

ATTACHMENT D

Response to Comments Received on the Draft Initial Study and Mitigated Negative Declaration (ISMND) for the Ukiah Western Hills Open Land Acquisition and Limited Development Project

Public Review. CEQA Guidelines Sections 15201 and 15204 discuss public participation regarding the review and evaluation of Environmental Impact Reports (EIRs) and Negative Declarations. Specifically, Section 15204 states the following:

“(a) In reviewing draft EIRs, persons and public agencies should focus on the sufficiency of the document in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated. Comments are most helpful when they suggest additional specific alternatives or mitigation measures that would provide better ways to avoid or mitigate the significant environmental effects. At the same time, reviewers should be aware that the adequacy of an EIR is determined in terms of what is reasonably feasible, in light of factors such as the magnitude of the project at issue, the severity of its likely environmental impacts, and the geographic scope of the project. CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commentors. When responding to comments, lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR.

(b) In reviewing negative declarations, persons and public agencies should focus on the proposed finding that the project will not have a significant effect on the environment. If persons and public agencies believe that the project may have a significant effect, they should: (1) Identify the specific effect, (2) Explain why they believe the effect would occur, and (3) Explain why they believe the effect would be significant. (c) Reviewers should explain the basis for their comments, and should submit data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the comments. Pursuant to Section 15064, an effect shall not be considered significant in the absence of substantial evidence.”

Notice of Intent. The Notice of Intent to adopt the ISMND and conduct a public hearing was provided in the following manner, in accordance with Ukiah City Code (UCC) §9267 and California Environmental Quality Act (CEQA) Guidelines Section 15073:

- Provided to property owners within 300 feet of the project parcels, as well as agencies and departments with jurisdiction or interest over the project on April 16, 2021, June 1, 2021 and August 13, 2021;
- Provided to members of the public, agencies, and interested parties who submitted written comments on the Draft ISMND during the public review period on August 13, 2021;
- Published in the Ukiah Daily Journal on April 24, 2021, June 5, 2021 and August 14, 2021;
- Posted on the Project site on May 3, 2021, June 1, 2021, and August 11;
- Posted at the Civic Center (glass case) 72 hours prior to the public hearing;

- Noticed for continuance at the May 26, 2021 Planning Commission hearing to a date certain of June 9, 2021; and
- Notice for continuance at the June 9, 2021 Planning Commission to a date uncertain.

In addition, based on the amount of interest in the Project and to receive as much public input as possible, additional public noticing was conducted in the following manner:

- Posted on the City of Ukiah website on April 16, 2021 and August 16, 2021;
- Emailed to Planning Commissioners and City Councilmembers on April 16, 2021 and August 13, 2021;
- Hand-delivered to all residences (in addition to and beyond the 300-foot requirement) on Redwood Avenue on May 13, 2021 and mailed to all residences on Redwood Avenue on August 11, 2021.

Revisions and Clarifications. The below list includes a summary of changes and/or clarifications that have been made to the Project since the Draft ISMND was circulated for public review. These revisions have been made either by the developer, in response to comments, or are corrections and clarifications identified by staff. The below list is meant to highlight the larger changes and does not include all minor changes such as grammatical errors or minor clarifications. Information provided in the Response to Comments section below has also been incorporated into the Final Draft ISMND as appropriate.

Development Parcels- The original Project Description included a Development Agreement to allow Hull Properties to individually sell seven Development Parcels for development of one single-family home (and the possibility for one Accessory Dwelling Unit) per parcel upon annexation and Planning Commission approval of a Use Permit to construct individual homes within the Single-Family Residential-Hillside (R1-H) Overlay District. However, Hull Properties is choosing to retain the right to sell and develop Development Parcels 1-3 prior to annexation. The Development Parcels are located within the County of Mendocino's jurisdiction within the Upland Residential, 40-acre minimum (UR:40) zoning district. Construction of the single-family homes within the County's jurisdiction would be by-right and not require discretionary approval, environmental review, nor the development standards contained within the City's R1-H zoning district. However, Hull Properties is choosing to require the single-family homes to be constructed to R1-H standards by including them in the Declaration of Covenants, Conditions, and Restrictions (CC&Rs) for Development Parcels 1-3. In addition, although not required, the mitigation measures contained within the ISMND for residential development will also be included in the CC&Rs. Development Parcels 1-3 will still be included in the application for annexation and rezoned to R1-H. As described in the original Project Description, the remaining Development Parcels (4-7) will not be developed until annexation is complete and each home receives Planning Commission approval of a Use Permit for construction within the City's R1-H zoning district.

Lot Line Adjustment- The original Project Description proposed a lot line adjustment to reconfigure the existing parcels into seven Development Parcels, ranging from 5 to 10 acres in size, in accordance with the R1-H zoning district. Draft ISMND Table 1 identified the existing and proposed parcels, while Figure 2 showed the existing parcel configuration and Figure 3 showed the proposed configuration. Hull Properties will complete sequential lot line adjustments in both the City's and County's jurisdiction in accordance with the

Subdivision Map Act to ultimately reach the proposed configuration identified in Figure 3. Although the final configuration of the Development Parcels may vary slightly, the footprint of the resulting configuration for the Development Parcels (54 acres) and number of parcels will remain the same (identified in yellow on Figure 1, Location Map). A copy of the final recorded Lot Line Adjustments will be submitted to the Community Development Department prior to submittal of a Use Permit for single family housing within the Development Parcels.

In accordance with Ukiah City Code Section 8296(f), which states “*Concurrent Permit Processing: when a lot line adjustment is part of a project that requires one or more discretionary planning entitlements and the applicant does not want the lot line adjustment unless the entire project is approved, then the lot line adjustment shall be reviewed as part of the discretionary planning application. In that event, all permits and approvals, including the lot line adjustment, shall be combined into one application, processed concurrently, and acted upon by the highest review authority required by this code based on the entitlements included in the application. (Ord. 1138, §2 (Exh. A), adopted 2012).*” Hull properties has indicated that they wish to record the Lot Line Adjustments, regardless of whether or not the overall Project gets approved. As such, the Lot Line Adjustments remain ministerial and do not require approval by the highest review authority (City Council, in this case).

Prezoning- Previously lands intended for open space that are located outside of the City’s current Sphere of Influence (SOI) were not proposed for prezoning. However, based on comments received from the Mendocino County Local Agency Formation Commission (LAFCo) these open space lands are proposed to be prezoned Public Facilities, consistent with the remaining open space land (see Master Response 2 below for more information).

Access Road- The existing access road width was previously generally described as being 18 ft wide. However, the access road width ranges from 18 ft to 35 ft, with the majority of it being a minimum of 20 ft wide. The sections that are 18 ft wide are approximately 100 ft long and have wider turn-outs immediately before or after them. Both the California Department of Forestry and Fire Protection (Cal Fire) and the Ukiah Valley Fire Authority (UVFA) have reviewed the Project and conducted a site visit. Proposed road improvements will be in accordance with all applicable fire codes and access standards. See Master Response 1 below for more information.

Utilities- Previously City water utilities were proposed to be extended to the Development Parcels. In addition, one (1) 150,000-gallon tank was proposed for additional water storage and fire protection. However, water will now be provided on-site by the land owner/developer and water will be stored in two (2) 65,000-gallon water tanks. The tanks will be located in the same location as the previously proposed single 150,000-gallon tank. The developer proposes to supply the tanks with water from the on-site wells rather than constructing new booster pump stations to pump water up to the tanks from the City’s existing wells. The tanks will be maintained by the future Homeowner’s Association. The plan for an on-site community septic system remains as originally proposed. Previously the City was proposing to extend electric utilities to the Development Parcels, but now electric utilities will be extended by both the City and/or the property owner/developer. Ultimately, upon annexation, the City will own and maintain the electric infrastructure. All utilities would be located within the same footprint as previously proposed.

Biological Resources- As noted in ISMND Section 5.4, Biological Resources, botanical surveys are required to be conducted in accordance with U.S. Fish and Wildlife (USFWS) survey protocols, which requires several surveys through different times of the year, in relation to different species' blooming periods. At the time of circulation of the Draft ISMND, the two of three required surveys completed had resulted in negative findings. Per USFWS protocols one additional survey was required during the blooming period (March-July); and as noted in Draft ISMND Mitigation Measure BIO-1, this survey would occur prior to any ground disturbing activities at the recommendation of the Biologist. However, since the circulation of the Draft ISMND, the final botanical survey was completed on July 9, 2021. The survey did not result in the identification of any sensitive botanical species (see the Biological Resources Assessment Addendum for Rare Plant Assessment and Botanical Survey included as Attachment B1 of the Final Draft ISMND). As such, no further botanical surveys are required. However, if trees are proposed for removal, preconstruction surveys and coordination with California Department of Fish and Wildlife (CDFW) shall be required. Mitigation Measure BIO-1 has been revised as follows. In addition, Mitigation Measure BIO-2 has been clarified as follows to encompass all sensitive amphibian species, consistent with findings in the Biological Resources Assessment. Deleted text is shown in ~~strike through~~ font, while added text is shown in underline font.

BIO-1: ~~Special-Status Plants Sensitive Trees.~~ ~~Full USFWS protocol-level sensitive plant species surveys for Mendocino tarplant, congested headed hayfield tarplant, bristly leptosiphon, broad-lobed leptosiphon, redwood lily, green monardella, white-flowered rein orchid, Mayacamas popcornflower, beaked tracyina, showy Indian clover, and oval-leaved viburnum within the blooming period (generally March-August) shall be conducted prior to any ground disturbing activities to verify the presence of special status plants and identify additional mitigation if needed, to ensure that the Project will not result in a significant impact. If trees are proposed for removal, preconstruction surveys shall be conducted by a qualified biologist to identify Oregon white oak forest and woodland, as well as California bay forest and woodland habitat; removal of sensitive habitat shall be conducted in accordance with California Department of Fish and Wildlife (CDFW) regulations.~~

BIO-2: ~~Red-belly newt Sensitive Amphibian Species.~~ A qualified biologist shall survey the area prior to any groundbreaking activities to determine the presence of Red-belly newt, or other sensitive amphibian species, and identify additional avoidance measures, if needed. A qualified biologist shall be on-site for any dewatering event to address the potential for the presence of sensitive amphibian species such as foothill yellow-legged frog (Rana boylei).

Per CEQA Guidelines Section 15073.5(a), "a lead agency is required to recirculate a negative declaration when the document must be substantially revised after public notice of its availability has previously been given pursuant to Section 15072, but prior to its adoption. Notice of recirculation shall comply with Sections 15072 and 15073.

(b) A "substantial revision" of the negative declaration shall mean:

- (1) A new, avoidable significant effect is identified and mitigation measures or project revisions must be added in order to reduce the effect to insignificance, or
- (2) The lead agency determines that the proposed mitigation measures or project revisions will not reduce potential effects to less than significance and new measures or revisions must be required.

(c) *Recirculation is not required under the following circumstances:*

(1) Mitigation measures are replaced with equal or more effective measures pursuant to Section 15074.1.

(2) New project revisions are added in response to written or verbal comments on the project's effects identified in the proposed negative declaration which are not new avoidable significant effects.

(3) Measures or conditions of project approval are added after circulation of the negative declaration which are not required by CEQA, which do not create new significant environmental effects and are not necessary to mitigate an avoidable significant effect.

(4) New information is added to the negative declaration which merely clarifies, amplifies, or makes insignificant modifications to the negative declaration.”

Because the changes described above, and others made in response to public comments (as discussed below) are for clarification purposes and/or do not result in a new significant effect that was previously not analyzed within the Draft ISMND, recirculation of the ISMND is not required.

Response to Comments. The City of Ukiah received comments on the Draft Initial Study and Mitigated Negative Declaration (ISMND) from the individuals and entities listed in Table 1 below during the public comment period (April 16, 2021-May 20, 2021). Individual comments can be found in **Attachment 6** of the Staff Report.

CEQA Guidelines Section 15073 (Public Review of a Proposed Negative Declaration or Mitigated Negative Declaration) does not require a Lead Agency to provide written responses to public comment, with the exception of those raised by a Responsible or public agency. However, the City of Ukiah has chosen to review and respond to all written public comments received on the Draft ISMND.

Table 1, Comments Received on the Draft Initial Study and Mitigated Negative Declaration

Comment Letter #	Commenter	Date Received
1	Margo Frank	May 3, 2021
2	Crispin B. Hollinshead	May 6, 2021
3	Ulla Brunenberg Rand	May 12, 2021
4	Allie Duggan	May 13, 2021
5	Western Hills Fire Safe Council	May 14, 2021
6	Chris Watt	May 18, 2021
7	Jeanne Wetzel Chinn	May 19, 2021
8	Andrea Vachon	May 19, 2021
9	Michael Maynard	May 19, 2021
10	Sharron Thomas (via email from Emily Thomas)	May 19, 2021
11	Andrea Davis	May 20, 2021

12	Margo Frank	May 20, 2021
13	Heather Seggel	May 20, 2021
14	Thomas Hunt (via email from Chris Watt)	May 20, 2021
15	Steve and Jean Lincoln	May 20, 2021
16	North Coast Regional Water Quality Control Board	May 20, 2021
17	John and Delynne Rogers,	May 20, 2021
18	Pinky Kushner	May 20, 2021
19	Mendocino County Local Agency Formation Commission (LAFCo)	May 20, 2021
20	Helen Sizemore	May 20, 2021

The majority of the comments received expressed concerns regarding wildfire risk. In addition, many commenters appear to be of the opinion that the Project includes a public park with planned public access within the open space area, which is not a part of this project. Because of the nature of these repeated topics of comment, responses to these comments have been addressed through Master Responses as identified below. Responses to individual comment letters regarding other issues are provided below according to the numbering system identified above in Table 1. Other comments expressed general opposition of the project but do not raise issues related to the analysis or adequacy of the Initial Study that require a formal response under CEQA.

Information contained within the below response to comments has been incorporated into the ISMND for clarification purposes, as applicable. Supporting information, including a topographical map letters submitted by Mendocino Cal Fire Unit Fire Captain Vallerga and Ukiah Valley Fire Authority (UVFA) Chief Hutchison, and Jacobszoon and Associates, Inc. in response to comments received, can be found in Response to Comments **Attachment A**.

Master Responses

1. **Wildfire.** The majority of the commenters concerns are largely associated with existing conditions and concerns regarding construction of future single-family homes within the Western Hills, which is identified by the California Department of Forestry and Fire Protection (Cal Fire) as a Very High Fire Hazard Severity Zone. Zone. Commenters also express concerns regarding the existing shaded fuel break and emergency access.

Response: Geographical areas are designated and classified by Cal Fire through their Fire Hazard Severity Zone Mapping program as Very High, High, or Moderate in State Responsibility Areas. These zones are based on factors such as fuel, slope, fire weather, etc. Consistent with other lands designated Very High Fire Hazard Severity Zones within Mendocino County's jurisdiction, the Project area is currently located within a Cal Fire State Responsibility Area (SRA). Once annexed into the City, the responsibility will be transferred to the Ukiah Valley Fire Authority (UVFA) and become a Local Responsibility Area. The UVFA has indicated it has capacity to serve the Project area and will ensure that all applicable regulations are met.

Construction and Access. Requirements for construction are directly related to Fire Hazard Severity Zone Mapping and heavily regulated, pursuant to California Public Resources Code and the California Building Code. Specifically, construction methods, access standards, and hazardous vegetation and fuels management requirements intended to mitigate wildfire exposure are contained within the following:

- California Building Code, Chapter 7A (Materials and Construction Methods for Exterior Wildfire Exposure, including Wildland Urban Interface regulations);
- California Residential Code, Section R337 (Materials and Construction Methods for Exterior Wildlife Exposure);
- California Referenced Standards Code, Chapter 12-7A (Fire Resistive Standards);
- California Code of Regulations, Title 14, Division 1.5, Chapter 7, Subchapter 3 (Fire Hazard Reduction Around Buildings and Structures); and
- California Government Code, Section 51182 (Very High Fire Hazard Severity Zones).

Although not located within an SRA, the City of Ukiah (UCC §5200) has adopted the SRA regulations for lands within the City limits located in High or Very High fire areas. In addition, Public Resources Code Sections 4290 and 4291 contain additional requirements for lands within Very High Fire Severity Zones. These include, but are not limited to, the following which are designed to provide defensible space and fire protection for new construction and ensure adequate emergency access: increased property line setbacks for all applicable construction; on-site water storage for fire protection, driveway/roadway types and specifications based on designated usage; all weather driveway/roadway surfaces being engineered for 75,000lb vehicles; maximum slope of 16%; turnout requirements; gate requirements and setbacks, parking standards, fuels reduction regulations, etc.

The existing gravel access road will be improved with asphalt and a cul-de-sac, in accordance with all current fire and safety codes applicable to the Project. The Project also includes installation of water tanks and fire hydrants to add new water storage and fire protection facilities in the Western Hills. Per the California Fire Code, a portion of the water (varies based on size and number of homes) will be required to be allotted for fire protection services and cannot be used for residential use; this will be accomplished by a float switch inside the tank. Both Cal Fire and the UVFA have reviewed the Project and conducted a site visit to ensure the access road and proposed improvements are adequate. This information has been incorporated into the Final Draft ISMND. Comments submitted by Mendocino Cal Fire Unit Fire Captain Vallerga and UVFA Fire Chief Hutchison are included in Response to Comment Attachment A.

Similarly, all future construction and roadways associated with the Project (including future residential construction in both the City's and County's jurisdiction) must adhere to the aforementioned regulations, in addition to all other local, state and federal regulations relating to access and safety. All construction requiring a Building Permit

will be reviewed by the Building Official and Fire Marshall, as well as other City and County departments and agencies, as applicable, for consistency with life safety and access requirements.

However, prior to obtaining Building Permits, all future residential construction within the proposed Single-Family Residential-Hillside Overlay District will require discretionary review. Specifically, once the parcels are annexed into the City, the Development Parcels would not be developed until an applicant submits a project-specific site plan with a Use Permit application and receives Planning Commission approval for development of a home, in accordance with the Hillside Overlay Zoning District regulations.¹ The Hillside Overlay District includes strict development standards relating to fire hazards including increased setbacks, minimum required natural areas, restrictions on the use of combustible roof materials, water and fire hydrant requirements and slope requirements.

The Use Permit process for construction within the Hillside Overlay District will provide another layer of review for safety standards related to wildfire that may not otherwise be required for “by-right” housing- i.e. construction of housing requiring a ministerial building permit- within the Western Hills. As noted above, Development Parcels 1-3 may be developed within the County’s jurisdiction prior to annexation by-right, but will be required to be developed to R1-H standards. The City’s ultimate acquisition of the property will enable the preservation and maintenance of 640 acres of land for open space and enhanced fire mitigation assets, while limiting development to seven single-family homes (with the possibility of seven accessory dwelling units) within 54 acres.

Fuel Break. The fuel break, also known as a shaded fuel break, is a fire prevention and mitigation measure implemented in the Ukiah Valley for the Western Hills bordering City limits. A shaded fuel break is a forest management strategy used for mitigating the threat of wildfire. The goal of a shaded fuel break is to thin the surface vegetation, conduct selective thinning, remove dead and downed woody material, and remove ladder fuels to prevent a catastrophic fire and loss of structures.

As supported by Comment Letter 9 submitted by Cal Fire’s former Battalion Chief Michael Maynard (2010 to 2020), who was responsible for fuel reduction efforts in the State Responsibility Area of the Ukiah Valley and surrounding areas, the Proposed Project parcels are among “the most critical” properties from a firefighter perspective. The parcels are located in the middle of the Western Hills and represent the key that holds all three elements of the fire prevention work done by Cal Fire together, including fire breaks, fuel breaks and prescribed burning. The Project location provides access to the top of the Western Hills for fire resources that did not exist prior to 2018 and is one of the few bisecting fire breaks, natural or man-made, on the western side of Ukiah

Although the Proposed Project may result in a limited number of single-family homes to the west of the shaded fuel break, these new homes would not take away from the validity of the fuel break, as the break still provides a layer of protection to the urban interface and a defensible space for firefighting staging if needed. As noted by Mr. Maynard, “The consolidation of the parcels under City guidance will allow for a single

¹ The Hillside Overlay District Regulations can be found online at:
<https://www.codepublishing.com/CA/Ukiah/#!/Ukiah09/Ukiah0902-1100.html#art11>

entity to manage the fuel reduction work, manage the watershed and reduce risk to the community.”

Having the majority of the lands under City ownership will also allow for cohesive planned maintenance of the fuel break. Future homeowners will be required to maintain their property to fire standards as part of their membership in the Homeowners Association. In the memorandum provided by UVFA Chief Hutchison (Response to Comments Attachment A), Chief Hutchison states that the limited number of structures resulting from the Project would have minimal, if any, impacts on the fuel break’s effectiveness. The Chief also states that fire hazards in the Project area are not greater than other areas similar to the Project location, and that the defensible spaces created by the home sites could even enhance its effectiveness in that limited area.

The water storage tanks will serve the Development Parcels and for fire protection. The future Homeowner’s Association will own the tanks and provide all maintenance on the tanks and its associated equipment. Per the California Fire Code, a portion of the water (varies based on size and number of homes) will be required to be allotted for fire protection services and cannot be used for residential use. Fire hydrants are also required to be installed with the residential development.

- 2. Prezoning and Open Space.** Some commenters erroneously stated that the open space parcels will be a public park. Some commenters expressed concern regarding public access to the open space area. Lastly, there were several questions related to the prezoning approach for parcels within and outside of the City’s Sphere of Influence.

Response: There are many different ways to preserve land as open space. The Project Description within the Draft Initial Study and Mitigated Negative Declaration proposes two methods:

- i. The portion of the proposed parcels within the current Sphere of Influence (a portion of Parcels 8 and 10, totaling approximately 343 acres, referred to as the “Inside Conservation Parcels”) will be preserved as open space and is proposed to be prezoned “PF” (Public Facilities) which specifically identifies public or quasi-public uses, including, but not limited to, natural resource conservation areas and parks and recreation.
- ii. The City will preserve the portion of the Conservation Parcels located outside of the Sphere of Influence (“Outside Conservation Parcels,” consisting of approximately 296 acres), as open space through City Council resolution or other means, rather than prezoning them “PF”. Proposed Parcels 8 and 10 would effectively be “split zoned”; i.e., the portion within the SOI would be prezoned PF, while the remaining portion outside of the SOI would not be prezoned, but would be made subject to a conservation easement or other City Council action prohibiting development and preserving it as open space.

The Mendocino County Local Agency Formation Commission (LAFCo), which is the Responsible Agency under CEQA and will ultimately consider the City’s annexation and prezoning application, submitted comments (see Comment Letter 19) stating that the “Outside Conservation Parcels” must be included in the prezoning application, per

Government Code Section 56375(a)(7) which states *“the decision of the commission with regard to a proposal to annex territory to a city shall be based upon the general plan and rezoning of the city. When the development purposes are not made known to the annexing city, the annexation shall be reviewed on the basis of the adopted plans and policies of the annexing city or county. A commission shall require, as a condition to annexation, that a city prezone the territory to be annexed or present evidence satisfactory to the commission that the existing development entitlements on the territory are vested or are already at build-out, and are consistent with the city’s general plan. However, the commission shall not specify how, or in what manner, the territory shall be rezoned.”*

Accordingly, and to incorporate LAFCo’s comments the City of Ukiah proposes to prezone the entirety of the “Conservation Parcels” (approximately 640 acres) as PF. See revised Figure 3, Proposed Parcel Configurations and Rezoning and revised Table 1 of the Staff Report, which contains a summary of parcel and rezoning information associated with the Proposed Project.

In response to comments received regarding public access to the open space areas, the Project site(s) is accessed via a gated private road and no public parking is proposed. The Project does not propose a public park, nor does it propose to allow public access to the open space lands. Although the City does not currently have a stand-alone Open Space zoning designation, the City’s existing Public Facilities (PF) zoning designation encompasses lands within the City that contain open space and natural areas, parks, as well as other public facilities.

The proposed Development Parcels (approximately 54 acres) will remain rezoned for Single-Family Residential Hillside (–H) Overlay District, which is intended to support planning, design, and development activities in harmony with natural physical features and minimize potential safety, water runoff and soil erosion concerns associated with the natural terrain.

The Project will acquire and preserve open space for several reasons, including sourcewater preservation, fire mitigation, scenic resources, and biological preservation. This approach will allow the City to preserve and protect the collective Conservation Parcels (640 acres total), while permitting limited, orderly, clustered low-density single-family housing development within the Development Parcels (54 acres).

COMMENT LETTER 1: MARGO FRANK

Comment: The commenter expresses concerns regarding wildfire.

Response: See Master Response 1.

COMMENT LETTER 2: CRISPIN B. HOLLINSHEAD

Comment: The commenter expresses concerns regarding wildfire.

Response: See Master Response 1.

COMMENT LETTER 3: ULLA BRUNNBERG RAND

Comment: The commenter expresses concerns regarding wildfire.

Response: See Master Response 1.

Comment: The commenter suggests that the project be revised to only allow one dwelling per parcel and less Development Parcels.

Response: Under the County's General Plan and Zoning Ordinance, the entirety of the 707 acres has the potential to be developed with up to one dwelling per 40 acres, for a total of 17 primary dwellings. In addition, in accordance with state law, an Accessory Dwelling Unit ADU may be constructed as of right on each parcel, resulting in the potential for up to 34 total units to be developed. By-right development does not include public or discretionary review, nor does it include in-depth environmental review.

The Proposed Project and Development Agreement would restrict development to one single family dwelling per parcel and one ADU (as required by law, except in cases where the slope exceeds 50 percent, per the City's Hillside Overlay Ordinance), for a total of up to 14 potential units. Due to these constraints, as well as other restrictions within the Hillside Overlay Zoning District, after the parcels are annexed into the City, the development of single-family homes on the Development Parcels would only occur if individual applicants/owners purchase the home sites from the developer, submit a complete project-specific site plan and Use Permit application, and receive approval from the Ukiah Planning Commission. As noted above, Development Parcels 1-3 may be developed within the County's jurisdiction prior to annexation by-right, but will be required to be developed to R1-H standards through CC&Rs.

Summarizing, the Project would result in a reduction in the number of units that are currently allowed. Under existing conditions, there is potential for up to 34 units to be developed by right. If the Project is approved, this number would be reduced to a maximum of up to 14 units.

COMMENT LETTER 4: ALLIE DUGGAN

Comment: The commenter expresses opposition to the Project.

Response: This comment is noted and is included in the public record for Planning Commission and City Council consideration.

Comment: The commenter expresses concerns regarding traffic on Redwood Avenue.

Response: As noted in Section 5.17, Transportation, of the ISMND, impacts to transportation and traffic would be significant if the Project conflicted with a local plan, ordinance or policy addressing transit, roadway, bicycle and pedestrian facilities; conflicted with CEQA Guidelines Sec. 15064.3(b), which contains criteria for analyzing transportation impacts; substantially increased hazards due to geometric design features; or resulted in inadequate emergency access. As noted in the ISMND, the Project would not conflict with a local plan or ordinance related to traffic, and is required to be in compliance with all Fire and Building codes related to emergency access and safety. Minor increases to traffic on adjacent streets (specifically Redwood Avenue and Helen Avenue) could occur from heavy equipment required for road and utility improvements, but would be considered temporary (1-2 months). In addition, the adjacent streets will not be closed to through traffic during construction of the road and utility improvements with the exception of the potential to have temporary (five to ten minute) closures when specialty

equipment may be delivered to the job site. Further, it is unlikely that all of the single family homes would be developed at the same time, and impacts to traffic would be analyzed on a project-level basis. For the aforementioned reasons, in addition to those discussed in the ISMND, traffic impacts associated with the Project would be less than significant.

Comment: The commenter states that wildlife exists in the area and that development would destroy their habitat. The commenter further states that any impact to wildlife should be analyzed prior to development.

Response: As noted in Section 5.4, Biological Resources, of the ISMND a Biological Resources Assessment (BRA) titled “Biological Assessment Report” was prepared for the Project by Jacobszoon & Associates, Inc. The BRA is designed to identify sensitive communities within the study area and determine the existence or potential occurrence for special-status species, as well as impacts to biological resources associated with the Project. The BRA found that all impacts to biological resources would be reduced to less than significant with implementation of Mitigation Measures BIO-1 through BIO-5, which require pre-construction surveys for nesting birds and sensitive species. Please refer to Section 5.4 and Attachment B of the ISMND for more information.

Comment: The commenter references a Mendocino Voice news article from January 15, 2021 that states that the Donation Parcel was donated for open space and fire mitigation, and development of the parcel was never mentioned.

Response: Consistent with the January 15, 2021 news article and as discussed in the Project Description, the Donation Parcel will be protected as open space and is not proposed for development. The City will cooperate with Cal Fire and other entities to continue efforts for fire mitigation work.

As is common with other open space conservation projects, the scope of the Ukiah Western Hills Open Land Acquisition & Limited Development Project has evolved since its inception into the current proposal. The City of Ukiah has not yet acquired any land in the proposed project area but did receive a donation of 188 acres (referred to as the “Donation Parcel”). The donation of the land that was completed in 2020 was not part of the Proposed Project and, in fact, was done in part with the hopes of strengthening future grant applications.

Under the County of Mendocino’s jurisdiction, portions of the Project sites, specifically the proposed Development Parcels, have been under consideration for development for the past several years, as Mr. Hull intended to develop portions with residential development at some point in the future. These improvements were not done in relation to the Proposed Project, or in coordination with the City of Ukiah. The City’s involvement with the property included efforts to secure grant funding in 2018 and 2019 for acquisition of the entire project site, but these efforts were unsuccessful. In the meantime, the property owner held the property for the possible grant acquisition but also continued property improvements during that time.

The City was approached by Mr. Hull after the City’s last unsuccessful grant application and began to look at other solutions to acquiring the property. To complete the acquisition, the City will enter into a Property Exchange and Development Agreement (“Development Agreement”) with the current owner of the Hull Properties subject to the annexation

application. Under the Development Agreement, the current owner will convey the Annexation Parcels to the City in exchange for real property owned by the City and a payment from the City of an amount to make up the difference between the fair market value of the exchanged properties.

The only portion of the project that includes the potential for development is the 54 easternmost acres located directly adjacent to the current City limits. As noted in response to Comment Letter 3, currently the lands proposed for annexation could be developed by-right under less restrictive zoning than what is currently proposed in the Development Agreement. The City's acquisition of the property will enable the preservation and maintenance of the non-developed land for open space and enhanced fire mitigation assets, while limiting development to seven single family homes (with the possibility of seven ADUs) within 54 acres.

Comment: The commenter express concerns regarding wildfire.

Response: See Master Response 1.

Comment: The commenter erroneously states that “this project started on April 16, 2021 and the homeowners on Redwood Avenue, who would be majorly impacted, were given printed notice of it on May 13, 2021, nearly a month after this process has started.”

Response: The City has followed noticing procedures in compliance with City noticing requirements and the Government Code. Specifically, the Notice of Intent to adopt the ISMND and conduct a public hearing was provided in the following manner, in accordance with Ukiah City Code (UCC) §9267 and CEQA Guidelines Section 15073:

- Provided to property owners within 300 feet of the project parcels, as well as agencies and departments with jurisdiction or interest over the project on April 16, 2021, June 1, 2021 and August 13, 2021;
- Provided to members of the public, agencies, and interested parties who submitted written comments on the Draft ISMND during the public review period on August 13, 2021;
- Published in the Ukiah Daily Journal on April 24, 2021, June 5, 2021 and August 14, 2021;
- Posted on the Project site on May 3, 2021, June 1, 2021, and August 11;
- Posted at the Civic Center (glass case) 72 hours prior to the public hearing;
- Noticed for continuance at the May 26, 2021 Planning Commission hearing to a date certain of June 9, 2021; and
- Notice for continuance at the June 9, 2021 Planning Commission to a date uncertain.

In addition, based on the amount of interest in the Project and to receive as much public input as possible, additional public noticing was conducted in the following manner:

- Posted on the City of Ukiah website on April 16, 2021 and August 16, 2021;
- Emailed to Planning Commissioners and City Councilmembers on April 16, 2021 and August 13, 2021;
- Hand-delivered to all residences (in addition to and beyond the 300-foot requirement) on Redwood Avenue on May 13, 2021 and mailed to all residences on Redwood Avenue on August 11, 2021.

COMMENT LETTER 5: Western Hills Fire Safe Council

Comment: The commenter references a December 11, 2020 Ukiah Daily Journal news article regarding the donation of the Donation Parcel to the City by Mr. Hull and states that it did not mention the acquisition and annexation of the remaining properties proposed under the Project.

Response: See response to Comment Letter 4 regarding the Donation Parcel and evolution of the Proposed Project.

Comment: The commenter states that on April 16, 2021, the Notice of Intent was sent to a few Redwood Avenue and San Jacinta Drive property owners.

Response: See response to Comment Letter 4 regarding noticing.

Comment: “The majority of the property is zoned PF, public facilities. It [is] possible to change this zoning designation in the future to R1-H zoning (single family residential), should there be interest in further development. Is it possible to change the zoning on the inside conservation PF zoned parcels (ISMND map p.13) to a Conservation Easement in perpetuity along with the outside conservation parcels for a Ukiah Wildlife Sanctuary?”

Response: There are many different ways to preserve land as open space. As noted in Master Response 2, the Project proposes to prezone the entire 640 acres for open space as “PF”. In accordance with the Government Code, parcels included in the prezone cannot be rezoned for a period of two years after adoption. In addition, because the parcels will be under City ownership, the City will have control over the use of the parcels. The City’s long-term goals for the parcels include open space and do not include residential development.

Comment: The commenter asks the following questions regarding the proposed water tank: “What are the plans for the new water storage tank besides fire protection measures? Who will be responsible for maintaining the 150,000 gallon tank, pump, and well that supports the water tank? Is the water in this tank dedicated for fire department use or also for use of potential domestic purposes for the buildout? Will there be hydrants on the city water main extending up from Redwood Avenue?”

Response: The new water storage tanks will be used to serve the Development Parcels. In addition, they will be used for fire protection. The tanks will be owned and maintained by the HOA. Per the California Fire Code, a portion of the water (varies based on size and number of homes) will be required to be allotted for fire protection services and cannot be used for residential use. Fire hydrants are also required to be installed with the residential development.

Comment: The commenter states “Neil Davis’[s] responses to WHFSC questions to Mr. Sangiacomo regarding the Hull Properties Limited Development Agreement included a question on water resources. Mr. Davis stated, “...this project provides sourcewater protection and will benefit the entire Ukiah Valley by protecting the sourcewater and ensuring that it reaches its maximum potential.” How does Mr. Davis define “sourcewater protection?”

Response: Acquisition of headwater properties in the Western Hills of the Ukiah Valley provides source water (headwater) protection because securing these properties will provide preservation of headwater properties in the Western Hills that will help ensure that

natural runoff and groundwater recharge patterns will continue in perpetuity. Benefits will include preserving the current hydrology of the Western Hills which are a major driver for the recharging of Ukiah Valley's aquifer. Preserving these properties will ensure that there is no adverse change to these important resources and is consistent with the goals of section 15 of the State of California's 2020 Water Resilience Portfolio in that it will "protect water quality and supply".

Comment: In addition to expressing concerns regarding wildfire and the shaded fuel break, the commenter asks if the residential development of the 54 easternmost acres can be taken out of the Development Agreement. In addition, the commenter asks if the lower elevation properties west of the shaded fuel break that remain in Mr. Hull's possession will be considered for future buildout.

Response: See Master Response 1 and Comment Letter 9 regarding wildfire and the shaded fuel break.

As noted in response to Comment Letter 4, in order to complete the acquisition, the City will enter into a Property Exchange and Development Agreement ("Development Agreement") with the current owner of the Hull Properties subject to the annexation application. Under the Development Agreement, the current owner will convey the Annexation Parcels to the City in exchange for real property owned by the City and a payment from the City of an amount to make up the difference between the fair market value of the exchanged properties; the City does not have the funding to purchase the entire project area without this component.

As noted in the Project Description, the only portion of the project that includes the potential for development are the 54 easternmost acres located directly adjacent to the current City limits. See response to Comment Letter 3 for more information regarding the discretionary review process for future development. The remaining acreage will be preserved as open space.

COMMENT LETTER 6: CHRIS WATT

Comment: The commenter asks if the annexation requires a tax-sharing agreement with the County of Mendocino, and if so, what actions have been taken by the City to secure an agreement.

Response: A tax-sharing agreement will be required as a part of the annexation application.

Comment: The commenter asks if the parcels proposed for development to be rezoned as Single-Family Residential-Hillside Overlay District (R1-H) have been sized consistently with the Hillside Development Standards, and if not, further comments the parcels should be sized in accordance with the Hillside Development Standards and Subject to the Use Permitting Process and the Hillside Development Standards.

Response: The Development Parcels included in the original preliminary Lot Line Adjustment proposed to be rezoned Single-Family Residential-Hillside Overlay District have been adequately sized and designed in accordance with the Hillside Overlay District regulations. See Response to Comments Attachment A which includes a topographical map and the average slope of the Development Parcel area, in accordance with the Hillside Overlay District lot size requirements. As noted above in the Revisions and Clarifications section, the final resulting configuration may vary, but the number of parcels

and Development Parcel area footprint will not. Additionally, the final parcel configuration and future single family residential development is required to be in accordance with the Hillside Overlay District regulations. For Development Parcels 4-7 this includes obtaining Planning Commission approval of a Use Permit for development of a single-family housing unit. As noted in Condition of Approval 3, a copy of the final recorded Lot Line Adjustment shall be submitted to the Community Development Department prior to submittal of a Use Permit for single family housing. Development Parcels 1-3 may be developed within the County's jurisdiction prior to annexation by-right, but will be required to be developed to R1-H standards through CC&Rs if developed prior to annexation.

Comment: The commenter asks if Landslide Hazard Identification Map No. 24 published in 1991 by the California Geological Survey was consulted to determine the potential presence of landslide hazards with the parcels proposed for development and the access roads to the development. This report should be consulted and included as a reference in the ISMND.

Response: As noted in the References section, and Section 7, Geology and Soils, of the ISMND, information related to soils and geology, including landslides, was compiled using a variety of resources including the Background Report for the County of Mendocino General Plan Update (prepared by P.M.C., 2003), as well as the California Geological Survey, U.S. Landslide Inventory Web Application and Earthquake Fault Map, Ukiah. These resources do not identify the Development Parcels nor the access road as having a high landslide hazard potential.

Comment: The commenter states that it seems imprudent to not perform a preliminary soils report to determine if the parcels proposed for development have soils or landslide hazards which would preclude development or at a minimum severely limit the development potential. The commenter also states that the Geology and Soils section should also reference the requirement in the California Building Code to submit a Geotechnical Report for each lot.

Response: The Project does not include approval of any entitlements for development of homes. After the parcels are annexed into the City, Development Parcels 4-7 would not be developed until an applicant submits a project-specific site plan with a Use Permit application and receives Planning Commission approval for development of a home, in accordance with the Hillside Overlay Zoning District regulations. As stated in the Geology and Soils Section of the ISMND (Pg. 34), the Hillside Overlay District regulations (UCC §9139 (c)), a soils engineering report completed by a professional engineer registered in the state of California is required to be submitted during the discretionary review period for development, including future single family residential, within the Hillside Overlay District. Additionally, a Building Permit is required for residential construction, which will ensure all activities are in compliance with building and seismic safety codes. As noted above, although Development Parcels 1-3 may be developed within the County's jurisdiction prior to annexation by-right, they will be required to be developed to R1-H standards through CC&Rs. In addition, mitigation measures identified for residential development in the ISMND will be applied to all Development Parcels. This information has been added to the Final Draft ISMND.

Comment: The commenter states that the Wildfire section of the ISMND indicates that fuel breaks are developed in the project area and states that the ISMND does not describe how the fuel breaks will be maintained. The commenter also asks the following questions: "if the Ukiah Valley Fire District have capacity to defend the proposed development areas against wildfire given the Extremely High Fire Risk for the lands adjacent to the proposed development area? Why not

subject these parcels to Wildland Urban Interface requirements? Perhaps include a benefit zone to pay for vegetation management and fire protection which is quite different from the urban parcels of the City.”

Response: See Master Response 1.

COMMENT LETTER 7: JEANNE WETZEL CHINN

Comment: The commenter states the following: “I don’t take issue with transferring several of his individual parcels to be annexed to the City of Ukiah. However, there are concerns regarding how the additional acreage is planning to be utilized: 296ac for Conservation Lands on the most western area, 343ac for Recreational (zoned PF-Public Facilities) Lands in an odd shaped “C” pattern, and 54ac as Development Parcels (zoned R1-H) on the northeastern corner, as shown and stated in the ISMND map legend on p.13. Who owns the 5 parcels between the “C” Recreational Lands, and what are the plans for these parcels?”

Response: The commenter erroneously states that the 343 acres within the City’s Sphere of Influence for open space would be classified as “Recreational Lands”. These parcels are proposed to be rezoned “Public Facilities” and used for open space and conservation. It is unclear what Parcels the commenter is referring to when they ask “who owns the 5 parcels between the “C” Recreational Lands, and what are the plans for these parcels?”, as the Project Description does not classify any of the proposed parcels for annexation in such a way. Instead, as discussed in Master Response 2, the City proposes to rezone the entire 640 acres of open space lands as “PF”. The commenter is referred to Table 1 of the Staff Report which contains a summary of parcel and rezoning information associated with the Proposed Project.

Comment: The commenter expresses concerns regarding wildfire risk, the project being located within the Wildland-Urban Interface area, as well as comments regarding the shaded fuel break that are also expressed in other comment letters.

Response: Please refer to Master Response 1 related to wildfire concerns.

Comment: The commenter erroneously states that the community’s tax dollars would be paying for the utility extensions to the Development Parcels, and asks who would pay for the maintenance of the 150,000-gallon water storage and fire facilities tank, pump, and well.

Response: The project involves City acquisition of property with most of the utility infrastructure completed by the developer and in place prior to any potential development. The property owner/developer will be responsible for the road improvements, installation and maintenance of the sewer system, water storage tanks and its associated equipment. Electric utilities will be installed by the City and/or the developer, but ultimately will be owned and maintained by the City.

Comment: The commenter states that at the most recent Paths, Open Space, and Creeks Commission (POSCC) meeting, Commissioners were told there will be no infrastructure on the recreation lands, including no public bathroom facilities or parking areas for potential hikers & bikers, and asks who would be responsible for patrolling those areas to pick up cigarette butts and other trash, and keep transients from establishing camps.

Response: As clarified above, there are no lands that would be classified as “recreational lands” and the Proposed Project does not include allowing public access to the open space areas. If public access to open space areas is contemplated in the future, additional environmental review will be required, as applicable.

Comment: The commenter states that there is significant wildlife and biologic resources documented in the Western Hills and they would like to see all of the open space lands annexed together as “Ukiah’s Wildlife Sanctuary” and conserved in perpetuity.

Response: The City of Ukiah agrees and recognizes the importance of the biological resources within the Ukiah Western Hills. One of the City of Ukiah’s goals of the Proposed Project is to preserve and protect important source water and biological resources and open space within the Ukiah Western Hills. Accordingly, approximately 640 acres are proposed for open space and conservation. The City is proposing to annex the entire 707 acres (including the 640 acres for open space). See Master Response 2 for more information regarding rezoning.

COMMENT LETTER 8: ANDREA VACHON

Comment: The commenter makes statements and asks questions regarding public parking and access under the assumption that the open space areas will be a public park.

Response: The Project site(s) is accessed via a gated private road at the terminus of Redwood Avenue and no public parking is proposed. The Project does not propose a public park, nor does it propose to allow public access to the open space lands at this time.

Comment: The commenter asks questions regarding proposed access improvements and requirements within the Fire Code.

Response: See Master Response 1.

Comment: The commenter erroneously states that the City is paying for the extension of utilities and asks if the developer should be paying for them.

Response: See response to Comment Letter 7.

Comment: The commenter asks why the Inside Conservation parcels would not be a part of the City Council resolution or action to preserve them as open space.

Response: See Master Response 2 and response to Comment Letter 5.

Comment: The commenter expressed concerns regarding wildfire.

Response: See Master Response 1.

COMMENT LETTER 9: Michael Maynard

Comment: The commenter states that he was the Cal Fire Battalion Chief from November 2010 to December 2020 and was responsible for fuel reduction efforts in the Western Hills. The commenter provides an overview of information relating to past fuel management practices and expresses support for the project.

Response: This comment is noted and is included in the public record for Planning Commission and City Council consideration

COMMENT LETTER 10: Sharron Thomas

Comment: The commenter expresses concerns regarding wildfire that are included in other comment letters.

Response: See Master Response 1.

COMMENT LETTER 11: ANDREA DAVIS

Comment: The commenter expresses concerns regarding the access road in relation to its slope, topography, erosion and runoff.

Response: Please refer to ISMND Section 5.7, Geology and Soils, as well as Section 5.10, Hydrology and Water Quality which addresses these comments. To summarize, Mitigation Measure GEO-1 is proposed and requires submittal of sediment and erosion plans identifying BMPs to reduce soil erosion and water runoff to reduce or avoid impacts to geology and soils to be submitted prior to any ground disturbance, in accordance with Ukiah City Code (“UCC”) Division 9, Chapter 7, Erosion and Sediment Control. In addition, Hillside Overlay District development standards require submittal of Geotechnical Reports, Grading Plans, Hydrology Reports, etc. In regards to the access road, slope is also regulated by the Hillside Overlay District and the Fire Code, as discussed in Master Response 1.

Comment: The commenter expresses concerns that the Development Parcels are adjacent to a small canyon that traps dust and smoke. The commenter asks what regulations for burning on the lower elevations of annexed properties be and what will be done to enforce speed limits to decrease dust.

Response: Air Quality and burning permits are regulated by the Mendocino County Air Quality Management District (MCAQMD) and Cal Fire. As noted in ISMND Section 5.3, Air Quality, the MCAQMD enforces regulations pertaining to air quality, including fugitive dust. Impacts associated with construction would be considered temporary and paving of the existing gravel access road will ultimately reduce dust emissions in the area. MCAQMD has a set of standard Best Management Practices (BMPs) for construction projects that are intended to reduce air quality impacts and ensure that projects remain in attainment with air quality thresholds (including Regulation 1 relating to fugitive dust). As noted in the ISMND, Mitigation Measures AIR-1 through AIR-3 incorporate BMPs suggested by the MCAQMD to regulate air quality and dust emissions. Specifically, in regards to the question regarding the speed limit, AIR-2(b) states “*All unpaved surfaces, unless otherwise treated with suitable chemicals or oils, shall have a posted speed limit of 10 mph.*” With incorporation of BMPs and mitigation measures identified within the ISMND, impacts to Air Quality were found to be less than significant.

Comment: The commenter expresses concerns regarding traffic on Redwood Avenue and the potential for increased noise from vehicles traveling up the road.

Response: As noted in Section 5.17, Transportation, of the ISMND, impacts to transportation and traffic would be significant if the Project conflicted with a local plan,

ordinance or policy addressing transit, roadway, bicycle and pedestrian facilities; conflicted with CEQA Guidelines Sec. 15064.3(b), which contains criteria for analyzing transportation impacts; substantially increased hazards due to geometric design features; or resulted in inadequate emergency access. As noted in the ISMND, the Project would not conflict with a local plan or ordinance related to traffic, and is required to be in compliance with all Fire and Building codes related to emergency access and safety. Minor increases to traffic on adjacent streets (specifically Redwood Avenue and Helen Avenue) could occur from heavy equipment required for road and utility improvements, but would be considered temporary (1-2 months). In addition, the adjacent streets will not be closed to through traffic during the road and utility improvements with the exception of the potential to have temporary (five to ten minute) closures when specialty equipment may be delivered to the job site. Further, it is unlikely that all of the single family homes would be developed at the same time, and impacts to traffic would be analyzed on a project-level basis. For the aforementioned reasons, in addition to those discussed in the ISMND, traffic impacts associated with the Project would be less than significant.

Similarly, noise impacts associated with traffic would be considered temporary during construction. Upon future construction of single-family homes, sources of noise would be consistent with other noise sources typical of residential uses (e.g., mechanical equipment, dogs/pets, landscaping activities, cars parking, etc.). Additionally, as noted in Section 5.13, Noise, of the ISMND the City's Noise Ordinance (Division 7, Chapter 1, Article 6) establishes ambient base noise level standards that apply to specific zoning districts within the City of Ukiah. In addition, to reduce potential noise impacts to nearby sensitive receptors, Mitigation Measure NOI-1 would require compliance with the City's allowed hours of construction (7:00 a.m. to 7:00 p.m.), include Best Management Practices (BMPs) for reducing construction noise, and require construction equipment to be equipped with properly operating and maintained mufflers and other state-required noise attenuation devices. Operation of the Proposed Project would result in stationary noise sources associated with typical residential land uses. These noise sources are typically intermittent and short in duration, and would be comparable to existing sources of noise experienced at surrounding residential uses. Noise impacts associated with the Project would be less than significant with mitigation implemented.

Comment: The commenter states that the greenhouse gas emissions discussion should consider that the development will encourage vehicle fuel consumption due to the location of the housing.

Response: As discussed in ISMND Section 5.8, Greenhouse Gas Emissions, Construction activities associated with the Project and future housing development could result in direct and indirect emissions of GHG emissions. Direct project-related GHG emissions generally include emissions from construction activities, area sources, and mobile sources, while indirect sources include emissions from electricity consumption, water demand, and solid waste generation. Operational GHG emissions would result from energy emissions from natural gas usage and automobile emissions.

As discussed in Section 5.3, Air Quality, of the ISMND, the Project (both construction and operation) would not result in a significant negative impact to air quality. Similarly, as discussed in Section 17, Transportation, the Project would not produce significant amounts of traffic or vehicle miles traveled that would in turn result in a significant increase in GHG emissions. Individual residential development projects constructed under the

Development Agreement will be reviewed on a project by project basis to analyze GHG emissions and will be required to follow all building codes and policies including those intended to reduce emissions. Specifically, future residential uses constructed would be required to adhere to all federal, state, and local requirements for energy efficiency, including the Title 24 standards. Compliance with Title 24 Building Energy Efficiency Standards would provide minimum efficiency standards related to various building features, including appliances, water and space heating and cooling equipment, building insulation and roofing, and lighting. Implementation of the Title 24 standards significantly reduces energy usage, as well as GHG emissions.

Lastly, the Project includes annexation and conservation of approximately 640 acres, which will have no impact (or a beneficial impact) on GHG, given that the Project is located within a non-attainment area the Project is rural in nature, and the Project has a small development footprint. The Project, including infrastructure improvements and other temporary construction activities, is not expected to significantly increase GHG in the area. With implementation of the aforementioned regulations, impacts to GHG emissions would be less than significant.

Comment: The commenter suggests that the required botanical surveys are inadequate and be completed prior to finalization of the ISMND.

Response: As noted in ISMND Section 5.4, Biological Resources, botanical surveys are required to be conducted in accordance with U.S. Fish and Wildlife (USFWS) survey protocols, which requires several surveys through different times of the year, in relation to different species' blooming periods. At the time of circulation of the Draft ISMND, the two of three required surveys completed (March 30, 2021 and May 17, 2021) had resulted in negative findings. Per USFWS protocols one additional survey was required during the blooming period (March-July); as noted in Draft ISMND Mitigation Measure BIO-1, this survey would occur prior to any ground disturbing activities at the recommendation of the Biologist. However, since the circulation of the Draft ISMND, the final botanical survey was completed on July 9, 2021. The survey did not result in the identification of any sensitive botanical species. As such, no further botanical surveys are required and Mitigation Measure BIO-1 has been revised accordingly. This information has been incorporated into the Biological Resources section of the Final Draft ISMND accordingly; the Biological Resources Assessment Addendum for Rare Plant Assessment and Botanical Survey is included as Attachment B1 of the Final Draft ISMND.

Comment: The commenter expresses concerns regarding biological resources and water courses and culverts within the Project vicinity. The commenter also expresses concerns related to wildlife movement.

Response: As noted in the response to comments received from Jacobszoon & Associates, Inc. (Response to Comments Attachment A), and in the Biological Resources Survey for the Project, the creeks within the Study Area were surveyed during the Biological Resource Assessment and first botanical survey, but no special status amphibian species were observed; however, Mitigation Measure BIO-2 requires pre-construction surveys prior to work in or around the drainages or water courses to protect sensitive amphibian species. No modifications to existing culverts are proposed. However, as noted in Condition of Approval 6, the Developer shall obtain regulatory permits,

including but not limited to a 401 Water Quality Certification, California Department of Fish and Wildlife Lake and Streambed Alteration Agreement, etc., if work is proposed in the future, in accordance with existing regulatory requirements.

As discussed in ISMND Section 5.4, Biological Resources, there are no established native resident or migratory wildlife corridors, or native wildlife nursery sites within the Project area. Because the Project includes preservation of approximately 640 acres, the Project will preserve existing habitat and opportunity for movement for wildlife species.

COMMENT LETTER 12: MARGO FRANK

Comment: The commenter expresses concerns regarding wildfire and expresses opposition to the project.

Response: This comment is noted and is included in the public record for Planning Commission and City Council consideration.

See Master Response 1 related to wildfire.

COMMENT LETTER 13: HEATHER SEGCEL

Comment: The commenter expresses concerns regarding wildfire and expresses opposition to the project.

Response: This comment is noted and is included in the public record for Planning Commission and City Council consideration.

COMMENT LETTER 14: THOMAS HUNT

Comment: The commenter expresses concerns that the criteria for lot line adjustments is not being met and that each qualifying parcel of a lot line adjustment must have a recorded certificate of compliance that the lot is a viable conforming lot. The commenter also states that “reconfiguration of parcels using the lot line adjustment method becomes a violation of the Subdivision Map Act if greater than Four parcel reconfigurations (LLA) are performed. A development of this nature should be required to prepare a tentative subdivision map, preliminary engineering of the access road, lot layout in conformance with the hillside slope ordinance, and provide a slope analysis study in conformance with the Hillside ordinance using accurate topographic mapping.”

Response: See response to Comment Letter 6. Each lot has valid Certificate of Compliances and any lot line adjustments are to be done in accordance with the Subdivision Map Act and all County and City codes, as applicable. Government Code section 66412 specifies circumstances and processes that are excepted from the Subdivision Map Act. The exception found in subdivision (d) to that section concerns lot line adjustments “between four or fewer existing adjoining parcels, where the land taken from one parcel is added to an adjoining parcel, and where a greater number of parcels than originally existed is not thereby created....” A lot line adjustment meeting these criteria renders the Subdivision Map Act “inapplicable” to the application. (*San Dieguito Partnership v. City of San Diego* (1992) 7 Cal. App. 4th 748, 756 & 761 [Gov. Code § 66412, subdivision (d), does not limit the size of the area subject to a lot line adjustment].) Sequential lot line adjustments involving the same (or some of the same) properties does not run afoul of these criteria and are permitted to be completed upon completion of the

preceding adjustment. (*Sierra Club v. Napa County Bd. of Sup'rs* (2012) 205 Cal. App. 4th 162.)

The City's review of applications is limited and ministerial in nature. It may only determine whether the lot line adjustment conforms to the local general plan, any applicable specific plan, any applicable coastal plan, and zoning and building ordinances. The City can require the prepayment of real property taxes prior to the approval of the lot line adjustment, and it may facilitate the relocation of existing utilities, infrastructure, or easements. So long as the adjustment does not exceed the referenced criteria, the application may not be denied. (Gov. Code, § 66412 (d); *Sierra Club v. Napa County Bd. of Sup'rs*, *supra*, 205 Cal. App. 4th at pp. 177–180; *San Dieguito Partnership v. City of San Diego*, *supra*, 7 Cal. App. 4th at p. 760.) Other than those describe above, no other conditions and exactions on approval of a lot line adjustments may be imposed. In short, “the regulatory function of the approving agency is strictly circumscribed by the Legislature in a lot line adjustment, with very little authority as compared to the agency's function and authority in connection with a subdivision.” (*Ibid.*)

Please refer to response to Comment Letter 6 and responses below regarding development in conformance with the Hillside Overlay District.

Comment: The commenter expresses concerns that the new road will not meet Fire Safety Road Standards and is concerned about how the road will be maintained.

Response: As mentioned in Master Response 1 the existing access road will be improved in accordance with all applicable fire and safety codes.

All future construction and roadways associated with the Project (including future residential construction) must adhere to the aforementioned regulations, in addition to all other local, state and federal regulations relating to access and safety. The road will be privately owned and maintained by a Homeowners Association.

Comment: The commenter expressed concerns that the ISMND does not address the capacity for of the existing City utility to support the proposed homes and questions who would maintain the infrastructure.

Response: The project involves City acquisition of property with most of the utility infrastructure completed by the developer and in place prior to any potential development. The property owner/developer will be responsible for the road improvements, installation and maintenance of the sewer system, water storage tanks and its associated equipment; these components will be maintained by the HOA. Electric utilities will be installed by the City and/or the developer, but ultimately will be owned and maintained by the City. Please refer to ISMND Section 5.19, Utilities and Service Systems for an analysis of service capacity. Additional information is also provided in response to Comment Letter 19.

Comment: The commenter expressed concerns regarding wildfire and access requirements. In addition, the commenter expresses concerns regarding development regulations in the Hillside Overlay District related to slope.

Response: See Master Response 1 and response to Comment Letter 6 and 11 regarding slope and development within the Hillside Overlay District.

Comment: The commenter states that impacts to hydrology from potential future development and replacements of culverts were not adequately discussed in the ISMND.

Response: See response to Comment Letters 6,11 and 16. As discussed in ISMND Section 5.10, Hydrology and Water Quality, the project, including improvement of the access road and future residential construction, would result in impervious surfaces that could result in an impact to water quality. However, as noted in Mitigation Measures GEO-1 and HAZ-1, prior to any ground disturbance, erosion and sediment control plans shall be submitted to the Public Works Department and Community Development Department for review and approval and shall include Best Management Practices (BMPs) to address soil erosion and stormwater runoff. Also, R1-H development regulations require submittal of the following: soil and geological reports, subsurface investigations, grading plans, vegetation reports, grading plans, hydrology reports, to ensure development is being properly designed to avoid impacts to geology, soils and hydrology. Additionally, construction projects that would disturb more than one acre of land, would be subject to the requirements of General Construction Activity Stormwater Permit (Construction General Permit Order 2009-0009-DWQ, also known as the CGP), which requires operators of such construction sites to implement stormwater controls and develop a Stormwater Pollution Prevention Plan (SWPPP) identifying specific BMPs to be implemented to reduce the amount of sediment and other pollutants associated with construction sites from being discharged in stormwater runoff.

The proposed Development Agreement does not include specific development designs or proposals, nor does it grant any entitlements for development. Future single-family housing development for all Development Parcels will be subject to the City's R1-H development standards, building and safety codes, including review of stormwater management practices, where applicable. If future work in or adjacent to any of the other watercourses or culverts are proposed, the developer is required to obtain necessary regulatory permits from the California Department of Fish and Wildlife and the Regional Water Quality Control Board, as necessary. As noted in the ISMND impacts associated with erosion and stormwater runoff would be less than significant with mitigation incorporated.

COMMENT LETTER 15: STEVE AND JEAN LINCOLN

Comment: The commenter expresses concerns regarding wildfire and expresses opposition to the project.

Response: This comment is noted and is included in the public record for Planning Commission and City Council consideration.

COMMENT LETTER 16: NORTH COAST REGIONAL WATER QUALITY CONTROL BOARD (NCRWQCB)

Comment: The commenter states that information regarding sensitive biological communities, Waters of the State and wetlands is conflicting within the Biological Resources Assessment. The NCRWQCB also states that if Waters of the State will be impacted by the project, regulatory permits will be required.

Response: As noted in the responses prepared by Jacobszoon and Associates, Inc. (included in Response to Comments Attachment A), “No wetlands were observed within the Study Area during the biological assessment” and “Biological Resources Assessment (Attachment B to the ISMND) Section 3.4.2, (3) Field Survey Methodology, (.4) Biological Communities, (.2) Sensitive Communities-Aquatic Resources (page 8) is not a result or account of what we observed on site and is meant to describe our methodology in defining and describing wetlands for the purposes of the assessment. Generally, if a suspected wetland is observed during our biological assessment, it is referred to as a “wet area” until a wetland delineation is performed to determine whether the “wet area’ meets the criteria of wetlands as described by the USACE 1987 Manual. The NWI database is consulted at a reconnaissance level before our site visit and is not intended to substitute on-the-ground field assessments for wetlands.” Please refer to section 5.1.2, (5) Field Survey Results, (.1) Biological Communities, (.2) Sensitive Biological Communities-Sensitive Aquatic Resources (page 16), for the results of the assessment concerning sensitive aquatic resources including wetlands.

The Study Area contains two (2) Class II watercourses and four (4) Class III watercourses that were observed and mapped on-site. The closest watercourse is a Class II watercourse located on APN 001-040-83 (existing Parcel 1 and proposed Parcel 8) of the study area. This Class II watercourse is mapped on the USFWS National Wetland Inventory as a riverine habitat classified as R4SBC. R4SBC is a riverine intermittent system with a streambed and is seasonally flooded. Riverine systems are considered watercourses for the purposes of this assessment. The Proposed Project will not impact this watercourse, as it would be included in proposed Parcel 8, which will be preserved as open space. The project doesn’t propose modification of existing culverts. For the reasons discussed above, the Project would not result in a significant impact to sensitive biological communities or wetlands. If future work in or adjacent to any of the other watercourses or culverts are proposed, the Developer is required to obtain necessary regulatory permits from the California Department of Fish and Wildlife and the Regional Water Quality Control Board, as necessary.

The Biological Resources Assessment identifies the following two sensitive tree communities in the Study Area: *Quercus garryana* Forest & Woodland Alliance: Oregon white oak forest and woodland and *Umbellularia californica* Forest & Woodland Alliance: California bay forest and woodland. Both communities are classified as having a California Department of Wildlife State Rarity Rank of S3 (Vulnerable). No trees are proposed for removal. However, if, future development of single-family homes propose removal of trees, pre-construction surveys identified in Mitigation Measure BIO-2 shall include identification of these species and removal shall be in accordance with the California Department of Fish and Wildlife regulations and the City of Ukiah Tree Management Guidelines.

If trees are proposed for removal, surveys will also include identification of Oregon white oak forest and woodland, as well as California bay forest and woodland habitat; removal of sensitive habitat shall be conducted in accordance with the California Department of Fish and Wildlife regulations. See revisions to Mitigation Measures BIO-1 and BIO-2 for consistency with the Biological Resources Assessment.

COMMENT LETTER 17: JOHN AND DELYNNE ROGERS

Comment: The commenter expresses concerns regarding wildfire.

Response: See Master Response 1.

Comment: The commenter states that once City utilities are extended to the Development Parcels, that there is increased potential for further development.

Response: See Section 5.14, Population and Housing, regarding a discussion on potential growth inducing impacts. The residential component of the proposed Development Agreement would be located within 54 acres of the total 707 acres proposed for annexation. Development would be restricted to a total of 14 units (seven single family homes and the potential for an ADU to each home) compact and clustered in order to maximize the preservation of open space. This housing cluster will be contiguous and similar to existing urbanized areas within the Western Hills under City jurisdiction. If the property were to remain unincorporated housing units could be developed on each parcel throughout the total area, albeit in a more widely disbursed configuration. These proposed jurisdictional changes would not engender 'Sprawl'. On the contrary, viewed as a whole, the proposed annexation will reduce potential sprawl and concentrate urban services (water, sewer, electricity, solid waste collection and public and private roads) in the area already developed for single family housing and receiving urban services. The contiguous properties to the northeast are already under City jurisdiction and zoned R1-H. Services would only be extended to the residential sites and would not induce growth throughout the larger Western Hills.

COMNET LETTER 18: PINKY KUSHNER

Comment: The commenter raises concerns and questions related to the prezone approach identified in the Project Description.

Response: Please refer to Master Response 2 for clarification.

Comment: The commenter refers to the following text: "City-owned parcels can be located anywhere in the County as long as they are less than 300 acres, owned by the City, and used for municipal purposes at the time of the annexation application" and states "It is not clear how this project satisfies any of those limitations. In fact, it seems clear that none of the provisions are satisfied. The property that is proposed to be designated PF, will not be for municipal purposes in the ordinary legal meaning of the word "municipal."

Response: As discussed in Master Response 2, the approximately 296 acres of property located outside of the City's current Sphere of Influence will be preserved as open space and prezoned PF" (Public Facilities), consistent with all of the remaining "Conservation Parcels", totaling 640 acres, in response to comments submitted by the Local Agency Formation Commission (LAFCo). All of this property will be owned and maintained by the City of Ukiah. As noted in the Project Description and Master Response 2, PF specifically identifies public or quasi-public uses, including, but not limited to, natural resource conservation areas and parks and recreation.

Comment: The commenter states the following: "The City should demand a codicil to the private road access that will require that a keyed entrance gate be built on the road at the entry to the developed (housing) area and also at the distal end of the developed (housing) area. Furthermore, no third party, other than the owners of the developed housing and the City, can be given rights

to trespass those two gates. Without such a codicil, it is obvious that this proposed development will be able to leapfrog further development into the County property that lies further to the west along the roadway. These further lying parcels are designated County lands, and any development/construction will not be subject to City of Ukiah's reviews and will be without City limitations (as mentioned in the neg dec in the argument for the present annexation). It is egregious that the potential for leapfrogged development is not even mentioned in the 'neg dec.'"

Response: The existing access road is a private road and is currently accessed by a gate with a code. See response to Comment Letter 17 for information that addresses the comment regarding the potential for "sprawl".

Comment: the commenter expresses concerns regarding visual impacts related to the water tank, "new access roads", and potential single-family homes.

Response: As discussed in ISMND Section 5.1, Aesthetics, the Project site(s) consists of mostly undeveloped parcels with firebreaks and private access roads. No new access roads are proposed. The parcels have been subject to vegetation management and grading practices, including clearing areas for potential water tank pad sites and house sites, over the last several years through the County's permitting process.

No trees are proposed for removal as a part of the Project. The Project proposes to acquire and preserve open space for several reasons, including sourcewater preservation, fire mitigation, scenic resources, and biological preservation. Approximately 640 acres would remain open space, while 54 acres would be potentially developed with up to 14 units (one single-family dwelling and one ADU per lot). Although the Project does not include specific development proposals for construction of the homes, the Development Agreement allows the potential for the homes to be built at some point in the future. However, the location of potential homes (within the Development Parcels) are all proposed in the lowest elevation of the Project area, therefore limiting visual impact from the valley floor.

In addition, as outlined in the City's Zoning Ordinance (UCC Section 9018), the City's Single Family Residential (R1) zoning district contains development standards including a 30-foot height limitation for single-family homes. This scale of potential development would be similar to residential development in the area east of the site. While the easternmost portion of the Project that could be developed with homes, development of these homes would not substantially degrade a scenic vista or the visual character of the area, as it is assumed they would be constructed within the existing house sites and not require a substantial amount of vegetation removal.

One of the intentions of the –H District is to preserve outstanding natural physical features, such as the highest crest of a hill, natural rock outcroppings, major tree belts, etc. Allowing the development of homes on the easternmost portion of the site, while preventing residential development on the remaining 640 acres, will ensure orderly development patterns to prevent sprawl and visual degradation within the Western Hills. The assumed low-density development pattern is consistent and contributes to the rural "small town" character of the Ukiah Valley and consistent with proposed City zoning for the sites. It is also consistent with the purposes and intentions of the Ukiah Valley Area Plan. In addition, future residential development of Development Parcels 4-7 would be subject to discretionary and environmental review, and be required to comply with City regulations for height, setbacks, and other development standards established to protect natural

features and scenic resources within the Western Hills. Although Development Parcels 1-3 may be developed within the County's jurisdiction prior to annexation by-right, they will be required to be developed to R1-H standards through CC&Rs. In addition, all mitigation measures identified for residential development in the ISMND will be applied to Development Parcels 1-3. Therefore, the potential residential development associated with the Project would not conflict with applicable zoning and other regulations governing scenic quality.

Sewer and electric utilities would be extended from Redwood Avenue to the house sites, but would be located underground within the existing roadway to avoid visual impacts. The two proposed water tanks (34 ft x 34 ft, 10.5 ft high) would be colored a shade of green to blend in with the landscape. The water tank site has already been cleared of vegetation and is surrounded by trees, making it less visible to the public. Due to the location and topography of the site, and distance from public views, such as those in adjacent residential areas or views from the valley floor, the proposed water tank would not significantly impact scenic resources on the site or in the area.

For the aforementioned reasons, the Project would not result in a significant impact to scenic vistas, nor the visual character of the site or area. Impacts would be less than significant.

Comment: The commenter states that "According to the ISMND the project should evaluate "forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board." No data have been provided. CO2 levels continue to increase in the Ukiah Valley. The removal of forests will add to the carbon increases. This effect cannot be said to be less than significant unless carbon measurements are established. In order to 'neg dec' the project, current, pre-project baseline data must be measured. The heat effect of forest removal must be evaluated."

Response: The language the commenter refers to is included in the CEQA Guidelines Appendix G checklist for Agriculture and Forestry Resources. It is provided in the checklist as a tool for measuring the conversion of forest land. As noted in Section 5.2, Agriculture and Forestry Resources of the ISMND, according to the California Department of Conservation Farmland Mapping & Monitoring Program, California Important Farmland Finder, the Project area does not contain Unique Farmland, or Farmland of Statewide Importance. Additionally, the Project does not contain timberland. The Project would not convert Farmland, conflict with existing zoning for agriculture or forest land, and would not involve changes to the environment that would result in the conversion of agricultural resources to non-agriculture uses. Therefore, the analysis the commenter refers to is not applicable to the Project. Please refer to ISMND Section 5.3, Air Quality for a discussion of air quality impacts.

Comment: The commenter expresses the opinion that the Biological Resource Assessment for the Project is inadequate because not all of the botanical surveys had been completed at the time of the Draft ISMND. In addition, the commenter states that the entire 707 acres associated with the Project should be surveyed.

Response: See response to Comment Letter 16. In addition, it should be clarified that surveys and the Biological Resources Assessment was conducted on 55 acres of the Project site and limited to areas that would include ground disturbance; this includes the

55 acres encompassing the proposed Development Parcels, in addition to the access road (extended out to 100 ft on either side), and the water tank pad site. No development or ground disturbance would occur on the remaining approximately 640 acres, as it will be preserved as open space. Accordingly, additional biological surveys are not warranted.

Comment: The commenter expresses concern regarding wildfire and asks several questions regarding wildfire, insurance, soil moisture, drought, feasibility of the Project, and housing needs.

Response: Please refer to Master Response 1 regarding wildfire. Regarding the remaining questions raised by the commenter, ISMND Section 5.20, Wildfire, provides an analysis of wildfire impacts, as required by CEQA. Information relevant to this analysis regarding the City's Housing Element and Regional Housing Needs Allocation can be found in ISMND Section 5.14, Population and Housing. An analysis of the City's service and utility capacity (including water) can be found in ISMND Section 5.19, Utilities and Service Systems and also in response to Comment Letter 19.

The remaining comments raised by the commenter include questions that are hypothetical in nature and/or do not require analysis in accordance with CEQA Guidelines Section 15204 which states *"reviewers should be aware that the adequacy of an EIR is determined in terms of what is reasonably feasible, in light of factors such as the magnitude of the project at issue, the severity of its likely environmental impacts, and the geographic scope of the project. CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters. When responding to comments, lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR."*

Comment: The commenter is of the opinion that the figures included in the ISMND are inadequate and states that a topographical map was not included. In addition, the commenter states that the photographs in the Biological Resource Assessment do not note the "geographical or topographical whereabouts."

Response: Topographical maps, as well as many other resources listed in the References Section of the ISMND, were reviewed during the preparation of the ISMND. A topographical map is not required to be included in the ISMND. However, one is included in Response to Comments Attachment A for reference.

Comment: The commenter states that "an EIR is required to have alternative, including a no project alternative and other alternatives that achieve the same or equal provisions."

Response: The commenter is correct, in that according to CEQA Guidelines Section 15126, in preparation of an EIR, alternatives must be provided. However, the commenter erroneously identifies the ISMND as an EIR; ISMNDs are not required to provide alternatives.

Comment: The commenter states that alternative sites for the water tank must be included and raises concerns regarding the water analysis.

Response: Although not required, alternative water tank locations were considered in the preliminary planning process of this Project. As noted in ISMND Section 5.10, Hydrology and Water Quality, as well as Section 5.19, Utilities and Service Systems, water will be

provided on-site by the developer via two (2) 65,000-gallon water tanks. According to the water tank planning study memorandum, prepared by GHD (December 10, 2020), the existing wells produce approximately 50,000 gallons per day and are located adjacent to the proposed tanks. As a result, the developer proposes to supply the tanks with water from the well rather than constructing new booster pump stations to pump water up to the tanks from the City's existing wells. As noted in the GHD memorandum, the potential development in this area could be served with adequate pressure by a tank at the proposed location. This information has been added to the Final Draft ISMND.

COMMENT LETTER 19: MENDOCINO COUNTY LOCAL FORMATION COMMISSION (LAFCo)

Comment: LAFCo states that “in order to fully address the annexation component of the proposed project, the Initial Study needs to further analyze the change in development potential of the annexation area from current conditions.

This involves identifying and comparing the maximum development potential under current conditions (County General Plan/Zoning and Ukiah Valley Sanitation District service) and the proposed project development potential (Boundary Line Adjustment, City General Plan/Prezoning, and City services).

The proposed project development potential of 7 Single-Family Dwelling Units and 7 Accessory Dwelling Units identified for the Development Parcels appears appropriate based on the Development Agreement, and may result in an overall reduction of environmental impacts or environmental benefits from the clustered development design, when compared with the current conditions.

Since there is no development anticipated for the Noguera properties, the development potential of these parcels would be the maximum development potential under both current conditions (County General Plan/Zoning and Ukiah Valley Sanitation District service) and the proposed project (City General Plan/Prezoning and City services).

The comparison of current and proposed development potential for the Conservation Parcels may result in an overall reduction of environmental impacts or environmental benefits from long-term conservation and associated natural resource and land management activities.”

Response: An analysis of impacts associated with current development potential and development potential under the Proposed Project is provided throughout the ISMND, as appropriate. Specifically, Section 5.14, Population and Housing states the following:

“Discussion: (a) Less than significant impact. *As previously discussed in the Project Description and Land Use Section (11) of this Initial Study, the Proposed Project would annex approximately 707 acres into the City. Once annexed, 54 acres could be developed with up to 14 residential units (seven single family homes and one associated ADU per lot) through the proposed Development Agreement. Although no development is proposed at this time, for this analysis it is assumed that future development would result in construction and development of residential uses on the site.*

Under the County's General Plan and Zoning Ordinance, the entirety of the 707 acres has the potential to be developed with up to one dwelling per 40 acres, for a

total of 17 primary dwellings. In addition, an ADU may be constructed as of right on each parcel, resulting in the potential for up to 34 total units to be developed. The City of Ukiah's General Plan land use designation of Low Density Residential (LDR) allows for a density of six dwelling units per acre. Under these regulations, the 54 acres for residential development could conceivably be developed with up to 330 units. However, the proposed Development Agreement would restrict development to one single family dwelling per parcel and one ADU (except in cases where the slope exceeds 50 percent, per the City's Hillside Overlay Ordinance), for a total of up to 14 units. Although Development Parcels 1-3 may be developed within the County's jurisdiction prior to annexation by-right, they will be required to be developed to R1-H standards through CC&Rs. All Development Parcels would be rezoned to R1-H (with a Low Density Residential General Plan land use designation) and are located within the 95' General Plan's Unincorporated Planning Area, as well as the current UVAP/SOI boundary. The proposed Development Parcels are consistent with the density and intent of the LDR land use designation and R1H zoning. Additionally, the 14 units that could be developed under the Development Agreement would fulfil a portion of the moderate to above moderate income units required by the City's RHNA for the 2019-2027 Planning Cycle.

*As a part of the Project, utilities would be extended to the area. However, because the extension of utilities would be limited to the seven Development Parcels that are currently zoned for rural residential development, the Project, including development of up to 14 units, would not directly induce substantial unplanned development and population growth in the area. The remaining 640 acres that would be preserved as open space would not be developed with residential uses that could result in an increase in population. For the aforementioned reasons, the Proposed Project would not induce substantial unplanned population growth in an area, either directly or indirectly. Impacts would be **less than significant.**"*

Because the "Noguera Properties" would be used for (existing) access only and are not included in the Development Agreement, as no development is proposed. Therefore, the parcels were not included in the development assumptions, and a detailed "maximum buildout" scenario is not appropriate. As noted in LAFCo's previous comment, all parcels must be included in the rezoning application. These parcels lay in between existing R1-H parcels immediately to the east within city limits, and the proposed Development Parcels immediately to the west that are proposed to also be rezoned R1-H. Therefore, rezoning these parcels any other zoning district would create "spot zoning" and would not be consistent with existing land use patterns.

The City agrees that preservation of the "Conservation Parcels" (640 acres total) as open space greatly reduces environmental impacts when compared to the existing development potential within the County's jurisdiction. In addition, by limiting development within the proposed Development Parcels beyond what is currently allowed within the County's zoning code through the City's R1-H zoning district, the Project would result in an overall reduction of environmental impacts when compared to current conditions.

Comment: LAFCo states that parcels outside of the SOI must be included in the rezoning in Govt. Code 56375(a)(7).

Response: After further review of Government Code Section 56375(a)(7), City of Ukiah proposes to prezone the entirety of the “Conservation Parcels” (approximately 640 acres) of as “public Facilities” for open space purposes. See Master Response 2 for more information. The Final Draft Initial Study has been updated with this information. Because the proposed use associated with these parcels remains the same, no additional environmental impact that was not previously addressed in the Initial Study would occur.

Comment: LAFCo states the following: “In order to fully address the annexation component of the proposed project, the Initial Study needs to further analyze the provision of municipal services.

This involves a comparison of current system capacity, anticipated service demand of the proposed project based on development potential, and the City’s ability to serve the proposed project based on available capacity and project demand. While not necessarily applicable to the proposed project, in situations where service expansions or improvements are needed to address the proposed project, the potential environmental impacts of such expansion and/or improvements should also be analyzed.”

Response: An analysis of utility service systems is included in ISMND Section 5.19, Utilities and Service Systems. A detailed Plan for Services will be included in the application for annexation. However, the following information has been added to the Final Draft ISMND for clarification.

Sewer, water and electric utilities would be provided to the Development Parcels. Sewer and water will be developed by the property owner, while electric infrastructure will be developed by the property owner and/or the City. All utilities would be owned and maintained by the HOA, with the exception of electric, which will be ultimately maintained by the City.

Water will be provided by the property owner/developer on-site via two (2) 65,000 gallon water tanks. According to the water tank planning study memorandum, prepared by GHD (December 10, 2020), the existing wells produce approximately 50,000 gallons per day and are located adjacent to the proposed tank. As a result, the developer proposes to supply the tanks with water from the wells rather than constructing new booster pump stations to pump water up to the tanks from the City’s existing wells. As noted in the GHD memorandum, the potential development in this area could be served with adequate pressure by a tank at the proposed location.

The City of Ukiah 2020 Urban Water Management Plan (UWMP) was adopted by City Council on June 2, 2021. The UWMP considers several growth scenarios including additional 2500 and 5000 hookups and there is capacity thru the 2045 planning horizon.

The City’s Waste Water Treatment Plant (WWTP) was upgraded in 2008. This upgrade included the addition of 2,400 equivalent sanitary sewer units (ESSUs). An ESSU is approximately what is used by a single family dwelling unit. This project has seven building sites that could have seven additional Accessory Dwelling Units (ADUs). This project is anticipated to use 14 ESSUs. The WWTP currently has available, between the City of Ukiah and the Ukiah Valley Sanitation District (UVSD), 1,571 ESSUs.

Comment: LAFCo states that the Proposed Project should include detachment of the annexation area from the Ukiah Valley Sanitation District, to address jurisdictional overlap and duplication of

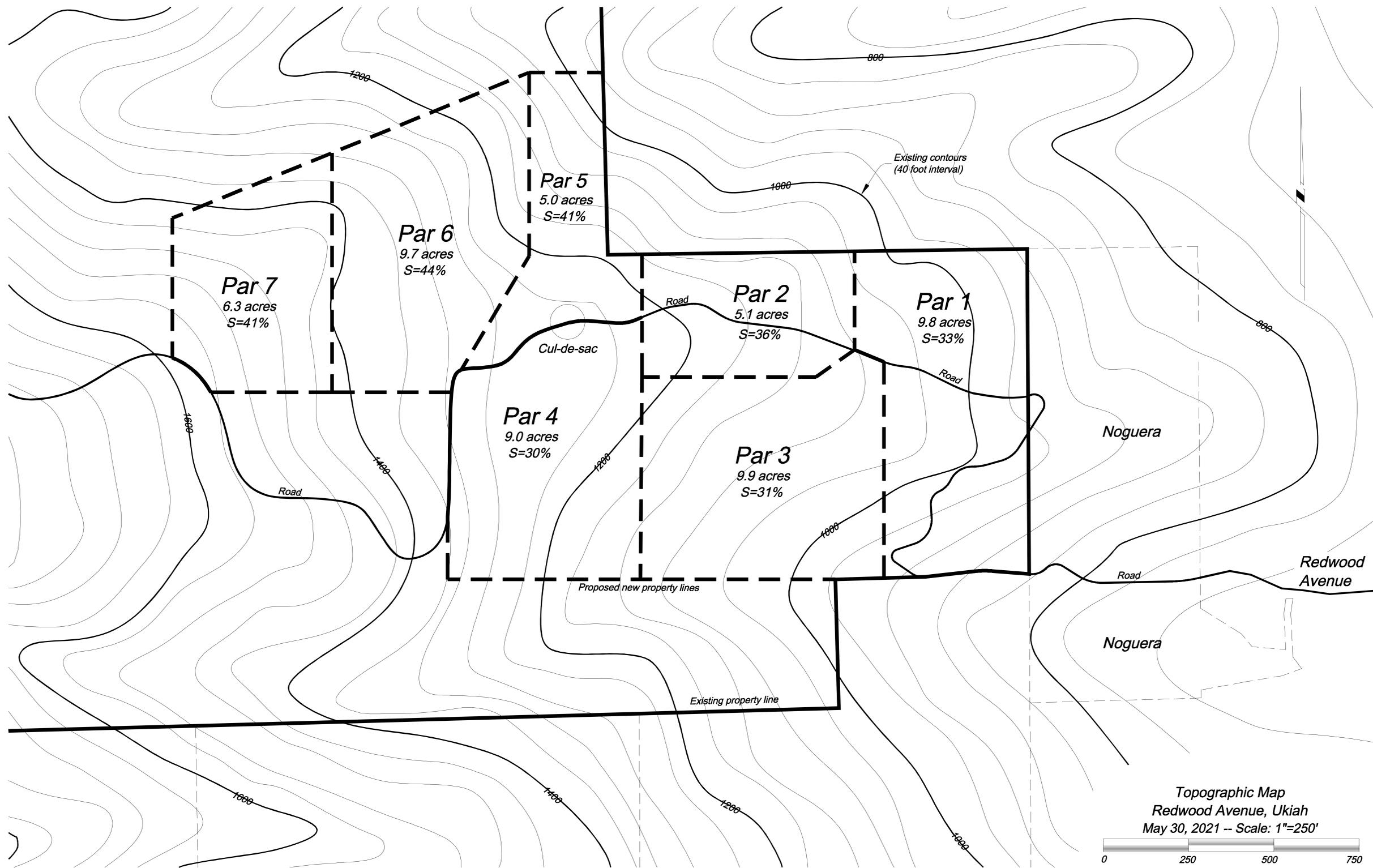
municipal service issues, and potentially County Service Area 3 if duplication of municipal services is applicable.

Response: The City of Ukiah will submit an application for detachment of the Ukiah Valley Sanitation District concurrently with the application for annexation.

COMMENT LETTER 20: HELEN SIZEMORE

Comment: The commenter expresses concerns regarding the small gated community and would recommend multifamily structures.

Response: This comment is noted and is included in the public record for Planning Commission and City Council consideration.



Topographic Map
Redwood Avenue, Ukiah
May 30, 2021 -- Scale: 1"=250'

0 250 500 750



UKIAH VALLEY FIRE AUTHORITY

1500 SOUTH STATE STREET

UKIAH, CA 95482-6709

Phone: (707)462-7921 ♦ Fax: (707)462-2938 ♦ Email: uvfd@sonic.net

MEMORANDUM

Date: 27 May 2021

To: Michelle Irace, Community Development Manager

From: Doug Hutchison, Fire Chief

Subject: Western Hills Annexation, aka “the Hull Properties”

This memo is in regards to fire safety concerns that have been raised regarding the potential annexation of the Hull Properties in the Western Hills area of Ukiah.

The largest issue for the Fire Authority will be the administration and oversight of the project area for fire prevention once it is annexed. Per State law, once the area is annexed into the city it will be re-designated from “State Responsibility Area” (SRA) to “Local Responsibility Area” (LRA), but will retain its classification as a Very High Fire Hazard Zone. As such, the city, through the Fire Authority, will be required to enforce the State’s fire safety standards on those lands.

It is our understanding that the proposal includes the possibility of very limited future development of seven (7) parcels in the lower, mid-slope portion of the property.

I performed a site visit with the property owner and went over the proposed development plans and believe that with the widening and paving of the road, and the installation of the water tank and fire hydrants we will be able to comply with the State’s fire safety regulations in that area. This is not to say that the area does not present challenges, but they are no different than many other areas that we currently protect, and in many cases the conditions currently present and proposed would be better than those other areas.

In regards to the recently re-established shaded fuel break in the area, the addition of the small amount of structures would have minimal if any impact on its effectiveness. The

defensible spaces created by the home sites could even enhance its effectiveness in that limited area.

Please do not hesitate to reach out if you need more information or have other questions or concerns.

**DEPARTMENT OF FORESTRY AND FIRE PROTECTION**

17501 N. Hwy 101
Willits, CA 95490
(707) 459-7414
Website: www.fire.ca.gov



May 21, 2021

Michelle Irace, Planning Manager
Department of Community Development
300 Seminary Avenue
Ukiah, CA 95482

Subject: Western Hills Project

Ms. Irace,

This letter is a follow-up of the meeting on May 18th, 2021 with respect to the City of Ukiah's Western Hills Annexation Project.

The scope of the project entails the City of Ukiah to acquire 707 acres of land that is currently in the County of Mendocino's jurisdiction. Additionally, there is a possibility of future subdivision of parcels, as well as potential construction of residential units once the acquisition and annexation are complete.

This acquisition and eventual annexation of land into the City of Ukiah will have two significant effects from the Unit's perspective:

First, the land being acquired and annexed is currently within the State Responsibility Area. Under Public Resources Code Section 4125(a), CAL FIRE has the financial responsibility of preventing and suppressing fires on State Responsibility Area land. Under the proposed annexation, this land will be removed from the State Responsibility Area and will come under the purview of the City of Ukiah.

Public Resources Code Section 4127(b) requires that land inside an incorporated city be designated as being within the Local Responsibility Area. As this project's intent is to annex County land into the City, it will be then reclassified as being within the Local Responsibility Area. Therefore, the City of Ukiah will be financially responsible for the prevention and suppression of fires that occur on the acquired land once the annexation is complete as required in Public Resources Code Section 4125(a).

The second significant issue deals with new construction in Very High Fire Hazard Severity Zones in the Local Responsibility Area. Public Resources Code Section 4290, as amended by Assembly Bill 1823, requires lands classified and designated as Very High Fire Hazard Severity Zones in the Local Responsibility Area to comply with the requirements of the State Fire Safe Regulations beginning July 1st, 2021. In addition, Public Resources Code Section 4290 requires the local jurisdiction, not CAL FIRE, to implement and enforce the State Fire Safe Regulations on these lands.

As outlined in Public Resources Code Sections 4202 and 4203, the land involved with this annexation proposal is currently classified by the Director of the Department of Forestry and Fire Protection as being within a Very High Fire Hazard Severity Zone. Once annexed into the city, it will become the responsibility of the City of Ukiah to review, inspect and enforce the State Fire Safe Regulations on this land, as well as any other land that is classified as being within a Very High Fire Hazard Severity Zone within the Local Responsibility Area within the city's boundaries.

To summarize, once annexed into the City of Ukiah, the parcels in question will be transferred out of the State Responsibility Area into the Local Responsibility Area. Once in the Local Responsibility Area, the City of Ukiah will be financially responsible for fire prevention and fire protection efforts on this land, as well as ensuring that any future improvements conform to the State Fire Safe Regulations.

If there are any questions regarding this issue, please feel free to contact me at (707) 459-7423, or by email at chris.vallerga@fire.ca.gov.

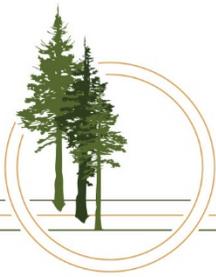


Chris A. Vallerga
Fire Captain/ Pre-Fire Planning
Mendocino Unit

Cc: MEU PRC 4290 File

Maya Simerson, Project Administrator, City of Ukiah
Doug Hutchison, Fire Chief, Ukiah Valley Fire District
Mendocino County Planning and Building Department

Reference: Public Resources Code Sections 4125-4127, "Responsibility for Fire Protection"
Public Resources Code Sections 4202-4204, "Fire Hazard Severity Zones"
Public Resources Code Section 4290, "Fire Safety Standards for State Responsibility Area Lands"
California Government Code Section 51177(i), "Very High Fire Hazard Severity Zones"
Title 14 California Code of Regulations, Division 1.5, Chapter 7, Sub-chapter 2, Article 2, "State Fire Safe Regulations"



JACOBSZOOM & ASSOCIATES, INC.

natural resource planning & management

May 31, 2021

Catherine Iantosca
Environmental Scientist
Southern 401 Water Quality Certification Unit
North Coast Regional Water Quality Control Board
5550 Skylane Blvd, Ste. A
Santa Rosa, CA 95403

RE: Response to 5/20/21 Regional Water Board Comments: City of Ukiah Western Hills Open Land Acquisition & Limited Development Agreement

Dear Catherine,

Thank you for commenting on the Biological Resource Report for the City of Ukiah Western Hills Open Land Acquisition & Limited Development Agreement.

With regards streams and riparian habitat Section 5.1.2, (5) Field Survey Results, (.1) Biological Communities (.2) Sensitive Biological Communities – Sensitive Aquatic Resources (page 16) states that six watercourses were observed and mapped in the Study Area. It additionally states that two sensitive biological communities, *Quercus garryana* Forest & Woodland Alliance (S3) and *Umbellularia californica* Forest & Woodland Alliance (S3) were observed within the Study Area.

Please refer to section 6.1, (6) Assessment Summary and Recommendations, (.1) Biological Communities (page 27-28), for recommended mitigations to reduce the impact of the project to streams and sensitive biological communities including riparian habitat. For proposed work within watercourses, such as stream crossings, our recommendations include obtaining a CDFW LSA Agreement but should include obtaining a SWRCB 401 permit as well.

With regards to wetlands, Section 3.4.2, (3) Field Survey Methodology, (.4) Biological Communities, (.2) Sensitive Communities-Aquatic Resources (page 8), is not a result or account of what we observed on site and is meant to describe our methodology in defining and describing wetlands for the purposes of the assessment. Generally, if a suspected wetland is observed during our biological assessment, it is referred to as a “wet area” until a wetland delineation is performed to determine whether the “wet area” meets the criteria of wetlands as described by the USACE 1987 Manual. The NWI database is consulted at a reconnaissance level before our site visit and is not intended to substitute on-the-ground field assessments for wetlands.

Please refer to section 5.1.2, (5) Field Survey Results, (.1) Biological Communities, (.2) Sensitive Biological Communities-Sensitive Aquatic Resources (page 16), for the results of the assessment concerning sensitive aquatic resources including wetlands. No wetlands were observed within the Study Area during the biological assessment. We will make these results clearer for future reporting.

JACOBSZOOM & ASSOCIATES, INC.

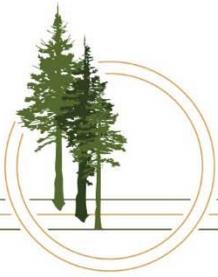
If you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Alicia Ives Ringstad', with a large, sweeping flourish at the end.

Alicia Ives Ringstad
Senior Wildlife Biologist
Jacobszoon & Associates, Inc.





JACOBSZOOM & ASSOCIATES, INC.

natural resource planning & management

August 8, 2021

RE: Response to 5/20/21 Public Comments: City of Ukiah Western Hills Open Land Acquisition & Limited Development Agreement

To whom it may concern,

Thank you for commenting on the Biological Resource Report for the City of Ukiah Western Hills Open Land Acquisition & Limited Development Agreement.

With regards to the following comments:

"I encourage the City to complete the botanical studies as planned. The study states that at least one more site visit was recommended. I recommend that this be completed before CEQA is finalized. That may mean waiting another year as many plants bloomed early this year and have already withered."

As noted in the Draft ISMND, botanical surveys were completed on 03/30/2021 and 5/17/2021. As noted in Draft ISMND Mitigation Measure BIO-1, the third botanical survey was required to be completed within the blooming period (March –July) and prior to any ground disturbing activities. The third and final botanical survey was completed and 7/9/2021. The surveys were conducted in accordance with "Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities" (CDFW 2018). No special status species plants were observed during the surveys. The botanical surveys are now completed for the project and no further recommendations for sensitive plants are required. Please refer to the Biological Resources Assessment Addendum for Rare Plant Assessment and Botanical Survey for more information.

"There are year-round springs adjacent to the road and I have heard that there are others in the area. We have found giant pacific salamanders on our property that must be residents of the springs. I don't think the salamanders are a protected species but they are very unusual in the Ukiah Valley. I have found native snails that I think are also unusual, if not protected, and I wonder what other species might be residents of these springs? I hope the biological surveys included the areas around the creek drainage."

The creeks within the Study Area were surveyed during the biological assessment and first botanical survey and no special status species were observed; however, it is recommended in biological assessment report in Section 6 that if any work is proposed within the streams to conduct pre-construction surveys for sensitive amphibian species.

"The unnamed creek drainage that runs along Redwood Avenue should be treated as a wildlife corridor and a seasonal creek. The springs along the creek are an important water source for wildlife. I have this drainage affected by sediment flows from improper grading, poor culvert placement, bright lights, tree removal in the creek corridor, and recently, fencing of the creek, prohibiting wildlife passage. I am concerned that these trends will continue if there is not educated oversight. Some of this has been on county land and some within the city limits."

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It is recommended in the Biological Assessment report in Section 6 that all earthwork within or adjacent to the watercourse adhere to standard methods of erosion and sediment control and, if possible, to complete all work while the channel is dry to reduce sediment load downstream. It is also recommended that a qualified biologist be on site for any dewatering event to address the potential for the presence of sensitive aquatic species such as foothill yellow-legged frog (*Rana boylei*).

If you have any questions, please do not hesitate to contact me.

Sincerely,

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