public review period. Ten of these letters were from public agencies and 24 were from individuals or representatives of groups.

<u>Commenter</u>	<u>Date</u>	<u>Comment Page</u>	<u>Response Page</u>
<u>Public Agencies</u>			
1. State Office of Planning and Research	3/22/11		
2. California Department of Transportation	3/22/11		
3. Native American Heritage Commission	3/22/11		
4. U.S. Fish and Wildlife Service	3/23/11		
5. Local Agency Formation Commission of Mendocino County	3/23/11		
6. City of Ukiah	3/22/11		
7. Russian River Flood Control & Water Conservation Improvement District	3/24/11		
8. Mendocino County Health and Human Services Agency	3/23/11		
9. Community Development Commission of Mendocino County	3/23/11		
10. Mendocino County Planning Commission	2/20/11		
<u>Interested Parties</u>			
11. Mary Anne Miller	2/22/11		
12. Ron Epstein	2/28/11		
13. Alan Nicholson	3/3/11		
14. Julie and Santiago Simental	3/14/11		

15.	Susan Marie Knopf	3/14/11
	Susan Marie Knopf (second letter)	3/24/11
	Susan Marie Knopf (third letter)	3/24/11
16.	James F. Houle	3/15/11
17.	Mark Oswell	3/15/11
18.	Richard Seizer	3/16/11
19.	Dan Thomas, John Mayfield, and Jack Cox	3/18/11
20.	Richard Winkler	3/21/11
21.	Mike Anderson, Mendocino County Farm Bureau	3/22/11
22.	Randy Dom	3/23/11
23.	Eric Banks	3/23/11
24.	Richard Shoemaker	3/24/11
	Richard Shoemaker (second letter)	3/24/11
25.	Steve Scalmanini	3/24/11
26.	Steve Scalmanini (SMARTGrowth Coalition)	3/24/11
27.	SMARTGrowth Coalition	3/15/11
28.	Daniel Myers	3/24/11
29.	Residents of Wagenseller Neighborhood	3/24/11
30.	Linda Sanders (Friends of Gibson Creek)	3/24/11
31.	Richard Grassetti	3/24/11

Comments Made at Public Hearings

32.	Mendocino County Planning Commission Public Hearing	2/17/11
33.	Mendocino County Planning Commission Public Hearing	3/3/11
34.	Mendocino County Board of Supervisors and Planning Commission Public Hearing	3/15/11
35.	Mendocino County Planning Commission Public Hearing	3/17/11

B. RESPONDERS TO COMMENTS ON DRAFT EIR

Responses were prepared by the EIR consulting team, including:

Leonard Charles and Associates

Leonard Charles, Ph.D.	Project Manager
Lynn Milliman	Environmental Analyst
Jacoba Charles	Environmental Analyst

Illingworth & Rodkin

Michael Thill	Acoustic Consultant
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Some responses regarding the County's Water Supply Assessment (WSA) were prepared by Roland Sanford (formerly of the Mendocino County Water Agency and a consultant to the County on the WSA). The report was prepared under the direction of

the Mendocino County Department of Planning and Building Services. Roger Mobley is the Chief Planner for the project, and Gary Pedroni (Contract Planner) and Jessica Stull-Otto (Advance Planning) provided direction.

C. COMMENTS AND RESPONSES ON DRAFT EIR

The following section of this report contains the letters received and responses to those letters. Each letter is followed by a response page(s). Each comment and its corresponding response are numbered.



JERRY BROWN
GOVERNOR

STATE OF CALIFORNIA
GOVERNOR'S OFFICE of PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT



March 22, 2011

Roger Mobley
Mendocino County Planning & Building Services Department
501 Low Gap Road, Room 1440
Ukiah, CA 95482

Subject: Draft 2007 Ukiah Valley Area Plan (UVAP)(#GP 20-98)
SCH#: 2003072038

Dear Roger Mobley:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on March 21, 2011, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

1-1

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures
cc: Resources Agency

RECEIVED
MAR 25 2011

BY
PLANNING & BUILDING SERVICES
Ukiah CA 95482

Document Details Report State Clearinghouse Data Base

SCH# 2003072038
Project Title Draft 2007 Ukiah Valley Area Plan (UVAP)(#GP 20-98)
Lead Agency Mendocino County

Type EIR Draft EIR
Description The County proposes to adopt the Ukiah Valley Area Plan (UVAP) as an element of the Mendocino County General Plan. The draft plan tentatively approved by the Board of Supervisors includes Open Space & Conservation, Historic & Archaeological Resources, Health & Safety, Parks & recreation, Community Design, Circulation & transportation, Water Management, Energy & Air Quality, and Land Use Elements. Noise and Housing are not included, but are included as part of the County's General Plan and will apply to the UVAP planning area.

The Draft Ukiah Valley Area Plan and Draft EIR may be reviewed online at:
<http://www.co.mendocino.ca.us/planning/UVAP.htm>

Lead Agency Contact

Name Roger Mobley
Agency Mendocino County Planning & Building Services Department
Phone (707) 463-4281 **Fax**
email
Address 501 Low Gap Road, Room 1440
City Ukiah **State** CA **Zip** 95482

Project Location

County Mendocino
City Ukiah
Region
Lat / Long 39° 9' N / 123° 12' W
Cross Streets Hwy 101/State St./SR20
Parcel No. Parcels within UVAP Planning Area
Township 14N,15 **Range** 12,13W **Section** 1-12, **Base** MDB&M

Proximity to:

Highways Hwy 101, 222, 20, 253
Airports Ukiah Municipal
Railways NPRR
Waterways Russian River Tributaries
Schools Ukiah, Mendo-Lake CC
Land Use The project will amend the County General Plan by adding the Ukiah Valley Area Plan. The valley encompasses a full range of General Plan classifications with urban and suburban characteristics in the vicinity of the City of Ukiah and established communities to remote residential, range and agricultural lands (no lands are in Timber Production).

Project Issues Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Drainage/Absorption; Economics/Jobs; Fiscal Impacts; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Minerals; Noise; Public Services; Recreation/Parks; Schools/Universities; Septic System; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Growth Inducing; Landuse; Cumulative Effects; Other Issues

Reviewing Agencies Resources Agency; Department of Conservation; Department of Fish and Game, Region 1E; Department of Parks and Recreation; Department of Water Resources; Caltrans, Division of Aeronautics; California Highway Patrol; Caltrans, District 1; Department of Housing and Community Development; Regional Water Quality Control Board, Region 1; Department of Toxic Substances Control; Native American Heritage Commission; Public Utilities Commission

Note: Blanks in data fields result from insufficient information provided by lead agency.

Document Details Report
State Clearinghouse Data Base

Date Received 02/04/2011

Start of Review 02/04/2011

End of Review 03/21/2011

Note: Blanks in data fields result from insufficient information provided by lead agency.

Response to Letter from Scott Morgan, State Clearinghouse

- 1-1. This is a cover letter that states that the County has complied with State Clearinghouse review requirements for draft environmental documents that are subject to CEQA, No response is required.

DEPARTMENT OF TRANSPORTATION

DISTRICT 1, P. O. BOX 3700

EUREKA, CA 95502-3700

PHONE (707) 441-2009

FAX (707) 441-5869

TTY 711

*Flex your power!
Be energy efficient!*

March 22, 2011

1-MEN-101-General
2007 Draft Ukiah Valley
Area Plan
SCH# 2003072038

Jessica Stull-Otto
County of Mendocino
Planning & Building Services
501 Low Gap Road, Room 1440
Ukiah, CA 95482

Dear Ms. Stull-Otto,

Thank you for giving us the opportunity to comment on the Draft 2007 Ukiah Valley Area Plan (Draft 2007 UVAP). The project is located in the Ukiah Valley, and includes areas served by State and U.S. Routes 20, 101, 222, & 253. We agree with the determination on Page 190 that states no additional mitigation is required at a plan level. We have the following comments:

2-1

- Page 9 of the Draft 2007 UVAP, 4th bullet, makes two references to Highway 235. Please revise to read "Highway" or "State Route 253." 2-2
- We support the adoption and implementation of Land Use Goal4: "Manage future growth to ensure that essential support infrastructure is in place prior to development," especially with respect to transportation infrastructure. 2-3
- Page 20, bullet #2: In addition to ensuring adequate road and highway capacity when approving locations for new development, we also support higher population, building and land use densities within walking or bicycling distance of where transit or passenger rail service either exists or may be provided.
- Page 20, last bullet: We support policies that ensure that adequate transportation facilities be required as a condition for approving new development. We recommend that the Draft 2007 UVAP consider implementing the Mendocino Council of Governments' "Ukiah Valley Area Transportation Impact Fee Nexus Study" for mitigating growth-related impacts to transportation. 2-4
- Page 21, 4th bullet: Please note that "Oka Knoll" and "Highway 53" should be revised to read "Oak Knoll" and Highway 253," respectively. 2-5

- Page 52, Impact 3.6-A, Policy CT-1.3: Improving freeway access [to Route 101] is proposed as mitigation when development-related traffic impacts would exceed LOS standards for City or County roads. Projects designed to increase the number of access points onto Route 101 would likely impact the Level of Service for the State highway and are not expected to mitigate traffic for local development-related traffic impacts. Modification of the existing freeway access points by increasing on- or off-ramp capacity or improving freeway merge lengths *may* mitigate traffic impacts on City or County streets and roads to less-than-significant levels. We recommend early coordination with the Caltrans District 1 Community Planning Office when considering proposals to mitigate traffic impacts on State Routes. 2-6
- Page 188, Policy CT1.3: This policy proposes to develop a hook ramp in the Brush Street Triangle. It is not clear what purpose a hook ramp is intended to serve or why it is considered to be necessary. We recommend revising this policy statement to provide a broader range of options in the event that adding a hook ramp, or ramps, is infeasible. 2-7
- Page 190, General Plan Policy DE-131: This policy states that the AB 1600 study done for the plan shall be used to develop and implement transportation impact fees for the plan area. We strongly support this policy. 2-8

We support early outreach/involvement efforts when developing analyses or projects that require collaboration for implementation. We look forward to working with the County and other area partners to improve transportation and circulation in the Ukiah Area. If you have questions or need further assistance, please contact me at the number above.

Sincerely,



Jesse Robertson
Associate Transportation Planner
District 1 Regional & Community Planning

c: Scott Morgan, State Clearinghouse
Phil Dow, Mendocino Council of Governments

Response to Letter from Jesse Robertson, California Department of Transportation

- 2-1. The comment that Caltrans agrees with the EIR that no additional mitigation is needed at the plan level is noted for the record.
- 2-2. This typographic error has been corrected – see Chapter 3 of this report.
- 2-3. Caltrans' support of requiring adequate infrastructure and of encouraging higher density development where there is adequate infrastructure is noted for the record.
- 2-4. Caltrans' encouragement for County adoption and implementation of the traffic impact fee study is noted for the record.
- 2-5. This typographic error has been corrected – see Chapter 3 of this report.
- 2-6. The cited policy states that the County will work with Caltrans to improve Highway 101 interchanges. It is expected that improved interchange access along with the other policies and implementation measures listed as mitigation for Impact 3.6-A would reduce the impact to a less than significant level. The interchange improvements are only a small part of the mitigations. The recommendation to coordinate with Caltrans prior to planning any interchange improvements is noted for the record.
- 2-7. The hook ramp would potentially serve future development in the Brush Street Triangle area. This new ramp would only be done with the concurrence of Caltrans, as is stated in the introduction to Implementation Measure CT1.3b. If Caltrans believes such a ramp is not warranted, then it would not be constructed.
- 2-8. Caltrans support of General Plan Policy DE-131 is noted for the record.

NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-4082
(916) 657-5390 - Fax



February 22, 2011



Roger Mobley, Chief Planner
Mendocino County Planning & Building Services Department
501 Low Gap Rd., Room 1440
Ukiah, CA 95482

RE: SCH#2003072038 Draft 2007 Ukiah Valley Area Plan (UVAP) (#GP 20-98); Mendocino County.

Dear Mr. Mobley:

The Native American Heritage Commission has reviewed the Notice of Completion (NOC) regarding the above referenced project. The California Environmental Quality Act (CEQA) states that any project that causes a substantial adverse change in the significance of an historical resource, which includes archeological resources, is a significant effect requiring the preparation of an EIR (CEQA guidelines 15064(b)). To adequately comply with this provision and mitigate project-related impacts on archaeological resources, the Commission recommends the following actions be required:

3-1

- ✓ Contact the appropriate Information Center for a record search to determine:
 - If a part or all of the area of project effect (APE) has been previously surveyed for cultural resources.
 - If any known cultural resources have already been recorded on or adjacent to the APE.
 - If the probability is low, moderate, or high that cultural resources are located in the APE.
 - If a survey is required to determine whether previously unrecorded cultural resources are present.
- ✓ If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure.
 - The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological Information Center.
- ✓ Contact the Native American Heritage Commission for:
 - A Sacred Lands File Check. **Sacred Lands File check completed, no sites indicated.**
 - A list of appropriate Native American Contacts for consultation concerning the project site and to assist in the mitigation measures. **Native American Contacts List attached**
- ✓ Lack of surface evidence of archeological resources does not preclude their subsurface existence.
 - Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) §15064.5(f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.
 - Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.
 - Lead agencies should include provisions for discovery of Native American human remains in their mitigation plan. Health and Safety Code §7050.5, CEQA §15064.5(e), and Public Resources Code §5097.98 mandates the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

Sincerely,

Ks

Katy Sanchez
Program Analyst
(916) 653-4040

CC: State Clearinghouse

Native American Contact List
Mendocino County
February 22, 2011

Coyote Valley Band of Pomo Indians
John Feliz Jr., Chairperson
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johnfeliz21@aol.com
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(707) 485-1247 Fax

Potter Valley Tribe
Salvador Rosales, Chairperson
2251 South State Street Pomo
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Guidiville Band of Pomo Indians
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Redwood Valley Rancheria of Pomo
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Laytonville Rancheria/Cahto Indian Tribe
Christy Taylor, Chairperson
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Chairwoman @cahto.org Pomo
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(707) 984-6201 Fax

Round Valley Reservation/Covelo Indian Community
Eugene Jamison, Jr., President
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Covelo, CA 95428 Pit River
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(707) 983-6128 - Fax Concow
Wailaki; Wintun

Pinoleville Pomo Nation
Leona Willams, Chairperson
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tcouncil@pinoleville-nsn.gov
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(707) 463-6601 FAX

Yokayo Tribe
Chaiperson
P.O. Box 362 Pomo
Talmadge, CA 95481

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH# 2003072038 Draft 2007 Ukiah Valley Area Plan (UVAP) (#GP 20-98); Mendocino County.

Native American Contact List

Mendocino County

February 22, 2011

Suki Waters
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Coast Miwok
Pomo

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(707) 463-6601 FAX

Laytonville Rancheria/Cahto Indian Tribe
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Cahto
Kato
Pomo

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Potter Valley Tribe
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Native American Contact List

Mendocino County

February 22, 2011

Redwood Valley Rancheria of Pomo
Steve Nevarez Jr., Environmental Coordinator
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redwoodres@pacific.net
(707)485-0361
Fax:(707) 485-5726

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Response to Letter from Katy Sanchez, California Native American Heritage Commission

- 3-1. This letter is a form letter that the Commission typically sends out for specific development projects. This project is a plan. As such, no records search for cultural resources on or near the “site” are needed. As described on pages 171 to 172 of the EIR, the County conducted extensive SB18 consultations with tribes that could be affected by development in the plan area that meets all requirements for a plan level consultation with potentially affected tribes. The policies of the General Plan and the Draft 2007 UVAP plus legal requirements under CEQA provide protection of cultural resources. No changes to the EIR are warranted.

From: <David_Imper@fws.gov>
To: <mobleyr@co.mendocino.ca.us>
CC: <Kathleen_Brubaker@fws.gov>, <MVANHATTEM@dfg.ca.gov>, <cmartz@dfg.ca.gov>
Date: 3/23/2011 9:39 AM
Subject: Comments regarding the Draft Ukiah Valley Area Plan and Draft Program EIR

Dear Mr. Mobley:

Thank you for the opportunity to provide input on the Ukiah Valley General Plan Update. The Arcata Office of the U.S. Fish and Wildlife Service submits the following comments regarding two issues concerning potential sensitive species habitat, and mitigation standards.

Issue #1: The draft EIR downplays the role that agricultural lands may play in supporting sensitive species, and tends to lump fruit orchards, vineyards and pastures together with grassland, urban and agricultural communities as having little habitat value. Examples include:

4-1

Page 141: "because of their high degree of disturbance, agricultural areas generally have low habitat for wildlife";

Page 141: "fruit orchards, vineyards and pasture provide food and cover for squirrels, etc.";

Page 142: "The biological communities with the least number of special status species are the grassland, urban and agricultural communities".

While these statements are generally warranted for many agricultural uses, they ignore the critical role that some agricultural activities play in maintaining some sensitive species and plant communities.

The draft EIR also (incorrectly) emphasizes the importance of "undisturbed" habitat over disturbed habitats, without clarification of the type and intensity of the disturbance under consideration. One example occurs on page 153: "New development in undisturbed areas on the valley floor could affect vernal pool or wetland habitats supporting special status species such as Burke's goldfields and Baker's meadowfoam".

We feel there should be greater recognition expressed in both the EIR and the General Plan of the critical role that grazed pastures play in supporting some special status species, such as Burke's goldfields and Baker's meadowfoam, which the document indicates have a high likelihood of local occurrence. Grazing disturbance also is well recognized as an important factor in maintaining vernal pool communities in general.

As a matter of semantics, the term "disturbance" is too general, and potentially misleading when used in the context of whether habitat is suitable or not for sensitive species. When it is used, care should be taken to distinguish between, for example, pasture or cleared areas such as roadsides and powerline corridors (which in some cases may be very good sensitive plant habitat, and biologically very diverse) compared to vineyards and urban developments, which in most cases eliminate sensitive plant habitat and reduce biodiversity. The fact that the existing CNDDB

records for special status plants may not include occurrences on agricultural lands within the planning area may reflect more a lack of botanical surveys on private properties, than actual absence. In summary, pasture lands and other lands subject to vegetation manipulation, should be distinguished from activities that involve ground disturbance and more intensive management, such as orchards and vineyards, in the EIR and General Plan. In cases where convenience necessitates discussion of disturbance as a general concept, the relatively unique potential for special status species to preferentially occur within some kinds of disturbed habitat, and the need for special status species surveys in those habitats should be emphasized.

Issue #2: The draft EIR indicates on page 153, Impact 3.4-A, that the draft General Plan contains Policy RM-28, which calls for protection of special status species, and establishes standards for mitigation, including:

4-2

"Sensitive Biotic Communities – For all sensitive biotic communities, restore or create at a "no net loss" standard of habitat value. Where it is determined that restoration or creation are ecologically infeasible, preserve at a 2:1 ratio for habitat lost."

The "no net loss" standard is certainly appropriate. However, the provision that when restoration or creation are deemed ecologically infeasible (by whom?), then habitat preservation may be substituted for replacement, is not considered to be an appropriate fallback standard to include in a planning document at this level. Preservation, by itself, is not mitigation, and when not combined with appropriate management necessary to maintain important habitat features (such as an appropriate disturbance regime), could in some cases lead to extirpation of a species or sensitive plant community. The rare cases in which appropriate restoration or creation cannot be implemented as part of a mitigation plan, should be left to an analysis by qualified experts and the appropriate trust resource agency, in order to determine appropriate mitigation alternatives. As written, the standard is subject to a biased, and perhaps inappropriate interpretation by the lead agency as to what "ecologically infeasible" means.

Thank you again for the opportunity to comment on these important documents.

Dave Imper
Ecologist
Arcata Fish and Wildlife Office

Response to Letter from Dave Imper, U.S. Fish and Wildlife Service

- 4-1. The EIR classification of Agricultural Lands refers to lands where crops are produced. As stated on page 140 of the Draft EIR, the grazing lands that the commenter refers to are included in the grasslands, oak woodlands or mixed evergreen forest communities described on pages 135 to 138 of the EIR. As noted under those discussions, these communities do provide valuable habitat, and we concur with the commenter about the importance of controlled grazing for maintaining certain habitats. The use of the term “disturbed habitat” in the EIR correctly refers to habitat that has been developed with urban, suburban, and rural residential uses and intensive agriculture. If the commenter is contending that the EIR defines grazing land as “disturbed habitat,” he is incorrect. We concur that grazing can have value for special status species and other species. The Draft 2007 UVAP has many policies aimed at protecting this habitat in rangelands, oak woodlands, and other undisturbed communities. The comment is noted for the record, and we appreciate the additional information about grazing, but this information does not change the conclusions or recommendations of the EIR.
- 4-2. We concur that “no net loss” of sensitive habitat is not, by itself, necessarily adequate mitigation. However, the EIR does not state that this one component of General Plan Policy RM-28 (a plan that has already undergone CEQA review and been adopted by the County, and where the impact at a countywide level was determined to be reduced to a less than significant level) is the only mitigation for the potential impact to special status species of plants. The discussion under Impact 3.4-A also lists several other policies of both the General Plan and the Draft 2007 UVAP. In addition, we concur with the commenter that the appropriate mitigation needs to be done at the project-specific level and done to meet the requirements of the appropriate trust resource agency. This reflects what is stated on page 154 of the DEIR where it states that the California Department of Fish and Game has the legal responsibility to review discretionary projects to ensure adequate mitigation for special status species. The U.S. Fish and Wildlife Service would also review the CEQA study for any proposed project that could adversely affect Federally listed species. Given this, we disagree with the commenter that the policies in the adopted General Plan and the Draft 2007 UVAP plus existing legal responsibilities of the pertinent State and Federal agencies do not, at a plan level, provide adequate mitigation for these resources, and no changes are needed for the EIR.

Local Agency Formation Commission of Mendocino County--LAFCO

200 S. School St.
Ukiah, CA 95482
707 463 4470

March 23, 2011

Mr. Roger Mobley
County of Mendocino
Planning and Building Services Dept.
Ukiah, CA 95482

RECEIVED
MAR 24 2011

BY
PLANNING & BUILDING SERVICES
Ukiah, CA 95482

Re: DEIR for Ukiah Valley Area Plan

There are a number of issues or circumstances that exist today that will have an effect on land use planning and development and the UVAP. The two most critical issues are availability of water and wastewater capacity.

Water

I have historically sent two letters regarding the County's Water Supply Assessment Report. The first one was sent in response to the West Yost effort and the second was sent for the WSA created by Roland Sanford after the West Yost draft report was rejected by the County. I am therefore attaching both of those letters to this letter for purpose of comments for the DEIR about the circumstances of water within the Ukiah Valley. Accordingly, please include those letters as part of my comments.

5-1

As you will see from the letters, it is my belief that we have a critical circumstance for water for existing development within the Ukiah Valley and until and unless new sources of water are accomplished, new development should not be allowed. The primary evidence for this is evidenced by the need to reduce water consumption for existing development during the last drought. The letters provide greater explanation of this viewpoint.

Wastewater

There are two issues associated with development and wastewater service ability: (1) Growth and septage issues from onsite septic systems and; (2) Growth and wastewater capacity of existing service agencies..

Septage in Ukiah Valley

One of the larger existing issues affecting future land use planning in the Ukiah Valley is the ability to deal with septage from existing developments or future developments that use onsite septic systems. An onsite septic system consists of a septic tank and a leach field. A septic tank requires the periodic removal of solids for disposal. Existing development on private septic systems are dependent on the legal disposal of the septic tank contents, usually to a WWTP. All WWTPs in Mendocino County are publicly owned and operated. For reasons of negative impact

5-2

to the WWTP (e.g. hazardous material contamination disposed via the toilet), costs, and permit/regulatory issues, many agencies that historically accepted septage are not now doing so. Because of this, septage disposal is a County wide issue.

Historically, a significant amount of development has occurred in the Ukiah Valley on septic systems. The County's General Plan states that the City and UVSD are projected to grow by 10 to 60 percent over the next twenty-year period. It also indicates that the total employment is expected to grow by approximately 21 percent between 2000 and 2010, and then by another 21 percent again between 2010 and 2020. The Mendocino Council of Governments (MCOG) expects most of the employment growth to occur in the Ukiah Valley/Highway 101 corridor. This would be equivalent to over 2 percent growth in employment per year in the unincorporated Ukiah Valley area.

Many past developments in the Ukiah Valley area utilizing on-site septic systems are now reaching the limits of their useful life. Increased regulatory requirements for onsite systems have occurred since many of these areas were developed; therefore locations that were historically able to meet regulatory requirements may not now be able to do so. This circumstance will likely provide pressure for connection to the collection system of the UVSD. Past studies and reports have acknowledged this issue. Consider the following:

1. A 1977 Kennedy Engineers Report¹ made these statements on page II-I regarding growth and septage: *"The City of Ukiah and the Ukiah Valley Sanitation District provide facilities for collection and treatment of wastewater in the Ukiah Valley, serving an area of approximately 7.5 square miles. Three quarters of the present (service) population of 14,200 persons reside in the City of Ukiah, located in the central portion of the Valley. The Sanitation District extends to the north and south of the city limits and serves the unincorporated urban area and a portion of the area within the city limits. In addition, the present treatment facilities are used for treatment and disposal of septic tank pumpage for a large area in the vicinity of Ukiah."*

"The communities of Talmage and Rogina Heights are within the study area. Existing residences in Talmage and Rogina Heights have individual septic tanks and leach field disposal."

"In an area of suitable soil conditions and soil percolation requirements, it is probable that development will continue without immediate need for extending collecting sewers into the development areas. In this case, septic tank pumpage can be accepted by the expanded and improved Ukiah treatment facilities."

2. A 1993 Kennedy/Jenks Report made the following observations (page 1.3) about the wastewater system and septage:² *"It is expected that the wastewater collection service area will be expanded by 2005 from the present 9.81 square miles to 11.2 square miles to include urbanizing areas west of Lake Mendocino into the East Valley areas of*

¹ Wastewater Collection System and Treatment Improvements, Project Report, August 1977, Kennedy Engineers

² Wastewater Treatment Plant Upgrade Facilities Plan, Final Report, May 1991, Kennedy-Jenks Consultants

Deerwood, Rogina Heights and Talmage; and to the area south of the plant up Boonville Road and to Burke Hill.

The growth rate is projected at 2% annual increase. This will result in a sewered population growth from the present 19,600 to 25,550 by 2005. In addition, the approximately 4,500 people served by septage disposal at the plant is expected to increase to 5,850 in the contiguous Ukiah Valley environs, while if all of the septage unsewered area in the County is disposed at the Ukiah Wastewater Treatment Plant, the population served by septage would be 45,000 by the year 2005."

3. In 2006, in response to a LAFCO Questionnaire³ requesting a narrative description of probable need for additional public facilities and service in the next five years, this response was provided by UVSD: *"Areas that are currently developed but not connected to the sewer system are shown in the attached map of a possible extended service area because of the limited future capacity and ability of onsite septic tank/leachfield systems and community treatment ponds in those areas. These areas include Talmage, Rogina Heights and Deerwood."*

Currently, there are a limited number of locations in Mendocino County that will accept septage from other locations and for various reasons these locations may soon stop accepting septage. The following information was gathered in 2009 and therefore may be slightly out of date but are the present known circumstances for this issue for LAFCO:

1. The City of Ukiah recently finished an upgrade to their WWTP; a septage receiving station was not constructed.⁴
2. The City of Fort Bragg is not presently accepting septage at its plant and has no future plans to do so.⁵
3. The City of Willits is presently accepting septage at their existing plant. However, the City of Willits is in the process of building a new plant; anticipated completion is by the end of 2011. In 2009, Paul Caylor, Willits City Manager, indicated that a septage receiving station was not in the present design for the new plant and was not a present priority for the City; getting the plant completed for the City's need was first priority. He indicated that City staff had discussed the possibility and provided that it would be cost effective, would like to install a septage receiving station at a future time. He also indicated that if the City pursued development of a septage station, because of capital/investment issues, the cost of the project had to be self supporting; it would have to demonstrate the ability to pay for all associated costs. None of the costs could be placed on ratepayers.⁶
4. Covelo CWD recently completed an upgrade to its WWTP. The upgrade included a septage receiving station but because of WWTP's size there are limitations as to the amount of septage that can be processed. The primary service area for the WWTP is the Covelo/Round Valley area with additional septage being imported from the Laytonville,

³ Ukiah Valley Wastewater Municipal Service Review General Information Questionnaire

⁴ Confirmed by phone interview with Ann Burke, Deputy Director of Public Works-Water and Sewer Division, City of Ukiah on 12/02/09

⁵ Confirmed by phone interview with Dave Goble, Public Works Director, City of Fort Bragg, 12/02/09

⁶ Summary of phone conversation with Paul Caylor, City Manager, City of Willits, 12/15/09

Willits area. Imports of septage from the Ukiah Valley area or other parts of the County would overwhelm the WWTP's septage receiving capacity.

5. In the past, Westport accepted septage but according to RWQCB staff, their permit does not provide for the receiving of septage.
6. Until recently, Hopland PUD was one of the largest receivers of septage local to the Ukiah Valley, but because of regulatory issues it can no longer accept septage.⁷ It is my understanding that Hopland is now engaged in a high cost clean-up required by state regulatory agency for past septage received at the plant.
7. Calpella CWD also does not accept septage to their plant.⁸
8. According to RWQCB staff, there are two private septage disposal locations in the County; the Tunzi ranch in Comptche and the Hays ranch in the Pt. Arena area. These two locations receive septage from areas local to the ranch locations (e.g. coast and Boonville/Comptche area). Their permits allow the septage to be deposited to holding ponds for purposes of evaporation. Once evaporated, these operations land-apply the solids to their property. RWQCB staff also indicated that the Tunzi ranch limits its acceptance volume and limits its use to trusted local haulers. The County is a co-permittee to the Hays ranch operation and is responsible for monitoring and reporting for both operations. However, RWQCB staff indicated that the County has not been providing timely reports for these operations so they are unaware of the present circumstances of these operations.

As an observation, it would seem that this type of septage disposal is necessarily limited in location and limited in potential acceptance volume. Because of odor issues from the holding ponds and land application of the solids, large size locations remote from surrounding communities and neighbors are usually required. Unless the holding ponds are very large, input volume would necessarily be limited in the winter months because of lack of evaporation. The potential of rain storm events causing overflow would also provide limitations to the septage volume within any given holding pond during this time period. My present understanding is that these two locations do not receive during the rain months for this reason. Additionally, concerns about hazardous material contamination or an actual event could cause these property owners to terminate operations similar to decisions made by public agencies.

There is a growing national awareness of the potential of toxics being in sludge. A past analysis of sewage sludge by the Environmental Working Group⁹ found:

1. Over 100 synthetic organic compounds including phthalates, toluene, and chlorobenzene.
2. Dioxins in sludge from 179 out of 208 systems studied.
3. 42 different pesticides – an average of 12 pesticides per sample.
4. Nine heavy metals, often in high concentrations

There is no reason to think that these types of compounds are not in Mendocino County sludge. Therefore, spreading sludge on land is very high risk activity that has potential for contamination of soil, groundwater and surface water. As might be recalled, it was sewage sludge that was partly blamed in 2009 for contaminating the White House lawn, and First Lady Michelle

⁷ Calpella and Hopland confirmed by phone interview with Dave Redding, District Manager, 12/03/09

⁸ IBID

⁹ Environmental Working Group, Why USDA Should Just Say No, April 1998

Obama's organic garden with lead. Presumably, concerns about these types of contaminants are why the City of Ukiah sends its biosolids (sludge) to an approved landfill.

This lack of availability of local septage processing for existing and proposed growth within the Ukiah Valley poses a significant constraint on growth and likely provides a significant potential environmental impact for additional growth in the Ukiah Valley outside the boundaries of either the City or the District

Ukiah Valley Sanitation District Potential Demand

The Ukiah Valley Area Plan (UVAP) is planning for significant growth in the unincorporated area of the Ukiah Valley over the next 20-year period. Some of the proposed growth areas are outside of the present boundaries of the Ukiah Valley Sanitation District. Private septic systems are anticipated to be used for some of this growth for these areas or it was assumed that annexations to the District would occur. However, based on the capacity circumstances of the District and the need for the available ESSUs to be utilized within present boundaries, it is unlikely that annexations can be justified by LAFCO. If annexations are allowed, it will be for connection of existing development that have septic failures and cannot meet present regulatory requirements (e.g. Fireside Village or Rogina Heigt).

5-3

A few years ago, LAFCO had County Geographical Information Services develop a Potential Development Report for the territory of the UVSD. This type of report counts the number of undeveloped parcels and/or parcels that are not fully developed to existing zoning and then calculates the total number of connections that would be needed, if developed to the limits of the zoning. For example, a ten acre parcel zoned for one acre minimums would be counted as ten potential connections. The Report was based on the present boundaries and the present zoning of the District; it indicated that there are 6,700 potential demand "connections". This means that if all of the undeveloped parcels that presently exist within the boundaries of the District were developed to the maximum levels allowed by present zoning this amount of connections would be needed. 6,700 new accounts/connections represent nearly a 100% increase in accounts over that presently provided by both the City and the District combined.

Regarding the number of connections, it is important to note that "connections" are not the same as Equivalent Sewer Service Units (ESSU. For example, the Rural Communities Housing Development Corporation (RCHDC) multi-family apartment development on approximately eight acres in the Brush Street/Orchard area would require only one connection but could consume up to 150 ESSUs.

An ESSU can generally be thought of as the amount of impact that a single-family, 2 bedroom home would create on the wastewater system which would equate to a equivalent flow of 6,400 gallons per month. According to UVSD's Ordinance No. 12 one ESSU equals 7,800 gallons per month for commercial, office, fairgrounds, public and private schools and other uses not specifically listed, and 3,000 gallons per month for restaurants and bars. One motel room equals 0.5 ESSU per Ordinance No. 27.

The combined wastewater system of the City and UVSD presently serves 6,930 sewer accounts which total 11,894.79 Equivalent Sewer Service Units (ESSU)¹⁰. A “sewer account” is generally equivalent to a “connection.” On a purely mathematical averaging basis, this therefore means that the present system has approximately 1.75 ESSUs per account. The total number of ESSUs needed for 6,700 potential new connections would be some multiple of the total number of connections. For growth projection purposes, using the 1.75 multiple would mean that approximately 11,725 ESSUs would be needed to service the potential connections identified in the Potential Development Report. The total ESSUs presently being consumed by the District is 5,644.4 ESSUs; so this future needs projection represents a doubling of the present amount of ESSUs in service.

Assuming a 20 year cycle for this level of development and assuming equal amounts of development occur each year would mean that approximately 586 ESSUs would be needed annually (assuming a 40 year cycle would reduce that amount by half to 293 per year). In March of 2010, UVSD had unassigned or unobligated capacity of approximately 724 ESSUs. It therefore can be readily seen that the UVSD does not have sufficient capacity to fulfill the potential demand as represented by the present zoning and boundaries of the District. Future changes of zoning such as proposed for the UVAP or future changes of boundaries for the District (if allowed), would have additional negative impact.

Given the past development history of the District, the available ESSUs were thought to be able to satisfy the needs of the District for the next 20 years. Simple math indicates that the available capacity of 724 connections divided by 20 years equal approximately 36 ESSUs per year which would equate to a consumption rate of 5% per year of the available ESSUs; this is near the recent decadal growth rates.

The average household size in the Ukiah area is between 2 to 3 people per household. A growth rate of 36 ESSUs per year represents a population growth rate of approximately 72-108 people a year. Provided that all of the ESSUs are consumed by single family homes, consumption of the total 724 ESSUs available to the District would represent approximately 700 new homes and a population increase of approximately 2,000 people.

However, consumption of ESSUs by very large commercial developments such as was proposed by Development Diversified Realty for the old Masonite site or for the zoning being proposed by the UVAP for the old Masonite site or such as was required for the proposed Pinoleville Indian Casino would substantially reduce the potential total number of homes and thus population increase.

Recently, an upgrade and capacity expansion to the Wastewater Treatment Plant (WWTP) was completed. The overall cost for the WWTP improvement project will have a total cost of almost 142 million dollars over the length of the 30-year loan. Because UVSD shares the use of this facility, the District shares in the cost of the overall project. Based on present cost allocation formulas, UVSD will be responsible for approximately 53% of that overall cost; this responsibility includes the costs for the upgrade portion and the capacity expansion portion.

¹⁰ ESSU Statistics Report March, 2010

It was planned that current users would pay for the upgrade portion and future users would pay for the capacity expansion portion. The upgrade portion to be paid by current users is collected via the monthly service charge. The capacity expansion portion of the bond payment was to be collected through connection fees charged to new users. Both the City and the District therefore have connection fees per ESSU; the fee for one ESSU is presently \$10,911.00.

In order to meet its commitments for the bond payment for the capacity expansion portion of the WWTP, UVSD needs the connection fees from 58.5 new connections per year. For the past three years the District has been unable to sell this amount of connections and has been making payments for the expansion portion of the bond payments from its Capital Reserves; after the March 2010 payment it will not have sufficient funds to make this payment.

If this portion of the bond payment cannot be paid by connection fees, the Finance Agreement requires the District to pay for these costs from whatever source of income that the District has; therefore the District ratepayers are liable for both the upgrade costs and the capacity expansion costs. Monthly sewer system charges have had to be substantially increased to pay for the costs for the WWTP upgrade portion of the overall project. Many older ratepayers on fixed incomes bitterly complained to the past UVSD appointed board that they were unable to afford these increases. Clearly, the ratepayers will not be able to afford another substantial increase in fees; whatever its source of demand.

If the District is able to sell connections at the needed 58.5 ESSUs per year rate, the available ESSUs will be consumed in approximately 12 years. A consumption rate of 58.5 connections a year represents a growth rate of approximately 1% per year of the present ESSUs in service. This is a manageable level of growth for the Ukiah Valley Area. Once the ESSUs are consumed, the District will likely not be able to afford or obtain bonding for additional expansions of the existing WWTP or for a new plant; especially given the need to address the aging infrastructure of the collection system and the need to address the percolation/evaporation ponds issue at the existing WWTP. Thus, it can be seen that while the District needs to sell connections to make its bond payments for the capacity portion of the recent WWTP project, once these ESSUs are sold it will have no future ability for expansion.

If the District sells its limited number of ESSUs to a few large developments, it will have no future ability to service smaller demand needs. If this occurs, this would mean that small local developers and parcel owners will be excluded from developing their property because of the lack of available capacity. Given the above parameters and given the potential future demand within the District under present zoning and present boundaries, it can be argued that the District should carefully meter its distribution of available ESSUs such that infill growth and timely planned growth occurs.

Also, the County in evaluating future development proposals for approval should carefully evaluate the long term impacts of immediate consumption of ESSUs versus allowing growth to occur in a more controlled manner. This same consideration should be part of the determination of the level of growth allowed by the UVAP.

Summary

Existing development is presently consuming all of our presently available local water. During dry years, present development will have its water supplies severely curtailed. There is no presently available "new" water for any new development. It is absolutely critical that the EIR acknowledge that water capacity must be available prior to any development. Potential new water projects have been discussed, however, any realistic projection of successfully completing these projects indicate that it will be at least 20 years or more before availability of new water occurs, if at all.

Citing possible future projects such as raising the Lake Mendocino Dam or development of other reservoirs as potential mitigation to the present circumstances would be insufficient and unjustified. Citing groundwater as a potential source would be equally unjustified in that it is clear that the State considers all groundwater in the Ukiah Valley as underflow to the Russian River which has been fully allocated for nearly two decades.

There is no septage capacity within the Ukiah Valley or adjacent areas. Some haulers are traveling to Lincoln, CA, a journey of over 200 miles, for disposal of septage. This is a significant impact.

There is extremely limited capacity within the UVSD for existing zoning. Zoning changes that will allow higher density or changed impacts will only exacerbate the existing circumstance. Lack of sewer capacity and lack of future ability to obtain more capacity is a significant impact. It should not be treated lightly by indicating that service agencies should develop more capacity.

Sincerely,



Frank McMichael
Executive Officer

Attachments for inclusion to my comments to this DEIR:

- Letter dated August 31, 2010 to Roland Sanford, Mendocino County Water Agency, providing comments to the Draft Water Supply Assessment for the Ukiah Valley Area Plan prepared by Roland Sanford
- Letter dated February 4, 2010 to Nash Gonzalez, Director of Planning, Mendocino County regarding Water Supply Assessment for Ukiah Valley Area Plan Prepared by West Yost.

Local Agency Formation Commission of Mendocino County--LAFCO

200 S. School St.
Ukiah, CA 95482
707 463 4470

August 31, 2010

Roland Sanford
Mendocino County Water Agency
890 North Bush St.
Ukiah, CA 95482

Re: Comments to the Draft Water Supply Assessment for the Ukiah Valley Area Plan

Roland,

Thank you for sending a copy of the above WSA and for conducting the review meeting for this document last Wednesday. I thought it was a very productive and informative meeting. I also believe that the draft WSA, as completed by your office, was vastly superior to the previous WSA provided by the County's consultant that was rejected by the County for its deficiencies. However, as you heard, there were a number of expressed concerns about the sufficiency of the Water Agency's WSA. For the record, I am providing the following comments which include a summation of what I heard at the meeting Wednesday last and my responses to those comments and/or the Water Agency WSA.

1. The first and primary comment that was made was that the WSA was flawed because it failed to account for the circumstances and impact on agencies and communities not in the UVAP area where water is obtained from a presumed regional supply through RRFC's permit. It was indicated that if water is obtained from this regional source to satisfy growth demands within the UVAP area, given the limited potentially available water, this will inevitably negatively impact agencies and communities not in the UVAP area because they will not be able to obtain water for their needs from that same source. Specifically mentioned as being impacted were Redwood Valley CWD, outlying areas of Millview CWD, Willow CWD and Hopland PUD. Thus, it was indicated, that the WSA must describe the need for water in these areas and account for these impacts, if water is not regionally available because of development demands within the UVAP area. My understanding was that you generally agreed that the WSA must take a more regional approach to its analysis and that it was deficient at this level.

5-4

I additionally provided the information that because all of the water usage in the Ukiah Valley has a regional/watershed connection, LAFCO's water service review takes this approach and indeed its working title is LAFCO SOI/MSR Water Report for the Ukiah Valley/Russian River Watershed. This Report will provide an overview of the watershed, the Potter Valley bypass, and Lake Mendocino and RRFC water. It will review the service ability and capacity for agencies from Redwood Valley to Hopland, and will also include PVID because of the Lake Pillsbury/Lake Mendocino connection. As expressed at your meeting, for your report a more regional/watershed review is clearly needed to describe all the potential regional issues and impacts.

2. Additionally, it was indicated by the President of the RRFC that it is probable that water will not be available for future development from RRFC, in that RRFC is fully committed for the present use of its water. He indicated that various past studies had indicated that the District would meet this milestone in 1994 and then the year 2000; no report indicated that the District would have a

5-5

surplus after 2000. And that while the dynamics of the use of the water by various contractees may change over time, it is likely that there is no additional available water for growth within the UVAP area. You also indicated general agreement that this was probable.

As additional support to this viewpoint is the fact that RRFC has initiated the process of licensing its full 8,000 AF permit allotment. This means that RRFC at some time in the past has fully utilized its 8,000 AF permit allotment and can provide the accounting to prove it. It is understood that because at one point in time the full permit amount was utilized, it does not mean that in all times it will be fully utilized; there are vagaries of weather and demand that can change within any given year that will affect demand from RRFC. However, the fact that RRFC has requested licensing of its full allotment under its permit is supportive of the viewpoint that RRFC does not have surplus water for the UVAP area.

3. The WSA indicated that *"SWRCB's assertion that virtually all of the groundwater in the Ukiah Valley is underflow creates considerable uncertainty as to the institutional availability of this supply, and therefore, at least for now, it is assumed that none of groundwater in the Ukiah Valley is available for future growth."* (page 4-8) 5-6

I believe that this is a reasonable statement based on past assertions from the SWRCB and decisions by Courts. LAFCO's Interim Report for the Ukiah Valley/Russian River Watershed Municipal Service Review unanimously adopted by the Commission in 2007 made a similar observation. LAFCO's Service Impact Report for the DDR Specific Plan, also unanimously adopted by the Commission, expressed a similar concerns about groundwater in the Ukiah Valley. These documents additionally expressed a more regional perspective for local use impacts.

Also in support of the underflow viewpoint were statements made at the City of Ukiah Water Forum on August 18, 2010, by Bob Wagner as consultant to the City. He said several times that the City's new wells that are presently being claimed as being percolated groundwater would most likely be judged by the SWRCB as underflow water. I think he said that this would probably take five years or more and therefore the City was going to proceed as if it was percolated groundwater until such judgment. However, as you know, it is probable that this time frame would be speeded up if a complaint is filed with the State.

In discussion of the City's viewpoint, I indicated to you that while the City, because of its permits may have the space to make such a judgment and wait and see the SWRCB's response, growth and development could not be risked from groundwater wells that would supply the UVAP area given the potential for a judgment from SWRCB that all groundwater in the Ukiah Valley is permit water. You agreed.

4. After that, I posed a question to you that essentially asked, "if there is no available water from groundwater for development and no available water from RRFC for development, where would the water come from for the proposed development in the UVAP area?" Your observation was that the only other source would be from conservation. I indicated that while conservation was an essential element for the future for present users, conservation of water by present users was not something that could be relied on for future growth. Again, you generally agreed. 5-7
5. As you know, during the drought summer of 2009, a 50% reduction of water usage was required. This level of reduction was on top of previous historical efforts to encourage conservation of water. A 50% reduction had dramatic impact on local users: (1) lawns and landscaping died; (2) households were not able to have vegetable gardens; (3) existing fruit trees 5-8

were endangered and some died because of lack of irrigation water; (4) persons with animals were confronted with the need to either get rid of their animals or purchase bulk water trucked in for that purpose and; (5) interior use within households for cooking, showers, etc. was substantially restrained. Quality of life was severely affected by this mandated reduction in use.

It seems ironic to me that while local efforts exist to encourage people to grow their own food or obtain their food from local growers, it has been demonstrated that the Ukiah Valley does not have sufficient water for these purposes during drought years. If you look at the historical and geological record, our most recent drought was not as severe as past droughts nor as extensive in duration as those indicated in the record. Given a need for 50% reduction for existing development for this reasonably mild drought compared to the record and the impacts that a 50% reduction caused, it is difficult to understand how additional growth and the subsequent demand for water can be justified.

6. At your meeting, there was a brief discussion as to the possibility of obtaining water from the City under their permit for the UVAP area. A similar discussion occurred at the City's Water Forum the previous week. Thus, the following observation seems pertinent.

5-9

All of the water potentially available under the City's permits presumes that the water will be naturally available in the River for that purpose. However, the City contracts with RRFC for 800 AFY. Given that pre-1914 rights, percolated groundwater usage, and contract water from RRFC cannot be used to prove beneficial use under its permit, the question has often been asked why the City contracts for water from RRFC. The statements that I have heard at various times from various people connected to the City is that the contract water from RRFC functions as "insurance" for the City for drought years when water is not naturally available in the River.

It seems to me that if this "insurance water" from RRFC is needed by the City because in certain conditions water will not be physically available in the River, this is a powerful statement that whatever the paper amount on its permits, the City could not guarantee supplies for new development during drought years under its permit. However, if this is not the case that the City needs the RRFC contract water as "insurance" and there is sufficient naturally available water for its permits, including drought years, then the City by entering into this contract with RRFC is causing water that could be beneficially used by others to not be put to that use.

The above comments reflect a generalized concern that the Ukiah Valley area simply does not have sufficient water for new development. If the WSA can demonstrate that water is available from specific described sources for development, I will be pleased to know that information. I do not believe at this time that the WSA sufficiently addresses these issues.

Sincerely,



Frank McMichael
Executive Officer

cc: commissioners

Local Agency Formation Commission of Mendocino County—LAFCO

200 S. School St.
Ukiah, CA 95482
707 463 4470

February 4, 2010

Nash Gonzalez
Director of Planning
501 Low Gap Rd.
Ukiah, CA 95482

Re: Draft Water Supply Assessment for Ukiah Valley Area Plan Prepared by West Yost

Dear Mr. Gonzalez,

Thank you for providing a copy of the above document for LAFCO's review. After reviewing this Report, I have the following observations or comments.

5-10

Program MSA

I am curious as to how a project is being defined for this assessment and where the authority for a "program water supply assessment" is provided in SB 610. Water Code 10910 indicates that a project is "as defined in Section 10912." This section seems to define only development projects; I did not read any mention of a "program WSA" for an area plan within this section or other sections of SB 610. Is there some part of CEQA that you are using for this authority? If so, could you please provide your thinking and relevant code sections?

Determination of Water Supply Sufficiency

This Report spends considerable effort describing various flow, storage and release scenarios from the Lake followed by the conclusion that the UVAP will have sufficient water. On pages ES-12 and 6-10 the following statement about determination of water supply is made:

"This WSA demonstrates that if storage in Lake Mendocino can be maintained at levels greater than or equal to the storage projected under the future baseline conditions scenario, then the projected future releases from Lake Mendocino to the Russian River will be sufficient to meet the projected demands of the UVAP Preferred Project, Alternative A, Alternative B and the No Project Alternative under all hydrologic conditions."

My understanding of the circumstances of Lake Mendocino is that regardless of the total water in the Lake at any one time, only 8,000 acre feet of water per year is available for local use through Russian River Flood Control water rights; roughly 40% of the water under this water right is presently utilized by municipalities within the District boundaries. The exception to that statement would be in drought conditions as experienced in 2009 (discussed below).

In 2007, the District had fully committed the allocation under their permit, thus they are seeking to finalize their permit to license. It is my understanding that since that time some contract holders within the District have released their contracted water; whatever that amount, it could be made available to other potential users within the District's boundaries or to Redwood Valley for

their needs. However, that still does not change the central point that the limitation is 8,000 acre-feet. And, it was not demonstrated that this water is sufficient for the UVAP area or that it would be assigned to that location by the District.

To reiterate, except for drought conditions, no matter how much water is in Lake Mendocino, the maximum amount available locally is the 8,000 acre feet. Thus, it would seem that the storage and releases “projected under the future baseline conditions scenario” is immaterial as to additional availability of water for the UVAP area. Therefore, this circumstance nullifies the Determination quoted above because it is inaccurate to reality. If I am wrong, I would be pleased to receive a better explanation of how storage and releases of water in Lake Mendocino that is owned by and presently utilized by others can be provided to the UVAP area for future development.

I also realize that the Russian River Flood Control has an application to the State for a supposed unallocated 6,000 acre feet of water in the Lake. At this time, it is unclear that the State will accept the application let alone approve the allocation. So, this seems to be a thin reed to use for justifying any development let alone the Preferred Alternative. Given the State’s speed in other water rights applications and given various contentions that already exist about water along the Russian River, the probability of the District receiving approval from the State is uncertain at best and at the very least will take an excessive amount of time to obtain.

Drought and Conservation

On page 3-24 is found this statement:

“Figure 3-6 demonstrates the expected result that the reduced imports from the Potter Valley Project generally result in lower stages and storage than in the past. More significantly, the results indicate that conservation measures may be effective in offsetting reductions in imports. Inspection of the estimated water year indices for the Russian River for water years 1973 through 2008 show that there were relatively few months classified as dry or critical. These dry and critical periods were concentrated in 1976-1977, 1991 and 2001 timeframes. The 20 percent conservation assumed in the future baseline scenario was implemented only when the Russian River Water Year Index was dry or critical. The 20 percent conservation helped retain storage at these time (sic). For example, the 1977 single-dry-year stage and storage under the future baseline scenario were greater than the USACE-reported historical stage and storage for 1977. Implementation of conservation measure (sic) sooner and during less intense dry period would help retain water in storage during a greater number of time frames.”

Per the discussion above, except for providing enough water to assure the availability of the locally owned 8,000 acre feet, imports from the Potter Valley Project are immaterial to the UVAP area. Except for the possible 6,000 acre feet mentioned above, all the Project water stored in Lake Mendocino is committed for stream flow or owned by other water right holders. It is true that there have been times when the Eel River watershed has been able to provide water for storage in Lake Mendocino when the watershed above the Lake could not provide sufficient water. However, the limitation is still 8000 acre-feet for the local area.

Regarding conservation required by drought conditions, the County’s study conveniently overlooks the fact that in 2009 mandated conservation was 50% not 20%. This amount of conservation was mandated by the State based on a confluence of factors that I will not review in this letter because I am sure that the County is sufficiently familiar with those factors. Any

newspaper in the summer timeframe would have informed the preparer of this document of that fact.

The 2009 conservation reduction of 50% provides a very clear demonstration that the local area including the UVAP area does not have sufficient water for present needs and present development. Based on this circumstance, one can make a coherent argument that no future development should be allowed within the UVAP area until such time that it can be assured that there is sufficient water for future development. Your WSA does not provide this assurance,

Groundwater

For groundwater discussion purposes I am providing the following quotes from your Report:

“The three important water bearing units in the Ukiah Valley groundwater basin are the continental basin deposits, the terrace deposits, and the recent alluvium.” (page 4-7)

“The Plio-Pleistocene-aged continental deposits contain poorly sorted, interbedded mixtures of gravel, sand, silt, and clay (DWR 2004). These interbedded layers result in confined conditions for groundwater in this unit due to impermeable clay layers. In general, the lack of cementing and average small grain size results in a high porosity for this unit; however, the high clay content results in low permeability (USGS, 1965, 1986). Historical well information shows a range in yields of 0.75 to 50 gallons per minute (gpm) for well completed in this unit (USGS, 1965, 1986). The specific capacities range from 0.004 to 1.33 gallon per minute per foot (gpm/ft) (USGS 1965, 1986. Due to its thickness, extent, and porosity, this unit stores a large quantity of water; however because of its low permeability, it yields water slowly to wells (USGS, 1965, 1986).” (page 4-7) (emphasis added)

“The Pleistocene-aged terrace deposits contain slightly less clay than the continental deposits, and this results in the permeability ranging from low to moderate (USGS 1965, 1986). Production from the terrace deposits is variable depending on the thickness of this unit. Wells completed in the terrace deposits have shown average yields ranging from 1 to 10 gpm, though values as high as 100 gpm have been reported (USGS 1965, 1986). Specific capacities from these wells have ranged from 0.02 to 7.1 gpm/ft. (USGS 1965, 1986). Groundwater in the terrace deposits may be either confined or confined, depending on the lithologic characteristics at each different location. (USGS 1965, 1986).” (page 4-8)

“The recent alluvium primarily consists of unconsolidated course-grained sands and gravels which account for the high porosity and permeability of the unit (USGS 1965, 1986). Wells completed in the alluvial deposits have shown yields as high as 1,200 gpm (DWR, 2004). Specific capacities from these wells have ranged from 0.50 to 100 gpm/ft (DWR, 2004). Groundwater in the alluvium occurs under unconfined conditions, and the permeability of the unit allows for considerable recharge from precipitation (USGS, 1965, 1986). Also, due to the proximity of the alluvium to the Russian River, water regularly moves back and forth between the aquifer and the river, depending on the river’s stage. (USGS, 1965, 1986).” (page 4-8) (emphasis added)

Based on these statements, it appears that one can conclude that the only water bearing units that can provide sufficient flow needed for municipal development is the recent alluvium. Because this stratum is hydraulically connected to the Russian River, water drafting from this location therefore requires a permit from the State. The State has declared that the River is fully

appropriated from July 1 to October 31 of each year (Order #91-07). No additional permits are possible for this time frame, which is the critical water need time.

It therefore appears that future development cannot rely on water from these groundwater locations either because of lack of flow or volume availability or because of the inability to obtain permits for the use of the water.

This Study partially admits this circumstance but comes to different conclusion that appears to me to be illogical to the circumstances. On page 4-9 is found this statement:

*“As described in the preceding sections, groundwater elevations in the UVA have been stable for the period 1973 through 2008. Groundwater pumping volumes by the UVA providers have also been relatively stable and constituted a small proportion of the overall supply. In the following sections of this WSA **it was assumed that all future demands by UVA water service providers will be met with surface water from the Russian River, either through direct diversion of through (sic) pumping and capture of Russian River underflow.** Based on this assumption, the UVA water service providers’ groundwater supplies are sufficient to meet their projected demands under all UVAP alternatives.” (page 409) (emphasis added)*

While it is true that based on existing permits and water rights, one can continue to assume that water presently provided to existing development will continue to be obtained from the River either through direct diversion or from underflow, it is not true that there is water for future development from these same sources. As indicated, the available water under those rights is not sufficient for existing development in drought years and is barely sufficient in normal rainfall years. **The assumption that future development water demands can be provided by UVA water service providers with surface water from the Russian River, either through direct diversion or through pumping and capture of Russian River underflow is a baseless assumption given the limitations of ownership of surface water previously described and given Order 91-07.**

Conclusion

Based on portions of this Report, present conditions and circumstances of water availability, an unclear future as to the availability of more water and the most recent experience of a 50% reduction of available water during a drought year; **it would seem that the inevitable conclusion would be that there is not sufficient water for present development.**

Thus any future development allowed under any alternative in the UVAP will have significant impact on existing water service recipients and on existing permit holders that cannot be mitigated as it will be in direct competition to their interests. It therefore follows that no new development should be allowed until such time that it is clear that UVA has solved its water availability problem.

Sincerely,



Frank McMichael
Executive Officer

cc: commissioners; CEO Tom Mitchell; Roland Sanford, MCWA

Response to Letter from Frank McMichael, Local Agency Formation Commission of Mendocino County (LAFCO)

- 5-1. The Inadequacy of the study area's developed water supply is discussed in Section 6.0 of the Water Supply Assessment (WSA) for the Ukiah Valley Area Plan prepared by the Mendocino County Water Agency, and noted on page 314 of the DEIR as shown below:

"...based on the comparison of available supplies and projected demands presented in the WSA, current plan area water supplies are insufficient to fully serve projected demand. If buildout is to occur, it will require additional water supplies..."

As noted by the commenter, even under existing conditions there have been times, most notably in 2009, when water rationing has been required to ensure that sufficient water is available to meet essential water needs. Water rationing in times of severe drought is common throughout the State and is a water management tool frequently included in State-mandated Urban Water Management Plans. The degree to which implementation of the UVAP will increase the need for or severity of rationing cannot be determined at this time due to the lack of information regarding the reliability of existing water supplies, most notably the sustainable yield of Lake Mendocino, as well as the lack of information regarding the reliability of any new water supplies that are developed to serve full buildout that could occur under the UVAP.

- 5-2. The information regarding septage disposal is noted for the record. The commenter is correct that there are four sites in Mendocino County that accept septage – HBarH Ranch in Point Arena, Tunzi Ranch near Comptche, the Covelo Sewer District, and the City of Willits wastewater plant. Sludge from the City of Ukiah wastewater plant is disposed of at the Redwood Landfill near Novato in Marin County. The EIR remains accurate in stating that there is currently no immediate concern regarding adequate sites for septage disposal (per communication with David Jensen, Mendocino County Environmental Health Land Program Manager, March 24, 2011).

It is further pointed out that possible future limitations on the availability of septage disposal sites in the County does not mean that septic systems will not continue to be serviced. It may mean that the cost of hauling that septage will increase if it needs to be hauled out of the County, but it does not mean that such systems will not continue to be built. Finally, the issuance of permits to construct and operate a private septic system is a ministerial approval by the County, not a discretionary approval. As regards toxic materials in septage, the receiver sites are all outside the UVAP plan area and the effects were addressed in the EIRs for the County General Plan or the City of Willits General Plan.

- 5-3. The detailed discussion of the status of the Ukiah Valley Sanitation District is appreciated and noted for the record. The commenter does not ask a question regarding the EIR except to state that the County should carefully evaluate large projects to determine whether they would exhaust available hookups and what

effect that would have on other property owners. This is not an EIR issue, but a planning issue to be considered when considering approval of the UVAP, or when assessing the impacts and merits of a large development proposal. The recommended growth management plan could place limits on the amount of new development, and those limits could be similar to those suggested by the commenter. The County should consider this when developing the growth management plan.

The following responds to the August 31, 2010 letter that the commenter attached to his comment letter on the Draft EIR. It is noted that these comments were originally addressed and incorporated into the final WSA.

- 5-4. The final WSA includes a summary of the Russian River Flood Control & Water Conservation Improvement District (RRFCD's) water supply commitments beyond the boundaries of the UVAP and notes that the RRFCD is currently unable to augment existing water supplies within the UVAP without depriving its water users outside of the UVAP. The RRFCD water supply and the uses of that supply are summarized on page 305 and in Table 3.10-3 of the DEIR. On page 314 of the DEIR it is noted that "...the RRFCD currently sells water to Redwood Valley and Hopland. While this water could conceivably be used to augment the plan area water supply, doing so would be at the expense of Redwood Valley and Hopland, and would simply redistribute the plan area water supply shortage within a larger region of Mendocino County."
- 5-5. See Response 5-4 above regarding this comment.
- 5-6. The commenter's opinion is noted for the record. The uncertainty regarding the future availability of the area's groundwater supply is discussed on page 305 of the DEIR and page 314 the DEIR notes that "...the availability of groundwater supplies is questionable given the State Water Resources Control Board's ongoing assertions that all groundwater in the Ukiah Valley is underflow."
- 5-7. The commenter's opinion is noted for the record. The potential water supply benefits of water conservation are discussed in Section 2.0 and Section 6.0 of the final WSA, and on page 314 of the DEIR it is noted that "... aggressive water conservation, pursuant to SB7-7, could reduce the need for new supplies by approximately 50%, but these measures will not by themselves eliminate the projected 2030 water supply shortfall."
- 5-8. As discussed in Section 3.0 of the final WSA, the current sustainable yield of Lake Mendocino is unknown. It is clear from recent reservoir operations data presented in the final WSA that the 2004 Potter Valley FERC decision severely impacted the Lake Mendocino water supply, perhaps to a degree that exceeds the observed effects of past droughts. However, it remains unclear as to whether or not the adverse impacts of the 2004 decision can be offset – or perhaps more than offset – through changes to the water storage criteria that are currently used to operate Lake Mendocino (such as implementation of the 2008 National Marine Fisheries Service Russian River Biological Opinion.) Accordingly, it is unclear as

to whether or not severe rationing, as was observed in 2009, will be required in the future, with or without implementation of the UVAP.

- 5-9. The comment and opinion are noted for the record. The Draft 2007 UVAP does not address the City of Ukiah as the County has no authority over the City's land use planning or water supply.
- 5-10. The comments presented in the February 4, 2010 letter from the commenter pertain to an initial draft of the Ukiah Valley Water Supply Assessment that was prepared by West Yost Associates (WYA) under contract to the County of Mendocino. The draft Ukiah Valley Water Supply Assessment prepared by WYA was deemed inadequate and incomplete by the County, and the contract with WYA subsequently terminated. The comments presented in the February 4, 2010 were incorporated into the draft and final Ukiah Valley Water Supply Assessment reports prepared by the Mendocino County Water Agency, which became a source document for the UVAP DEIR. Because the comments presented the February 4, 2010 letter pertain to a document – the draft Ukiah Valley Water Supply Assessment report prepared by WYA – that was not incorporated into or used as a source document for the UVAP DEIR, no response is required to these comments.

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MAR 25 2011

BY
PLANNING & BUILDING SERVICES
Ukiah, CA 95482



March 22, 2011

Mr. Rodger Mobley, Chief Planner
Mendocino County Planning & Building Services
501 Low Gap Road
Ukiah, CA 95482

RE: UVAP Draft Program EIR

Dear Mr. Mobley:

The City of Ukiah has had the opportunity to review the Draft Program Environmental Impact Report for the proposed Ukiah Valley Area Plan. The document is comprehensive, informative, and appears to meet the requirements of the California Environmental Quality Act. However, the City Council was struck by the fact that many of the mitigations measures, such as those calling for the preservation of prime agricultural soils like the Lovers Lane property brought into stark relief the critical importance – the necessity – of the City being the locus of urban development. Consequently, we are recommending revised mitigation measures that move the valley in that direction.

1. In 2005, the City, in its comments on the previous UVAP DEIR expressed a number of concerns. One of the primary concerns expressed at that time and which remains with the current DEIR is the practical legitimacy of the mitigation measures (UVAP policies). While some of the implementation measures under each policy that serves as mitigation may be feasible in terms of rapid implementation, others clearly will not. Even though the DEIR states that it is assumed that the County can quickly and feasibly implement the measures, from a practical standpoint, this may not be the case. The implementation measures calling for the adoption of ordinances, specific plans, design guidelines, etc. must be completed rapidly to be meaningful and truly mitigate impacts. Based on the City's own experiences with implementing its General Plan policies and implementation measures required for mitigation, it is recognized and acknowledged that these types of work products can take considerable time to complete. If the County cannot conclude that a required new ordinance, regulation or other required work products will be prepared and adopted in a rapid timeframe it should be deemed infeasible and discarded, and a new approach to mitigation should be pursued – or the impact should be labeled unavoidable.

6-1

While the City realizes that the EIR consultant must assume that the County will perform timely implementation of all mitigation measures, we offer the above comment to County policy makers for discussion and consideration during deliberations on the environmental document and the preparation of findings for certification of the Final EIR.

2. The DEIR should include a prominent note in the Impact/Mitigation Summary Table indicating that each mitigation measure (UVAP policy) has implementation measures that provide detail as to the depth and scope of mitigation, and how the mitigation would occur. This is crucial information for the reader of the DEIR who may not have a copy of the UVAP and quickly conclude that the mitigations/policies are vague and inadequate.

6-2

3. Page 72 – City of Ukiah General Plan

Add the following sentence to the end of the paragraph:

“The Brush Street Triangle in particular is a high priority annexation project for the City of Ukiah.” 6-3

4. Page 87 – Brush Street Triangle

Add the following sentence to the end of the paragraph:

“However, the City rezoned the entire Brush Street Triangle in 1986 to “P-D” (Planned Development) and is currently developing a concept development plan for the area. The City is also pursuing annexation of the Brush Street Triangle with full concurrence of the property owners, and currently envisions a balanced mix of residential, commercial, light industrial, and potential open space for the site.” 6-4

5. Page 93 – Add the following Implementation Measure after LU7.1d:

LU7.1e Brush Street Triangle

The County shall support and encourage a tax sharing agreement and the annexation of the Brush Street Triangle into to the City of Ukiah, who would review, analyze, and manage any proposed commercial development in this area so that urban decay of the Ukiah Downtown is avoided.” [Timeframe: Short-term. Responsibility: Board of Supervisors]. 6-5

6. Page 261 – Add the following Implementation Measure after LU1.2f because the City has adopted commercial development design guidelines: 6-6

LU.1g Brush Street Triangle

The County shall support and encourage a tax sharing agreement and the annexation of lands adjacent to the Ukiah City limits along Highway 101 that are designated for urban development. [Timeframe: Short-term. Responsibility: Board of Supervisors].

7. Page 265 – Add the following Implementation Measure after CD2.2b because the City routinely requires lighting associated with new development to be downcast and in compliance with International Dark Sky Association Guidelines: 6-7

CD2.2c Brush Street Triangle

The County shall support and encourage a tax sharing agreement and the annexation of lands adjacent to the Ukiah City limits that are designated for urban development. [Timeframe: Short-term. Responsibility: Board of Supervisors].

8. Page 280 – Add the following Implementation Measure after HS1.4e because the City of Ukiah Police already perform as initial responders to emergencies on these lands: **6-8**

HS1.4f Annexation

The County shall support and encourage a tax sharing agreement and the annexation of lands adjacent to the City limits that are designated for urban development. [Timeframe: Short-term and Ongoing. Responsibility: Board of Supervisors].

9. Page 305 – City of Ukiah

Add the following to the end of the paragraph:

The Brush Street Triangle is not within the boundaries of a public water provider, and water service for the existing development on the site is provided by independent wells or by the City of Ukiah via an out of service area agreement. The City is prepared to provide domestic and fire protection water service upon annexation of the Brush Street Triangle into the City limits.” **6-9**

Thank you for the opportunity to review and comment on the UVAP DEIR. If you have any questions, or need clarification, please contact Charley Stump, Director of Planning and Community Development at (707) 463-6219 / cstump@cityofukiah.com.

Sincerely,



Mari Rodin, Mayor
City of Ukiah

Response to Letter from Mari Rodin, Mayor, City of Ukiah

- 6-1. The comment is consistent with the discussion of the feasibility of plan mitigations included on pages 67 to 68 of the Draft EIR. On page 67, it states that if the County does not believe that adequate staffing will be available to implement mitigations, then impacts may need to be found significant and unavoidable.
- 6-2. The introduction to the Summary Table on page 40 does state that when the table lists a policy it includes implementation actions under that policy. However, we will clarify that with some additional language. See the text change presented in Chapter 3. To further clarify, some of the implementation actions under each cited policy are not needed to mitigate the impact (though they may further reduce the impact). The Mitigation Monitoring and Reporting Program in Chapter 4 of this report identifies the monitoring and reporting responsibilities for those implementation measures that are required to reduce the significant impacts.
- 6-3. The requested addition has been made. See the text change presented in Chapter 3.
- 6-4. The requested addition has been made. See the text change presented in Chapter 3.
- 6-5. While we totally support the efforts of the City and County to enter into a tax sharing agreement, this recommended measure is not needed to address a specific environmental impact. Adding this measure would be a policy decision that is within the authority of the County. The recommendation is noted for the record and forwarded to the Board of Supervisors.
- 6-6. The recommended measure addition of a measure including a tax sharing agreement is not needed to address the visual impact. Tax sharing is a policy decision. See Response 6-5 above.
- 6-7. The EIR-recommended Mitigation Measure 3.9-C.1 requires that lighting meet the cited Dark Sky requirements. This would apply to any development in the Brush Street Triangle. As such the additional mitigation recommended by the commenter does not appear needed. Again, see Response 6-5 regarding the recommended tax sharing agreement.
- 6-8. As stated on page 280 of the Draft EIR, the EIR assumes that the County will continue to fund the Sheriff's Office to a level needed to adequately respond to increased calls for service resulting from a larger population. The EIR recommends that the County consider a regional public safety funding mechanism. This logically might take the form of a tax sharing agreement as recommended by the commenter.
- 6-9. The requested addition has been made. See the text change presented in Chapter 3.

*Mendocino County****Russian River Flood Control & Water Conservation Improvement District***151 Laws Avenue Suite D, Ukiah, CA 95482 (O) 707.462.5278 (F) 707.462.5279 rrfc@saber.net

March 24, 2011

Roger Mobley
 Mendocino County, Planning and Building Services Dept.
 501 Low Gap Road, Room 1440
 Ukiah CA 95482

Dear Roger:

The Mendocino County Russian River Flood Control and Water Conservation Improvement District would like to thank you for the opportunity to comment on the UVAP DEIR. As a water supply entity, the District focused its review on Technical Appendix 5, entitled "Water Supply Assessment for the Ukiah Valley Area Plan." The District would like to call to your attention Table 3-2 as several of the values are incorrect. Please see the table below for the correct values.

7-1

Contractor	Annual Contract Amount (UVAP)	Annual Contract Amount (Correct)
Millview CWD	1520 afy	970* afy
Rogina	192 afy	400 afy
Hopland	400 afy	222 afy

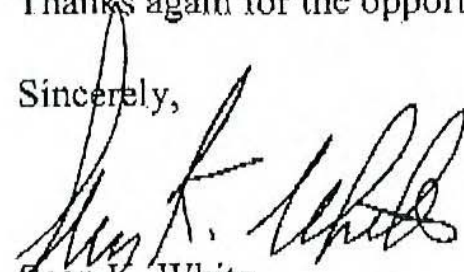
*Currently in CEQA review for potential increase to 1520 afy

Of broader concern is the fact that the Water Supply Assessment for the Ukiah Valley Area Plan does not consider the impacts to Redwood Valley caused by maximizing water rights within the UVAP area. Redwood Valley's primary supply comes from "unused" or "surplus" water from inside the UVAP area. Any effort to maximize supply in the UVAP area will come at the expense of residents in Redwood Valley. While Redwood Valley is not inside the UVAP area, the District feels these impacts must be addressed to fully analyze the impacts of the any of the alternatives.

7-2

If you have any questions regarding these comments, please feel free to contact the District.
 Thanks again for the opportunity to comment on this important document.

Sincerely,


 Sean K. White
 General Manager

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BY
 PLANNING & BUILDING SERVICES
 Ukiah, CA 95482

President
 Lee Howard

Vice President
 Judy Hatch

Treasurer
 Alfred White

Trustee
 Paul Zellman

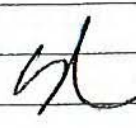
Trustee
 Richard Shoemaker

Response to Letter from Sean K. White, Russian River Flood Control & Water Conservation Improvement District

- 7-1. The corrections have been made. See the text change presented in Chapter 3.
- 7-2. See Response 5-4, above, regarding potential impacts on Redwood Valley water uses.

Healthy People, Healthy Communities

**MENDOCINO COUNTY HEALTH AND HUMAN SERVICES AGENCY
MEMO**

To	Adrienne Thompson Planning and Building Department
Date	3/23/11
From	Stacey Cryer, Director 
Subject	<i>Draft 2007 Ukiah Valley Area Plan Environmental Impact Report</i>



In response to the above report, below are comments from Public Health program staff related to the report.

- 1) We do not believe that this report will impact services that we provide. 8-1
- 2) *Section 3.8 Noise* and *Section 3.11 Hazards and Hazardous Materials* were reviewed and minor typos were found. 8-2
- 3) *Section 3.11*, page 345, 2nd paragraph should read "the one hospital in Ukiah Valley..." not "The one hospital in Mendocino County..." Mendocino County has a total of 3 hospitals, one of which is in the Ukiah Valley. 8-3
- 4) *Land Use and Community Development Section*, information presented supports activities included in "The People's Health Project", a grant through the Calif. Endowment. This project aims to change environments and conditions that lead to poor health. The project aims to promote community health, prevent chronic diseases, reduce health disparities and improve access to affordable healthy foods and safe spaces for physical activity. 8-4
- 5) Another grant, the Action Communities For Health, Innovation and Environmental Change (ACHIEVE) which also shares many of the same goals listed in several sections of the of the EIR seeks to create healthy communities by promoting local leadership and action to reduce chronic diseases and conditions through implementation of policy, systems and environmental change strategies to increase physical activity, prevent tobacco use and promote healthy nutrition. ACHIEVE works through local coalitions to assess community environment, develop a Community Action Plan and facilitate sustainable improvements working in partnership. 8-5
- 6) The Prevention and Planning Unit was awarded Proposition 84 funds, the Sustainable Communities Planning and Incentive Award to be shared with County Building and Planning, Water Agency, the cities of Ukiah and Fort Bragg. Each jurisdiction will complete a plan that will fulfill the State Strategic Growth Council's 8-6

goal of reducing greenhouse emissions, improve air and water quality, promote public health and equity, increase housing afford ability, ,increase infill and compact development, revitalize urban and community centers, protect natural resources and agricultural lands, reduce automobile usage and fuel consumption, promote water conservation, promote energy efficiency and conservation and strengthen the economy. This grant shares many of the same goals listed in the Water Management, Energy and Air Quality, Health and Safety and Parks, Recreation and Community/Facilities Sections of the EIR.

Cc: N. Gonzales, P&B Director

Response to Letter from Stacey Crier, Mendocino County Health and Human Services Agency

- 8-1. The comment is noted for the record. As no questions were asked concerning the EIR, no additional response is required.
- 8-2. The introductory comment is noted for the record.
- 8-3. The requested revision has been made. See the text change in Chapter 3.
- 8-4. The information regrading these worthy projects is noted for the record. However, this information does not require any changes to the Draft EIR.

Nash Gonzalez - UVAP

From: "Todd Crabtree" <crabtret@cdchousing.org>
To: <gonzalei@co.mendocino.ca.us>
Date: 3/23/2011 4:06 PM
Subject: UVAP

RECEIVED
MAR 24 2011

BY
PLANNING & BUILDING SERVICES
UKIAH CA 95482

Good afternoon Nash,

I will not be able to attend the planning meeting on Thursday. But did want to say I did review and see that the draft UVAP land use proposals do support the work done in the housing element. Happy to see that. Sites that are suitable for multifamily housing are critical to the county addressing its affordable housing needs. Necessary infrastructure including access to services at potential sites makes the difference for affordable housing to be an asset to our community. I think in the end that is what we all want. Addressing the needs while fitting into the neighborhood. The more needed resources are already in place at a site the less the impact of the development will be on that neighborhood. In the difficult times we now face, the less stress we can put on our community while trying to meet the growing needs the better. Therefore, I support the direction the housing element and UVAP are taking. 9-1

Sincerely,

Todd Crabtree
Executive Director

Community Development Commission of Mendocino County

Response to Letter from Todd Crabtree, Community Development Commission of Mendocino County

- 9-1. The comment is noted for the record. As no questions were asked concerning the EIR, no additional response is required.

Roger Mobley - Fwd: UVAP DEIR problems

From: Nash Gonzalez
To: GPedroni@PMCWorld.com; Roger Mobley
Date: 3/1/2011 6:19 PM
Subject: Fwd: UVAP DEIR problems

Guys

Thought you may want to see Karen's email. I do not believe she had you two on the e-mail chain
Nash

>>> "Karen" <dcalvert@mcn.org> 2/20/2011 12:07 AM >>>

Table 1.6-2 only lists sq. ft. It would be helpful to have this information expressed in acres, in addition to feet, as most of the remainder of plan uses acres. I do recognize that commercial normally tends to be expressed in square feet but it makes judging area more difficult for me in this context. 10-1

P. 34 Something missing in middle of page in the Draft UVAP paragraph. 10-2

P. 41 Make "Note" terminology consistent with acronyms actually employed. 10-3

P. 69 Numbers at top of page express a range than seems exceptionally broad. Again, acreages would be helpful, in addition to square feet. Most commercial development in the unincorporated area tends to be single story. 10-4

P. 75 Paragraph near top of page garbled, appears part of a sentence is missing. 10-5

Figure 3-2 shows North State Street veering sharply east in the middle of the page. Please verify that this is true. 10-6

P. 87 South State Street Re: last line....does this mean everything in this area is inconsistent with the city's plan or only parcels which have a commercial designation? 10-7

P. 191 Two items are in **bold** print. Why? 10-8

P. 372 Second paragraph of geology and soils appears garbled. 10-9

I am hoping that these items can be clarified at the next meeting as several of the items may have an impact on subsequent decisions.

Run of the mill typos not noted.

My primary concern is reconciling the issue of dam inundation.

Figure 1-3 only displays the Flood Plain. Figure 8.1 in the draft UVAP clearly displays the difference between the 100 year flood zone and the dam inundation area. 10-10

If Impact 3.2A is SU AFTER mitigation, how does 3.3-B become LS after mitigation with a policy that merely addresses the floodway, not dam inundation (failure from a seismic event)? 10-11

Page 94 admits the region is "subject to high levels of seismicity". 10-12

Page 110 Dam inundation. 10-13

Page 120 Bottom of page discusses the issue in some detail.

Page 121 Regulation by Water Resources can't control a seismic event. HS 1.2c addresses floodway, not dam inundation area.

Page 372 indicates significant cumulative impacts from a seismic event. 10-14

I can't get any of this to justify a less than significant event after mitigation.

Copy of email provided to Commissioners and PBS director as an information item, only.

Karen Calvert

Response to Letter from Karen Calvert, Mendocino County Planning Commissioner

- 10-1. The table was prepared by the County Planning and Building Services Department. The County chose to describe development in terms of square footage rather than acreage because only a limited portion of any given parcel may be developed due to zoning regulations. Thus, any development project consists of much more acreage than is ultimately developed. The confusion of having these two acreage values (owned versus actually built upon) is avoided by listing square footage of real development, which by definition implies that part of the owned property may remain undeveloped with actual buildings.
- 10-2. The commenter is correct and the text has been revised. See the text change presented in Chapter 3.
- 10-3. The text has been changed to reflect this comment. See the text change presented in Chapter 3.
- 10-4. See Response 10-1, above, regarding the choice for how buildout figures were presented.
- 10-5. The commenter is correct and the text has been revised. See the text change presented in Chapter 3.
- 10-6. We do not see this on Figure 3-2. We see Lake Mendocino Drive veering east, but North State Street travels north-south on the map.
- 10-7. The westernmost area is designated Suburban Residential in the Draft 2007 UVAP and Low Density Residential in the City's General Plan, so this is consistent. To the east, there is a band of land along the west side of South State Street that the Draft 2007 UVAP designates as General Commercial (at the north end), Mixed Use – General (midway down the street), Multi-Family (further south), Suburban Residential (further south) and Mixed Use – General (near the south end), all these classifications except the Suburban Residential classification are inconsistent with the City's designation of Low Density Residential for this band of land.
- The area south of the airport and east of South State Street is designated General Commercial in the UVAP and Industrial in the City's General Plan (except for one Commercial area at the very south end where South State Street intersects Highway 101). There is a band of Industrial land on the east side of Highway 101 extending north to Norgard Lane on the east side of the airport that is Industrial under both plans
- 10-8. These rows are in bold to show streets that would operate at an unacceptable Level of Service. The text has been revised to include this fact as a note to the table. See the text change presented in Chapter 3.

- 10-9. The text has been changed to reflect this comment. See the text change presented in Chapter 3.
- 10-10. The comment is accurate that EIR does not include a map showing the dam inundation zone, but it is presented as Figure 8-1 of the Draft 2007 UVAP. The commenter's main concern in the following comments is that there is a danger of the dam at Lake Mendocino breaking during a major earthquake. This hazard exists. However, as is stated in the discussion of Impact 3.3-B on pages 120 to 121 of the Draft EIR, the EIR that the County adopted for its new General Plan concluded that the likelihood of this occurring was less than significant because the dam was built to withstand earthquakes and it is regularly inspected by the State, including for compliance with seismic stability standards. There always remains some risk that the dam could break during a massive earthquake, but it would be speculative for this EIR to conclude that there is a significant risk of this occurring. There is no evidence to support this conclusion. In addition, the inundation map show a worst case scenario of what areas would be inundated if the lake were full and the dam totally collapsed. That said, if the County wishes to reduce new development in the dam inundation zone, then as shown on Table 3.3-2, the Existing General Plan alternative and Alternative C substantially reduce the residential buildout potential in the inundation area, though there would be more non-residential development allowed under these alternatives.
- 10-11. Impact 3.2-A concludes that there always remains some risk of damage from earthquakes. However, this risk is less than significant for the dam for the reasons stated above. The cited policy includes a provision that the management plan will include policies aimed at managing development in the dam inundation area. In addition, the recommended additions to Implementation Measure HS1.2c limit the siting of critical facilities in the inundation zone. These mitigations plus the ongoing State monitoring of the dam reduce the impact to a less than significant level.
- 10-12. It is accurate, as stated, that the area is subject to high levels of seismicity.
- 10-13. As stated in Response 10-10, above, a map showing the dam inundation area is contained in the Draft 2007 UVAP. As stated above, the dam was constructed to withstand earthquakes and is regularly inspected for compliance with seismic stability standards.
- 10-14. As stated in Response 10-10, there remains a significant seismic hazard to much new development, but this impact conclusion does not apply to the dam.
- 10-15. We understand that the Commissioner reaches a different conclusion about this issue. If the Board of Supervisors concurs, then this should be added to the list of significant and unavoidable impacts. However, this is not needed to make this EIR legally adequate.

FAX 1 707 463 5709

To: Roger Mobley, Senior Planner
Planning and Building Services Department
Mendocino County

From: Mary Anne Miller
646 Dora Avenue, Ukiah

re: UVAP EIR

I appreciate the comments you made to Tiffany Revelle that were printed in the Ukiah Daily Journal about the almost total absence of public comment on the UVAP and the UVAP EIR.

11-1

My copy of the 2007 version is tabbed, yellow-highlighted and dog-eared. We had multiple community meetings then and the room was bursting. Now? I have print copies of both documents and I have barely skim-read them.

The whole UVAP is crushingly large and potentially enormous in its outcome. I can focus on one part of it at a time, just as the electorate focused on one part of it, the DDR proposal at Masonite, and we hung it out to dry. NO, said 67% of the voters.

Now we have to take ALL the development proposals, all the zoning changes that have been packaged into one document and focus with that same concentrated attention and render our judgment. It is just too much, too much coming down all at one time.

I just don't think anyone can make cogent testimony on each one of these changes, and on the whole document, and on the sufficiency of the EIR, and package all that into three minutes of testimony on one day. Can you imagine people coming to the meetings in the Admin Bldg and waiting to get a second three minutes, if they didn't even come to the first?

I want to show up March 3. But shouldn't the County be doing some real outreach and meeting with people at a convenient time and place? Place some ads in the paper, do a slide show and have a refreshment table. People love to get together if it's informal; one person's ideas remind others of theirs. Postpone the March 3 Hearing and have several informal meetings that allow people to feel that they understand what is being proposed.

Mary Anne Miller
ma-miller@msn.com

Mary Anne Miller
2:22:11

Response to Letter from Mary Anne Miller

- 11-1. The comments in this letter refer to the County's process for reviewing the EIR and do not contain comments on the data in the EIR. As such, no response is needed. The comments are part of the record and may be reviewed by the Board of Supervisors when they take action on the plan.

Roger Mobley - suggestions for revision of the 2011UVAP and DEIR

From: "Ron Epstein" <dharmapeace@att.net>
To: <mobleyr@co.mendocino.ca.us>, <planningteam@co.mendocino.ca.us>, <carreb...>
Date: 2/27/2011 2:24 PM
Subject: suggestions for revision of the 2011UVAP and DEIR

February 28, 2011

To: County of Mendocino Planning and Building Services Department, attention Roger Mobley, Chief Planner
From: Ron Epstein
Subject: suggestions for revision of the 2011UVAP and DEIR

Please add to the UVAP and DEIR consideration of the neighborhood of the Mill Creek Road scenic area. Specifically:

- 1) UVAP should include recognition that the neighborhood and its immediate watershed environment are adversely impacted by too much traffic on Mill Creek Road. 85% of this traffic are users of the Red Mountain OHV area from south of the county. Contrary to BLM claims, which are based on statistics from Cache Creek rather than local surveys, these people contribute nothing significant to the local economy and rarely even stop to buy gas. They often travel at excessive and dangerous rates of speed. A significant number are intoxicated by alcohol or drugs, and there are many accidents on the road. Significant road repair costs to the county are not balanced by benefit to the county. Local residents also do not want to encourage even more traffic and problems by improving the road, which would also be prohibitively expensive. Residents support longstanding BLM plans to develop an alternate route to the OHV area via Highway 175. The UVAP should include both endorsement of those plans and advocacy of BLM development of additional OHV trails in the Indian Valley OHV area to take the pressure off of the Red Mountain area. 12-1
- 2) Any further repairs and upgrading of the Mill Creek dams and recreation area should be preceded by an opportunity for input from the neighborhood and the wider community. This has often not been the case in the past. Any development of public recreation in the area included in UVAP needs to be balanced by adequate provision for public safety and by adequate law-enforcement to deal with drugs, alcohol and arson, which have historically been a significant problem there. 12-2
- 3) The UVAP should recognize the scenic beauty of the Mill Creek Road corridor. Acknowledgement of the importance of preservation of the beauty of the area should be part of the UVAP. The plan should also state that undergrounding of utilities along the road would enhance its scenic beauty. 12-3
- 4) The neighborhood includes the City of Ten Thousand Buddhas and Dharma Realm Buddhist University. The UVAP should include recognition of the great value to the Ukiah valley community of the educational and cultural activities there and should not include any factors that would hamper the development of those activities. 12-4

Yours sincerely,

Ron Epstein
2800 Mill Creek Road

Response to the Letter from Ron Epstein

- 12-1. This comment is directed at the UVAP and not the EIR. The comment is noted for the record. The Board of Supervisors will consider amending the Draft 2007 UVAP to include the endorsement of these plans when it certifies this EIR and takes action on the plan.
- 12-2. This comment is directed at the UVAP and not the EIR. The comment is noted for the record. The Board of Supervisors will consider amending the Draft 2007 UVAP to include requiring public input when considering further repairs and upgrading of Mill Creek dams and recreation areas when it certifies this EIR and takes action on the plan.
- 12-3. This comment is directed at the UVAP and not the EIR. The comment is noted for the record. The Board of Supervisors will consider amending the Draft 2007 UVAP to include additional language regarding the visual significance of the Mill Creek Road corridor when it certifies this EIR and takes action on the plan.
- 12-4. This comment is directed at the UVAP and not the EIR. The comment is noted for the record. The Board of Supervisors will consider amending the Draft 2007 UVAP to include additional language regarding the value of the City of Ten Thousand Buddhas and Dharma Realm Buddhist University to the community when it certifies this EIR and takes action on the plan.

3 March 2011

County of Mendocino
Board of supervisors, and

County of Mendocino
Department of Building and Planning
501 Low Gap Road
Ukiah, CA. 95482

RECEIVED
MAR 03 2011

BY
PLANNING & BUILDING SERVICES
Ukiah CA 95482

Subject: Draft Environmental Impact Report for the Ukiah Valley Area Plan

Attn: Roger Mobley, Chief Planner

The UVAP Preferred Project is fatally flawed. Alternative C should become the *preferred project*. The DEIR should be modified to reflect this.

The existing DEIR does not include any studies for currently proposed projects and their impacts, such as the 13-1

- City of Ukiah adoption of Form Base Zoning which will significantly increase commercial and residential densities in the Valley.
- It does not include the new Costco and Wal-Mart expansion with substantial associated impacts.
- It does not include the Off Road Vehicle access through the eastern part of the study area. A major contributor to traffic impacts, noise, air and water pollution.
- It does not include any mention of the multi story Resort / Casino permitted to be built adjacent to Kunzler Ranch Road with serious cumulative traffic conflicts to the Masonite mixed use development.

As proposed, it will devastate our valley.

13-2

- According to the DEIR almost every impact in Section 3 will displace and conflict with existing Land Use Plans, cause Unacceptable Levels of County Service, significantly increase the staff and demand for Police, Sheriff, Fire, responses; and burden Health and Education resources.
- According to the DEIR growth will increase water needs, deplete the resource aquifer and increase further shortages of water as recently experienced in the valley. It also increases potable water contamination and pollution.
- According to the DEIR impacts increase death rates for special status species of wildlife, decrease fish and aquatic habitat, and further reduce special status habitat support vegetation.

This document is contrary to community vision. Throughout all of the community forums on the UVAP process the community has consistently voiced its vision of the future; this UVAP premise of the DEIR is opposite. It is out of keeping with the expressed wishes of

the electorate in resoundingly turning down Prop A in November, 2009. The Preferred Project retains the re-zoning of the Masonite site and continues to envision non-agricultural uses at Lover's Lane.

The Masonite site should remain industrial and the Lover's Lane site should remain as prime agricultural zoning. In addition, there are approximately 40 other re-zonings that increase development, are growth inducing and not necessary at this point.

The original 1995 UVAP EIR process was halted in response to public comment, primarily concern about the enhanced level of development that was provided for in the original UVAP, and the determination was made to proceed with a Revised UVAP. Therefore, the EIR should describe in what ways the Revised UVAP, particularly proposed major land use changes, is responsive to the public concerns that were previously raised.

13-3

In August 2007, the Supervisors voted the planning process should examine the "worse case scenario", that is, the project with the highest level of development and the worst environmental impacts. The "Preferred Project" from the UVAP is the basis for the current EIR. The worst case is not what this county needs, and should not be the basis of a future Valley Area Plan.

13-4

In addition, Alternatives A, B and C, were developed to analyze levels of growth that would have fewer environmental impacts and be more responsive to public demands.

The growth inducing impacts of the "Preferred Project" create over 25 significant and irreversible environmental impacts that are not acceptable.

The Preferred Project should be rejected and Alternative C should become the *preferred project*. Alternative C takes the existing county General Plan zoning designations and strengthens them with environmental safeguards; and may be modified by the Planning Commission and the Board of Supervisors.

Land Use Alternative C allows the least amount of new development while incorporating the stronger environmental protections afforded by the Draft 2007 UVAP policies. The DEIR states it is environmentally superior to the preferred plan as proposed and to all other alternatives. It is politically, economically and environmentally sustainable.

Responsible growth means putting in the infrastructure first, then the development. The current plan will put irresponsible growth and hardship with burdens on us and future generations of county and Ukiah Valley residents.

Thank you.

Alan Nicholson
P.O. Box 577
3201 Mill Creek Road
Talmage, CA 95481

p: 707. 972. 8879

Response to the Letter from Alan Nicholson

- 13-1. The Draft Program EIR assesses impacts that would result from a worst case analysis of buildout in the plan area, including buildout in the City of Ukiah. By assessing full buildout, the EIR evaluates a greater level of impacts than if the EIR assumed some lesser projected amount of development over the next 20 years plus a list of known or proposed projects. That said, full buildout in the City includes buildout in the downtown (per Form Based Zoning) and Airport Industrial Park (Walmart expansion and Costco). Traffic from ORV use in the eastern part of the valley is captured in the assessment of existing traffic conditions. The casino project has had a Draft EIR prepared that showed that the project would not have significant cumulative effects. This casino project, though not specifically identified in the Draft EIR, is also a part of the buildout in the North State Street area. The worst case assessment of buildout of this entire area in 20 years captures the effects of this project.
- 13-2. This comment is noted for the record. It summarizes the EIR impact analysis and recommends that the Draft 2007 UVAP be revised to retain the Masonite site as Industrial and the Lovers Lane area as Agriculture. As no question is asked about the EIR, nor response is required.
- 13-3. The request that the EIR describe how the revised UVAP is responsive to public concerns about the original UVAP is not an EIR issue. The EIR assesses the impacts of the County's proposed Draft 2007 UVAP.
- 13-4. The comment states that the proposed Draft 2007 UVAP should be rejected by the County and that Alternative C should be the preferred project. This opinion is noted for the record. The EIR identifies Alternative C as the environmentally superior alternative.

Roger Mobley - UVAP - Plan Approval

From: Santiago Simental <ssimental13@yahoo.com>
To: <mobleyr@co.mendocino.ca.us>, <bos@co.mendocino.ca.us>
Date: 3/14/2011 8:32 PM
Subject: UVAP - Plan Approval
CC: Robin Collier <momma@pacific.net>

RECEIVED
MAR 15 2011

BY
PLANNING & BUILDING SERVICES
Ukiah, CA 95482

Dear, Roger, we would like to let you and the Board of Supervisors of Mendocino County know that we stand behind the approval of the Ukiah Valley Area Plan, currently on schedule for approval. We have been in this community for over 30 years and whole heartedly feel it is time for our county to move forward with responsible growth action. We feel the plan, as drafted offers our community and our youth an opportunity to maintain a sensible stake hold on the future. We need, jobs, economic growth and this plan hints to offer those opportunities. We would also like to make note to the continued erroneous reports that the Masonite Site rezoning was overwhelmingly turned down by voters in our last election. I and many others from our community recognize that it was not the plan for rezoning which was voted down it was the process which was not agreed upon. The Masonite site, in our and many others views, holds great possibilities for our community. Please Vote for approval. 14-1

Respectfully, Julie & Santiago Simental - 2051 Pepperwood Court, Redwood Valley, Ca. 95470

Response to Letter from Julie and Santiago Simental

- 14-1. The commenters' support of the plan is noted for the record. As no questions were asked concerning the EIR, no additional response is required.

Adrienne Thompson - DEIR-UVAP--various kinds of air pollution

From: susan knopf <smknopf@yahoo.com>
To: <mobleyr@co.mendocino.ca.us>
Date: 3/24/2011 7:45 AM
Subject: DEIR-UVAP--various kinds of air pollution



Gentlepeople,
Please request additional study and information about the many and
various pollutants that are carried through or in the air: noise, lights, 15-1
electromagnetic and other waves, air pollution from agricultural burning
(burning green, wet wood on air inversion days, for example), smells,
Diesel engines, and improperly burning wood stoves. The UVAP
presents a unique opportunity to prevent and reduce such pollution, and
these issues have not been adequately addressed in the DEIR.

More specifically, the "minimal" noise levels have been set too high and 15-2
the issue of high frequency noises has not been addressed at all.

Additionally, the blinding issue of horizontally directed light has not been 15-3
adequately addressed.

Thank you for your attention to these matters,
Susan Marie Knopf
Ukiah

Adrienne Thompson - DEIR-UVAP--aricultural and industrial zoning

From: susan knopf <smknopf@yahoo.com>
To: <mobleyr@co.mendocino.ca.us>
Date: 3/24/2011 7:55 AM
Subject: DEIR-UVAP--aricultural and industrial zoning

RECEIVED
MAR 24 2011
BY
PLANNING & BUILDING SERVICES
Ukiah, CA 95482

Gentlepeople,

The DEIR does not adequately address zoning issues for agricultural and industrial land. All agricultural land and lands currently being used in agriculture should remain agricultural. All Industrial land should remain industrial. For example, the Masonite property is well suited for industrial uses. It is near transportation (highway, train, river) and it is already contaminated. It is poor planning to try to mitigate Masonite for other uses, and then use up more agricultural land with housing and industry. We need to make good use of the resources that we have left, rather than continuing to extract, contaminate and pollute them.

15-4

Thank you for your attention to this matter,
Susan Marie Knopf
Ukiah

Roger Mobley - UVAP DEIR

From: susan knopf <smknopf@yahoo.com>
To: <mobleyr@co.mendocino.ca.us>
Date: 3/14/2011 8:58 AM
Subject: UVAP DEIR

RECEIVED
MAR 14 2011

BY
PLANNING & BUILDING SERVICES
Ukiah, CA 95482

Dear Mr. Mobley,

This letter is to encourage you to support the plan with the least growth. I 15-5
believe that we all need to live within our means. That is, we must
develop according to the carrying capacity of our air, water, land and
sewerage. Our old economy, based on growth, resource extraction and
pollution is not working. We need to work toward manageable growth
and sustainable use of resources.

Thank you for your attention,

Susan Knopf

460 Todd Road, Ukiah

Response to Three Letters from Susan Marie Knopf

- 15-1. The commenter's opinion that the EIR does not adequately address air, noise, and electromagnetic impacts is noted for the record. The Draft Program EIR addresses air pollution impacts and odor impacts on pages 220 to 228. We would note that agricultural burning is an existing situation that would not be increased by development under the Draft 2007 UVAP, nor would smoke from woodstoves. Emissions from vehicles and industrial sources are addressed in the pages cited above. The EIR does not address the effects of electromagnetic waves because CEQA does not require assessment of these waves. The noise impacts of new development are discussed on pages 246 to 250 of the EIR. Because the commenter does not provide any specific examples of what is inadequate in the EIR analysis, no further response is possible.
- 15-2. The commenter's opinion is noted for the record and may be considered by the Board of Supervisors when finalizing the plan. The maximum noise levels established by the General Plan (note that the Draft 2007 UVAP does not contain a noise element) are standard for many jurisdictions in the State. Per General Plan Policy DE-100, the maximum noise levels are lowered by 5 decibels where the noise is simple tonal noise (such as humming sounds or high frequency). The noise levels established in the adopted General Plan do not need to be revised to reduce noise impacts from new development to a less than significant level.
- 15-3. Regarding light impacts, the commenter is directed to pages 263 to 265 of the Draft EIR. The Draft 2007 UVAP contains policies to prevent light trespass in new development.
- 15-4. This comment is incorrect. The Draft EIR does address the impacts of future development on agricultural land (see pages 73 to 81). The EIR contains a discussion of project alternatives that would maintain the Industrial classification on the Masonite site. The commenter's opinion that this site should remain Industrial is noted for the record.
- 15-5. The recommendation regarding what plan to adopt is noted for the record. As no questions are asked about the EIR, no additional response is required.

March 15, 2011

The Board of Supervisors
The Planning Commission
Mendocino County

Ukiah Valley Area Plan and the Draft EIR

Point #1: The UVAP as drafted in 2007 and 2010 cannot be adopted as a part of the General Plan.

a) The Preferred Land Use Alternative selected by the BOS in 2007 for study by the planning consultant no longer represents the views of the majority of the public as expressed in the overwhelming vote in November 2009 against Mixed Use Zoning at the Masonite Site. 16-1

b) The makeup of the Board of Supervisors had changed significantly with the election in November 2008 of three new supervisors who disagreed with the selection of the Preferred Use Alternative.

© Should the Final approved Ukiah Valley Area Plan continue to show the conversion of large tracts of industrially zoned land to mixed use zoning, and the conversion of sizable acreage from agricultural to residential and mixed use, it will not only be contrary to the opinions of the now-sitting BOS, it will not reflect our greatly-changed economic situation today. If it remains in UVAP, it may also make it possible for a developer to demand approval of specific zoning modifications not in the public interest.

Point #2: The EIR drafted for public review in 2010 does not conform to the preferred land use plan selection made in the UVAP draft discussed above. Rather, it confuses the selection of alternatives being evaluated. The "preferred Alternative" from the UVAP document is now shown as the Draft UVAP plan with maximum build out and 60 potentially significant environmental impacts (the most of the four alternatives considered). Instead, the EIR draft lists "No Project – Existing General Plan With Alternative C" as its "Environmentally Superior Alternative". This involves minimum build out and minimum impacts with the least new residential and commercial development and the most new industrial development. 16-2

Point #3: This recommendation in the Draft EIR of "No Project – Existing General Plan With Alternative C" as its "Environmentally Superior Alternative" appears well-reasoned and is generally acceptable to the working group at the Smart Growth Coalition. It reflects the view of the majority of the voting public, it is consistent with the current and expected near term condition of the local economy, it does not unduly strain water resources and waste handling capacities that would be hard to expand during these 'tight-money' times. However, modifications, additions and clarifications concerning some of the 41 specific zoning issues shown in the UVAP will be necessary to bring it up to date. 16-3

Point #4: No Plan is immune to change and, as we have seen, the UVAP draft has been a casualty of the economic and political changes that have overwhelmed us in the past three years. The BOS would be wise to recommend to the Planning Committee that they revise and place into operation a mechanism that will allow UVAP to be re-examined at least once every 6 months to assess the changes that have come about and the trends that have been discovered which will challenge conclusion made and deserve re-assessment of the plan. Such periodic studies can form the basis for assessment reports to the BOS and for inclusion in the next UVAP. As a first step, the document must be relabeled to conform with the classifications shown in the DEIR. This must be done immediately. 16-4

Sincerely,
James F. Houle
Redwood Valley

Response to Letter from James F. Houle

- 16-1. The project assessed in the EIR is the draft plan identified as “the project” by the Board of Supervisors. The Board directed staff to prepare a CEQA document on that project. Only the Board has the authority to revise the draft plan. As the Board has not done so since the time the EIR process was begun, the EIR necessarily assesses impacts of development of certain areas at intensities or uses that the current Board may or may not agree with. See subsequent Response 26-4 regarding the issue of possible entitlements arising from plan approval.
- 16-2. The commenter is correct that the Draft 2007 UVAP, which the Board of Supervisors selected for environmental review, has the most impacts of the alternatives assessed in the Draft EIR and that Land Use Alternative C is identified as the environmentally superior alternative.
- 16-3. This opinion is noted for the record. As no questions are asked about the EIR, no additional response is required.
- 16-4. We concur with this recommendation. The Draft 2007 UVAP contains Implementation Measure LU4.1a that states that the County will develop a process to annually review plan implementation. It is assumed that such review would provide the opportunity for plan revision to reflect current conditions and feasibility of plan implementation.

March 15, 2010

Mendocino County Board of Supervisors,
Mendocino County Planning Commission
501 Low Gap Road
Ukiah, CA 95482

RECEIVED
MAR 15 2011

BY
PLANNING & BUILDING SERVICES
Ukiah CA 95482

To The Board and Planning Commissioners;

I support the findings of the Draft Environmental Impact Report of the Ukiah Valley Area Plan, 17-1 particularly the rezoning of the former Masonite property from Industrial to Mixed Use, Retail/Commercial/Industrial designation. I feel that any environmental impacts that may occur can be successfully mitigated.

Sincerely,

 3-15-11

Mark Oswell

PO Box 1174

Ukiah, CA 95482

oswell1@sbcglobal.net

Response to Letter from Mark Oswell

- 17-1. The commenter's support of the plan is noted for the record. As no questions were asked concerning the EIR, no additional response is required.

Roger Mobley - UVAP and EIR

From: "Richard Selzer" <rselzer@selzerrealty.com>
To: <mobleyr@co.mendocino.ca.us>
Date: 3/16/2011 10:34 AM
Subject: UVAP and EIR

RECEIVED
MAR 16 2011

Mr. Mobley,

BY
PLANNING & BUILDING SERVICES
UKIAH, CA 95482

From what I have seen of the UVAP and the draft EIR, we are trying to solve a problem we don't yet have. Hopefully the state will change the rules before 2020 and no one will have to do the financially impossible.

18-1

However in the mean time we are looking at virtually no development in the Ukiah area for the next 10 years if this current plan should pass.

We need to encourage business and industry to locate here, not pull up the draw bridge at the county line.

Thank you for your time and consideration.

Richard P. Selzer
Realty World Selzer Home Loans
551 South Orchard Ave.
Ukiah CA 95482

Voice: 707-462-4000
Toll Free: 800-736-3119
Fax: 707-472-2544
E-mail: rselzer@selzerrealty.com
www.Realtyworldselzer.com

CA Department of Real Estate License #: 00528452
NMLS ID# 337326

To search properties on the market in our market area
from your cell phone Text the word "Selzer" to 87778
A link will be texted to you. Just follow instructions and install

Response to Letter from Richard Seizer

- 18-1. The commenter's opinion about the plan is noted for the record. As no questions were asked concerning the EIR, no additional response is required.

RECEIVED
MAR 22 2011

BY
PLANNING & BUILDING SERVICES
Ukiah CA 95482

Friday March 18, 2011

Mr. Nash Gonzalez, Director of Planning County of Mendocino
Ms. Kendall Smith Chairman
Mr. John McCowen Supervisor
Mr. John Pinches Supervisor
Mr. Dan Hamburg Supervisor
Ms. Carre Brown Supervisor

A response to the UVAP EIR in regards to the Brush Street Triangle.

Dear Madams and Sirs,

This letter is written with the intent of qualifying as a legal comment in response to the UVAP EIR. If for any reason there is a procedural event that compromises this intent please notify any one of us.

Between the three of us, we own 100% of the portion of the Brush Street Triangle north of Brush Street.

We respectfully submit the following comments to the UVAP EIR.

1. It is our understanding that an EIR conducted under the auspices of CEQA is required to address any current project within the scope of the area being reviewed. We do not feel that this EIR has complied with this requirement. There have been formal applications to annex portions and eventually the entirety of the Triangle into the City of Ukiah. 17 years Dan Thomas personally made an application to the City and LAFCO. In addition both Mr. Cox and Mr. Mayfield have applied for annexation. Recently Mr. Thomas even reapplied! Over the years and years there have been numerous meetings at LAFCO and the City of Ukiah in regards to the annexation of the Brush Street Triangle. In addition there have been several committees of both the Supervisors of Mendocino County and the Ukiah City Council in regards to forming a Tax Sharing Agreement as a precursor to annexation. Several year ago Special Zoning Ordinance was actually enacted by the county, which allowed the over site of design within the Brush Street Triangle by the City of Ukiah in anticipation of annexation. There have been formal applications, fees paid, committee meetings, and ordinances passed all in regards to annexation. **Based on these events, a project does exist and annexation of the Brush Street Triangle should be included in this EIR.** It has been 20 years of work, committees, ordinances and agreements. Annexation of this property is obscenely overdue - it is now time to complete this process. In studying a map, it is absolutely obvious that the Brush Street Triangle should be part of the incorporated boundaries of the City. And consequently it is equally obvious that there is absolutely no other jurisdiction that it should be under.

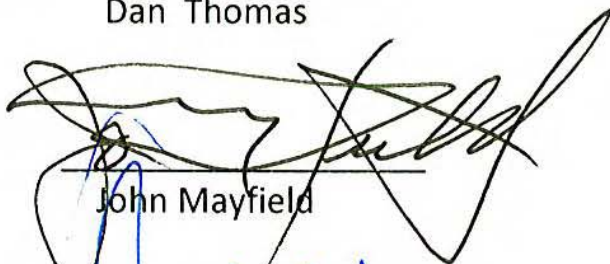
19-1

2. The City of Ukiah pre-zoned the Brush Street Triangle with a Commercial zoning quite a while ago and several years ago revised that pre-zoning to Mixed Use. **We would encourage the adaption of the Mixed Use zoning classification under the county UVAP EIR process for the Triangle. The adaption of a Mixed Use zoning at the county level is entirely consistent with the City Of Ukiah's pre zoning of Mixed Use for the Triangle.** 19-2
3. Thirdly, this process has cost all of us dearly, in terms of hours, community involvement and expense. As all of our budgets tighten, it is paramount that there is a resolution. **With this in mind we feel that the Board of Supervisors should define and enact those land use classifications and descriptions required, at the same time that they adopt the UVAP.** In the case of the Brush Street Triangle, anything similar to the description the City of Ukiah uses for the Mixed Use classification seems to make sense. 19-3
4. We are greatly concerned as to the degree of mitigations that are presented in the EIR and request that due to the massive assault some of these mitigations have on reasonableness that they are looked at in a case by case manner. Events or requirements of this magnitude simply cannot be enacted en masse. 19-4
5. And as an aside, per a discussion with Mr. Roger Mobley AICP, please note that in section 3 of the UVAP, on the large chart entitled Comparison of Land Use Differences, item 26 is a duplication / typo of item 25. 19-5

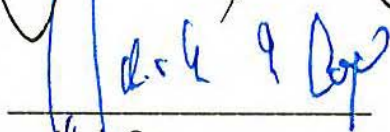
With kindest regards,



Dan Thomas



John Mayfield



Jack Cox

Response to Letter from Dan Thomas, John Mayfield, and Jack Cox

- 19-1. The Draft Program EIR does not assess project-specific impacts of development applications on specific sites. The Draft EIR assesses the cumulative impacts that would ensue from development of this Brush Street Triangle area along with buildout of other areas. Please note that the Brush Street Triangle was identified as one of the nine discussion areas when preparing the Draft 2007 UVAP (see Table 1.6-1). Finally, we concur that the site is within the City's Sphere of Influence. As evidenced by the previous comment letter from the City, the City is willing to annex this area. However, the EIR preparers do not have the authority to require such annexation.
- 19-2. The commenters state they concur with the Draft 2007 UVAP land use designation for the Brush Street Triangle. As no questions were asked concerning the EIR, no additional response is required.
- 19-3. The commenter's recommendation is noted for the record. The commenters are directed to the Draft 2007 UVAP Appendix wherein the Mixed Use classification for the Brush Street Triangle is defined.
- 19-4. The commenter's opinion regarding mitigation measures is noted for the record. Because the commenters have not provided any examples, no additional response is required.
- 19-5. This comment is incorrect. It is true that lines No. 25 and No. 26 on Table 1.6-5 apply to the Brush Street Triangle, but No. 25 refers to the land use classification under the Draft 2007 UVAP, while No. 26 applies only to Land Use Alternative B.

Nash Gonzalez

Regarding the Ukiah Valley Area Plan,

20-1

Your priority should be the existing population. This would best be achieved by bringing in high income jobs that export products that will bring money into the local economy. To that end:

1) Make the area attractive to those who would create high tech jobs.

2) Set aside land for manufacturing or service, ie internet, jobs

Recognize they need supporting businesses, plating and sheet metal shops and suppliers of parts.

Retail businesses drain money from the economy so there is less money in circulation per capita.

Richard Winkler 03/21/11

305 Crestview Dr.

Ukiah, CA

Rwinkler3@comcast.net



Response to Letter from Richard Winkler

- 20-1. The commenter's opinion about the plan is noted for the record. As no questions were asked concerning the EIR, no additional response is required.



Mendocino County Farm Bureau

303-C Talmage Road • Ukiah, CA. 95482 • (707) 462-6664 • Fax (707) 462-6681 • Email: mendofb@pacific.net

Affiliated with the California Farm Bureau Federation and the American Farm Bureau Federation

March 22, 2011

Mr. Roger Mobley
Chief Planner
501 Low Gap Road
Room 1440
Ukiah, CA 95482

RECEIVED
MAR 24 2011

BY
PLANNING & BUILDING SERVICES
Ukiah, CA 95482

RE: Comments on Draft Environmental Impact Report for the 2007
Ukiah Valley Area Plan

Dear Mr. Mobley,

The Mendocino County Farm Bureau (MCFB) would like to submit comment on the Draft Environmental Impact Report (DEIR) for the 2007 Ukiah Valley Area Plan (UVAP). 21-1

The comments below focus on the impacts and mitigation measures that will affect agriculture within the boundaries of the UVAP. The main concerns that MCFB have involve the economic impacts on agriculture and related environmental impacts from the potential conversion of agricultural properties.

Agricultural operations within the boundaries of the UVAP and Mendocino County are primarily family run with multiple generations involved. Agricultural operations under the jurisdiction of the UVAP are already contending with market downturns, unstable commodity contracts, regulatory pressure and increased costs of day-to-day business. Local planning and government officials should recognize that agriculture is an economic driver for the county and that added economic impacts to agriculture should be minimized.

The fragility of the family agricultural operation is often understated and MCFB wants to remind those involved with the DEIR process that additional layers of economic impacts from decisions made in the adoption of the UVAP could lead to unintentional consequences. These consequences include the conversion of agricultural properties, increased sprawl, loss of open space, loss of habitat and a change in the rural character of the Ukiah Valley.

Sincerely,

Mike Anderson
President

Impacts and Mitigation Measures

Impact 3.1-B states that land uses and development consistent with the Draft 2007 U/VAP would convert farmland and prime agricultural soils to non- agricultural uses.

21-2

As stated on page 73-74 in Chapter 3, Environmental Impact Analysis, the draft 2007 U/VAP would reclassify approximately 430 acres from the agricultural land use classification to non-agricultural uses. However, 133 acres would be reclassified from range and residential to agriculture. New development allowed under the draft 2007 U/VAP could result in the net loss of about 500 acres of land currently used for commercial agriculture as well as a loss of around 280 acres of range land.

MCFB does not support the conversion of farmland and prime agricultural soils to non-agricultural uses and therefore opposes Impact 3.1 B. The DEIR recommended mitigation measures listed in Table 2.6-1 for Impact 3.1-B specify that priority shall be given to projects that do not displace commercial agricultural activities or do not develop sites containing prime agricultural soils. MCFB agrees with these recommendations. However, MCFB recommends that the Mendocino County Board of Supervisors and planning officials consider the impacts to the conversion of agricultural properties to be significant and make planning decisions to avoid or lessen the reduction of acreages of farmland and prime agricultural soils. MCFB suggests that one way the county can minimize impacts to agricultural is by working toward an expedited planning and permitting system for infill development and environmental review to keep urbanization within the boundaries of the already developed areas and not leaking out into agricultural and range lands.

Impact 3.1-C, conflicts with agricultural land uses and Williamson Act Contracts, has the recommended mitigation measure to establish buffers and setbacks from lands classified as agricultural and range. MCFB fully supports the "Agricultural Nuisances and Consumer Disclosure" ordinance (County Code Sec. 10A.13.040; right-to-farm) and agrees with the concept of minimizing the impacts of new development on agricultural operations and existing practices. There is some concern that the established setbacks may result in developers acquiring larger swaths of property to meet the setback requirements. The acquisition of larger properties could lead to unintended negative impacts to both agriculture and the environment.

21-3

Impact 3.3-H states that agricultural use will continue to generate sediments and other pollutants that will enter area streams and degrade the water quality. It is also stated on page 130 of Chapter 3 that, "agricultural use is a major source of sediment in the area". MCFB does not agree with this and noted that there was no supporting documentation referenced to support this claim. MCFB feels that Impact 3.3-H targets agriculture as a sole contributor to the degradation of water quality versus discussing the large number of activities (urban runoff pollution, dirt road runoff, etc) that contribute to the overall water quality issue.

21-4

Impact 3.4-C discusses land uses and development as related to the effects on aquatic habitat along the Russian River and its tributaries. Mitigation measure 3.4-C.1 was listed to reduce the impact of 3.3-H as well as 3.4-C. Mitigation measure 3.4-C.1 also establishes a Russian River Riparian Corridor, other riparian corridors and a river corridor combining-zoning district. MCFB questions why the establishment of specific corridors will mitigate for the improvement of riparian and aquatic habitat. The underlying issue is the loss of habitat and the act of establishing corridors and a separate zoning criterion is not feasible to addressing loss of habitat. Habitat will not necessarily improve or increase simply because of the establishment of a riparian corridor.

21-5

Additionally, mitigation measure 3.4-C.1 specifies stream setbacks and river corridor uses. It is stated that until final stream setbacks are adopted, specific land uses will be considered allowable within a river corridor area. In this list, agricultural cultivation is allowed, but not within 100 feet of the top of the bank for the Russian River and 25 feet from other riparian corridors. Equipment turnaround and access roads associated with agricultural cultivation are allowed provided that the affected area is the minimum necessary for these turnaround and access roads and that a minimum 25-foot vegetative filter strip is provided and maintained between the affected area and the top of the bank.

21-6

MCFB feels that the setbacks for agricultural cultivation and agricultural roads will have financial impacts on existing agricultural operations if roads and crop planting layouts will need to be altered in order to be compliant with the specifications listed in mitigation measure 3.4- C.1. There may also be environmental impacts if existing agricultural infrastructure is required to be changed.

Impact 3.10-J discusses wastewater treatment and MCFB encourages the development of a planning process for future uses of wastewater such as irrigation and frost protection for agricultural commodities as well as urban irrigation.

21-7

Impact 3.12-B relates to energy use and a number of mitigation measures have been suggested. Mitigation measure 3.12-A.1 requires such things as solar energy requirements and green building standards. Due to the economic impacts associated with the costs of installing solar energy systems or green building standards, MCFB feels that these alternative energy and building choices should remain optional and not mandatory.

21-8

Impact 3.13-A involves green house gas emission levels. Mitigation measure 3.13-A.1 strives to reduce green house gas emissions and requires all new development and additions involving space heating or hot water appliances to use zero emission heat sources such as solar, electric or geothermal. MCFB sees this mitigation requirement to be an unnecessary request that should not be mandated. Individuals should have the option to install natural gas, propane or butane systems if desired. MCFB also does not see the encouragement of all-electric housing to have an impact on green house gas emissions since a number of electrical power plants are dependent on fossil fuels and other petroleum products.

21-9

The new implementation measures involved in the mitigation of impact 3.13-A will have economic impacts. One of the implementation measures is to require that all new development be zero net energy development. In order to accomplish a zero net energy level, all new development would have to have sufficient onsite renewable energy collection/generation devices to meet the expected annual demands of that unit. The devices can be installed on site or an applicant can pay an offset fee for a third party to construct the devices elsewhere. This is a substantial expense, especially for commercial agricultural facilities, and MCFB is concerned that the offsets for off sight construction will not benefit Mendocino County as there are no mandates to keep the offsets within the county.

Mandating applicants to offset energy demand through a third party will remove dollars from the local economy and may also lead to the compromise of agricultural lands. Agricultural lands are often used for the construction of alternative energy sources such as solar farms. MCFB does not support the third party construction of alternative energy off-sight offsets if done on agricultural or range lands. The loss of agricultural and range lands can also reduce wildlife habitat. Similar economic impacts related to alternative energy can be seen in Impact 3.12-B.

In addition, for Impact 3.13-A, there are additional implementation matters of concern. It is recommended that Mendocino County prepare and adopt a qualified green house gas reduction and energy management plan that establishes a baseline inventory of green house gas emissions from all sources with enforceable green house gas emission reduction strategies. The plan will include enforcement and monitoring tools. MCFB questions the need for this implementation recommendation as a number of small businesses, including agriculture, are already being subjected to the compliance standards of AB 32 at the state level as well as local air district regulations. If the county duplicates state regulations, there will be economic impacts to increased county staff time required for enforcement and an additional layer of regulatory burden placed on the citizens of Mendocino County, both within the UVAP and outside the UVAP.

21-10

to Letter from Mike Anderson, Mendocino County Farm Bureau

- 21-1. This is a cover letter stating the Farm's Bureau's concerns. Specific concerns and questions are raised in the subsequent comments and responded to below.
- 21-2. The commentor concurs with the recommendation in the Draft EIR regarding preventing farmland conversion and that the impact remains significant even with the implementation of the recommended mitigation. We concur with the commentor's recommendation that the County expedite infill development. This recommendation would be consistent with EIR-recommended Mitigation Measure 3.1-B.1.
- 21-3. The concern is noted for the record. However, we continue to believe that the mitigation is needed to address the impact.
- 21-4. The commenter may be correct. However, it does not affect the conclusions or recommendations of the EIR as runoff from agricultural properties is considered part of baseline conditions. Development under the Draft 2007 UVAP would not increase runoff from agricultural properties. The more important water quality impacts from new urban development are addressed in Impacts 3.3-C and 3.3-G.
- 21-5. Mitigation Measure 3.4-C.1 establishes riparian corridors, as well as setbacks and allowed uses in the corridors until such time as the County adopts final standards. By establishing these setbacks and allowed uses, the measure protects existing riparian habitat and over time would allow expansion of riparian plant communities into the setback area. So, we disagree with the commenter that this mitigation would not improve the habitat.
- 21-6. The commenter's concern regarding the setback width is noted for the record. While the setbacks may reduce a grower's cultivated area, there is no evidence that they would cause the property to be developed with another use. This setback width was taken from the new Sonoma County General Plan, which established a similar setback width and allowed uses.
- 21-7. The support for reuse of reclaimed wastewater is noted for the record.
- 21-8. The commenter's opinion is noted for the record. Regarding solar power, all the measure and mitigation require is that buildings be laid out and oriented so that future owners can install solar panels or other alternative energy systems. As regards green building standards, all the mitigation recommends is compliance with existing State requirements and to promote incentives to encourage green building. This mitigation does not require any additional measures beyond those already required by the State.
- 21-9. We would note that Sections 3.12 (Energy) and 3.13 (Global Climate Change) were prepared by staff of the County Department of Planning and Building Services. At the time those sections were prepared, there were no established guidelines and little State guidance on how to prepare climate change analyses. Shortly before these sections were prepared, the Attorney General had brought

suit to challenge the EIRs on a number of projects because they had not adequately addressed global climate change. As such, County staff worked closely with staff of the Attorney General's office about how the analysis should be done and the types of mitigations that should be required.

Since then, new guidelines have been developed. The Mendocino County Air Quality Management District recently adopted greenhouse gas emission thresholds that were developed in 2010 by the Bay Area Air Quality Management District (BAAQMD). Those guidelines state that projects that generate less than 1,000 metric tons (MT) of CO₂e/year or less than 4.6MT CO₂e/employees + residents/year would have a less than significant impact on climate change. The BAAQMD's *CEQA Guidelines* includes screening criteria that show what size project would typically be below the significance thresholds for greenhouse gas (GHG) emissions. For example, single-family residential projects with 56 units or less or a mid-rise apartment building with less than 87 units would have a less than significant impact and not require mitigation. A general office building with less than 53,000 square feet, a general light industrial building with less than 121,000 square feet, or a strip mall with less than 19,000 square feet, would all have a less than significant impact.

Consequently, Mitigation Measure 3.13-A.1 calls for more energy savings and greater reductions to GHG emissions than are currently required in other jurisdictions that have developed greenhouse gas reduction plans. Therefore, we recommend that these requirements be modified, with the final targets for energy use being developed and adopted in the EIR-recommended Greenhouse Gas Reduction and Energy Management Plan (see recommended Implementation Measure EA1.1m on page 363 of the Draft EIR).

The targets under Implementation Measure EA1.1h (page 362 of the Draft EIR) that currently call for reducing energy use in all new construction to 25% below existing Title 24 standards also shall be modified to instead require the following energy use reductions:

- 15% for structures under 4,000 square feet;
- 20% for residences between 4,000-5,500 square feet;
- 30% for residences over 5,500 square feet; and
- 15% reduction for multi-family units and commercial buildings.

Additionally, we recommend that 1) the revisions that were recommended in the Draft EIR for Measure EA1.3b not be adopted; and 2) EIR-recommended Measures EA1.1i and EA1.1j be deleted.

The specifics of how the County will meet GHG reduction goals will be provided when the County develops and adopts the recommended Greenhouse Gas Reduction and Energy Management Plan. It may turn out that when developing

this plan, the County will develop much more specific energy savings requirements for various types and sizes of buildings. Installment of alternative energy systems may be encouraged as a way to meet these building standards.

The following remain as the primary mitigations for the climate change impact: 1) Measure EA1.1h requires energy reduction in new development; we have revised that measure to require interim compliance with the energy reduction standards for new discretionary projects (not for ministerial projects like constructing a home on an existing parcel); and 2) Measure EA1.1m that requires development of a Greenhouse Gas Reduction and Energy Management Plan. See the text changes presented in Chapter 3.

- 21-10. The plan is needed to show how the County intends to meet State GHG emission reduction goals. It is true that there will be expense in preparing the plan. However, once the plan is adopted, it then provides the framework for assessing the GHG impacts of future projects. If projects are consistent with the Greenhouse Gas Reduction Strategy that would be part of the plan, then they would not be deemed to have a significant impact on climate. This would facilitate the future review of projects.

Adrienne Thompson - DEIR & UVAP

From: <rsdorn@comcast.net>
To: <mobleyr@co.mendocino.ca.us>
Date: 3/23/2011 5:12 PM
Subject: DEIR & UVAP



Dear Roger,

I know that the process and design for the UVAP has been a lot of hard work and a long time 22-1 coming. I would like to add my opinion to the mix. I believe that the best thing we can do for the economy of our community is to create opportunity and incentive for people (businesses) to invest in our community. I believe in free enterprise and government regulation properly administered to keep the greed of men's heart in control. I believe that when things become too socialistic we choke the engine that has allowed us to become such a prosperous nation. Being the county seat it seems this is the logical place to have increased retail. I don't see minimum wage jobs as an evil. Many people are not qualified for anything else and sadly for many it just takes two incomes to live today. I would love to see high paying manufacturing jobs come here, but there is very much competition in the whole nation and much manufacturing has been exported in these times of an international economy. Also I am not sure there exists any manufacturing that could pass the criteria for some people in our community.

I think that to leave the Masonite site in mixed use is the correct thing to do. When the Costco shopping center plan was voted down I don't believe it was the unanimous voice of the people saying they didn't want mixed use or a shopping center at that site. I think people were saying they felt DDR was avoiding doing the EIR and trying to get away with something. I think it was DDR's perspective that people would think that they were being up front and personal by bringing it to a vote of the people, and they were wrong. I also believe that houses will only be built there if there is a financial incentive to do so. This appears to be a long way off considering the amount of foreclosures and unsold inventory for anything other than lower priced housing. If a company with enough capital such as DDR or any investors want to invest in our community, with proper permitting and oversight then we need to encourage this investment. If not I fear that our reputation of being no growth and difficult to deal with will keep our local economy based upon the profits of marijuana which I don't believe holds a very promising future for our valley and future generations.

Sincerely,

Randy Dorn
567 Laughlin Way
Redwood Valley, Ca. 95470
485-7567

Response to Letter from Randy Dom

- 22-1. The commenter's opinions regarding the local economy and what land use classification should be approved for the Masonite site are noted for the record. As no questions are asked about the EIR, no additional response is possible.

RECEIVED
MAR 23 2011

BY
PLANNING & BUILDING SERVICES
Ukiah, CA 95482

March 23, 2011

Mendocino County Planning and Building Department
501 Low Gap Road, Room 1440
Ukiah, CA 95482
Attn: Ignacio "Nash" Gonzalez, Director

Re: Ukiah Valley Area Plan (UVAP) *EIR*

Dear Mr. Gonzalez,

Please find attached two copied pages from the UVAP.

23-1

The highlighted sections on these two pages show, beyond any doubt, that this UVAP document contains conflicting information.

As stated in the attached pages of the UVAP, we clearly do not have any water with which to continue further development in this valley.

Eric Banks
Ukiah Valley Resident

DEVELOPMENT CONSTRAINTS

Various factors can constrain growth and development in the Ukiah Valley. Deficient infrastructure, including deteriorated roads, lack of sewer hook-ups, and inadequate water supply, in the Ukiah Valley can limit development opportunities. There are areas of vacant land that can be developed if the infrastructure allowed.

Current restrictions on water service connections and uncertainties on the water supply meeting the current and future water needs inhibit planning and development in the area. Three separate water districts supply water to the Ukiah Valley: the Calpella County Water District, the Millview County Water District, and the Willow County Water District. The largest of the three water districts, the Millview County Water District, currently has a moratorium on new service connections. In addition, all three of the water districts fail to meet state standards on storage capacity.¹⁵

Traffic congestion is another factor that may constrain development. Traffic congestion is a factor in the decision of where to live or where to locate a business. As growth occurs in the Ukiah Valley increased traffic congestion at interchanges will limit the growth potential for the area.

The physical constraints of the land, such as flood plains, are not a component of this analysis. As a result, the physical land constraints further reduce the amount of land available to meet the future needs of the Study Area.

¹⁵ Mendocino County Redevelopment Agency. Report on the Redevelopment Plan, Vol. 1, May 2003. Mendocino County Redevelopment Project.

Millview

The Millview County Water District's current water supplies are sufficient to meet existing water demands and the projected future water demands for all four UVAP land use alternatives; in normal, dry, critically dry and extended dry years, through 2020. Additional water supplies will be needed to satisfy projected water demands beyond 2020 – as much as 170 to 880 acre-feet by 2030 for the Preferred Project, and somewhat lesser amounts for implementation of any of the remaining three UVAP land use alternatives.

Ukiah

The City of Ukiah's current water supplies are sufficient to meet the existing and projected future water demands associated with the implementation of any of the UVAP's four land use alternatives; in normal, critically dry and extended dry years, even in the event that the City's percolating groundwater supply were to be classified, for regulatory purposes, as underflow.

Rogina

The sufficiency of the Rogina Water Company's water supply, now and in the future, hinges on whether or not, for regulatory purposes, the Company's groundwater supply is considered underflow as opposed to percolating groundwater. Currently, Rogina asserts that at least some of the company's wells are drawing from percolating groundwater sources as opposed to underflow. In the absence of percolating groundwater, the only other water source currently available to Rogina is the company's 400 acre-foot water supply contract with RRFC – an amount that is insufficient to satisfy existing, much less the projected future water demands. For the purposes of this WSA it is assumed that all of the Rogina groundwater wells are drawing from Russian River underflow and therefore, do not constitute a reliable source of water for future growth. Accordingly, based on the projected water demands and the current 400 acre-foot supply provided by RRFC, it is estimated that an additional 480 acre-foot supply will be needed to satisfy the 2030 projected Preferred Project and Alternative A water demands. Somewhat lesser amounts would be required to satisfy the 2030 water demands associated with the remaining two UVAP land use alternatives.

Willow

The Willow County Water District's current water supplies are sufficient to meet the existing and projected future water demands associated with the implementation of any of the UVAP's four land use alternatives; in normal, critically dry and extended dry years. The ability to meet future water demands in critically dry and extended dry years is heavily dependent on the expectation that sufficient stream flows – either surface stream flows or as underflow - will be available for diversion during all but the months of July through October, in critically dry and extended dry years.

Not in District

There is currently no allocated water supply to meet the projected future water demands – as much as 2,000 to 2,500 acre-feet - of the "Not in District" areas. Providing water to these areas is potentially problematic. Ideally, the Not in District areas would be annexed to the service areas of existing public water service providers. However, in many cases the option of annexation may be precluded by technical, financial and/or policy

Response to Letter from Eric Banks

- 23-1. The commenter has provided sections of the Draft EIR that describe water shortages in the plan area. As no questions are asked of the EIR, no additional reply is required.

UVAP DEIR COMMENTS

24-1

HAVE ALL THE COMMENTS RAISED AS
WELL AS QUESTIONS ASKED IN THE PREVIOUS ²⁰⁰³ ₂₀₀₇
DEIR BEEN ADDRESSED IN THE 2010 DEIR?

IF NOT I'M ASKING THAT THEY ARE

Richard Shoemaker
115 BRISTOL
UKIAH.



Ukiah Valley area Plan DEIR Comments

1. The water resources comments and studies are inaccurate in regard to water available for future growth. Statements that Millview Water District can serve any growth is false based on the fact they have been declared by the state to not be able to serve their current customers. It is an impact that at this time may not be mitigated. 24-2
2. Page 376 Wastewater "buildout of plan area would increase the demand for waste water from the plan area water providers" It then says the City has adequate water supplies for its development so no cumulative impact to water services will occur. That does not address the water needs of the parcels in the UVAP, considering that all water providers have maxed out their legal supplies some are in connection moratoriums and the City's claim to water is for water that has no state approved origin raise the question of on what basis the EIR has not stated that the lack of water in the valley is an unmitigatable impact to new development? The wording in this section is convoluted and cannot be interpreted to go to its conclusion. How can it be interpreted to find the conclusion presented? 24-3
3. Page 376 Wastewater "build out of plan area would increase the demand for waste water disposal." Yet the DEIR claims there is adequate policies in the UVAP to assure new development would not be approved without wastewater capacity. Please point out the specific wording the disallows parcel development that would do that. 24-4
4. The Ukiah Valley Sanitation District currently does not have enough capacity to serve its existing potential customers without any zoning density increase. The simple statement that the mitigation is to increase capacity over simplifies the current cost difficulty in building an expansion and getting the approval of the current residents to finance new expensive facilities to accommodate future growth. Are there specific sites that this could occur on how much might it cost? How will it be financed? 24-5
5. No rezoning should be proposed for anything property accessed by Redemeyer. In the past version of the UVAP this area had a restricted zoning that no new development would occur until a second public access was provided. The inherent fire and flood dangers in this area required that restriction. The DEIR does not study the risk to residents and new resident of that area due to fire, flood and dam inundation. 24-6
6. The use of words such as "encourage", minimize, suggest, should not be used in mitigations by their use and definition negate the mitigation as something that will occur if the impact they are supposed to be mitigating occurs. All permissive or weasel words such as these throughout the mitigations should be change to shalls and wills for the mitigations enforceable. 24-7
7. Page 374 under traffic it states unacceptable levels of service will occur yet it also states the cumulative impacts to traffic congestion and safety would be minimal. That conflict needs to be corrected. 24-8
8. Page 33 #20 The simple statement that increase demand for water should be a significant impact that is not mitigatable under the current circumstances or within the planning period without detrimentally affecting the existing residents and development with a lesser supply of water to enjoy their normal daily lives. Why is the lack of enough water and its rationing to existing residents not listed as mitigation for future growths water needs? 24-9
9. If the DEIR suggests raising of Coyote Dam as mitigation to water supply shouldn't it study a large dam failure and inundation area based on a larger and taller dam and add that information to the flood plain or other safety issues? 24-10
10. Why is the use of water by new development not studied as a significant impact? It should be. 24-11

11. Why is the loss of value to existing property owners when new zoning creates a glut of like zoning in the UVAP not studied as an impact? It should be. 24-12
12. Page 88 Urban Decay -Impacts 3.1.H & 3.1.G are two of the most significant impacts to the Ukiah Valley community, economically and socially. These should be raised to a significant level studied and mitigated. Is it true that the only mitigation to those would be limit further retail development in the UVAP 24-13
13. Any comments or assumptions in the water analysis about increase water supply possibilities due to raising coyote dam, negotiations for long unused water rights or agency applications for higher water appropriations should not be used in any serious discussion on mitigating the water demand of UVAP. Such activities are highly speculative and it would be foolish to suggest they may be a solution to any water shortage problem. 24-14
14. The intersection of Brush/Low Gap & North State should have been traffic studied due to the county originated traffic that now uses that intersection. What level is it? 24-15
15. Despina & Low Gap at peak times should be a traffic level F. How was it measured? 24-16

Richard Shoemaker



Response to Letter from Richard Shoemaker

- 24-1. Please see Section 2.4 of the Draft EIR that describes how the comments made on the original EIR were addressed.
- 24-2. The Water Supply Assessment prepared by the County for use in the EIR concludes that Millview CWD has an adequate water supply to meet existing demands and projected demands to the year 2020. The Millview CWD water moratorium is a legal issue that is separate from the available supplies identified in the WSA. However, any moratorium will need to be lifted prior to the District serving new customers. That constraint is addressed in the Draft 2007 UVAP, which states that new development cannot be approved unless it can be shown that there is adequate water available to serve the proposal.
- 24-3. The commenter is citing the EIR section that discusses cumulative impacts. The impacts of plan area water providers was assessed in Section 3.10 of the Draft EIR. What is being stated in Section 4.2 is that there is no additional cumulative impact because the City has adequate water to serve buildout within its city limits. As such, the impact remains as discussed in Section 3.10. The comments about available water do not accurately reflect the Water Supply Assessment prepared by the County. The WSA states that there is adequate water to serve some new development, however, buildout would require development of additional sources.
- 24-4. The restriction is stated in Implementation Measure LU4.2a.
- 24-5. The Draft EIR states that new development will not be approved if there is inadequate sewage treatment and disposal to serve that development. It goes on to state that if additional growth is to be served, then additions to wastewater facilities will be needed. That is an accurate statement. Under Impact 3.10-K on pages 326 to 328 of the Draft EIR, it states that construction of these new facilities could have significant environmental impacts. The commenter is correct that there would be costs and the hurdles of regulatory approval also associated with those new facilities. However, those are not environmental concerns. The County will likely consider those costs when considering the merits of the project.
- 24-6. The Draft EIR does address the fire hazard issues involved with the eastern hills area. Mitigation Measure 3.10-E.1 explicitly states that new development in high or very high hazard areas (which includes the eastern hills area) will be approved only when the responsible fire protection agency determines there is adequate access. Mitigation Measure 3.10-E.2 recommends that the general plan land use classification change that would allow a subdivision in the eastern hills area be deleted from the plan. In consideration of past projects, the fire hazard in this area was why the Redemeyer Road extension or some other second access was required by the County prior to new discretionary projects being approved. It is true that the area would be also cut off by flooding, but this is a short-term transportation impact and not considered significant. The hills area would not be subject to flooding if the dam were to break.

- 24-7. None of these words are used in EIR-recommended mitigations. All EIR mitigations use the word “will” or “shall.” It is accurate that policies and implementation measures use less definitive words, as is typical of general plans and specific plans – please refer to the new General Plan the County adopted in 2009 or the City of Ukiah’s adopted General Plan (as well as the general plans of all other cities in the County and all surrounding jurisdictions). As was stated in page 68 of the Draft EIR, the EIR assumes that the County will do what it says it intends to do if it adopts the plan. If the County adopts a plan that says it will “minimize to the degree feasible” the impact to a resource, the EIR consultants accept that statement at face value.
- 24-8. It is accurate that the cumulative traffic impacts would be less than significant (see pages to 190 of the Draft EIR). This is because the plan contains policies to improve adversely affected streets and intersections so that they operate at acceptable levels of service even with the additional traffic generated by City and plan area buildout.
- 24-9. The commenter is citing a summary sentence. Please refer to the lengthy discussion of water issues on pages 300 to 319 of the Draft EIR. The Water Supply Assessment prepared by the County for use in the EIR concludes that there is an adequate water supply to meet existing demands and a substantial amount of projected demands. Full plan area buildout would require 850 to 1,610 acre-feet of additional water, but such buildout would not be expected to occur in the next 20 years (and likely much longer). In addition, on pages 315 to 317, the Draft EIR identifies the possible additional water sources that may be needed to serve future buildout.
- 24-10. The Draft EIR states that raising Coyote Dam is one of the possible additional sources of water identified in the County-produced WSA. It states in Impact 3.10-I that developing these additional sources could have significant and unavoidable impacts. However, it is unlikely that dam failure would be one of them, as it is unlikely the Army Corps would construct a larger dam that did not meet the most current earthquake safety standards.
- 24-11. Use of water is an impact only if there are inadequate supplies to meet the demand, which then results in development of new water sources. As discussed in previous responses to this commenter, the WSA prepared by the County concludes that there is an adequate water supply to meet existing demands and a substantial amount of projected demands. Full plan area buildout would require 850 to 1,610 acre-feet of additional water.
- 24-12. The impact of development on property value is not an environmental impact under CEQA. CEQA is concerned with impacts of a project on the physical environment. While property value is a concern to many, it is an issue for decision-makers to consider when considering the merits of a project. An EIR is not an analysis of whether a project is “good” for the community, only what its impacts would be to the environment.

- 24-13. Impact 3.1-G discusses consistency with existing land use plans. Land use consistency, in and of itself, is not an environmental impact, because plans are not part of the physical environment that CEQA addresses. Impact 3.1-H discusses the economic concern that the commenter has, and finds that the impact is significant and unavoidable. The commenter's opinion that the remedy is to limit new commercial development is noted for the record. The commenter is referred to Section 4.4 of the Draft EIR where alternatives that accomplish the commenter's goal are assessed and compared.
- 24-14. These suggestions made in the County's WSA are options for providing more water. The commenter's opinion about the likelihood that any of these sources would be developed is noted for the record. In the absence of new water sources, future development in some water districts would not be approved.
- 24-15. The traffic model and study was done to assess roadway links and not intersections. The existing level of service at this intersection is unknown.
- 24-16. The traffic study was based on the traffic model developed by the firm of Fehr & peers for the Mendocino Council of Governments (MCOG). The following link will lead the commenter to the report that describes how the model was developed:

[http://www.mendocinocog.org/pdf/MCOG Travel Model-Devt Report.pdf](http://www.mendocinocog.org/pdf/MCOG%20Travel%20Model-Devt%20Report.pdf)

From: Steve Scalmanini <sscalmanini@yahoo.com>
Date: March 24, 2011 5:39:58 PM PDT
To: Roger Mobley <mobleyr@co.mendocino.ca.us>, Leonard Charles
<lcharlesassociates@comcast.net>
Subject: Comments on dUVAP dEIR

Hello Leonard and Roger,

Attached are the comments on the dUVAP dEIR from a committee of the Ukiah Valley Smart Growth Coalition. I will hand deliver copies to the Planning Department in minutes.

25-1

One additional issue arose in the Planning Commission's hearing today. There is confusion regarding how much infrastructure currently exists for the Masonite plant site. Please study in the EIR the availability of water and sewer capacity as affected by the documents on record with the County regarding ownership of the wells at the site, by the documents on record with the State of California regarding the status of the availability for use of the water in those wells, and by the documents on record with the County and the Ukiah Valley Sanitation District regarding the capacity of the sewer infrastructure at and to the site.

Best regards,

Steve Scalmanini



Response to Letter from Steve Scalmanini

- 25-1. Examination of the status of wells and water availability to the Masonite site is beyond the scope of and not required for this Program EIR. This is not an EIR that addresses specific developments on specific project sites. The Water Supply Assessment prepared by the County discusses the well and Millview County Water District (CWD) on page 3-14. On page 313, the Draft EIR describes how Millview CWD has adequate water supplies to meet existing and projected demand through 2020 and that additional supplies will likely be needed after that date. As described in the EIR on page 314, new development cannot be approved if there is not an adequate water supply to serve it. For purposes of a Program EIR, the policies of the Draft 2007 UVAP adequately mitigate impacts to water providers. The explicit availability of water at the time an application is submitted to develop a project on the Masonite site will need to be assessed in the project-specific CEQA document prepared at that time
- 25-2. The Draft EIR discusses the Ukiah Valley Sanitation District (UVSD) on pages 319 to 325. The UVSD currently has sufficient capacity to serve development of the Masonite site. However, it has inadequate capacity to serve plan buildout, so depending on when a request for service was made, there may or may not be available capacity. Again, this would need to be examined during the project-specific CEQA document prepared when an application is filed to develop a project at this site.

SMARTGrowth Coalition
Ukiah Valley, California

RECEIVED
MAR 24 2011

Board of Supervisors and
the Department of Planning and Building Services
Mendocino County
501 Low Gap Road
Ukiah, California 95482

BY PLANNING & BUILDING SERVICES March 24, 2011
Ukiah CA 95482

RE: comments for the draft Environmental Impact Report

The Ukiah Valley Smart Growth Coalition has been reviewing the Ukiah Valley Area Plan and the draft Environmental Impact Report. We are impressed.

26-1

These documents are thorough and comprehensive, and will be around a long time to inform the citizens of Ukiah as it faces future growth and development.

We do, however, have a few persistent concerns. We enumerate these concerns in the attached document. One over-riding concern is that the 41 proposed Land-Use Classification changes might be construed as granting to property owners certain entitlements, when in fact the EIR shows that these 41 land use changes will result in 25 un-mitigatable negative impacts. These 41 projects have served their purpose as a basis for the calculation of the "worst case scenario" (the Proposed Project), and now the list of 41 projects should be removed from the UVAP and put into an appendix.

Another concern is the lack of definition of Mixed-Use as a zoning designation. The concept of Mixed-Use is absolutely essential to smart growth in the future of the Valley and should be well described.

The documents make a strong case that only Alternative C is environmentally supportable. The other alternatives fall by the wayside with too many significant and irreversible negative impacts that cannot be mitigated.

Adoption of the Mitigation Measures is imperative for them to have legal standing. We believe that the Commission and the Board of Supervisors should formally take a vote for adoption when their review of the EIR is complete and they are ready to certify.

Sincerely,

Stephen Scalmanini

Stephen Scalmanini
For the **SMART**Growth Coalition

sscalmanini@yahoo.com
(707) 391-5853

**Comments from the Smart Growth Coalition on the
Draft UVAP Draft Environmental Impact Report**

March 24, 2011

- 1. The EIR considers as the Proposed Project a “worst case scenario”,** 26-2
which contains the rezoning of the Masonite plant site. This is a failed scenario, which the voters resoundingly turned down in November 2009. This worst case scenario should not be part of the Preferred Project no matter what the previous Board of Supervisors instructed.
- 2. The EIR considers 41 specific re-classifications** of land zonings, which 26-3
would be a wholesale gesture to the property owners involved. They would constitute an express lane for development; in most cases these new land uses would not require a use permit and could be built with only a building permit and little Planning Commission discretion.

The Smart Growth Coalition requests that the 41 proposed reclassifications be 26-4
re-identified in the EIR as the Worst Case Scenario. The EIR or the supplemental Fiscal and Economic Impact Analysis document should also discuss whether these proposed zoning changes could be construed as entitlements leaving the County potentially liable for damages if later the allowable uses under the re-zonings are denied. Such denial of entitlements could cause urban/county decay and blight triggered by court-ordered awards to developers in costs to cover the rejection of these entitlements.

Thus, the Smart Growth Coalition requests that this list be entirely removed from 26-5
the body of the UVA. One possibility is to transfer the list to the Appendix and attach a disclaimer:
“This list was used by the preparers of this plan only to derive a worst-case scenario and study its impacts. The list of 41 projects may be pursued at any time as individual proposals for reclassification before the Board of Supervisors. But none of the proposals on this list should be construed as having any special entitlements by having been listed in this Comparison Chart. None of these projects have received thorough staff review or public hearing by the Planning Commission or the Board of Supervisors.”
Such a disclaimer would leave the County free to evaluate these requests and any other requests in the future, without liability.
- 3. The Market Constrained Alternative.** The EIR describes in detail the four 26-6
alternatives, the Proposed Project, Alternative A, B, and C. There is, however, an accompanying document, the Economic and Fiscal Impact Analysis, which describes a fifth alternative, the Market Constrained Alternative. To make the EIR complete, the EIR should analyze this fifth alternative. The Market Constrained Alternative is mentioned in the section on Urban Decay Effects (pages 88-93)

and is included in Table 3.1-2 (page 92), but nowhere does one find the component presentation or analysis of which this alternative consists. What land uses would result with this alternative? What impacts and what mitigations needed?

4. The EIR should describe any economic impacts of the project and alternatives on the **Historic Downtown District of the City of Ukiah** and offer mitigations for these impacts. 26-7

5. **Alternative C** is described as the “policy only” alternative. Alternative C does have impacts: primary is the loss of 1440 acres of arable land in the Ukiah Valley. It is not clear why an alternative that is just policy only can have such a radical loss. The EIR should explain this loss in terms of which and where these tracts are and should provide mitigations, although the loss of farmland is considered significant and irreversible. Another impact is that it appears that Alternative C does not contribute to the existing small communities and that is an impact, but what changes will slated with Alternative C are unknown. 26-8
26-9

6. The **Goals and Policies reflect community concerns**. There are instances, however, where the goals and policies are not carried into the analysis of environmental impact. 26-10

For example,

Goal LU1: Create compact, mixed-use, and well-balanced communities that can achieve this plan’s principles of sustainability.

This number one goal does not appear consistently in later pages of the Project or its Alternatives. The village concept should always be included as mitigation for growth.

7. **Villages** in the Valley. The Ukiah Valley has existing villages, Talmage, Calpella, and the Forks. These are described as what constitutes a viable community in the UVAP in Section 4 Community Design. The EIR gives short shrift to growth in these communities, while at the same time stating that housing should be in-fill with the re-development of existing substandard housing. There is no ‘spare’ water anywhere, yet the EIR states, “Some development may occur in the Calpella Rural Community, though such development may be constrained by water capacity deficiencies.” It is not clear why water is an impediment here, but elsewhere is not. The EIR should have a special section on villages and state the advantages and disadvantages of development in these areas. 26-11

8. **Mixed Use**. There needs to be a description and a precise definition of mixed use. Two of the proposed mixed-use districts, MU-3 (Lovers Lane) and MUM (Mixed Use Masonite) are either defunct or discredited, one by withdrawal of the developer and rekindled interest in agriculture (Lovers Lane), and the other 26-12

denied by the popular vote November 2009 (Masonite). Therefore, we ask that you remove MU-3 (Lovers Lane) and MUM (Mixed Use Masonite from Table 3.1.

For the each of the mixed-use districts, there is an apparently arbitrary assignment of percentages. What is the reasoning behind the selection of 20 or 40 or 50 percent for any given use?

Mitigations for Mixed Use zoning should require the use components be planned and built more or less simultaneously. For example, the housing should not be built without retail, light industry without housing, housing without open space, etc. Having just one component go forward without the others might cause significant impacts on traffic, community services and institutions. . 26-13

The Plan says:

Goal LU1: Create compact, mixed-use, and well-balanced communities that can achieve this plan's principles of sustainability. 26-14

Existing mixed-use should not be destroyed, but recognized and protected. In the North State Street area, the Forks and the South State Street area, a 'organic' form of "Mixed Use" exists now, as collections of parcels of different zonings and uses. Housing, perhaps in a former motel, is found side by side with commercial, side by side with light industrial. In many of these locations, such sites of informal Mixed Use comprise a fragile but viable fabric of residences and businesses. A good example is Olive Lane in the North State/Forks area. The EIR should describe and study these communities for the potential impacts reclassification and new uses may cause to them, uses that might physically divide and destroy these communities.

9. Other Projects. The EIR should include projects that are in development at the present, March, 2011. These include the new Granite Gravel Mine on Kunzler Ranch Road, the new Costco, the Wal-Mart expansion, and the large casino on the north side of N. State St., across from Kunzler Ranch Road. These projects must be added in, evaluated, impacts identified, and mitigations provided. 26-15

Furthermore, no mention or study has been made of impacts that might occur due to the increases in density and intensity of use resulting from the City of Ukiah's adoption of form-based zoning for its downtown. 26-16

Mitigations measures for commercial development proposals should require a fiscal and economic impact analysis for any new retail commercial development over 50,000 square feet and not 100,000 square feet. (page 93, LU7.1d) 26-17

10. Loss of Farmland appears to be great with all alternatives. Even with Alternative C, 1,440.4 acres of total farmland will be lost. There is no way to mitigate the loss of agricultural land. 26-18

A possible but inadequate mitigation is for the County to mandate a mitigation fee equal to land values as an exchange for development of ag land zoning, into conservation easements utilizing local Land Trusts to purchase equal lands nearby. A Land Trust can leverage the fee / donation for matching funds from state or federal agencies or private donors, so that more natural resources can be protected. As local, non-governmental organizations, the Trusts are uniquely positioned to work closely with landowners, tailoring conservation tools to their needs. 26-19

11. Water. Two and a half years ago, the Valley had a drought. Everyone in the Valley was put on water restriction. Water resources must exist or be obtained prior to the zoning changes for any of the Alternatives. Reference made to Appendix – Water Study cannot be found on line. 26-20

12. Septic Suitability of Soils should be determined for all seasons, including seasons of high water tables. (page 105) 26-21

13. Inundation. A map of Coyote Dam inundation in a dam failure should be included in the EIR, along with an identification of exactly which new proposed land-re-zonings lie within the inundation area. These data should also appear in a new table. In new maps, tables, and descriptions, the “Market Constrained Alternative” should be included. 26-22

14. Flooding. The table and maps of the 100-year floodplain should include the specific sites of re-zoning for each alternative, including the constrained market alternative. 26-23

15. The Housing Element settlement agreement. The County is under court order to provide more low income housing. The EIR must discuss where this housing might be put, what impacts the developments may cause, and what mitigations will be necessary. The review of low-income housing should include a discussion of the advantages/disadvantages of concentrations of this type of housing, with mitigations proposed if impacts are found. 26-24

16. Pedestrian facilities (page 182) are insufficiently described, and yet Goal 1 is to create compact communities. Policy CT2.1 includes “measures to include appropriate pedestrian facilities in new development.” There is more to a compact community than sidewalks. The village concept should be developed, with the EIR showing how Calpella, Talmage, and the Forks can become walkable communities, not just with sidewalks, but with paths and trails to connect residents with commercial uses, schools, parks and services. A possible mitigation measure for population increases in Calpella and the Forks could be the development of a path along the railroad tracks, already proposed by the City of Ukiah within the city, to connect Calpella to Ukiah. Likewise, bike and path connections should connect Talmage and the Forks to Ukiah 26-25

17. Public Transit is only marginally described. The community has expressed over and over again that they want development that does not encourage sprawl by being private automobile based. Yet public transit is not described as the mitigation for growth and traffic as it should be. The EIR should propose a transit hub, which we recommend be located in the highest density area, within the City of Ukiah, in order that rail and bus travel be coordinated and linked out to the outlying communities and points beyond. 26-26

18. Lighting. The EIR states that lighting will be downward focused and in compliance with the principles of dark skies. There are two further concerns that the EIR should address. 26-27

Lights that are shielded downward but shine on objects that reflect the light back upwards into the night sky are a continuing problem. Car lots are examples where a project might have good lighting, yet the bright lights shining on the surfaces of new cars causes undue glare upward into the night skies. The same impact happens with gas stations. This light intrusion is a significant impact and should be mitigated.

A development might be constructed with appropriate downward -hielded lighting, and then after construction, is retrofitted with inappropriate lighting causing glare and intrusions into the night sky.

Mitigation would be to adopt not just guidelines but ordinances to be in compliance with International Dark-Sky Association recommendations.

19. Aesthetics. The section on Aesthetics (*Section 3.9*) focuses on views from roadways. For individuals living in a community, roadway views are not as important as views from one's home, one's work, and one's place of play. It is inadequate to focus aesthetics only on views from roadways. Aesthetics should include views from within neighborhoods, from within parks and along greenways. Aesthetics is essential to most everyone in the Ukiah Valley. The EIR should employ aesthetics as a means of enhancing a sense of place and as mitigation for growth problems. 26-28

20. Implementation Measures. The Goals and Policies are not accompanied by Implementation Measures as they were in UVAP 2003. The word "Policy" is not as strong a term as "Implementation Measure", which describes an action. State law requires that General Plans and Area Plans such as this one contain Implementation Measures. If a mitigation requires a set of actions by the various official bodies, which cannot be achieved due to various reasons, the mitigation is not a mitigation and should be explained as such. For example, the mitigation for the traffic impacts of rezoning the Brush Street Triangle relies on several new roadways costing a total of \$6.4 million that may never be funded. 26-29

26-30

21. Graphics for the Alternatives. Graphics in the maps from Section 4, Figures 4-1, 4-2, and 4-3, are confusing and unsatisfactory. The colors of suburban residential and multi-family residential are nearly indistinguishable. The sites are not named or identified except possibly recognized by shape. The public may not recognize which is which. Furthermore, which are new, which proposed re-zonings and which existing zonings, are not labeled in any way. Each new block of land to be re-zoned should be clearly identified in each of these maps. 26-31

As an example of an even finer level of confusion, in Figure 4-1, the Lover's Lane site appears to be either open space, agricultural or suburban or multi-family, yet Table 4.4-1, on the opposite page, does not appear to include Lover's Lane as part of the included re-zoning. 26-32

These maps should include outlines of the "villages" that were identified in the 2003 UVAP and are included in the 2010 UVAP. See below in discussion of Goals and Policies. 26-33

22. Where is **Mitigation 3.3-G.1** (referenced in the text but not found in the Mitigation Measures Charts)? 26-34

23. Date of the UVAP publication. The UVAP under study in the EIR was published late in 2010 but the EIR is titled an analysis of the Ukiah Valley Area Plan 2007, but there is no such document. On the cover, on the title page, in the Introduction and the Scope of the Plan section, the reference is always to the Ukiah Valley Area Plan 2007. But the prior publication of the UVAP was in 2003 and no update was published in 2007. Community workshops were held and comments received: County staff calculated the numbers on what the resulting build-out would be under each of the five alternatives, and finally, wrote a revision of the 2003 UVAP that was studied in draft form by the EIR consultant but not published until 2010. There is no published UVAP 2007. The new draft of the UVAP is dated December 2010. So why is the EIR addressed to the UVAP of 2007 which doesn't exist? This is a major error and very misleading to the public and the decision-makers on the Planning Commission and Board of Supervisors. 26-35

Response to Letter from Steve Scalmanini for the SMARTGrowth Coalition

- 26-1. This letter is a cover letter accompanying the SMARTGrowth Coalition's submittal (which is addressed below). The concerns expressed are noted for the record. As the points summarized in this cover letter are discussed in more detail in the accompanying submittal, responses will be made to the submittal itself.
- 26-2. The project assessed in the EIR is the draft plan identified as the project by the Board of Supervisors in 2007. The Board directed staff to prepare a CEQA document on that project. That plan allows a certain maximum level of development. The EIR assesses a worst case scenario that assumes maximum buildout of all vacant parcels by the year 2030.
- 26-3. The commenter is correct that the Board of Supervisors directed that an EIR be prepared on a draft plan that contains 41 land use classification changes. It is accurate that changing the land use classification of a parcel allows a property owner to apply for development consistent with the land use classification. It is likely accurate that in some case further discretionary review may not be required. However, development of the larger sites (with subdivisions, multi-use projects, or large commercial development) or dense housing projects on small sites will require additional CEQA review.
- 26-4. See the previous two responses regarding the history of the "project." The question about entitlement is a legal issue that County Counsel would need to answer. For purposes of this EIR, a land use plan classification describes the type and maximum amount of development that may occur on a property. Where that development requires discretionary approval, the County may, but is not obligated to, allow that maximum level of development, depending on project consistency with the goals and policies of the UVAP and the General Plan. It is accurate that if a property is classified for a particular use that a property owner would have rights to develop the property consistent with that classification and consistent with all other applicable land use plan goals, policies and implementation measures, zoning requirements, and other requirements adopted by the County, State, and Federal governments.
- 26-5. Again, the EIR addresses the project that the County Board of Supervisors selected. The commenter is referred to the discussion of the Existing General Plan Alternative and Alternative C in Section 4.4 of the Draft EIR for analysis of alternatives that accomplish the commenter's aim – a plan that does not include these 41 land use changes.
- 26-6. The Market Constrained Alternative was developed by BAE for the *Fiscal and Economic Impact Analysis for the Ukiah Valley Area Plan (UVAP)*. This alternative identifies what BAE projected to be the reasonable amount of growth that would occur to the year 2025. It uses the same land use classifications as the Draft 2007 UVAP, but it reduces the buildout down to a level more consistent with past and projected growth rates. As such, it describes what growth could be expected, but it does not contain alternate land use classifications or policies or implementation measures. As such, it is not an alternative to the project; rather, it

is a description of development that BAE predicts will occur in the next 15 years under the Draft 2007 UVAP.

BAE projected that by 2025, there would be 381 new single-family units, 447 multi-family units, 26,136 square feet of industrial, and 926,160 square feet of commercial development. If one were to develop a land use plan that matched these buildout figures, much of the plan area would have to be reclassified to reduce maximum development. Even under the existing General Plan, as many as 1,726 new residential units, 3.7 million square feet of industrial, and 1.8 million square feet of commercial development could be built. If the question is what would the impacts from such a land use plan be, all the impacts would obviously be significantly reduced.

If the aim is to restrict development in the plan area to meet these (or some alternate) growth targets, then the appropriate mechanism would be the Growth Management Plan called for in UVAP Implementation Measure LU4.1a (as revised by EIR-recommended Mitigation Measure 3.1-B.1).

26-7. The impacts to downtown Ukiah are described in Impact 3.1-H on pages 88 to 93 of the Draft EIR. The recommended mitigation measure is listed on page 93 of the Draft EIR.

26-8. Alternative C includes the policies and implementation measures of the Draft 2007 UVAP but not the proposed 41 land use changes. The land use plan would remain the existing General Plan land use plan.

Under Alternative C, there would be a loss of 558 acres of Farmland (which is the total of Prime Farmland, Unique Farmland, and Farmland of Statewide Importance). The primary areas where Farmland would be converted include the area between the Russian River and North State Street (south of Lake Mendocino Drive), the South Ukiah area (west of South State Street), and the Brush Street Triangle. The only mitigation would be to reclassify those lands in the North State Street area and the Brush Street area from Industrial to Agriculture, in the South Ukiah area from Suburban Residential to Agriculture, and reclassification of other smaller sites to Agriculture.

26-9. Alternative C maintains the existing land use classification of the General Plan. It is unclear what the commenter believes the environmental impacts are to these communities from Alternative C. However, if the County believes there are land use changes in the Draft 2007 UVAP that would benefit these small communities, then these could be added to Alternative C.

26-10. The commenter is correct that this is a goal of the plan. The commenter is referred to Mitigation Measure 3.1-B.1 on page 78 of the Draft EIR. The mitigation measure plus the cited Implementation Measure LU4.1a would provide a Growth Management Plan that focuses new development into existing communities, consistent with the goal cited by the commenter.

- 26-11. The comment that the EIR should include an analysis of the advantages and disadvantages of development on area villages is noted for the record. The intent of the EIR is to assess the impacts of a project and project alternatives on the physical environment. It is not a forum for community planning. The community planning forum was the public process used to develop the Draft 2007 UVAP, as well as the future public process when the Board of Supervisors considers the plan for adoption.

That said, the Draft Plan does contain development potential in the Calpella and Forks neighborhoods. Talmage has little land available for development. The reason why water could be a constraint on development in Calpella is that the Calpella CWD has virtually no surplus water to serve additional development. It would have to purchase additional water from some other agency.

- 26-12. We refer the commenter back to previous responses about how the project was defined for CEQA review. We do not have the authority to amend the plan, only the Board of Supervisors has that authority. It is also not the role of the EIR to provide the language that will be used to define allowed uses in the Mixed Use classifications. The Draft 2007 UVAP provides details about those classifications in Appendix 1 of the plan. Questions about why certain percentages were selected for the classifications are questions for County staff at the time the County considers the merits of the project.
- 26-13. The EIR does not identify any environmental impacts specific to future Mixed Use development. If the County concurs with the commenter's recommendation, these conditions could be part of the new zoning that will be needed for the Mixed Use classifications and/or to the Growth Management Plan required in Implementation Measure LU4.1a.
- 26-14. The Draft 2007 UVAP does not make any land use classification changes for Talmage. It does change some land use classifications in the North State Street area and the Forks area that are currently classified as Agriculture, Commercial, or Industrial to Mixed Use. It is possible that future development proposals may redevelop certain properties in the area and displace existing residents or businesses. Given mixed use development proposals, the existing development would be replaced with new development. However, it is speculative what the effects would be on any particular street or neighborhood without knowing what a project would consist of and where it would be proposed. It is also noted that much of this area is within the County-adopted North Ukiah Redevelopment Area.
- 26-15. The comment is incorrect. CEQA allows the cumulative impact analysis of a project to use growth forecasts in a plan. As such, this Program EIR examined a worst case analysis of building out the entire area in 20 years. At a program level, the impacts resulting from these individual projects are incorporated in the overall impact of area buildout. This Program EIR is not an EIR on specific projects on specific sites. EIRs are being or have been prepared for the four projects cited, and the commenter is directed to those EIRs for an assessment of the site-specific and project-specific impacts of those projects.

- 26-16. The EIR assesses buildout of the area including the City. Any additional development that could occur due to form-based zoning would be minor when compared to the buildout conditions that serve as the worst case setting for this EIR. In addition, the Draft UVAP would not affect the City's form-based zoning in the downtown area.
- 26-17. The recommendation is noted for the record. We do not believe that this reduction in building size prior to requiring an economic study is needed, but it would provide additional oversight of new commercial development.
- 26-18. The comment is incorrect. Under Alternative C, there would be a loss of 558 acres of Farmland (which is the total of Prime Farmland, Unique Farmland, and Farmland of Statewide Importance). It is accurate that there is no mitigation for this impact, and it remains a significant and unavoidable impact.
- 26-19. The recommendation is noted for the record, and it may be considered by the Board of Supervisors. However, it should be noted that using fees to protect other agricultural land from development does not mitigate for the loss of agricultural land. That would be a mitigation only if the fees were used to purchase non-agricultural land that had agricultural soils and return it to agricultural use.
- 26-20. See earlier responses regarding water availability, including responses to the letters from LAFCO. The recommendation is noted for the record, though we would note that Alternative C does not include any changes to the existing land use classifications.
- 26-21. Septic systems are installed consistent with County Environmental Health requirements, including requirements for soils and distance from trench bottoms to groundwater. These are ministerial permits and do not require discretionary approval by the County.
- 26-22. See Responses 10-10 and 10-11 regarding the dam inundation issue. The requested data is not needed to identify any impact. The Draft EIR clearly describes the potential impacts of dam failure in Impact 3.3-B and finds the impact less than significant. Table 3.3-2 describes the amount of new development that would be in the inundation zone for each alternative. In addition, the Draft 2007 UVAP includes the map showing dam inundation. The EIR does not include a "Market Constrained Alternative" because one does not exist; see Response 26-6 above.
- 26-23. The EIR does not require such a map to identify flooding impacts at a program level or mitigations needed for flooding. The map will not be provided. The commenter can compare Figure 1-4 that shows the land use changes and Figure 3-6 showing the 100-year floodplain. As that figure shows, of the major development sites the Masonite site, some sites in the Calpella area, and areas on the eastern side of the North State Street and Forks would be subject to flooding.

26-24. The Draft 2007 UVAP is not required to identify where low-income housing projects would be developed. The Draft 2007 UVAP provides land use classifications that would allow development of affordable housing. The EIR assesses the buildout impacts of all new residential development at a program level, not specific housing projects on specific sites. The EIR is not a housing/land use planning document.

26-25. As stated in Response 26-11, this EIR is not a planning document. The UVAP community planning process used to develop the Draft 2007 UVAP was the forum for discussing issues involving villages or preferences regarding type of land use classifications. These issues may be reexamined when the County considers adoption of a plan. The EIR focuses on environmental impacts of a project proposed by the County and how the impacts can be minimized. That said, we concur that paths and other pedestrian facilities should link various parts of the plan area. The cited path adjacent to the railroad tracks is specifically identified as a future project in Implementation Action CT1.4d. In addition, this trail plus bike access improvements to Vichy Springs Road, Redemeyer Road, Lovers Lane, Marina Drive, East Side Calpella Road, Lake Mendocino Drive and other roads in the plan area are included in the County's 2006 Regional Bikeway Plan. Draft 2007 UVAP Implementation Measure CT2.1b calls for pedestrian pathways linking key destinations when considering new private projects.

To ensure that the County has the authority to require such pedestrian improvements, we recommend an additional mitigation measure for Impact 3.5-C that states that when considering new development projects, the County will require pedestrian and bicycle access across the property to provide north-south connections between the center of Calpella and the Brush Street Triangle and east-west connections between the City and the center of Talmage. To ensure these improvements or dedications for improvement are coordinated, the County will request that MCOG develop a map showing these pedestrian linkages as part of its next Regional Transportation Plan update. See this addition in Chapter 3.

26-26. The Regional Transportation Plan that is prepared by MCOG is the appropriate format for identifying public transport improvements. It is noted that the Draft 2010 RTP does not include any capital improvements involving public transport, and the transit center was not a project that MTA sought funding for. The transit center recommended by the commenter was in the 2001 RTP but has been deleted from the current draft plan. It is also noted that the North Coast Railroad Authority is not proposing passenger service to or through Ukiah. Because MTA is not seeking funding for a transit center, it appears that such a facility is not currently warranted. However, this issue should periodically be reviewed by MTA and MCOG for possible inclusion in the next RTP. The location of such a center should be identified by MTA.

26-27. Policy CD2.2 states that the County will adopt and enforce design guidelines. Such guidelines would have the same enforcement effect as an ordinance. In fact, the design guidelines would be adopted as part of an ordinance. The policy

already states that International Dark Sky Association recommendations will be incorporated into the guidelines.

- 26-28. Impact 3.9-A applies to highways and roads because one of the significance criteria for aesthetics refers to scenic roadways. In addition, it is from roadways that most of the public will be affected by new development in a specific location. However, Impacts 3.9-B and 3.9-C specifically address impacts on the visual character of the entire plan area. The EIR finds that new development would have a significant and unavoidable impact on the visual quality. This impact would also be true from many parks, greenways, and specific neighborhoods. Consistent with the commenter's recommendation, the Draft 2007 UVAP and EIR provide strong recommendations to ensure that new development maintains the small town character of the area; see the many policies and implementation measures listed under Goals CD1 and CD2 in the draft plan.
- 26-29. The comment is incorrect. Implementation Measures are included after each policy.
- 26-30. This comment is consistent with what is stated on pages 67 and 68 of the Draft EIR regarding the feasibility of mitigation. Regarding the specific example provided in the comment, if required roadway improvements needed to serve development in the Brush Street Triangle are not built, then the significance of the traffic impacts on the local roadway system will be determined in the subsequent CEQA documents. If the impacts are found to be significant, as stated in this Program EIR, then the applicant will be responsible for funding its fair share of the improvements, and the County has the option of not approving the project if significant traffic impacts remain.
- 26-31 The commenter is referred to Figure 1-4 that shows the parcels where land use classification changes are proposed. Table 1.6-5 explicitly identifies whether the land use change is part of each alternative. The map coloration was prepared by the County and is the same as was used in presenting the draft plan for the Board's consideration in 2007.
- 26-32. Most of the Lovers Lane area is classified as Agriculture under the Existing General Plan and Alternative C. The area is not being reclassified under these two alternatives, which is why the cited table does not show new residential development in this area for these two alternatives.
- 26-33. The County opted not to include these "villages" on the plan maps. They are not needed for this EIR. The County may consider adding these definitions back into the maps when it adopts the final plan.
- 26-34. This is a typographic error. The reference should be to Mitigation Measure 3.3-A.1 not 3.3-G.1. See the text change presented in Chapter 3.
- 26-35. The comment is incorrect. This is neither a major error nor misleading. The Draft 2007 UVAP is the draft plan that the Board of Supervisors directed County staff to prepare an EIR on. It included the land use map shown on Figure 1-3 of the

EIR. The Notice of Preparation prepared and circulated in July 2007 had electronic links to this map as well as the goals, policies, and implementation measures. Subsequently, County staff was not satisfied with the layout and formatting of the draft plan. They revised its layout, eliminated duplicative policies and measures, and provided additional introductory text and maps. However, the revisions did not make any changes to the land use map nor change the intent or direction of goals, policies, and implementation measures included in the draft plan that was circulated for public comment in 2007. The reason the EIR refers to the 2007 UVAP is that this 2007 date is how the project is referenced by the State Clearinghouse. The 2010 version is simply a better written and formatted version of the draft 2007 plan.

March 15, 2011

Mendocino County Department of Planning and Building Services
501 Low Gap Road, Room 1440
Ukiah, California 95482

RE: Comments on the Draft Environmental Impact Report

Dear Commissioners:

The Smart Growth Coalition has several concerns about the EIR. We present first items of confusion and then items that require further mitigations.

1. The EIR is an analysis about the **Ukiah Valley Area Plan 2007**. **There is no such document.** 27-1
On the cover, on the title page, in the Introduction and the Scope of the Plan section, the reference is always to the **Ukiah Valley Area Plan 2007**. But the prior publication of the UVAP was in 2003 and no update was published in 2007. After speaking with several county staff members who were on the Planning Team in 2007 and with the Director of Planning, the matter has been clarified for a few of us: Community workshops were held and comments received: County staff calculated the numbers on what the resulting build-out would be under each of the five alternatives, and finally, wrote a revision of the 2003 UVAP that was studied in draft form by the EIR consultant but not published until 2010. There is no published UVAP 2007. The new draft of the UVAP is dated December 2010. So why is the EIR addressed to the UVAP of 2007 which doesn't exist? This is a major error and very misleading to the public and the decision-makers on the Planning Commission and Board of Supervisors.

2. **The EIR considers as the Proposed Project** a "worst case scenario", which 27-2
contains the rezoning of the Masonite plant site that the voters resoundingly turned down in November 2009. This is a failed scenario and should not be the Preferred Project no matter what the previous Board of Supervisors instructed.

3. **The EIR reviews 41 specific re-classifications** of land zonings, which would 27-3
be a wholesale gesture to the property owners involved. This inclusion would be an express lane for development; in most cases these new land uses would not require a use permit and could be built with only a building permit and no further Planning Commission review.

Smart Growth Coalition requests that the 41 proposed reclassifications be explained fully in the EIR, as to the year of request and who requested each of 27-4
these re-classifications. The EIR or the supplemental document Fiscal and Economic Analysis should also discuss whether these proposed zoning changes could be construed as entitlements leaving the County potentially liable for damages if later the allowable uses under the re-zonings are denied. Such entitlements could cause severe urban/county decay and blight in costs to reject these entitlements. (See City of Mammoth, California lawsuit, where awards of

\$30 million are now due to a developer.) Can these 41 re-classifications be dropped from the EIR and the Project?

<http://www.nbclosangeles.com/news/local/Resort-Town-Gets-30M-Bill-Mammoth-Lakes-113201349.html>

<http://mammothtimes.com/content/mammoth-stumbles-its-way-30-million-loss-hot-creek-lawsuit>

4. The Alternatives are confusing. The EIR describes four alternatives, the Project and Alternatives A, B, and C. The accompanying document on the Economic and Fiscal Analysis describes five alternatives, the above four and a fifth, an Constrained Market Alternative. At a minimum, the EIR must include an analysis of this fifth alternative, which it appears to do in the sloppy or dismissive comment at the end of Section 4, where it states that any combination or variation of the above alternatives may be chosen. A fifth has been provided, and it should be studied in the EIR.

27-5

The confusion with the Alternatives is especially noticeable in the maps provided in Section 4. Figure 4-1, 4-2, and 4-3 are far from satisfactory. The colors of suburban residential and multi-family residential are indistinguishable at the level of magnification provided in the printed text. Further, the sites are not identified as to what is what. What are new, proposed re-zonings and what are existing zonings? As an example of an even finer level of confusion, Figure 4-1, the Lover's Lane site appears to be either suburban or multi-family, yet Table 4.4-1 on the opposite page does not appear to include Lover's Lane as part of the included re-zoning.

27-6

Each new block of land to be re-zoned should be clearly identified in each of these maps, with an explanation as to the environmental impacts of each re-zoned area, individually.

These maps should include outlines of the "villages" that were identified in the 2003 UVAP and are included in the 2007/2010 UVAP. See below in discussion of Goals and Policies.

27-7

5. The Goals and Policies reflect community concerns. However, there are instances where the goals and policies are not carried into the analysis of the environmental impact.

27-8

For example,

Goal LU1: Create compact, mixed-use, and well-balanced communities that can achieve this plan's principles of sustainability.

This goal does not surface in later pages of the Project or its Alternatives. Nowhere could we find the village concept as potential mitigation for growth.

6. The Goals and Policies are not accompanied by Implementation Measures as they were in UVAP 2003. The word "Policy" is not as strong a term as "Implementation Measure", which describes an action. State law requires that General Plans (and specific Area Plans such as this one) contain Implementation Measures. 27-9

7. Valley Growth Prospects need to be consistent and explained fully in the EIR. 27-10

- a. The accompanying documents contain the 2007 Housing Element, which was written before the Great Recession. The housing projections are wrong. The EIR needs to explain this document as not viable.
- b. The EIR should refer to the Fiscal and Economic Analysis population projection and compare this projection to the Housing Element of the Mendocino County General Plan.

8. Loss of Farmland appears to be great with all alternatives. Even with Alternative C, there appears to be 1,440.4 acres of total farmland lost. Table 3.1-1 is confusing, and perhaps this number is not accurate. Is it a valid number? Why is the total not provided in the EIR? Is there some way to stop this irreversible and significant harm to the Ukiah Valley? What mitigations must occur to balance this harm? 27-11

9. Mitigations measures for commercial development proposals should require a fiscal and economic impact analysis for any new retail commercial development over **50,000 square feet** and not 100,000 square feet. (page 93, LU7.1d) 27-12

10. Septic Suitability of Soils should be determined for all seasons, including seasons of high water tables. (page 105) 27-13

11. A map of Coyote Dam inundation in a dam failure should be included in the EIR, along with an identification of exactly which new proposed land-re-zonings lie within the inundation area. These data should also appear in a new table. In new maps, tables, and descriptions, the "Constrained Market Alternative" should be included. 27-14

12. The table and maps of the 100-year floodplain should include the specific sites of re-zoning for each alternative, including the constrained market alternative. 27-15

13. Where is Mitigation 3.3-G.1? What is Mitigation 3.3-G.1? 27-16

14. **Pedestrian facilities** (page 182) **are woefully described**, and yet Goal 1 is 27-17 to create compact communities. Policy CT2.1 includes “measures to include appropriate pedestrian facilities in new development.” Surely there is more to a compact community, however, than sidewalks. As an example, it is here where the village concept should be developed, with the EIR showing how Calpella, Talmage, and the Forks can become walkable communities, not just with sidewalks, but with paths and trails. An obvious mitigation for population increases in Calpella and the Forks is the development of a path along the railroad tracks, already proposed in the City of Ukiah. Statements should also describe how proper planning increases walkability, e.g., a grid design makes walking a more efficient means of getting from one place to another while a wandering, looping suburban plan puts people into a car.

Goal LU1: Create compact, mixed-use, and well-balanced communities that can achieve this plan’s principles of sustainability.

15. **Public Transit is only marginally described.** The community has 27-18 expressed over and over again that they want development to occur that is not solely private automobile based. Yet the public transit is not described as the mitigation for growth and traffic increases that it can be. The EIR should identify a transit hub (recommended in the highest density area, the City of Ukiah), where rail and bus travel can be coordinated and then linked out to the outlying communities. This transit hub should be included in Policy CT3.1.

16. **The section on Aesthetics** (Section 3.9) **focuses on views from 27-19 roadways.** For individuals living in a community, roadway views are not as important as views from one’s home, one’s work, and one’s place of play. It is strange to focus aesthetics only on roadway views. Aesthetics should also include greenways, roads with trees, roads with grassy medians or side strips. Aesthetics is essential to most everyone in the Ukiah Valley. There needs to be more creativity in the EIR in using aesthetics as mitigations to growth problems.

Overall, the biggest problem, beyond the confusions of “preferred” or “worst case” project, is the lack of adherence to using the development of compact, mixed use, and well balanced communities to provide a framework for future growth. 27-20 The County has rejected large projects such as Masonite and Lover’s Lane as new, mixed use developments. The County has expressed, in contra-distinction, a true desire to develop “communities” within existing communities. To use in-fill and smart growth principles hand in hand. Examples abound, and the EIR should bring these forward as mitigations for growth and development.

There are many locations where development could become what the public has said it wants. To mention three of these,

- 1) The Forks, along State St. development appears random and diffuse and yet it is mixed. This area could be cultivated as a community hub, with the

College providing the core and the newer development along Lake Mendocino Drive giving it structure to fill in other basic needs, sidewalks, and open space and to expand existing grocery and other everyday shopping needs with Redevelopment funds.

- 2) The shopping center with Raley's at the N. State St./101 intersection could also be developed as a model mixed-use area, compact, pedestrian oriented, new open space, offering work/live options.
- 3) The business development along east Kunsler Ranch Road could add in housing and become mixed use with amenities mentioned above.

The problems of which UVAP, what alternatives, and which population base infect the EIR with confusions and inconsistencies. Reading this EIR takes patience and hard work. For this reason, the Smart Growth Coalition requests that the deadline for the close of the comment period for the EIR be extended for 30 days. Such a delay will also allow the discussion of the UVAP to proceed prior to the close of the Comment Period.

27-21

Sincerely,

The Smart Growth Coalition

Response to Letter from The Smart Growth Coalition

- 27-1. See Response 26-35 regarding this same comment.
- 27-2. See Response 26-1 regarding this same comment.
- 27-3. See Response 26-2 regarding this same comment.
- 27-4. See Response 26-3 regarding this same comment.
- 27-5. See Response 26-6 regarding this same comment.
- 27-6. See Response 26-31 regarding this same comment.
- 27-7. See Response 26-11 regarding this same comment.
- 27-8. See Response 26-10 regarding this same comment.
- 27-9. See Response 26-29 regarding this same comment.
- 27-10. The Draft EIR assesses a worst case scenario of full buildout of the plan area. It does not rely on projections in other documents.
- 27-11. See Response 26-18 regarding this same comment.
- 27-12. See Response 26-17 regarding this same comment.
- 27-13. See Response 26-21 regarding this same comment.
- 27-14. See Response 26-22 regarding this same comment.
- 27-15. See Response 26-23 regarding this same comment.
- 27-16. See Response 26-34 regarding this same comment.
- 27-17. See Response 26-25 regarding this same comment. Also, see the text under Policy LU1.1a that states that safe networks for walking are to be included in new development.
- 27-18. See Response 26-26 regarding this same comment.
- 27-19. See Response 26-28 regarding this same comment.
- 27-20. The commenter's opinion and recommendations about the plan itself are noted for the record. As no questions are asked about the EIR, no additional response is required. The Board of Supervisors may consider these recommendations when making a decision on the final plan.

27-21. The County Board of Supervisors chose not to extend the public review period for the EIR.

DANIEL MYERS P.O. BOX 449 PHILO, CA. 95466

24 March 2011

**Mendocino County Planning Team
501 Low Gap Road, Room 1440
Ukiah, CA, 95482**



Via email planningteam@co.mendocino.ca.us

Planning Staff;

The subject Draft EIR fails to support the Preferred Alternate in that its Water Supply Assessment expressly denies the possibility of meeting the water demands of that alternate. The DEIR is also deficient in that it fails to address any agricultural water demands of the Ukiah Area Valley Plan.

28-1
28-2

AGRICULTURAL ISSUE

The Water Supply Assessment Report for the UVAP is limited to water demand for prospective development of residential, commercial and business properties. It is further limited in its examination to only the lands covered by water purveyors which leaves about half of the area of the UVAP un-addressed. The DEIR at page 16 identifies agricultural land and rangeland as 55% of total area of the UVAP, exceeding the sum of all residential, commercial and industrial land that comprise only 32% of the total area. There is no rational for the failure to address agricultural water use in the report.

While the Water Supply Assessment is silent on agricultural water use, there are prospective agricultural land use changes in the Preferred Alternate at page 18 of the DEIR that will impact water demand. These agricultural conversions of Range Land RL-160 and Agriculture AG-40 lands to more water intensive use comprise more than 50% of the acreage of all listed land use changes.

28-3

These land use conversions are examined at page 76 in the DEIR for the potential loss of what is referred to as "farmland". Ironically, there is no review of the land use changes for increased water demand. Future water use for these down zoned areas may well exceed the demand identified in the report for residential and commercial use. This demand should be examined, quantified and included in this DEIR. The conversion of

Rangeland to RR, RMR or even AG-40 establishes a path to higher water consumption in the future and should be recognized in the DEIR.

WATER SUPPLY ASSESSMENT

Putting aside the failure to address agricultural water use, the DEIR should not be adopted in any event, in that the Water Supply Assessment does not support the Preferred Project, Alternates A or Alternate B. At page 6-10 it states; 28-4

Based on the comparison of available supplies and projected demands presented in Table 6-1 through Table 6-4, current UVA water supplies are insufficient to fully implement any of the UVAP's four land use alternatives through the 2030 planning horizon. Implementation of the UVAP's Preferred Alternative, the most water intensive of the four alternatives, will require additional water supplies – as much as 1,610 acre-feet to augment the combined existing supplies of Calpella, Millview and Rogina, and as much as 2,500 acre feet to create a supply for the anticipated growth associated with the Not in District areas. Aggressive water conservation, pursuant to SBx7 7, could reduce - by approximately 50 percent- but will not by itself eliminate the projected 2030 water supply shortfall for the UVA. (Emphasis added)

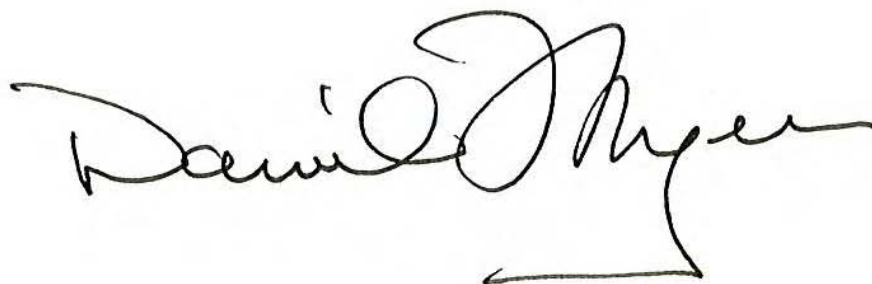
While many of the land use changes would involve ground water withdrawals, the Water Supply Assessment at page 4-7 states;

However, the SWRCB's assertion that virtually all of the groundwater in the Ukiah Valley is underflow creates considerable uncertainty as to the institutional availability of this supply, and therefore, at least for now, it is assumed that none of the groundwater in the Ukiah Valley is available for future growth. (Emphasis added)

There are no viable mitigations that would support a different outcome than set out above in the Water Assessment itself.

Daniel Myers
dmyers@pacific.net

DEIR UVAP Fnal 2-19-11



Response to Letter from Daniel Myers

- 28-1. Alternative C is identified as the environmentally superior alternative. It and the Existing General Plan Alternative have the least water demand of any of the alternatives. The EIR is not required to find that buildout of an alternative be fully served by existing water supplies.
- 28-2. Agricultural water demand and use are part of the baseline conditions. The Draft 2007 UVAP would not expand agricultural use in the plan area, so it does not need to address this use. That said, agricultural producers obtain water from wells and contracts with the RRFCD.
- 28-3. The Draft EIR and the Water Supply Assessment prepared for use in the EIR provide a detailed analysis of the increased water demand from buildout under the plan alternatives. This program EIR is not required to assess the increased water demand for each particular land use change. It is also questionable whether converting a property from, say, a vineyard to a commercial use would increase overall water demand. It may shift where the water comes from, but it may not increase overall water use.
- 28-4. The EIR is an informational document. It is not intended to provide support or opposition to the project. If a plan is not approved, then land use will continue to be guided by the existing General Plan, and development under this plan has the same water constraints as Land Use Alternative C.

RECEIVED
MAR 24 2011

BY
PLANNING & BUILDING SERVICES
Ukiah CA 95482

24 March 2011

County of Mendocino
Board of Supervisors and

County of Mendocino
Department of Building and Planning
501 Low Gap Road
Ukiah, CA. 95482

Subject: Draft Environmental Impact Report for the Ukiah Valley Area Plan

Attn: Roger Mobley, Chief Planner

We are residents and/or property owners in the Wagenseller Neighborhood which is adjacent to the Brush Street Triangle. The following are our comments on the EIR concerning the proposed change of zoning for the Brush Street Triangle Area:

1. Flooding

This area is in the 100-year flood plain. The EIR mentions that flooding will be "quite shallow" in this area. Please define shallow and propose mitigations for flooding.

29-1

2. Traffic (Impact 3.6-A)

The EIR says that Brush Street at State St. intersection will have unacceptable Levels of Service. Mitigations offered include a new hook ramp from 101 and an extension of Orchard to Lake Mendocino Drive (AB1600). The EIR should evaluate the likelihood of the construction of these roadways and then say, if the construction is unlikely, that the proposed mitigation is unlikely, and therefore the impact is significant and unavoidable.

29-2

The EIR should also discuss whether and how new traffic will affect the proposed new residents in the area and the existing residents in the Wagenseller Neighborhood.

Timing is important. The EIR states, "Many to most of these improvements may not occur until sufficient new development occurs either in the North State, Lovers Lane, Brush Street Triangle and/or South Ukiah Valley areas to warrant and to finance the improvements. It is possible that future projects could be approved prior to the roadway extensions and/or widening being financed or constructed. Therefore, future projects would need to be assessed regarding traffic impacts to the street system that is present at that time (or planned and financed improvements to that system)."

29-3

The EIR should specifically explore the impacts should the Brush Street Triangle project move forward without the other projects. Will there be traffic improvements or not? If not, the EIR should consider development of the Brush Street Triangle as causing significant and unavoidable traffic impacts.

3. The EIR states, "Development of this area will replace views of open space with new urban development. This development will extend the developed east edge of Ukiah to the highway." The EIR must evaluate carefully the loss of open space and viewshed and provide mitigations. The EIR could state that the loss of the open space and view shed requires the mitigation that 25% of the area be open, with recreation, community gardens, a trail and pathway system, linking existing residents and services with the new community. Further, there must be a riparian corridor and a border of vegetation along 101 in conjunction with any development.

29-4

4. Mendocino County is under court order to provide more low-income housing. The Brush Street Triangle may seem like a perfect location to site this housing, a possibility often discussed at the county and city legislative level. The EIR should discuss this likelihood and determine whether specific mitigations are required for this housing to proceed. Of particular concern is the already high level of low-income housing adjacent to the Brush Street Triangle, to the immediate south, in the Wagenseller Neighborhood (existing, 120; under construction, 32; proposed 120; shelter-housing, 122 beds). Concentrations of low-income housing puts an unfair burden on the inhabitants of the area, low, middle and high income alike. Concentrations of low-income housing can become a "ghetto" and perpetuate low incomes and economic disparities. The EIR should discuss this potential impact in terms of the potential to cause economic blight to the existing inhabitants and to the individuals for whom this new housing is intended. A sounder, better solution would seem to be low-income housing as infill, up to 8 to 12 units per location, not as large concentrations. However, should the plan for a zoning change move forward, mitigations for potential blight impacts should be established.

29-5

5. There is a category of open space in the EIR that is described as "parks/open space/public". Parks and open space are often seen as mitigations for development. They should be separated out from public, which can be any public use of land, an electrical substation, a school, etc. Parks and open space should be considered as mitigations only if they are truly either a park or open space.

29-6

Respectfully submitted,



Jennie Bido

Jennie Bido



Cody Carlson

Michael West

Michael West



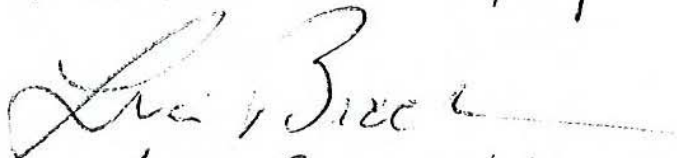
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approval by email
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Diane Zucker

Susan Sher

Barbara Bristol

Ann Kelly

Judy Pruden

Response to Letter from Residents of the Wagenseller Neighborhood

- 29-1. The Draft 2002 EIR prepared for the City of Ukiah on the Orr Creek Bridge, Orchard Avenue Extension, and Brush Street Improvements (Leonard Charles and Associates, 2002) states: "Virtually the entire Study Area is within the 100-year floodplain of the Russian River and/or Orr Creek (FEMA, 1983). The Study Area would be subject to shallow inundation during the 100-year flood. The FEMA maps show that Highway 101 is above the 100-year floodplain, and the roadbed of Highway 101 is virtually the same elevation as most of the adjacent lands on the Study Area. Areas near Orr Creek may be up to 2 feet below the 100-year storm elevation, while properties to the north could be less than one foot below this flood elevation." This information is out of date and new maps that FEMA is preparing may show greater depth of inundation. Mitigation for new development in areas subject to flooding is presented on pages 119 to 120 of the Draft EIR.
- 29-2. The traffic analysis was done based on the County's implementation of these roadway improvements. The EIR preparers cannot predict if the improvements will be funded and constructed. At the time that a development application, except for an affordable housing project, is made in the area, this EIR requires that a specific plan be developed for the entire area (see Mitigation Measure 3.9-A.1 on page 261), and a CEQA document would need to be prepared for that specific plan. The affordable housing project would be subject to a project-specific EIR that will address traffic impacts given the situation existing at the time an application is filed. If the area buildout or the housing project would generate traffic that cannot operate at acceptable levels of service, then mitigation would be required, and the specific EIR will need to make a determination of the significance after mitigation. It is not the responsibility of this Program EIR to conduct that project-specific and site-specific analysis. Any circulation or other impacts to the Wagenseller neighborhood would also need to be addressed in that subsequent EIR(s). Without knowing what type of project would be constructed where and what the roadway system would, we cannot predict the impacts to the neighborhood.
- 29-3. See the above responses regarding this issue. This Program EIR states that the cumulative impacts that proposed measures like roadway extensions would mitigate will remain unmitigated in the case that the improvements are not made at the time a future project begins operation. That said, it is likely that development of the area in the absence of the Orchard Avenue extension and, possibly, the hook ramps, would have significant traffic impacts. If the subsequent EIRs determine this to be the case, then the EIR will require mitigation to reduce that impact, and this mitigation could be to fund these major roadway improvements with possible repayment from future development that would use the improvements. The EIRs could find that mitigation is infeasible and thus that the impact remains significant and unavoidable. But that is a conclusion that needs to be considered at the time an application is made and undergoes environmental review.

- 29-4. This Program EIR is not an assessment of possible future development of specific sites. The EIR calls for the preparation of a specific plan (except for an affordable housing project) for this area. That plan and the accompanying CEQA document would assess loss of open space and specific area or site mitigations. The EIR states that “Prior to any new discretionary project approvals in the Brush Street Triangle (except for the existing application for an affordable housing project), a specific plan shall be prepared for the Brush Street Triangle to coordinate areawide circulation and infrastructure, preserve open space, provide recreational facilities, and maximize ultimate development potential. Prior to any new discretionary project approvals in the Lovers Lane area, a specific plan shall be prepared for the area to coordinate areawide circulation and infrastructure, preserve open space, provide recreational facilities, and maximize ultimate development potential.”

The commenter is referred to the Draft EIR that our firm prepared for this area in 2002. That EIR recommended at least 20% of the area be retained as open space and that a unified plan be developed to maximize the connection and integration of this open space regardless of parcel boundaries. This open space should incorporate existing valley oaks, existing and new wetlands, and area drainage features. It should extend along at least the northern frontage of Highway 101, and as far south as feasible. Native trees and shrubs shall be planted in the open space per City guidelines. These trees and shrubs will be fertilized and watered to ensure rapid and healthy growth. We assume that similar recommendations would be included either in the specific plan, the housing project application, and/or the accompanying CEQA document.

- 29-5. The possible effects of an affordable housing project in the Brush Street Triangle is not required for this Program EIR and would need to be addressed in the EIR prepared for such a housing proposal. The Draft 2007 UVAP classifies the site where a previous, but withdrawn, application for an affordable housing project as Multi-Family, while the remainder of the Brush Street Triangle is classified for Multi-Use. This Program EIR assesses the cumulative impacts of area buildout, including multi-family development of this site. The neighborhood-specific impacts of a possible multi-family project, be it affordable or not, would be addressed at the time an application is filed. At this time, it would be speculative to say that additional affordable housing within the Brush Street Triangle would cause such blight. Nevertheless the commenter’s recommendation that this site not be classified Multi-Family is forwarded to the Board of Supervisors.
- 29-6. We concur with the statement, but could not find a location where we stated that the public classification was the same as parks and open space, so no change will be made to the EIR text.

March 24, 2011

County of Mendocino
Board of Supervisors and
County of Mendocino
Department of Building and Planning
501 Low Gap Rd
Ukiah, CA 95482

Subject: Draft Environmental Impact Report for the Ukiah Valley Area Plan

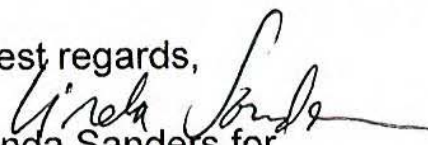
Attn: Roger Mobley, Chief Planner

Friends of Gibson Creek is a group of citizens dedicated to the health and appreciation of our neighborhood creeks and watershed. Our comments on the Draft EIR are as follows:

Chinook, Coho and Steelhead Fish and Aquatic Habitat

1. To improve the survival of state and federally listed threatened California salmonids the EIR should add a **habitat conservation plan** requirement for native fish. Aquatic species and streams are not adequately protected from the impacts of development. A habitat conservation plan adopted by Mendocino County for anadromous populations is an important tool for guiding future development near streams and rivers and would mitigate the heavy losses the chinook, coho and steelhead have suffered in northern California. 30-1
2. To improve fish habitat the EIR should add that all transportation projects both private and public within 500 feet of a stream or river are required to follow the recommendations outlined by the California Department of Fish and Game's **FISH PASSAGE DESIGN AND IMPLEMENTATION** XII-1 April 2009, before county approval of required permits. The document provides technical guidance for the design of fish passage projects at stream crossings, small dams and water diversion structures. It also encourages road project designs that emulate natural systems as they will most likely satisfy ecological objectives, such as accommodating for movement of fish and other aquatic organisms. Road development creates passage problems for fish, adds significantly to water pollution and sedimentation of streams. New roads increases impermeable surface area that adds to storm water runoff. Poorly maintained roads near watercourses increases sedimentation and negatively impacts water quality for aquatic species and their habitat. Good road design for fish passage near or within streams and rivers will provide some measure of mitigation for threatened California salmonids. 30-2
3. Lastly, development of any kind that negatively impacts the aquatic environment kills anadromous fish which is unlawful. Specific, measureable set backs or greenways from the top of the streambank to the middle of the stream channel are not determined in the EIR. The EIR should specify a **minimum** development setback distance from streams which will be at no less than **100 feet**. 30-3

Best regards,


Linda Sanders for
Friends of Gibson Creek
PO Box 1631
Ukiah, CA 95482

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Ukiah CA 95482

Response to Letter from Linda Sanders, Friends of Gibson Creek

- 30-1. The recommendation is noted for the record. As no questions are asked about the EIR, no additional response is required.
- 30-2 We concur with this recommendation. It is expected that these types of design recommendations will be incorporated in the standards for river corridors as described in the EIR-recommended Implementation Measure OC1.1h. However, the County could consider adding this specific direction to that implementation measure when adopting the plan.
- 30-3 The commenter is referred to EIR-recommended implementation measures on pages 159 to 160 of the Draft EIR. These measures establish river corridors and limit what development can occur in those corridors until final setbacks are adopted. For example, no residence would be allowed within 200 feet of the Russian River or 50 feet from the other streams. The County should consider the recommendation to increase this corridor for other streams to 100 feet for other streams.

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Senior Planner
Mendocino County
Department of Planning and Building Services
501 Low Gap Road, Room 1440
Ukiah, CA, 95482

March 24, 2011

**SUBJECT: COMMENTS ON DRAFT UKIAH VALLEY AREA PLAN DRAFT
PROGRAMMATIC ENVIRONMENTAL IMPACT REPORT**

Dear Planning Department:

Grassetti Environmental Consulting (GEC) has retained by the Willits Environmental Center to provide assistance in reviewing and commenting on the Draft Ukiah Valley Area Plan Draft Programmatic Environmental Impact Report (EIR). As the firm's principal, with over 20 years of experience preparing and reviewing California Environmental Quality Act (CEQA) documents, I personally conducted this review of the EIR. In summary, as described below, this review identified substantial deficiencies in the EIR's treatment of mitigation measures and potentially significant impacts, particularly in the areas of biological resources, hydrology, water quality, and geology.

31-1

BACKGROUND

CEQA requires that public agencies identify the potential environmental impacts of a proposed action, and then identify feasible measures to mitigate identified potentially significant impacts. CEQA documents are required to show the nexus between impacts and mitigations, that is, there must be a clear analytical trail leading to any CEQA conclusions that mitigations will, in fact, reduce impacts to the levels claimed in an EIR. In this light, the EIR is a "show us" document rather than a "trust us" document.

CEQA allows (and requires) preparation of Program-level EIR's for plans such as the Ukiah Valley Area Plan, and permits environmental review of future development under the Plan to be "tiered" off of the program EIR. However, under CEQA, tiering "does not excuse the lead agency from adequately analyzing reasonably foreseeable significant environmental effects of the project and does not justify deferral of such analysis to a later-tier document." (Guidelines Section 15152(b)). In fact, CEQA requires that a project's significant environmental impacts "be assessed and mitigated at the earliest possible time in the environmental review process". (Bozung v. Local Agency Formation Com). Under tiering, a Lead Agency may defer mitigation for site-specific

projects which cannot reasonably be determined at the time of the Program EIR, however tiering does not permit the deferral of Program-level mitigation measures that will apply to the entire Plan area, particularly when those measures are relied upon in the EIR to mitigate potentially significant impacts to a less than significant level. The CEQA Guidelines (Section 15152, Discussion) specifically state:

This approach recognizes that not all effects can be mitigated at each step of the process. There will be some effects for which mitigation will not be feasible at an early step of approving a particular development project, and the section would allow a lead agency to defer mitigation of that kind of effect to a later step. Such effects may include site specific effects such as aesthetics or parking, depending on the circumstances. At the same time this section makes it clear that tiering does not excuse the lead agency from analyzing reasonably foreseeable significant effects, or justify deferring analysis to a later tier EIR or Negative Declaration.

CEQA recognizes that there are some situations where the formulation of precise means of mitigating impacts is truly infeasible or impractical at the time of project approval. CEQA case law clearly states that "In such cases, the approving agency should commit itself to eventually working out such measures as can feasibly be devised, *but should treat the impacts in question as being at the time of project approval.*" (Sacramento Old City Assn. V. City Council of Sacramento, 3d Dist 1991, emphasis added) CEQA further requires "meaningful information reasonably justifying an expectation of compliance" for any mitigation measures assumed to mitigate project impacts to a less than significant level. (Sundstrom v. County of Mendocino, 1st Dist. 1988)

CEQA also requires that, in cases where formulation of precise mitigations is infeasible at the time of the EIR preparation, "the EIR should provide reasonable assurance that the various mitigation methods proposed are feasible from a technical standpoint. The EIR also should articulate specific performance criteria *creating a reasonable expectation that the mitigation measures will be successful in reducing the project's potential environmental impacts to a level of insignificance.*" (Berkeley Keep Jets Over the Bay v. Board of Port Commissioners, 2001, emphasis added).

CEQA requires that a mitigation monitoring or reporting program be adopted by any public agency that approves findings pursuant to Public resources Code Section 21081. The monitoring or reporting program "shall be designed to ensure compliance during project implementation" (PRC section 21081.6). Moreover, the mitigation measures to be monitored must be "fully enforceable through permit conditions, agreements, or other measures." (PRC section 21081.6). Some CEQA practitioners maintain that mitigation monitoring/reporting is not required for Program-level EIRs such as those on general

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plans, specific plans or community plans. This is clearly not the case – CEQA Guidelines Section 15097(b) describes how mitigation monitoring applies to these plans as follows:

When the project at issue is the adoption of a general plan, specific plan, community plan or other plan-level document (zoning ordinance, regulation, policy), the monitoring plan shall apply to policies and any other portion of the plan that is a mitigation measure or adopted alternative. The monitoring plan may consist of policies included in plan-level documents.

In developing effective mitigation measures, expert commentators have noted that measures relying on terms such as “consult with”, “submit for review”, “coordinate with”, “study further”, “encourage/discourage”, “facilitate”, and “strive to” are inadequate because they do not actually assure any mitigation. Measures such as “provide funding for”, “hire staff”, “monitor or report”, “comply with existing regulations or ordinances”, and “preserve already existing natural area” are “questionable” and may not assure mitigation. Adequate mitigation measures must describe the who, what, where, why, and when of implementation. Absent this information, implementation and effectiveness of mitigation measures cannot be assured (Bass, Herson, and Bogdan, CEQA Deskbook, 1999, p. 113).

EIR DEFICIENCIES

My review indicates that the EIR is substantially deficient in that it relies on vague, ill-defined, or inappropriately deferred mitigation to reduce numerous impacts to less than significant levels. The EIR includes no mitigation prohibiting development until deferred mitigation is developed and adopted and therefore does not assure that significant adverse impacts identified prior to mitigation would not occur. In several cases (i.e. development of a grading ordinance), the previous General Plan included the same mitigation, which was not developed or implemented at any time during the 25 year period covered by that plan.

31-3

Specific deficiencies identified include:

- Assumed implementation of stream enhancement plans for which no implementation has occurred, no funding is available, and no concrete plans exist to fund or implement
- Assumed mitigation resulting from studies of watersheds, streams, and habitats. As noted above, studies do not constitute mitigation

31-4

31-5

- Assumed Plan compliance with riparian/flood plain setbacks despite the lack of any requirements in the plan that such setbacks be respected, and the fact that the Plan would permit violation of those setbacks. 31-6
- The EIR inappropriately fails to consider conflicts with fisheries conservation/restoration plans as criteria for significant impacts. 31-7
- Assumes amendment of Land Development Code to include provisions to 'respect the natural terrain and habitat', absent any language to that effect or idea of what these amendments would be. 31-8
- Assumes amendment of the land Development Code to include setbacks or performance standards without providing any information on what those setbacks or standards should be. 31-9
- Assumes mitigation from policy to "strive to conserve riparian vegetation". As described above, qualifiers such as "strive to" does not assure mitigation, therefore the impact must still be considered significant. 31-10
- Similarly, mitigations such as OC-5.4.1, stating "Require additional mitigation measures" but failing to provide any performance criteria or basic concept of what those measures might be clearly cannot be assumed to actually mitigate any impact whatsoever. 31-11
- Deferral of mitigation for endangered species to possible future review by CDFG or USFWS may mitigate the impacts, but there is no assurance that such mitigation actually will occur, therefore this impact remains significant. 31-12
- Mitigations such as "support efforts..." of other agencies to maintain fisheries do not assure mitigation, and, given the failure of past efforts to maintain mitigation, it must be assumed that declines would continue under this plan. 31-13
- Reliance on possible unspecified future changes to the Land Development Code (Policies OC-8.1 through 8.4) as mitigation for loss of riparian habitat and fisheries is inappropriate; the mitigation must either be detailed or the impacts must be considered significant. 31-14
- Similar mitigation applied to Impacts 3.3-F and G also fails to mitigate, and those impact must be considered significant. 31-15
- Hillside development guidelines and guidelines for landslide-prone areas are assumed to mitigate for seismic and geologic impacts, yet no such guidelines exist or are specifically proposed in the plan, and no performance standards are included in the mitigation. Therefore the impacts relying on this mitigation remain significant. 31-16
- Measures to "support land management programs..." and "work with applicants" (e.g. Implementation Measures OC-12.2.1, OC-8.4) do not assure mitigation, therefore the impact must be considered significant. 31-17
- Mitigation relying on the non-existent "Grading Ordinance" (i.e. Geology Mitigation 1d) do not mitigate. 31-18

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- Mitigation measures such as Mitigation SF-2.1.2 that include wording such as "To the extent feasible" are inadequate because they do not assure mitigation. 31-19
- Implementation measures SF-2.3.2, 2.3.3, and 2.3.4 fail to mitigate because they do not provide any performance standards for the proposed development code amendment, nor any assurance that the code will, in fact, be amended. 31-20
- Implementation measure OC-12.2.2 similarly requires facility review for compliance with unspecified and unadopted standards, and therefore does not mitigate anything. 31-21
- Implementation measure OC-11.1.2 requires preparation of a comprehensive groundwater protection program but, again, includes no performance standards for the program and therefore fails to mitigate. Therefore Impact 3.2G remains significant. 31-22
- Mitigations for Impact 3-2.H also are lacking in substance or implementation assurance, therefore this impact remains significant. 31-23

CONCLUSIONS

In order to remedy these deficiencies the County has two options, either provide real mitigation measures that comply with CEQA requirements detailed in this letter, or consider all of the impacts purportedly mitigated by these inadequate measures to be significant. CEQA envisions the former approach. All mitigations should be clearly spelled out. Draft ordinance change text should be included as appendices to the Draft Area Plan to allow public review. As described above, it is inappropriate to defer this sort of mitigation to future environmental review because it is an integral part of the plan itself, and applies to the entire plan area. It would not appropriately be subject to a tiered environmental review because such review would be appropriate only to implementation of specific development proposals under the Area Plan. Once the mitigation measures are revised, the EIR should be re-circulated to permit the public and decision-makers to evaluate the adequacy of the new mitigation measures. 31-24

Please feel free to call me at (510) 849-2354 if you have any questions regarding this letter.

Sincerely;

Richard Grassetti
Principal

Cc: Mendocino County Board of Supervisors
Mendocino County Planning Commission

Ukiah Valley Area Plan DEIR Comment Letter
October 20, 2005
Page 6 of 6

Cc: (continued)
Ukiah City Council
City of Ukiah Planning Commission
Mendocino County Farm Bureau
Ukiah Valley Smart Growth Coalition
Mendocino Commons
Ukiah Area Chapter Audubon Society

Response to Letter from Richard Grassetti

This is the same comment letter submitted on October 20, 2005 on the original Draft EIR (except that the date of the letter has been changed to March 24, 2011). As such, it cites language that is not part of the current policies or implementation measures. We have responded to those comments that are still relevant to the current plan and EIR but not those that no longer apply.

- 31-1 This introductory discussion of CEQA requirements for Program EIRs is noted for the record. Nothing in these comments about CEQA contradicts what was done in preparing this EIR. The commenter also cites specific legal decisions regarding CEQA. We will not provide specific responses to these citations as no specific questions are asked about the EIR. We would note that the commenter in discussing mitigation measures has selected court cases dealing with specific projects and not general plans or specific plans. For example, we would note that the commenter cites the Sundstrom v. County of Mendocino case, which is an inappropriate citation for commenting on this EIR, since the Sundstrom case concerned a Negative Declaration where the County stated that future studies (as mitigation) would identify whether there were significant impacts, and then the County would identify mitigation measures to address those impacts. That situation is not comparable or applicable to the Draft 2007 UVAP and the extensive analysis that has gone into preparing this Program EIR and its attendant mitigations.
- 31-2. The commenter is correct. Please see the Mitigation Monitoring and Reporting Program (MMRP) contained in Chapter 4. CEQA does not require that the MMRP accompany the Draft EIR. It is commonly prepared as part of the Final EIR when the final decisions about impacts and mitigations have been determined. The remainder of this comment is noted for the record. As no questions are asked of the EIR, no response is required.
- 31-3. The opinions are noted for the record. As no specific question is asked about the EIR, no response is required. However, we will expand on this point, as it is also relevant to some of the subsequent comments.

The County's implementation of programs from its old General Plan has no bearing on this Program EIR (see the discussion on page 68 of the Draft EIR that specifically addresses this issue). As is stated clearly in the introduction to the impact analysis chapter on pages 67 to 68, the Draft 2007 UVAP is a plan that was selected by the Board of Supervisors for environmental review. Therefore, the EIR preparers necessarily accept that if the plan states that the County will implement actions called for in the draft plan, it will do so. As far as whether these actions mitigate the impact, as stated on those same pages, the implementation measure or policy is considered to mitigate the impact if there is an identified funding source (for those actions requiring development of a future plan) or if the action can be implemented within the normal departmental workload and that it is ongoing or will be implemented in the short term. Otherwise, the policy or implementation action would not necessarily mitigate the impact.

- 31-4. The comment is incorrect as regards the current plan and EIR. Mitigation Measure 3.4-C.1 provides specific protection criteria and provides interim protections until such time as the Riparian System Management Plan called for in the draft plan can be completed and adopted. The commenter has provided no explanation why this mitigation is deficient, so no additional response is required.
- 31-5. See the above response. The cited text is not included in the current plan.
- 31-6. Mitigation Measure 3.4-C.1 establishes the setbacks. Enforcement of those setbacks would be a legal matter and not an EIR issue. See the Mitigation Monitoring and Reporting Program for the responsibility for enforcement. The mitigation identifies certain uses within the setbacks, as it is not feasible to prohibit all uses within the setbacks. The mitigation would reduce the impact to a less than significant level even with the inclusion of these uses.
- 31-7. The commenter is incorrect. As stated on page 142 of the Draft EIR, there are no adopted Habitat Conservation Plans, Natural Community Conservation Plans, or other approved habitat plans covering the plan area.
- 31-8. The cited text is not included in the current plan.
- 31-9. The cited language is part of the old plan and is not included in the current plan. The commenter is referred to Mitigation Measure 3.4-C.1 regarding setbacks and standards for the riparian zone. These setbacks and standards are clearly described in that mitigation measure.
- 31-10. The cited text is not included in the current plan. See Mitigation Measure 3.4-C.1 for a description of clear setbacks and standards.
- 31-11. There is no Policy OC-5.4.1 in the current plan. See Mitigation Measure 3.4-C.1 for a description of clear setbacks and standards.
- 31-12. The cited text is not included in the current plan. The current draft plan does not defer mitigation for special status species. See the discussions of Impacts 3.4-A and 3.4-B.
- 31-13. The cited mitigation is not part of the current draft plan or EIR. See the discussions under Impacts 3.4-B and 3.4-C for current recommended mitigations for fisheries.
- 31-14. The cited policy is not part of the current draft plan. See the discussions under Impacts 3.4-B and 3.4-C for current recommended mitigations for fisheries.
- 31-15. This comment refers to the earlier EIR. See the discussions under Impacts 3.4-B and 3.4-C for current recommended mitigations for fisheries and Impacts 3.3-F and 3.3-G for mitigations for water quality impacts.

- 31-16. The comment refers to the earlier plan and EIR, as no “hillside development guidelines” are mentioned in the current EIR. See the discussions under Impacts 3.2-A to 3.2-C regarding seismic and landsliding impacts.
- 31-17. Again, the comment cites text that is no longer part of the draft plan.
- 31-18. The current plan does not contain reference to a grading ordinance. See the discussions under Impacts 3.2-A to 3.2-C regarding seismic and landsliding impacts.
- 31-19. This comment refers to the earlier plan and EIR. This text is not part of the current EIR.
- 31-20. This comment refers to earlier implementation measures aimed at reducing flood impacts. The commenter is referred to Impact 3.3-A in the current EIR for a discussion of policies, measures, and recommended mitigations to address this impact. Specific performance standards are included in this discussion.
- 31-21. This comment refers to an earlier implementation measure that addressed water quality impacts from parking lots. The commenter is directed to Impact 3.3-G to see current policy mitigation for this impact.
- 31-22. This comment refers to an earlier implementation measure that addresses groundwater impacts. The commenter is directed to Impacts 3.3-I to see current policy mitigation for this impact.
- 31-23. This comment refers to an earlier EIR impact discussion regarding water quality. The commenter is directed to Impact 3.3-G to see current policy mitigation for this impact.
- 31-24. This comment applies to the earlier EIR and is incorrect for the current EIR. This EIR provides “real mitigation measures that comply with CEQA requirements.” There is no need to revise mitigation measures given comments in this letter, and no need to recirculate the EIR.

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.

3. That such use preserves the integrity of the zoning district.

AYES: Little, Calvert, Warner, Holtkamp, Hall, Ogle
NOES: None
ABSTAIN: Nelson

[Break 10:52 AM – 11:01 AM]

Chairman Little passed the gavel back to Commissioner Nelson.

5c. **TIMED ITEM: 11:00 AM - PROJECT TITLE: DRAFT UKIAH VALLEY AREA PLAN (UVAP) AND DRAFT PROGRAM ENVIRONMENTAL IMPACT REPORT.

PROJECT APPLICANT: COUNTY OF MENDOCINO

PROJECT LOCATION: The project is situated within the unincorporated area of Mendocino County extending from immediately north of the Highway 101/20 interchange north of Calpella (excludes Redwood Valley area), southerly to 2+- miles south of the Highway 253/101 interchange, and approximately from ridge top to ridge top east and west of the Ukiah Valley.

PROJECT DESCRIPTION: The County proposes to adopt the 2007 Ukiah Valley Area Plan (UVAP) as an element of the Mendocino County General Plan. The draft plan tentatively approved by the Board of Supervisors as "the project" includes Open Space & Conservation, Historic & Archaeological Resources, Health & Safety, Parks & Recreation, Community Design, Circulation & Transportation, Water Management, Energy & Air Quality, and Land Use Elements. Noise and Housing Elements are not included, but are part of the County's General Plan and will apply to the UVAP planning area.

PROJECT COORDINATOR: ROGER MOBLEY

Mr. Gonzalez provided opening comments on the process of the day's meeting. He noted that the Planning Commission would be taking public comments on the Draft EIR and there would be future meetings for additional comment on March 3, 2011 and on March 15, 2011 there would be a joint meeting with the Board of Supervisors. He discussed the evolution of the project since 1990 and noted the current UVAP was essentially the 2007 version. He introduced Leonard Charles, who had prepared the EIR, Gary Pedroni Planner that had worked on the staff report and Roland Sanford who had prepared the Water Assessment. Last, Mr. Gonzalez noted that the comment period on the Draft EIR would close on March 24, 2011, and comments may be presented in writing or verbally to the Commission on any of the aforementioned dates.

Gary Pedroni, Planner, further discussed the background of the UVAP and how the County got to this point. He commented that work began in 1998, when the City of Ukiah and Mendocino County decided to undertake a cohesive planning effort on the outer fringes of Ukiah. He stated that process had produced the 2007 Framework Goals and Policies, which was the plan that the Board had adopted in 2007. Since then, the Board had directed the plan to be completed, which is what is before the Commission, dated 2010. He noted that the UVAP was based on a Program Level EIR, which did not consider specific projects and discussed the public hearing process. Finally, he noted that the Planning Commission would make recommendations to the Board of Supervisors on the proposed land use changes and the Board would certify and adopt the plan, a hybrid of the plan or not adopt the plan and use the previously adopted General Plan for zoning, etc.

Leonard Charles, Leonard Charles and Associates, discussed the CEQA process for an EIR and stated the purpose was to allow the Commission to make an informed decision. He stated the EIR process was not exhaustive, but would compare the main concerns for the preferred project to the alternatives. He further discussed the meaning of a Program EIR, that the overall cumulative impacts of the Ukiah Valley as a whole with total buildout by 2030 was considered as the "worst case scenario". He noted the possibility of full buildout in 20 years was absurd, but allowed for alternate scenarios that would be covered under the EIR. He noted after the end of the comment period, the Final EIR would be completed and have the response to comments. Mr. Charles further discussed the process and noted that if the plan was adopted in some form or a hybrid of the proposed alternatives, a Statement of Overriding Considerations would have to be included for impacts that cannot be mitigated. He noted some impacts could not be addressed in the plan, such as public infrastructure, schools, parks, waste water treatment, storm drains, etc. Several impacts that were considered significant and unavoidable include, loss of farmland with prime agricultural soils, water

quality/runoff from new construction, and protection of the Russian River corridor. He noted that the main difference in project alternatives was the reduction in the amount of development, both residential and commercial, and that the EIR was flexible enough to cover the alternatives.

Commissioner Holtkamp thought Mendocino County would fit the "Market Constrained" category under Fiscal and Economic Impacts.

Mr. Charles thought that was likely.

Commissioner Little asked if the Commission would be taking comments on the reports that had been mailed with the EIR.

Mr. Charles noted the EIR relies on those documents, so the Commission could take comment.

Mr. Gonzalez noted the documents were background reports and could be considered appendices of the EIR.

Commissioner Little commented that the market constrained analysis could reduce or eliminate impacts due to lack of building.

Mr. Charles noted impacts can be reduced below a level of significance and the Commission can make a recommendation as such when they hear the plan.

Commissioner Little commented that he appreciated the contract value printed on the Transportation Study and thought it would be informative for the public to see what the County had spent to bring the UVAP up to this point.

Commissioner Warner noted some of the appendices contradicted each other and asked if the differences would be highlighted for discussion.

Mr. Charles commented that the EIR did not rely on the impact analysis and data from different firms would not affect the outcome of the EIR.

The public hearing was declared open.

Bill Koehler, General Manager Redwood Valley Water District, was concerned that Redwood Valley was not included in the study area of the UVAP because the people might live in Redwood Valley, but they drive, eat, work, shop, and spend money in Ukiah. 32-1

Daniel Myers, Sierra Club, was concerned with water in the EIR, specifically the conversion of land into vineyards and asked if the EIR considered conversion as buildout. 32-2

Mr. Charles stated that the EIR did not predict conversion because it was speculative, but noted there were protections in place for oak woodlands.

Commissioner Warner was confused by the labeling of Table 2.61 on page 41. 32-3

Mr. Charles clarified how the table could be read with the policies in the UVAP sited, level of significance and mitigation measures.

Commissioner Hall commented that the biological impacts, sensitive habitat, riparian area mitigation measures, on page 160 do not seem protective. He felt more could be done to reduce impacts to less than significant. 32-4

Mr. Charles noted the Commission had the ability to add mitigation measures.

Commissioner Little commented that it appears that developing fees are based on the general buildout conditions in the Ukiah Valley, but the greatest potential to develop is in the unincorporated 32-5

areas outside city, thus it appears that the bulk of costs are in the City, while the revenue is in the County due to impact fees.

Mr. Charles noted the study follows a particular formula to determine growth, but could not answer for the study.

Chairman Nelson noted there appeared to be no further public comment for the day and asked the Commission if they would like to adjourn for lunch and come back or adjourn to the next meeting.

Commissioner Little noted that if some individuals wished to head home due to the weather, there would still be a quorum for public comment after lunch.

[Lunch 12:06 PM –12:50 PM]

Commissioner Calvert commented on Table 2.6-1, regarding dam inundation, that flooding was not addressed if an earthquake caused the dam to fail. She noted pages 32, 44, 94, 121, 110, all have references that should be modified to include dam inundation. She also noted that page 41 should be corrected to match, either all "LTS" or "LS". 32-6

Commissioner Warner commented on page 321 that the connection fee to Ukiah Valley Sanitation was included and it would be valuable to list the hookup fees for each water district. 32-7

Commissioner Little commented that any new development would transport sediments into streams and asked for further reference or explanation on Table 3.1-2, page 92. He also noted that the EIR mitigations require expenditures for further studies and asked how to analyze the ultimate cost to implement UVAP. 32-8 32-9

{Commissioner Calvert left at 1:00 PM}

Todd Schapmire discussed full buildout versus what had been called the worst case scenario. He was not familiar with how an EIR worked or related to the plan, but thought it was better to let economic growth dictate mitigation versus having a mitigation measure to dictate future growth. 32-10

Commissioner Little noted the City of Ukiah was negotiating with several large chain stores and asked how major projects were integrated into the EIR. 32-11

Mr. Charles noted the EIR did not look at projects, but considered buildout for the whole area so the total number of residential and nonresidential square foot of development was considered.

Steve Scalmanini commented that he was unclear of the process and asked what would happen with the EIR if UVAP was changed by the Board of Supervisors. 32-12

Mr. Charles stated that the EIR looks at alternatives with less development potential, but does identify an environmentally superior alternative. He stated the EIR has findings and data that will fit any final project if approved.

Mr. Gonzalez discussed the timeline for adoption of the UVAP and stated the Board could choose to adopt a number of variations of the plan or could choose not to adopt the plan. He stated the environmental document had been prepared and the plan provides for alternatives, so the process is to move forward with public comment on the EIR, allow the Planning Commission to comment, further comments will be taken March 3rd and there will be a joint meeting on March 15th between the Board of Supervisors and Planning Commission to allow for additional public comment. Mr. Gonzalez noted at that point it would be up to the Board to take action on the EIR while the Planning Commission made recommendations on the plan itself.

6. Matters from Staff.

There were no matters from staff.

Responses to Comments Made at the February 17, 2011 Planning Commission Public Hearing

Bill Koehler

- 32-1. The EIR preparers do not have the authority to decide what areas are included in the UVAP. This decision was made by the Board of Supervisors.

Daniel Meyers

- 32-2. The Draft EIR does address conversion of oak woodlands to vineyards; see page 162 where it states that this conversion to agriculture is as significant as conversion due to residential development. The Draft 2007 UVAP policies for protecting oak woodland, along with the EIR-recommended additions to those policies provide a strong framework to prevent significant oak woodland conversion. Though agricultural conversions are not explicitly mentioned, Implementation Measure OC2.3a calls for the County to work with the Department of Fish and Game, the U.C. Extension Office, and the Inland Ukiah Valley Land Trust to develop and implement an Oak Woodland Inventory and Conservation Plan. This plan can include measures to control conversion of oak woodlands to vineyards. This plan plus existing and recommended policies and implementation measures will reduce the impact in the plan area to a less than significant level. If the County wants additional protection for this resource, it would need to develop and adopt an ordinance to make agricultural conversions a discretionary project, and then the specific oak woodland protections included in the Draft 2007 UVAP and the EIR would apply.

Commissioner Warner

- 32-3. As was stated at the hearing, the table lists UVAP policies but not all the implementation measures included in the policy.

Commissioner Hall

- 32-4. The Commissioner specifically said that the Policy OC1.1b should also apply to ephemeral streams. Including ephemeral streams is not needed to reduce the overall impact to a less than significant level. The County certainly has the option of accepting the commenter's recommendation.

Commissioner Little

- 32-5. The traffic nexus fee study was prepared for the Mendocino Council of Governments (MCOG) with input and guidance from a Technical Advisory Committee with representatives from MCOG, the City of Ukiah, Mendocino County, and Caltrans. The study looked at the road system as a whole and identified what improvements would be needed for the entire system to serve buildout within the City and the unincorporated plan area. The study and the fee are intended to address traffic problems on an areawide basis. The following is from page 1 of the study:

This Study provides a schedule of fees to be established by the TIFP Ordinance and Resolution. The TIFP described herein provides funding for transportation improvements in the Ukiah Valley area, including the City of Ukiah and unincorporated areas of Mendocino County near Ukiah, required to serve new development and to ensure that existing service levels can be maintained. An overview of the study process is provided in Figure 1. As shown, the study effort was initiated based on policy direction from (1) the Mendocino Council of Governments, (2) Mendocino County, and (3) the City of Ukiah. Ultimately, the final fees and corresponding implementing Ordinances and Resolutions must also be approved by each of these entities.

The proposed TIFP fee, if approved, will need to be enabled through adoption by the City of Ukiah and Mendocino County of a new Ordinance. The enabling Ordinance would allow the jurisdiction to adopt, by Resolution, a fee schedule consistent with supporting technical analysis and findings. The Resolution approach to setting the fee allows periodic adjustments of the fee amount that may be necessary over time, without amending the enabling Ordinance.

The commenter is correct that most of the growth would occur in the plan area, so more of the fee would be collected from development in the County's jurisdiction. Looking at Table 3.6-5 in the Draft EIR, approximately \$74,000,000 of the total \$127,672,602 would be for transportation improvements in the unincorporated area or needed to serve proposed development in the incorporated area (e.g. improvements to Brush Street which are needed if the Brush Street Triangle is to be developed).

While more of the revenue could be generated in the unincorporated area (if buildout actually occurs) than is spent on County roads, it needs to be kept in mind that many of the residents in the unincorporated area drive to and through Ukiah for shopping, work, schools, entertainment, and other purposes. These drivers make a major contribution to congestion and other traffic problems in the City. This is why MCOG (with City and County input) took the approach of a developing a single impact fee to address the entire system.

As the Study states, the County and/or City may not charge the maximum fee for all of the land uses. However, in that case the revenue shortfall would need to be made up by other revenue sources, or the improvements would not be constructed, and this would have adverse impacts on traffic circulation.

Commissioner Calvert

- 32-6. See previous Responses 10-1 to 10-14 to these same concerns from this Commissioner. As explained in those earlier responses, we do not concur that the risk of dam failure needs to be identified as a significant and unavoidable impact on pages 32, 44, or 121 of the Draft EIR. The cited page 110 talks about the dam and is not an impact discussion. The cited page 94 is a discussion of the seismic setting, and it does not discuss the dam.

Commissioner Warner

32-7. This information is not required for the EIR. County staff may wish to provide this data prior to considering adoption of a plan.

Commissioner Little

32-8. The Commissioner's opinion is noted for the record. Whether he is correct or not does not alter the conclusions of the EIR, which note that any sedimentation caused by agricultural pursuits is part of the existing conditions in the plan area.

32-9. The costs of implementing the plan are not an EIR issue.

Todd Schapmire

32-10. The Draft 2007 UVAP is the "project." The Board of Supervisors identified this draft plan as the "preferred alternative" for purpose of analysis.

Commissioner Little

32-11. The EIR assessed buildout of the areas where the large stores are being proposed. So, the Draft EIR did address the cumulative impact of this additional development.

Steve Scalmanini

32-12. The EIR covers a range of alternatives. So long as the final plan does not contain more growth than what could occur under the Draft 2007 UVAP or growth in areas where growth is not considered in the Draft 2007 UVAP, the EIR would address the alternative.



MENDOCINO COUNTY PLANNING COMMISSION

MINUTES FOR THE MEETING HELD ON: March 3, 2011

LOCATION: Mendocino County Board of Supervisors Chambers
501 Low Gap Road, Room 1070
Ukiah, California

COMMISSIONERS PRESENT: Little, Calvert, Nelson, Warner, Holtkamp, Hall

COMMISSIONERS ABSENT: Ogle

PLANNING & BLDG SVC STAFF PRESENT: Ignacio Gonzalez, Director
Roger Mobley, Chief Planner
Jessica Stull-Otto, Planner I
Gary Pedroni, Contract Planner
Leonard Charles, EIR Consultant
Adrienne Thompson, Commission Services Supervisor

OTHER COUNTY DEPARTMENTS PRESENT: Tom Peters, Department of Transportation
Terry Gross, Deputy County Counsel

1. **Roll Call.**

The meeting was called to order at 10:00 a.m. Commissioner Ogle was absent by prior arrangement.

2. **Determination of Legal Notice.**

The Clerk advised the Commission that all items had been properly noticed.

3. **Director's Report and Miscellaneous.**

Mr. Gonzalez did not present a Director's Report.

4. **Regular Calendar.**

4a **PROJECT TITLE: DRAFT UKIAH VALLEY AREA PLAN (UVAP) AND DRAFT PROGRAM ENVIRONMENTAL IMPACT REPORT (CONTINUED FROM 2-17-11)**

PROJECT APPLICANT: COUNTY OF MENDOCINO

PROJECT LOCATION: The project is situated within the unincorporated area of Mendocino County extending from immediately north of the Highway 101/20 interchange north of Calpella (excludes Redwood Valley area), southerly to 2+ miles south of the Highway 253/101 interchange, and approximately from ridge top to ridge top east and west of the Ukiah Valley.

PROJECT DESCRIPTION: The County proposes to adopt the 2007 Ukiah Valley Area Plan (UVAP) as an element of the Mendocino County General Plan. The draft plan tentatively approved by the Board of Supervisors as "the project" includes Open Space & Conservation, Historic & Archaeological Resources, Health & Safety, Parks & Recreation, Community Design, Circulation & Transportation, Water Management, Energy & Air Quality, and Land Use Elements. Noise and Housing Elements are not included, but are part of the County's General Plan and will apply to the UVAP planning area.

PROJECT COORDINATOR: ROGER MOBLEY

Mr. Gonzalez provided opening comments and discussed the purpose of the meeting; for the Commission to discuss the Draft Environmental Impact Report (DEIR) and take public comments on

the document. He noted the Planning Commission would also have a joint meeting with the Board of Supervisors on March 15, 2011 at 6:00 pm, to allow for further public comment on the DEIR. Mr. Gonzalez reintroduced Leonard Charles, Gary Pedroni, Roland Sanford, turned the discussion over to Roger Mobley.

Chairman Nelson asked individuals to fill out speaker forms in advance to help facilitate the meeting.

Mr. Mobley advised the Commission that he had asked both Mr. Charles and Mr. Pedroni to present their previously prepared power point presentations for those in the audience that had not been able to attend the February meeting. He noted Mr. Charles would also discuss the CEQA process again for the audience.

Gary Pedroni, Planner, further discussed the background of the UVAP and how the County got to this point. He commented that work began in 1998, when the City of Ukiah and Mendocino County decided to undertake a cohesive planning effort on the outer fringes of Ukiah. He stated that process had produced the 2007 Framework Goals and Policies, which was the plan that the Board had adopted in 2007. Since then, the Board had directed the plan to be completed, which is what is before the Commission, dated 2010. He noted that the UVAP was based on a Program Level EIR, which did not consider specific projects and discussed the public hearing process. Finally, he noted that the Planning Commission would make recommendations to the Board of Supervisors on the proposed land use changes and the Board would certify and adopt the plan, a hybrid of the plan or not adopt the plan and use the previously adopted General Plan for zoning, etc. He also discussed one new slide and commented that the UVAP would facilitate the implementation of the Housing Element, would complete the General Plan and provides for an opportunity of future change.

Leonard Charles, Leonard Charles and Associates, discussed the CEQA process for an EIR and stated the purpose was to allow the Commission to make an informed decision. He stated the EIR process was not exhaustive, but would compare the main concerns for the preferred project to the alternatives. He further discussed the meaning of a Program EIR, that the overall cumulative impacts of the Ukiah Valley as a whole with total buildout by 2030 was considered as the "worst case scenario". He noted the possibility of full buildout in 20 years was absurd, but allowed for alternate scenarios that would be covered under the EIR. He noted after the end of the comment period, the Final EIR would be completed and have the response to comments. Mr. Charles further discussed the process and noted that if the plan was adopted in some form or a hybrid of the proposed alternatives, a Statement of Overriding Considerations would have to be included for impacts that cannot be mitigated. He noted some impacts could not be addressed in the plan, such as public infrastructure, schools, parks, waste water treatment, storm drains, etc. Several impacts that were considered significant and unavoidable including loss of farmland with prime agricultural soils, water quality/runoff from new construction, and protection of the Russian River corridor. He noted that the main difference in project alternatives was the reduction in the amount of development, both residential and commercial, and that the EIR was flexible enough to cover the alternatives.

Commissioner Little commented on the impact that ministerial projects would have on the EIR and noted that there could potentially be more environmental impacts from abandoning the UVAP versus adopting the mitigation measures in the document. **33-1**

Mr. Charles agreed that the EIR presumes the Ukiah Valley is undeveloped land to determine the effects of buildout and noted the environmentally superior alternative was to maintain the existing General Plan and adopt the policies of the UVAP. Mr. Charles commented that he understood Commissioner Little's concern and would try and clarify in the analysis. He also noted that the Board of Supervisors would have to adopt a Statement of Overriding Considerations for each impact, when it came to plan approval.

Commissioner Warner discussed the Transportation fee and asked how it related to the UVAP, noting there was a policy for impact fees. **33-2**

Mr. Charles noted he could check whether the Transportation Nexus Study was part of the EIR.

The public hearing was declared open.

Alan Nicholson commented that the preferred project was flawed and felt the EIR should be modified to reflect Alternative C as the preferred project. He was concerned that the EIR did not include future development in the City Limits, such as Costco or the expansion of Walmart and thought the increased traffic, demand for services, depletion of resources, etc. could devastate the valley. 33-3

Guinness McFadden discussed potential development at the Masonite site and disagreed with changing the zoning to mixed use. He stated it was unfair to the voters and owners of the Masonite property to include the zoning change after the ballot measure was defeated. 33-4

Ebo Thorbas discussed the population numbers in the EIR and did not think the potential increase anticipated by the UVAP was possible. He thought there was a better way to develop rather than letting business/corporations dictate development. 33-5

Mary Ann Miller commented that Mr. Charles had produced an excellent EIR, but also felt that the Plan, policies, objectives and mitigation measures were important. She stated the mitigation was necessary to fill the void left in the General Plan. She also thought that Alternative C should be the preferred project. 33-6

Jim Houle thought the UVAP was out of date. He felt studies were pointless after 6 months and thought County staff should be used instead of consultants to cut costs. 33-7

Pinky Kushner agreed with previous comments and was concerned with the Housing Element numbers, which were calculated before the recession. She was also concerned with the list of finished and unfinished projects in the Housing Element and asked if there was an updated list. She was also confused by the discussion of available land and did not see a discussion of converting development to farmland, since there were lands informally farmed. 33-8
33-9
33-10

[Break 10:56 AM - 11:05 AM]

Lee Howard felt that the information in the EIR was incorrect in numerous areas and discussed page 133, stating the Ukiah Valley Sanitation District pond system was an underflow of the Russian river. He noted that during previous meetings, it had not been discussed widening roadways such as extending Orchard Avenue to Lake Mendocino Drive or making Lake Mendocino Drive 4 lanes. He also discussed page 6-10 from the water assessment, which stated there was insufficient water to implement any of the 4 land use alternatives thru 2030. He thought the County was playing a "shell game" and stated there were no resources to develop. 33-11
33-12
33-13
33-14

Kerri Vau commented that she was in favor of growth and stated it was the only way to have a future. She thought it was important to have jobs, low income housing, services, etc. for younger generations to find Mendocino County valuable. She stated she would rather have retail shopping than drive by Masonite and look at the blight that is there today. She supported a mixed use designation, noting there was adequate industrial for expansion. She also noted, as a local farmer, that it was a tough business and several farmer were in foreclosure due to the economy. She did not see any reason to increase the land zoned for agriculture and found it offensive that she should be forced to preserve the lands as open space if it was not viable for farming. 33-15

Andrew Nicoll commented that the DEIR assumes growth is neither good nor bad, but evaluates a project on its own merit. He felt some impacts would be beneficial, such as converting some agricultural parcels to mixed use would take pressure off the larger parcels. He thought there was sufficient infrastructure and resources for growth and stated the plan would result in jobs. 33-16

Tony Shaw felt there was a flaw with the environmentally superior alternative and the feasibility of the mitigation measures. He was concerned that the mitigation could cause more impacts then they were attempting to mitigate and felt the "sprawl" development pattern around the City should be corrected by updating the zoning. 33-17

Todd Schapmire noted he had originally supported full buildout, but after moving away and then coming back, he felt people need economic development and a self sustainable economy to make Ukiah their home. 33-18

Steve Scalmanini was concerned that since the label "preferred project" had been associated with one project, it would be chosen due to the title and hoped the Commission and Board would be careful in adopting the Plan. He also noted that the census was set to be updated and thought the information could be useful. 33-19

Jack Cox noted during previous meetings, annexation of several properties into the City Limits had been discussed and asked to have the issue addressed. 33-20

The public hearing was closed for the day.

Commissioner Hall commented on page 159, that ephemeral streams be included in the discussion of mitigation impacts and riparian zones. 33-21

Commissioner Warner commented that it was difficult to finding the mitigation measures because they were scattered throughout the chapters and asked if there was somewhere that all mitigation measures were listed on one page. 33-22

Mr. Charles commented that the Final EIR will have all the mitigations compiled in a list as part of the mitigation monitoring, but he would try and add something for the Commission.

Commissioner Warner noted that she had insufficient knowledge of the Ukiah Valley to make a determination on the transportation extensions and asked if there was a map that showed all the connections and corridors.

Mr. Charles was not aware of a map and noted that the extensions were conceptual and would depend on future development in the area for completion.

Chairman Nelson was concerned that unique farmland was not listed on Page 78 under Table 2.6-1, or in mitigation measures 3.1-b1 under B and asked that it be added since that was the best soil for wine grapes. 33-23

Commissioner Little noted that the majority of the public comment appeared to have issues with the preferred alternative due to the level of buildout assumed; however he felt that full buildout would not happen in 20 years. He used the commercial square footage from the EIR, which was 4.6 million square feet, and noted it was impossible to reach that buildout by 2030; however an EIR could not assume that something would not happen.

Mr. Charles added a clarification that the EIR never uses the term "preferred", it only refers to the "project".

Chairman Nelson referenced page 130 under water quality, which stated that agricultural uses were a major source of sediment and challenged the statement. He commented that Mendocino County had the largest organic crops of any County in the State and felt the rural roads were to blame for the sediment. He also was not aware of any coho salmon north of Sonoma County aside from along the Coast. 33-24 33-25

In closing, Mr. Mobley reminded the audience that the Planning Commission and Board of Supervisors would hold a joint meeting on the Draft Environmental Impact Report on March 15, 2011, beginning at 6:00 PM.

Commissioner Hall asked if the first meeting on the UVAP itself would be March 17 2011.

Mr. Mobley stated the Plan discussion would begin on March 17, 2011.

5. **Matters from Staff.**

There were no matters from staff.

6. **Matters from Commission.**

There were no matters from the Commission.

7. **Approval of Minutes.**

There were no minutes to approve.

8. **Matters from Public.**

No one was present from the public who indicated a desire to address the Commission.

9. **Adjournment.**

Chairman Nelson declared the Planning Commission hearing adjourned at 11:53 a.m.

DRAFT

Responses to Comments Made at the March 3, 2011 Planning Commission Public Hearing

Commissioner Little

- 33-1. We concur that not adopting the Draft 2007 UVAP policies would result in more impact to some resources; see the EIR conclusions about the environmental disadvantages of the no project alternative on page 394 of the Draft EIR. To further clarify this, we have added some additional text to page 394 – see Chapter 3.

Commissioner Warner

- 33-2. See Response 32-5 regarding the transportation impact fees.

Alan Nicholson

- 33-3. These are the same comments that this commenter made in his Comment Letter; see Responses 13-1 to 13-4.

Guinness McFadden

- 33-4. The opinion regarding the appropriate land use classification for the Masonite site is noted for the record.

Ebo Thorbas

- 33-5. The EIR examines the maximum buildout. We concur that it is unlikely that this will be reached.

Mary Ann Miller

- 33-6. The commenter's opinions are noted for the record. The commenter also asked how the mitigations included in the EIR would become part of the final adopted plan. The County will decide whether to incorporate the recommended mitigations. If it decides a particular mitigation is not warranted, then it will need to make a Finding that tells why the recommended mitigation is not needed to reduce the impact it addresses to a less than significant level. If the impact would remain significant, then the County would need to explain the overriding reasons it is approving the plan given this significant impact to the environment. The commenter also asked for a list of who requested each land use change listed in Table 1.6-5. This is not an issue that affects the EIR. The County may produce such a list when considering the merits of the project.

Jim Houle

- 33-7. The opinion is noted for the record. It is impossible to conduct a large scale planning project that involves substantial public input in 6 months.

Pinky Kushner

- 33-8. The commenter's concerns about the Housing Element are noted for the record. Because the Draft 2007 UVAP does not address housing issues, this is not a concern for this EIR.
- 33-9. The commenter asked where people would live. Table 1.6-1 shows where development would be located in the plan area if buildout occurs.
- 33-10. The commenter stated that the UVAP does not address returning developed land to Agriculture. This is not a goal of the Draft 2007 UVAP. However, the EIR does recommend prioritizing new development on areas that are not farmed and that are infill projects (see Mitigation Measure 1.1-B.1 on page 78 of the Draft EIR). By focusing developing in these areas, it reduces pressure on agricultural lands.

Lee Howard

- 33-11. The EIR does not state that the UVSD pond is underflow. The commenter also noted, and is correct, that septage is no longer accepted at the Hopland facility. However, the commenter is incorrect that it is hauled to Lincoln. There are four sites in Mendocino County that accept septage – HBarH Ranch in Point Arena, Tunzi Ranch near Comptche, the Covelo Sewer District, and the City of Willits wastewater plant. The EIR remains accurate that there is currently no immediate concern regarding adequate sites for septage disposal (David Jensen, Mendocino County Environmental Health Land Program Manager, personal communication, March 24, 2011). The reference to Hopland has been deleted from the text – see Chapter 3.
- 33-12. The commenter also noted, and is correct, that on page 133 the Draft EIR inaccurately stated that the Ukiah Valley Sanitation District operates the sewage treatment facility. It is actually operated by the City of Ukiah. This has been changed – see Chapter 3.
- 33-13. The roadway widening proposals are part of the UVAP (see Table 5.2 In the Circulation and Transportation element of the Draft 2007 UVAP).
- 33-14. The commenter states that page 6-10 the Water Supply Assessment states that there are inadequate water supplies to serve any of the plan alternatives and that the EIR does not present this conclusion. The commenter is incorrect. The commenter is referred to page 314 of the Draft EIR where the first sentence under the Summary and Discussion heading states this very conclusion. The EIR concludes that additional water sources would be needed to serve buildout and identifies some potential sources. It concludes that developing such sources could have significant adverse impacts.

Kerri Vau

- 33-15. The commenter's opinions are noted for the record. As no questions were asked concerning the EIR, no additional response is necessary.

Andrew Nicoll

33-16. The commenter is correct that development under the Draft 2007 UVAP would have some benefits compared to growth under the existing General Plan. This is discussed in the comparison of the project alternatives on pages 418 to 419 of the Draft EIR.

Tony Shaw

33-17. The commenter stated that Alternative C would have the same effects of sprawl as the existing General Plan and that it should not be identified as the environmentally superior alternative. It is true that given the lack of vacant developable land, there could be more pressure to develop rural residential lots. However, the EIR assesses buildout under all alternatives, and these lands would be developed under any alternative. Over the short term, however, there could be more development of rural residential parcels under Alternative C than under the Draft 2007 UVAP and Alternatives A or B.

The commenter also stated that the feasibility of the mitigation measures should be reviewed. The mitigation measures recommended by the EIR are all feasible and do not involve extensive costs to the County to implement. The more expensive programs are implementation actions in the County's plan, and the County will need to determine whether to maintain those actions when it considers plan adoption.

Todd Schapmire

33-18. The commenter's opinions are noted for the record. As no questions were asked concerning the EIR, no additional response is necessary.

Steve Scalmanini

33-19. The Draft 2007 UVAP is the "project." The Board of Supervisors identified this draft plan as the "preferred alternative" for purposes of analysis.

Jack Cox

33-20. The commenter stated that the Draft 2007 UVAP should show land use classifications for each parcel. It does. Figure 1-3 is a graphic representation of the land use classifications. The County Department of Planning and Building Services maintains the database showing the classification for each parcel that was used to develop this map. Regarding what parcels should be annexed, this is not a County concern. The City of Ukiah has an adopted Sphere of Influence that shows what parcels the City may consider annexing.

Commissioner Hall

33-21. See Response 32-4 to this same comment.

Commissioner Warner

33-22. All policies, implementation actions, and EIR-recommended mitigations are included in the draft Mitigation Monitoring and Reporting Program that is provided as Chapter 4 of this Final EIR.

Chairman Nelson

33-23. Chairman Nelson recommended that Unique Farmland be added to the priority list for Mitigation Measure 3.1-B.1. We concur that this provides better protection of area farmlands than the term “prime farmlands. This has been added as requested in Chapter 3 of this Final EIR. Table 3.1-1 lists the category of Farmland, which includes Unique Farmland.

33-24. The Chairman may be correct. However, it would not alter the analysis of the EIR since sediment from agricultural practices is considered part of the baseline conditions. Development under the Draft 2007 UVAP would not increase agricultural runoff.

33-25. The Chairman noted that coho salmon do not occur in the plan area. This is correct and the text has been so revised – see Chapter 3.

Responses to Comments Made at the March 15, 2011 Joint Board of Supervisors and Planning Commission Public Hearing

The minutes of this hearing do not identify specific comments made by the public. Therefore, the following summarizes the comments and provides responses.

Tony Shaw

- 34-1. The commenter reiterated some comments he made at the March 3 Public Hearing. See Response 33-17.
- 34-2. The commenter requested the CEQA definition for “feasible.” CEQA Section 15364 defines feasible as: *“Feasible” means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.”*

Alan Nicholson

- 34-1. See Response 26-35 regarding this same comment about the publication date of the Draft UVAP.
- 34-2. See the Mitigation Monitoring and Reporting Program in Chapter 4 of this report, which shows who is responsible for implementation of policies and actions.
- 34-3. See Response 26-35 regarding the issue of loss of Farmland under all plan alternatives.

Judy Pruden

- 34-4. The paragraph on page 376 of the Draft EIR describes how the additional (or cumulative) demand for water that would result from the buildout within the City of Ukiah could be served by water that is available to the City.
- 34-5. “Cultural resources” are defined under CEQA as resources associated with humans, which includes both archaeological and historical resources.
- 34-6. Paleontological resources addressed under Impact 3.5-B are defined as non-human fossil remains.

Richard Shoemaker

- 34-7. See Response 24-2 regarding the ability of Millview CWD to serve existing users and future development.
- 34-8. The DEIR concurs with the commenter that the Ukiah Valley Sanitation District has inadequate capacity to serve plan area buildout. Also, see Response 25-2 regarding this issue.
- 34-9. See Response 24-6 regarding this same comment.

34-10. The commenter states that new development should not be allowed if mitigation measures are not required and implemented. We concur with this opinion. The Draft 2007 UVAP includes numerous policies that state that new development will be allowed only if there are adequate services and infrastructure to serve that development.

Steve Scalmanini

34-11. The commenter states that the Market Constrained Alternative should be included in the EIR. See Response 26-6 regarding this issue.

34-12. The commenter states that each area of new zoning for each alternative should be identified and impacts assessed for each. Figures 4-1 to 4-3 show the land uses for each alternative. Figure 1-4 shows the properties that would be reclassified and Table 1.6-5 describes how they would be classified for each alternative. The alternatives analysis in the Draft EIR assesses the overall impacts of all new development (including the reclassifications) for each alternative. The Program EIR is not intended to be a site-specific analysis of impacts of each vacant parcel in the plan area.

34-13. The commenter stated that the dam inundation zone should be mapped and discussed for each alternative. See Response 26-22 regarding this issue.

Daniel Myers

34-14. The commenter notes that the WSA says there is inadequate water to serve buildout of any alternative. This is accurate; see Response 33-14.

34-15. The commenter states that the proposed land use reclassification should be separated from the plan. See Response 26-5 regarding this issue.

Other Commenters

Several other individuals made comments on the merits of the project or other non-EIR-related issues. This includes comments made by Jim Houle, Beth Schwarz, Emily Dougherty, Carol Meyer, Todd Schapmire, Guinness McFadden, Ernie Fine, Anil Bhuta, Jim Ishwar, Robin Collier, and Phil Baldwin. As no questions were asked concerning the EIR, no response is required to comments made by these commenters.

4e. **CASE#: CDRES 1-2006**

DATE FILED: 6/21/2006

OWNER: WILLIAM & TONA MOORES

REQUEST: Revision of Coastal Re-Subdivision of two legal parcels which total 8.8 acres into four parcels of 2.0 acres, 2.11 acres, 2.25 acres and 2.44 acres and a modification to Use Permit 118-75 to allow for five lots where three lots are permitted and Exception to roadway access width and roadway width required under Sec. 17-48.5 e (1).

LOCATION: Within the Coastal Zone, approximately 3.75 miles north of Manchester, approximately 0.33 miles east of the intersection of Highway One and Sea Cypress Drive (CR# 568), in the Irish Beach Subdivision, located at 43586 and 43592 Sea Cypress Drive; AP# 132-320-42 and 132-320-43.

PROJECT COORDINATOR: FRED TARR

The Commission noted the project had been continued to April 21, 2011.

[Break 9:55 AM – 10:58 AM]

4d. ****TIMED ITEM: 11:00 AM.**

PROJECT TITLE: DRAFT UKIAH VALLEY AREA PLAN (UVAP)

PROJECT APPLICANT: COUNTY OF MENDOCINO

PROJECT LOCATION: The project is situated within the unincorporated area of Mendocino County extending from immediately north of the Highway 101/20 interchange north of Calpella (excludes Redwood Valley area), southerly to 2+ miles south of the Highway 253/101 interchange, and approximately from ridge top to ridge top east and west of the Ukiah Valley.

PROJECT DESCRIPTION: The County proposes to adopt the 2007 Ukiah Valley Area Plan (UVAP) as an element of the Mendocino County General Plan. The draft plan tentatively approved by the Board of Supervisors as "the project" includes Open Space & Conservation, Historic & Archaeological Resources, Health & Safety, Parks & Recreation, Community Design, Circulation & Transportation, Water Management, Energy & Air Quality, and Land Use Elements. Noise and Housing Elements are not included, but are part of the County's General Plan and will apply to the UVAP planning area.

PROJECT COORDINATOR: ROGER MOBLEY

Chairman Nelson noted the Commission would take final comments on the Draft EIR before moving on to discussion of the UVAP Plan itself.

Mr. Mobley discussed the process for the day and noted after public comment was taken on the Draft EIR, staff would provide a presentation on the UVAP Plan and then open the public hearing on the Plan.

Chairman Nelson opened public comment on the Draft EIR.

Pinky Kushner stated she was not prepared for the discussion and was unaware of how the EIR could be heard without notice.

Mr. Mobley noted the public hearing had not been closed at the last meeting and was continued to the current date. He also noted that during the discussion of the evening meeting, the Board had stated additional comments would be taken.

Chairman Nelson noted this would be the last public hearing on the Draft EIR, however written comments could be submitted until March 24, 2011.

Richard Shoemaker commented that the Commission should have all the answers they need before making a decision and hoped that the decision would not be rushed. He noted it would take time for the Consultant to prepare a response to all the comments and supported Alternative C. 35-1

Guinness McFadden felt the Land Use Map Changes should be removed from the UVAP as poor planning. 35-2

Mary Ann Miller felt the public needed to hear the Consultant's response to comments before the public hearing could be closed. She also felt that any Alternative would cost the County money. 35-3

Pinky Kushner distributed a chart from the EIR to the Commission, which she felt demonstrated the amount of money it would cost to adopt any plan. She stated that even the market constrained alternative leaves the County in the red by \$655,000. She stated development will cost money, not produce money. 35-4

Mary Ann Miller further commented that the EIR mitigation measures, regulations, and guidelines have to be developed by staff and there is not enough staff for the implementation. 35-5

Ibo Thorbas felt it was important to consider human health when planning development and thought the water assessment was the most important information to consider. 35-6

The public hearing was declared closed for the Draft EIR.

Commissioner Little noted there was a significant amount of interest in the Masonite and clarified that the “no project” alternative assumed that Masonite would remain industrial, while the “project” assumed the zoning would be changed to mixed use.

Mr. Mobley stated that was correct and that the EIR had addressed the site as mixed use.

Commissioner Little noted that there were several different types of mixed use zonings in the Land Use category and asked if they type of mixed use for Masonite could be changed and still covered under the EIR; for example, could the site become mixed use commercial/industrial and still be covered under the EIR.

Mr. Mobley thought the EIR would cover a change to the site as long as it was within the maximum intensities covered by environmental analysis.

Mr. Pedroni agreed that the EIR would cover all use types, retail, light industrial, office, and multi-family.

Commissioner Little noted the mixed use North State zoning had no prohibition of heavy industrial under the EIR and thought that, potentially, that would be a good option to alter the Masonite site designation. Commissioner Little further commented on the traffic study and felt all reference to transportation plan should be removed because the projects rely on funding from the County to provide for improvements in the City of Ukiah.

Mr. Mobley commented that the study had been completed by the Mendocino Council of Governments (MCOG) for the City of Ukiah and County both to assist in the development of traffic impact fees.

Commissioner Little noted that the recommendation in the EIR is a sum of money per project, which places the burden in the County with no burden in the City and asked that any reference to mitigation fees be pulled out of the EIR because there could be confusion and a misunderstanding as to who pays for projects. 35-7

Mr. Mobley noted that Mr. Charles would respond to the comments and clarify in the Final EIR.

Commissioner Ogle was concerned with the flaws and typos in the Draft EIR. She noted pages 83 and 84 listed the same policy duplicated four times and hoped the information would be corrected in the Final EIR. 35-8

Chairman Nelson commented that he hoped any alternative that was chosen would not have severe consequences to the outlying areas and “suck the life” out of surrounding communities.

Mr. Pedroni asked the Commission to email edits or comments to Mr. Mobley to ensure that all changes were incorporated into the Final EIR.

Mr. Mobley commented on the EIR process for the public and noted that once the comment period ended on March 24, 2011, the Consultant would prepare a response to each comment that would be included in the Final EIR for action by the Board of Supervisors.

Commissioner Holtkamp asked if the Planning Commission would review the Final EIR before making a recommendation to the Board of Supervisors on the UVAP.

Mr. Gonzalez commented that there was no requirement under CEQA for the Commission to review the Final EIR. He noted that once the comment period closed on March 24th, Leonard Charles would respond to comments and prepare the Final EIR, which would go to the Board of Supervisors to certify, at which point the Board can take action on the plan.

Mr. Pedroni introduced the Ukiah Valley Area Plan (UVAP) and discussed a power point presentation. He noted there had been some confusion on how the staff report was written and he clarified that staff was not recommending any alternative over another; just asking the Planning Commission to select their preferred alternative. He also noted the confusion between the 2007 and 2010 UVAP. He noted in 2007, a framework, goal and policies plan had been created that included the goals, policies, implementation measures, and alternatives, which the Board had ordered to be finished. He noted the directions were not to change any goals, policies, or implementations, or the land use changes, just finish the document and schedule for hearing. Mr. Pedroni noted the implementation and responsible parties had been removed from the document and placed in a matrix called the 2010 UVAP Implementation Matrix that would be included as an appendix to the document. He also noted that the implementation matrix would be included in the Mitigation and Monitoring Plan for the EIR. Mr. Pedroni thought it would be easier for the Commission to discuss the goals and policies first and then discuss the land use changes, to prevent being bogged down by the process. He noted that the UVAP contained 16 land use classifications similar to the General Plan, but with a more sophisticated mixed use designation described in appendix 1. He noted at this time, staff was asking the Planning Commission to take public comment, make their own comments and modifications and choose an alternative to send to the Board for adoption.

Commissioner Little commented that the land use changes had been reviewed and accepted by the Board to be in the process and were previously agreed upon by the Commission.

Mr. Pedroni agreed that was his understanding.

Commissioner Little noted the point was that this was not the first time the public had addressed the land use changes.

Mr. Gonzalez noted that some Commissioners were not present in 2006/2007 when the land use changes were heard and it was up to the Commission if they wished to go through the requests one at a time.

Chairman Nelson noted it seemed like the Commission was covering the same ground.

Commissioner Warner asked if there was a record of the land use changes being reviewed by the Board of Supervisors.

Mr. Gonzalez stated it was his understanding that the map was created at the Board's direction as a result of workshops and public meetings.

Mr. Pedroni commented there was a key at the bottom of the Land Use Comparison Table that showed if the process originated in 2007 or 2003 and if the process was initiated by the County or a member of the public.

Commissioner Hall thought the most logical way to proceed would be to take Alternative C and then add in the land use changes that the Commission agreed upon.

Commissioner Ogle noted the voters had come out against changing the Masonite site zoning to mixed use and thought the Commission should address that site specifically.

Mr. Mobley continued with a presentation of the differences between project alternatives. He noted the most intensive development proposal included the highest allocation of commercial, residential, and multi-family development, but the lowest allocation of industrial and the rest of the Alternatives gradually reduced in intensity. He noted that Alternative C would rely on the General Plan, but

Responses to Comments Made at the March 17, 2011 Planning Commission Public Hearing

Richard Shoemaker

- 35-1. The comment is noted for the record. As no questions are asked concerning the EIR, no additional response is required.

Guiness McFadden

- 35-2. The recommendation is noted for the record. As no questions are asked concerning the EIR, no additional response is required.

Mary Ann Miller

- 35-3. The comment is noted for the record. As no questions are asked concerning the EIR, no additional response is required.

Pinky Kushner

- 35-4. The opinion is noted for the record. As no questions are asked concerning the EIR, no additional response is required.

Mary Ann Miller

- 35-5. The comment is noted for the record. As no questions are asked concerning the EIR, no additional response is required.

Ibo Thorbas

- 35-6. The comment is noted for the record. As no questions are asked concerning the EIR, no additional response is required.

Commissioner Little

- 35-7. See Response 32-5 regarding the traffic impact fee issue.

Commissioner Ogle

- 35-8. This typographical error listing adopted Housing Element policies has been corrected. See the revised text in Chapter 3.

CHAPTER 3

REVISIONS TO THE DRAFT PROGRAM EIR

The following chapter presents changes to the text of the Draft Program EIR that are warranted given the comments presented in Chapter 2. Changes are shown in the following manner:

- Additions to the text are shown as underlined text like this added text.
 - Deletions from the text are shown as strike-out text, like this ~~strike-out~~.
1. Page 9. "There is scattered residential development further south, extending as far as Highway ~~235~~ 253."
 2. Page 21. "These changes include widening of N. State Street, an extension of Redemeyer Road, extension of Orr Springs Road to Lovers Lane, extension of ~~Oka~~ Oak Knoll Road to Stipp Lane or Highway ~~53~~ 253..."
 3. Page 34. "The plan as proposed would result in construction of a maximum of 5,430 new dwelling units and 7 million square feet of non-residential development."
 4. Page 40. "Table 2.6-1, below, provides a summary of the impacts identified in this Draft EIR. The first column of the table describes the impact that would result from buildout of the project. Following each impact is a description of the level of significance resulting from that impact. Levels of significance include "beneficial," "less than significant" (that is, less than significant as measured against significance criteria established for each area of impact), "potentially significant" (i.e., significant prior to implementation of mitigation measures), or "significant."

The next column lists the policies of the Draft 2007 UVAP that address the impact. To conserve space, only the policies are listed, but it is assumed that the implementation measures for each policy will also be enacted. When a policy is listed as a mitigation, it includes pertinent Implementation Actions listed under that policy. The Mitigation Monitoring and Reporting Program identifies monitoring and reporting The next column lists the policies of the Draft 2007 UVAP that address the impact. To conserve space, only the policies are listed, but it is assumed that the implementation measures for each policy will also be enacted. When a policy is listed as a mitigation, it includes pertinent Implementation Actions listed under that policy. The Mitigation Monitoring and Reporting Program identifies monitoring and reporting responsibilities for those implementation measures that are required to mitigate the impact in question."

5. Page 41. The Note at the Bottom of Table 2.6-1 is changed to say that LS (rather than LTS) = Less Than Significant Impact.

6. Page 72. "The City's plan included land use classifications and policies that would apply to portions of the Planning Area if they were annexed to the City. The Brush Street Triangle in particular is a high priority annexation project for the City of Ukiah."
7. Page 75. "Objections were made to the preliminary classification as "prime farmland" of certain lands in the Lovers Lane area by representatives of one of the landowners in that area. ~~who own about 150 acres).~~ These representatives stated in a response to the NOP that the preliminary State mapping of prime farmlands shown on Figure 3-4 is in error because the lands do not meet all of the State's criteria for defining prime farmland, namely the criterion regarding irrigation."
8. Page 78. "Priority shall be given to projects that:
 - a. Do not displace existing commercial agricultural activities;
 - b. Do not develop sites containing prime agricultural soils or Unique Farmland;"This change will also be made to Table 2.6-1 on page 41.
9. Page 83-84. The list of Housing Element policies is revised to state:

~~"Policy 3.4: Encourage the development of an adequate supply of housing and range of housing densities and types to meet the diverse needs of County residents. Promote new residential development in or adjacent to towns and cities that facilitate infill and compact development and assist in the creation and improvement of community water and sewer services.~~

~~Policy 3.5: Encourage the development of an adequate supply of housing and range of housing densities and types to meet the diverse needs of County residents. Encourage and assist developers in developing affordable housing by reducing constraints and identifying incentives and tools for affordable residential unit development.~~

~~Policy 6.1: Encourage the development of an adequate supply of housing and range of housing densities and types to meet the diverse needs of County residents. Pursue State, federal and other funding sources to assist lower and moderate-income households with water or sewage disposal system installations or upgrades necessary to conserve the housing stock and provide sanitary and decent housing conditions.~~

~~Policy 6.2: Encourage the development of an adequate supply of housing and range of housing densities and types to meet the diverse needs of County residents. Support agencies and organizations pursuing funding for development, preservation, and rehabilitation of affordable housing.~~
10. Page 87. "**Brush Street Triangle.** The City's GP designates most of the area as commercial with a small amount of industrial near the railroad line. The Draft 2007 UVAP would include multi-family and mixed use, and parkland. This is

inconsistent with the City's classification. However, the City rezoned the entire Brush Street Triangle in 1988 to "P-D" (Planned Development) and is currently developing a concept development plan for the area. The City is also pursuing annexation of the Brush Street Triangle with full concurrence of the property owners, and currently envisions a balanced mix of residential, commercial, light industrial, and potential open space for the site."

11. Page 133. "Septage hauled from septic systems is disposed of at four existing sites in the County, the closest one to the plan area being the Hopland PUD treatment plant."
 12. Page 133. "The ~~Ukiah Valley Sanitation District~~ City of Ukiah and the Calpella County Water District operate municipal wastewater treatment and disposal systems."
 13. Page 143. "Of particular importance when considering future planning for the area are the three listed salmonid species that inhabit the Russian River and many of its tributaries. These three species include Central California Coast coho salmon (*Oncorhynchus kisutch*), Central California Coast steelhead (*Oncorhynchus mykiss*), and California Coastal chinook salmon (*Oncorhynchus tshawytscha*). Habitat conditions for salmonids in the plan area are highly variable. Coho salmon do not inhabit the plan area, but downstream populations could be affected by plan area land use."
 14. Page 156. "Mitigation Measures 3.3-A.1 ~~3.3-G.1~~ and 3.4-A.1 applies to this impact."
- This change will also be made to Table 2.6-1 on page 47.
15. Page 159. "Mitigation Measures 3.3-A.1 ~~3.3-G.1~~ and 3.4-A.1 applies to this impact."
- This change will also be made to Table 2.6-1 on page 51.
16. Page 191. The following note is added to Table 3.6-3: "Bold type indicates streets that would operate an unacceptable Level of Service."
 17. Page 199. "UVAP policies and General Plan policies will reduce the safety impact of new traffic and/or new roadways. In particular, *General Plan Policy DE-128* states that the circulation system will be required to accommodate the safety and mobility of all users. These policies will reduce the impact to a **less than significant** level. In addition, Mitigation Measure 3.1-B.1 applies to this impact. It gives priority to infill projects near public transit. However, to ensure that the County has a clear ability to require pedestrian improvements when approving new developments, the County could consider adding the following to Implementation Measure CT2.1b: When considering new development projects, the County will require pedestrian and bicycle access across the property to provide connections for a route between the center of Calpella (along North State Street) and the Brush Street Triangle or between the City and the center of

Talmage. The County will request that MCOG develop a map of these pedestrian linkages and include that map in the next Regional Transportation Plan update."

18. Page 305. "The City of Ukiah's current water supplies are sufficient to meet the existing and projected future water demands for normal, critically dry and extended dry years, even in the event that the City's percolating groundwater supply were to be classified, for regulatory purposes, as underflow. The Brush Street Triangle is not within the boundaries of a public water provider, and water service for the existing development on the site is provided by independent wells or by the City of Ukiah via an on of service area agreement. The City is prepared to provide domestic and fire protection water service upon annexation of the Brush Street Triangle into the City limits."
19. Page 345. "The one hospital in ~~Mendocino County~~ the Ukiah Valley (Ukiah Valley Medical Center at 275 Hospital Drive, Ukiah) has a variety of hazardous materials on-site."
20. Page 362. "Greenhouse gas emissions shall be reduced to the degree feasible by requiring the following changes and new measures:

Add the following new policy:

EA1.1h Building Code and Standards Update

Revise the County Building Code to require structures ~~to be 25% more efficient than existing Title 24 standards in energy and water use.~~ include a 15% reduction below existing Title 24 standards for structures under 4,000 square feet, 20% for residences between 4000-5,500 square feet, and 30% for residences over 5,500 square feet; and 15% reduction for multi-family units and commercial buildings.

EA1.1i Zero Net Energy Development

~~All new development shall have sufficient onsite renewable energy collection/generation devices to meet the expected annual demands of that unit. If space or other considerations preclude installation of onsite renewable generation devices, off-site installation of renewable energy sources will suffice. The applicant can choose to install the energy generating system directly or pay an offset fee for a third party to construct the devices elsewhere. [Timeframe: Ongoing. Responsibility: Department of Planning and Building Services]~~

EA1.1j Electric Vehicle Recharging Opportunities

~~All new construction and vehicular related remodeling efforts in urbanized areas are required to include at least one electric vehicle recharging opportunity. Mendocino County Planning and Building Services shall codify this measure into the building code and establish specific standards such as the number of connections per unit or square feet." [Timeframe: Ongoing. Responsibility: Department of Planning and Building Services]~~

Revise Implementation Measure EA1.3b to say:

EA1.3b Clean Air Sources

Update the County building code and other relevant ordinances to require that primary heat sources in all new development and additions involving space heating use low/no air ~~zero~~ emission heat sources (solar, electricity, ~~or geothermal natural gas, propane or butane)~~ for space heating and hot water appliances. All electric housing and commercial structures are to be encouraged. Verify through plan-check process.”

These changes will also be made to Table 2.6-1 on page 64.

21. Page 372. “Implementation of the Draft 2007 UVAP policies would reduce the danger from these hazards, however; this would ~~be~~ remain a significant cumulative impact as regards damage from seismic events. The Draft 2007 UVAP contribution to this impact would be cumulatively considerable. ~~This would result in a significant cumulative impact for which the Draft 2007 UVAP contribution would be cumulatively considerable.~~ Mineral resource and septic suitability impacts would not be exacerbated by development in the city, and no cumulative impact would occur.”
22. Page 394. “The principal environmental disadvantages are that General Plan policies do not provide as strong:
 1. Preservation of Farmlands;
 2. Regulation of development in floodplains;
 3. Protection of water quality from new runoff;
 4. Protection of wetlands, riparian habitat, oak woodlands, and wildlife travel corridors; and
 5. Protection of views.

In general, the policies of the Draft 2007 UVAP provide much more environmental protection than the policies of the General Plan.”
23. The following change is made to Table 3-2 in the Water Supply Assessment that was used in preparing the EIR.

**“Table 3- 2 Summary of RRFC Water Supply Agreements
(All Quantities in Acre-Feet)**

	Annual Contract Amount
Ukiah	800
Willow	515
Millview	1,520 <u>970</u> ¹
Calpella	51
Rogina	192 <u>400</u>
Hopland ^(a)	400 222
Sub Total:	3,478 <u>2,958</u>
Agricultural Users ^(b)	4,029
Grand Total	7,507^(c) <u>6,987</u>

(a) Not located in the UVA

(b) Includes agricultural users not in the UVA

(c) The difference between the allocated supply and the maximum quantity available (8,000 acre-feet) is considered surplus to the needs of the RRFC water contractors and has historically been sold to the Redwood Valley County Water District.

(1) Currently in CEQA review for potential increase to 1,520 afy.”