

1 Introduction

This Environmental Impact Report (EIR) examines the potential environmental effects of the proposed City of Ukiah 2040 General Plan, defined as the “project” or as “Ukiah 2040” for purposes of this environmental review. The environmental review process for the project, and legal basis for preparing an EIR, are described below.

1.1 Environmental Impact Report Background

This document is an EIR that evaluates the potential environmental impacts associated with implementation of the Ukiah 2040. This section of the EIR:

1. Provides an overview of the project’s background
2. Summarizes the process involved in developing the project
3. Describes the purpose of and legal authority of the EIR
4. Summarizes the scope and content of the EIR
5. Lists lead, responsible, and trustee agencies for the EIR
6. Describes the intended uses of the EIR
7. Provides a synopsis of the environmental review process required under the California Environmental Quality Act (CEQA)

The contents of other EIR sections are as follows:

- Section 2, *Project Description*, provides a detailed discussion of the project
- Section 3, *Environmental Setting*, describes the general environmental setting for the City of Ukiah
- Section 4, *Environmental Impact Analysis*, describes the potential environmental effects associated with development facilitated by the project
- Section 5, *Alternatives*, discusses alternatives to the project, including the CEQA-required “no project” alternative
- Section 6, *Other CEQA Required Sections*, discusses issues such as growth inducement and significant irreversible environmental effects
- Section 7, *References and Report Preparers*, lists informational sources for the EIR and persons involved in the preparation of the document

In addition, this EIR also includes the following Appendices:

- Appendix A. Notice of Preparation and Scoping Comments Received
- Appendix B. Supporting Biological Resources Information
- Appendix C. Supporting Noise Information
- Appendix D. Supporting Transportation Information

1.2 Overview of Ukiah 2040

State law (Government Code Section 65300) requires that each city and county adopt a comprehensive general plan. The existing General Plan was adopted by the City Council on December 6, 1995. The 2040 General Plan Update is a comprehensive effort to update the existing 1995 General Plan and responds to current local and regional conditions, as well as changes in State law that may not have been in effect when the General Plan was last updated. Ukiah 2040 has been organized into eight elements: Land Use; Economic Development; Agricultural; Mobility; Public Facilities, Services and Infrastructure; Environmental and Sustainability; Hazards and Safety; and Housing. The Housing Element was last certified in December 2019, covering the period 2019-2027, and was subject to a separate environmental review process. Ukiah 2040 in its entirety includes the certified 2019 Housing Element. No substantive changes are being proposed to the Housing Element as part of its incorporation into Ukiah 2040.

Together these eight elements cover all the topics that are required to be included in a General Plan under State law, which are Land Use, Open Space, Conservation, Housing, Circulation, Safety, and Noise. The General Plan defines the policy framework by which the City's physical and economic resources are to be managed and used over the next 18 years. City decision-makers will use Ukiah 2040 as a blueprint for:

- Choices about the use of land
- Protection of environmental resources
- Conservation and development of housing
- Provision of supporting infrastructure and public and human services
- Protection of people and property from natural and man-made hazards

Ukiah 2040 clarifies and articulates the City's intentions with respect to the rights and expectations of various community stakeholders, including residents, property owners, and business owners. Through Ukiah 2040, the City informs these groups of its goals, policies, and standards, and thereby communicates expectations of the public and private sectors for meeting community objectives.

Since Ukiah 2040 serves as a constitution for future development in Ukiah, any decision by the City affecting land use and development must be consistent with Ukiah 2040. This includes development projects that may be proposed in the future. An action, program, or project would be considered consistent with Ukiah 2040 if, considering all its aspects, it will further the objectives and policies of Ukiah 2040 or not obstruct their attainment.

Ukiah 2040 contains goals, policies, and implementation programs to implement the City's overarching objectives. Goals are statements that provide direction and state the desired end condition. Policies establish basic courses of action to achieve these goals, and directly guide the response of elected and appointed officials to development proposals and related community actions. Implementation programs are specific actions, procedures, standards, or techniques that the City must take to help achieve a specified goal or implement an adopted policy.

1.3 Purpose and Legal Authority

This EIR has been prepared in accordance with CEQA and the CEQA Guidelines. In accordance with CEQA Guidelines Section 15121(a) (California Code of Regulations, Title 14, Division 6, Chapter 3), the purpose of an EIR is to:

Inform public agency decision-makers and the public generally of the significant environmental effects of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project.

This EIR fulfills the requirements for a Program EIR. Although the legally required contents of a Program EIR are the same as those of a Project EIR, Program EIRs are by necessity more conceptual and may contain a more general discussion of impacts, alternatives, and mitigation measures than a Project EIR. As provided in CEQA Guidelines Section 15168, a Program EIR may be prepared on a series of actions that may be characterized as one large project. Use of a Program EIR provides the City (as Lead Agency) with the opportunity to consider broad policy alternatives and program-wide mitigation measures and provides the City with greater flexibility to address environmental issues and/or cumulative impacts on a comprehensive basis. Agencies generally prepare Program EIRs for programs or a series of related actions that are linked geographically, are logical parts of a chain of contemplated events, rules, regulations, or plans that govern the conduct of a continuing program, or are individual activities carried out under the same authority and having generally similar environmental effects that can be mitigated in similar ways. By its nature, a Program EIR considers the broad effects associated with implementing a program (such as a General Plan or Specific Plan) and does not, and is not intended to, examine the specific environmental effects associated with specific projects that may be accommodated by the provisions of General or Specific Plans.

Once a Program EIR has been prepared, subsequent activities within the program must be evaluated to determine what, if any, additional CEQA documentation needs to be prepared. If the Program EIR addresses the program's effects as specifically and comprehensively as possible, many subsequent activities could be found to be within the Program EIR scope and additional environmental documentation may not be required (CEQA Guidelines Section 15168(c)). When a Lead agency relies on a Program EIR for a subsequent activity, it must incorporate applicable mitigation measures and alternatives developed in the Program EIR into the subsequent activities (CEQA Guidelines Section 15168(c)(3)). If a subsequent activity would have effects not contemplated or not within the scope of the Program EIR, the Lead Agency must prepare a new Initial Study leading to a Negative Declaration, Mitigated Negative Declaration, or a project level EIR. In this case, the Program EIR still serves a valuable purpose as the first-tier environmental analysis. CEQA Guidelines Section 15168(b) encourage the use of Program EIRs, citing five advantages:

- Provision of a more exhaustive consideration of impacts and alternatives than would be practical in an individual EIR.
- Focus on cumulative impacts that might be slighted in a case-by-case analysis.
- Avoidance of continual reconsideration of recurring policy issues.
- Consideration of broad policy alternatives and programmatic mitigation measures at an early stage when the agency has greater flexibility to deal with them.
- Reduction of paperwork by encouraging the reuse of data (through tiering).

As a wide-ranging environmental document, the Program EIR uses expansive thresholds as compared to the project-level thresholds that might be used for an EIR on a specific development project. It should not be assumed that impacts determined not to be significant at a program level would not be significant at a project level. In other words, determination that implementation of the project as a program would not have a significant environmental effect does not necessarily mean that an individual project would not have significant effects based on project-level CEQA thresholds, even if the project is consistent with Ukiah 2040.

This EIR has been prepared to analyze potentially significant environmental impacts associated with future development resulting from implementation of Ukiah 2040 and provides appropriate and feasible mitigation measures or project alternatives that would minimize or eliminate these impacts. Additionally, this EIR provides the primary source of environmental information for the City of Ukiah, which is the Lead Agency, to use when considering approval and implementation of Ukiah 2040.

This EIR is intended to provide decision-makers and the public with information that enables intelligent consideration of the environmental consequences of the project. This EIR identifies significant or potentially significant environmental effects, as well as ways in which those impacts could be reduced to less-than-significant levels, whether through the imposition of mitigation measures or through the implementation of specific alternatives to the project. In a practical sense, this document functions as a tool for fact-finding, allowing concerned citizens and agency staff an opportunity to collectively review and evaluate baseline conditions and project impacts through a process of full disclosure.

1.4 Scope and Content

In accordance with the CEQA Guidelines, a Notice of Preparation (NOP) of a Draft EIR was circulated to potentially interested parties from May 31, 2022 to June 30 2022. The NOP, included in Appendix A, indicated that all issues on the City's environmental checklist would be discussed in the EIR. These include:

- Aesthetics
- Agricultural and Forestry Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Greenhouse Gas Emissions
- Land Use and Planning
- Noise
- Population and Housing
- Public Services and Recreation
- Transportation
- Tribal Cultural Resources
- Utilities and Service Systems
- Wildfire

Since the publication of the NOP, the City has identified that an additional resource, paleontological resources, would be discussed in the EIR. Paleontological resources are addressed in Section 4.15, *Paleontological Resources*. This EIR evaluates potential impacts in each of these areas. The focus of this EIR is to:

- Provide information about Ukiah 2040 for consideration by the City Council in its selection of the project, an alternative to the project, or a combination of various elements from the project and its alternatives, for approval.
- Review and evaluate the potentially significant environmental impacts that could occur as a result of the growth and development envisioned in Ukiah 2040.
- Identify feasible mitigation measures that may be incorporated into Ukiah 2040 to reduce or eliminate potentially significant effects.
- Disclose any potential growth-inducing and/or cumulative impacts associated with the project.
- Examine a reasonable range of alternative growth scenarios (including growth according to the existing General Plan, reduced growth, and alternative locations within the City for growth) that

could feasibly attain the basic objectives of the project, while eliminating and/or reducing some or all of its potentially significant adverse environmental effects.

During circulation of the NOP for this EIR, the City of Ukiah received seven written responses. The City also held a public scoping meeting on June 15, 2022. The scoping meeting was held in-person at the City’s Civic Center Council Chamber, and participants were also able to join virtually via teleconference. Two verbal comments were received at the scoping meeting. The NOP and a summary of all comments received are included in Appendix A. The responses to the NOP comment letters are addressed, as appropriate, in the analysis contained in the various subsections of Section 4.0, Environmental Impact Analysis. Table 1-1 summarizes the comments received, by topic, in the comment letters. Where comments are not specifically related to CEQA, Table 1-1 summarizes where in Ukiah 2040 comments are addressed.

Table 1-1 NOP Comments and EIR Response

| Commenter | Comment/Request | How and Where It Was Addressed |
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| Agency Comments | | |
| California Department of Transportation (Caltrans) | Recommends establishing a Citywide residential density in the range of 9.1 to 21.5 dwelling units per acre for the purposes of reducing transportation related GHG emissions. | Residential densities are provided in the Land Use Element of Ukiah 2040. Hillside Residential and Rural Residential have densities of 1 and 2 dwelling unit(s) per acre, respectively. The remaining residential land use designations have densities greater than 9.1 dwelling units per acre. |
| | Recommends establishing a greater mix of land uses to maximize the potential benefits of higher density residential developments for vehicle miles traveled (VMT) reduction goals. | See Section 4.11, <i>Transportation</i> for a discussion of VMT and the mix of land uses. |
| | Encourages the City to coordinate with Mendocino Council of Governments (MCOG) to plan, program, and implement Travel Demand Management (TDM) measures suitable for the City and the greater Ukiah Valley. | The City will continue coordinating with MCOG and for discussion of TDM, see Section 4.5 in the Mobility Element of Ukiah 2040. |
| | Suggests the City include a variety of recommendations to promote and prioritize high quality transit that aligns with the City of Ukiah’s land use, housing, and economic development policies. | See Mobility Element of Ukiah 2040 (Section 4.5). |
| | Suggests a focus on creating better-connected and multi-modal local roadway networks. | See Mobility Element of Ukiah 2040 (Section 4.7). |
| | Recommends that the City includes a discussion about traffic safety and traffic safety goals in the Transportation and Circulation Element of Ukiah 2040. | See Mobility Element of Ukiah 2040 (Section 4.6). |
| | Requests to view the projected increase in population over the planning horizon in addition to the traffic volume projections at buildout. | See Section 4.11, <i>Transportation</i> . |

| Commenter | Comment/Request | How and Where It Was Addressed |
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| | Suggests a focus on parking management. | See proposed goal MOB-5 and policies MOB-5.1 and MOB-5.2 in Ukiah 2040. |
| | States that the proposed sphere of influence continues to include Talmage Road/State Route 222 and offers to relinquish the entire route, or portions of it, to the City. | The City will continue to coordinate with Caltrans regarding this comment. |
| California Department of Toxic Substances Control (DTSC) | Recommends that the EIR address actions to be taken for any sites impacted by hazardous waste or hazardous materials within the project area. | Section 4.16, <i>Effects Found Not to be Significant</i> includes a Hazards and Hazardous Materials section, which identifies the regulations that future projects would be required to comply with. The various requirements identified by DTSC would be implemented according to required regulations. |
| Recommends consultation with other agencies that provide oversight to hazardous waste facilities. | | |
| Recommends the EIR includes a discussion of the potential for the project to result in the release of hazardous wastes, and recommends additional studies be carried out to delineate the nature and extent of any release that has occurred historically. | | |
| Recommends collecting soil samples to identify any ADL-contaminated soils prior to performing any intrusive activities. | | |
| Recommends an investigation of mining wastes for discussion within the EIR. | | |
| Recommends surveys be conducted for the presence of lead-based paints or products, mercury, asbestos containing materials, and polychlorinated biphenyl caulk for any buildings or structures being demolished. | | |
| Recommends contamination sampling be conducted for any imported soils. | | |
| Recommends the EIR discuss required investigation for organochlorinated pesticides on any sites within the project area that have been used for agricultural, weed abatement, or related activities. | | |
| Mendocino Local Agency Formation Commission (LAFCo) | Recommends the proposed sphere of influence (SOI) be analyzed in the Draft EIR. | The proposed SOI is included in Chapter 2, <i>Project Description</i> . Information about the setting within the proposed SOI are provided for informational purposes but because Ukiah 2040 does not include new or amended land use designations to the proposed SOI, development within these areas for the purpose of this analysis is assumed to be consistent with current development patterns and buildout opportunities. See Chapter 4.0 for more information. |

| Commenter | Comment/Request | How and Where It Was Addressed |
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| | States that NOP Figure 2 legend label should be clarified as “Proposed Sphere of Influence (1995).” | Figure 2 in the NOP showed the incorrect existing SOI. Figures have been revised in Chapter 2, <i>Project Description</i> to show the correct existing and proposed SOI (see Figure 2-4). |
| | Recommends the EIR clarify which SOI is being proposed and analyzed as part of the project. | See Chapter 2, <i>Project Description</i> . |
| | Recommends the EIR study area include all areas proposed for inclusion in the SOI for purposes of analysis, identification of potential impacts and mitigation measures. | The proposed SOI is included in Chapter 2, <i>Project Description</i> . Information about the setting within the proposed SOI are provided for informational purposes but because Ukiah 2040 does not include new or amended land use designations to the proposed SOI, development within these areas for the purpose of this analysis is assumed to be consistent with current development patterns and buildout opportunities. See Chapter 4.0 for more information. |
| | Recommends coordination with the County regarding the proposed SOI. | The City will continue to coordinate with the County and LAFCo regarding the proposed SOI. |
| | Recommends the EIR identifies and describes all service providers within the proposed SOI area, including special districts and private water companies. | Service providers are addressed in Section 4.13, <i>Utilities and Service Systems</i> . |
| | Recommends initiating agreements among jurisdictions that outline conditions for expanding SOI boundaries in order to support the City’s annexation plans and SOI update. | The City and other cities in Mendocino County are working with the County of Mendocino on a master tax sharing agreement. The City will continue to coordinate with other jurisdictions on regional issues of interest. |
| | Recommends the EIR include a discussion and analysis of impacts to agricultural lands, as defined in Government Code Sections 56016 and 56064. | Impacts to agricultural lands are addressed in Section 4.2, <i>Agricultural and Forestry Resources</i> . |
| | Recommends the EIR identifies, maps, analyzes, and describes all agricultural and open space lands within or adjacent to lands proposed for inclusion in the SOI, including analysis of any multiple land-based values such as agricultural, biodiversity, recreation, groundwater, and carbon sequestration, to identify areas of high natural resource value where development is best avoided. | See the mapping in Section 4.2, <i>Agricultural and Forestry Resources</i> and Section 4.4, <i>Biological Resources</i> . Information about the setting within the proposed SOI are provided for informational purposes but because Ukiah 2040 does not include new or amended land use designations to the proposed SOI, development within these areas for the purpose of this analysis is assumed to be consistent with current development patterns and buildout opportunities. See Chapter 4.0 for more information. |
| | Recommends the EIR identifies and analyzes impacts to Williamson Act lands proposed for inclusion in the SOI. | Lands subject to Williamson Act contracts are addressed in Section 4.2, <i>Agricultural and Forestry Resources</i> . The City does not propose any buildout within the proposed SOI; therefore, no impacts are anticipated in the proposed SOI. |
| | Recommends the EIR analyzes the impact on the physical and economic integrity of surrounding agricultural lands. | As noted in Section 4.2, <i>Agricultural and Forestry Resources</i> , Ukiah 2040 is not expected to impact surrounding agricultural lands. See Section 4.2 for more information. As such, further analysis of the suggested impacts to these resources are beyond |

| Commenter | Comment/Request | How and Where It Was Addressed |
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| | | the scope of CEQA and not analyzed in this EIR. Section 4.2, <i>Agricultural and Forestry Resources</i> does show the agricultural resources within the Planning Area. |
| | Recommends the removal of excessive amounts of agricultural and open-space land from the SOI. | See the analysis in Section 4.2, <i>Agricultural and Forestry Resources</i> and Section 4.4, <i>Biological Resources</i> . Because buildout is not proposed within the SOI, and no impacts are anticipated, the removal of agricultural and open-space land from the SOI will not lessen environmental impacts. |
| | Recommends Ukiah 2040 includes policies that avoid, minimize, and/or mitigate impacts to agricultural lands. | See the Agriculture Element in Ukiah 2040. |
| | Recommends Ukiah 2040 includes long-term growth management strategies that provide for more efficient development to avoid the premature conversion of agricultural lands and to limit development pressure on agricultural lands. | See the Land Use Element in Ukiah 2040 (Section 2.3). |
| | Encourages Ukiah 2040 to include plans and policies for agricultural preservation in the Agriculture Element. | See proposed goal AG-1 and policies AG-1.1 through AG-1.3 in Ukiah 2040. |
| | Recommends mitigation measures to protect agricultural lands adjoining areas proposed for annexation and/or development to prevent premature conversion to non-agricultural uses and to minimize potential conflicts between proposed urban development and adjacent agricultural uses. | Ukiah 2040 is not expected to impact surrounding agricultural lands. As such, impacts to these resources are beyond the scope of CEQA and not analyzed in this EIR. See proposed goal AG-1 and policies AG-1.1. and AG-1.2. |
| | Recommends the EIR includes analysis of alternatives that do not result in conversion of agricultural lands. | Project alternatives are addressed in Section 5, <i>Alternatives</i> . |
| | Recommends the EIR demonstrates that infill or more efficient use of land is not possible prior to considering development, SOI expansion and/or annexation into agricultural lands. | See Section 4.2, <i>Agricultural and Forestry Resources</i> . The City does not propose any buildout within the proposed SOI; therefore, no impacts are anticipated in the proposed SOI. Ukiah 2040 is not expected to impact surrounding agricultural uses and no known development is proposed or anticipated within the SOI at this time; therefore, policies related to SOI expansion and/or annexation into agricultural lands will not lessen environmental impacts. |
| | Recommends the EIR evaluate the need for increased police, fire, parks and recreation staff, and services resulting from the growth related to Ukiah 2040. | Police, fire, and parks and recreation staff and services are addressed in Section 4.10, <i>Public Services and Recreation</i> . |
| | Recommends the EIR identify, locate, and describe all disadvantaged | See Section 2.7, <i>Environmental Justice</i> in the Land Use Element for Ukiah 2040. |

| Commenter | Comment/Request | How and Where It Was Addressed |
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| | unincorporated communities within and contiguous to the proposed SOI. | |
| | Suggests the City consider pre-zoning the area within the proposed SOI to streamline future annexations submitted for LAFCo consideration. | The proposed SOI areas have not been pre-zoned because the proposed SOI has not yet been adopted by LAFCo. |
| | Requests the EIR include LAFCo as a Responsible Agency and indicate the required LAFCo approvals. | See Section 1.5, <i>Lead, Responsible, and Trustee Agencies</i> . |
| | Suggests that a section be included in the EIR identifying all Responsible Agencies and providing information on the types of approvals or permits required from each identified agency. | Section 1.5, <i>Lead, Responsible, and Trustee Agencies</i> identifies approvals and permits that would be required by other agencies. |
| | Suggests clarifying whether the City anticipates tiering from the Program EIR for potential projects that require LAFCo approval. | Section 1.6, <i>Intended Uses of the EIR</i> identifies how the City will use this EIR. |
| | Requests notification when the Draft General Plan and associated Draft EIR become available for public review. | All agencies and members of the public that commented on the NOP will be notified of the availability of the Draft EIR. |
| Native American Heritage Commission (NAHC) | States that the project is subject to the requirements and provisions under both Senate Bill (SB) 18 and Assembly Bill (AB 52) for tribal cultural resources. | Tribal cultural resources are addressed in Section 4.12, <i>Tribal Cultural Resources</i> . |
| | Provides recommendations for conducting cultural resource assessments. | Mitigation Measures requiring cultural resource assessments are included in Section 4.5, <i>Cultural Resources</i> . |
| Sherwood Valley Band of Pomo Indians | Requests that recorded site(s) or cultural resources that are affected during any ground disturbance work be included within Ukiah 2040 along with cultural resource protection measures on permit applications. | Comments from the Sherwood Valley Band of Pomo Indians are addressed in Section 4.12, <i>Tribal Cultural Resources</i> . |
| | Provides a reminder that the Section 106 guidelines must be followed, and the Most Likely Descendant (MLD) be contacted if cultural resources are found, disturbed, or threatened. | Comments from the Sherwood Valley Band of Pomo Indians are addressed in Section 4.12, <i>Tribal Cultural Resources</i> . |
| NorCal 4 Health ¹ | Recommends the EIR discusses the availability of healthy housing or green housing, including housing that prioritizes healthy indoor air quality. | Housing is addressed in Section 4.9, <i>Population and Housing</i> . |
| | Recommends the EIR identifies the density of retailers that sell tobacco and other nicotine products and their proximity to homes, youth-sensitive areas, and hazardous materials. | Relevant impacts to hazards are addressed in Section 4.16, <i>Effects Found Not to be Significant</i> . |

¹ In addition to the written comments, JoAnn Saccato on behalf of NorCal 4 Health gave a spoken comment at the June 15, 2022 scoping meeting. The comments within the written letter cover those at the given at scoping meeting.

| Commenter | Comment/Request | How and Where It Was Addressed |
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| | Recommends the EIR identifies the availability of healthy food vs. unhealthy food options in neighborhoods and identifies any healthy food deserts. | Ukiah 2040 includes proposed goal LU-13, to ensure that all community members have equal access to healthy foods. |
| | Recommends the EIR discusses the impact of waste on community spaces, watersheds, and land. | Ukiah 2040 includes policies to reduce waste, per proposed goal ENV-9 and policies ENV-9.1 and ENV-9.2. |
| | Recommends the EIR evaluates outdoor public spaces, including the availability of healthy smoke-free spaces. | Recreation is addressed in Section 4.10, <i>Public Services and Recreation</i> . |
| Public Comments | | |
| Pinky Kushner | Requests an analysis of current light pollution and the projected light pollution at buildout. | Sources of substantial light or glare that could adversely affect daytime or nighttime views are addressed in Section 4.1, <i>Aesthetics</i> . |
| | Requests an analysis of current noise levels and projected noise levels at buildout. | Noise is addressed in Section 4.8, <i>Noise</i> |
| | Requests an analysis of current air quality and projected air quality at buildout. | Air quality is addressed in Section 4.2, <i>Air Quality</i> . |
| | Requests a discussion about how center urban decay will be avoided, including a discussion of the County vs City conflict in revenue sharing, with mitigations. | See the Economic Development Element in Ukiah 2040 for a thorough discussion of the City's goals and policies to guide fostering a business-friendly environment, encouraging additional local employment opportunities, cultivating economic diversification, and expanding the tourism industry. |
| | Requests a discussion of Ukiah's existing housing stock and how it contributes to the continued economic vitality of the community. | Housing is addressed in Section 4.9, <i>Population and Housing</i> . |
| Spoken Comments | | |
| Robin Sunbeam | Requests a discussion of agricultural belts around populated areas to reduce the use of fossil fuels | Agricultural areas are discussed in Section 4.2, <i>Agricultural and Forestry Resources</i> |

1.5 Lead, Responsible, and Trustee Agencies

The City of Ukiah is the lead agency under CEQA for this EIR because it has primary discretionary authority to approve the project. CEQA Guidelines Section 15381 defines responsible agencies as other public agencies that are responsible for carrying out/implementing a specific component of a project or for approving a project (such as an annexation) that implements the goals and policies of a General Plan. There are no responsible agencies for the project. Although not responsible agencies under CEQA, several other agencies have review authority over aspects of the project or approval authority over projects that could potentially be implemented in accordance with various objectives and policies included in Ukiah 2040. These agencies and their roles are listed below.

- The State Geologist is responsible for the review of the City's program for minimizing exposure to geologic hazards and for regulating surface mining activities.

- The Mendocino Local Agency Formation Commission (LAFCo) has responsibility for approving any annexations to the City that might occur over the life of Ukiah 2040. LAFCo is also responsible for establishing, amending, and updating SOIs for the City of Ukiah. LAFCo can use this EIR to adopt the City’s proposed annexation efforts and proposed SOI.
- The California Department of Transportation (Caltrans) has responsibility for approving future improvements to the state highway system, including Highway 101.
- The California Department of Fish and Wildlife (CDFW) has responsibility for issuing take permits and streambed alteration agreements for any projects with the potential to affect plant or animal species listed by the State of California as rare, threatened, or endangered; or that would disturb waters of the State.
- The Mendocino County Airport Land Use Commission (ALUC) has the responsibility of reviewing Ukiah 2040 and future individual projects, as applicable, for consistency with the Ukiah Municipal Airport Land Use Compatibility Plan (UKIALUCP).
- Any other public agencies which may own land within City boundaries.

Trustee agencies have jurisdiction over certain resources held in trust for the people of California but do not have a legal authority over approving or carrying out the project. CEQA Guidelines Section 15386 designates four agencies as trustee agencies: CDFW with regards to fish and wildlife, native plants designated as rare or endangered, game refuges, and ecological reserves; the State Lands Commission, with regard to state-owned “sovereign” lands, such as the beds of navigable waters and State school lands; the California Department of Parks and Recreation, with regard to units of the State park system; and, the University of California, with regard to sites within the Natural Land and Water Reserves System. The CDFW, due to the potential for rare or endangered species, is the only trustee agency for Ukiah 2040.

1.6 Intended Uses of the EIR

This EIR is an informational document for use in the City’s review and consideration of Ukiah 2040. This document is a Program EIR. CEQA Guidelines Section 15168(a) states that:

A Program EIR is an EIR which may be prepared on a series of actions that can be characterized as one large project and are related either: (1) geographically; (2) as logical parts in a chain of contemplated actions; (3) in connection with issuance of rules, regulations, plans, or other general criteria, to govern the conduct of a continuing program; or (4) as individual activities carried out under the same authorizing statutory or regulatory authority and having generally similar environmental effects which can be mitigated in similar ways.

As a programmatic document, this EIR presents and discloses a region-wide assessment of the environmental impacts of Ukiah 2040. The information and analysis in this EIR will be used by the Ukiah Planning Commission and City Council, trustee agencies, and the general public.

Ukiah 2040 will guide subsequent actions taken by the City in its review of new development projects and the establishment of new and/or revised City-wide or area-specific programs. This program EIR serves as a first-tier environmental document under CEQA, supporting second-tier environmental documents for projects with detailed designs that have been developed for implementation within the City. Analysis of site-specific impacts of individual projects is not the intended use of a Program EIR. Many specific projects are not currently defined to the level that would allow for such an analysis at this time. Individual and specific environmental analysis of each

project will be undertaken as necessary in the future by the City prior to each project being considered for approval. Therefore, the City, acting as the Lead Agency, would be able to prepare subsequent environmental documents that incorporate by reference the appropriate information from this Program EIR regarding secondary effects, cumulative impacts, broad alternatives, and other relevant factors. If the City finds that implementation of a later activity would have no new effects and that no new mitigation measures would be required, that activity would require no additional CEQA review. Where subsequent environmental review is required, such review would focus on significant effects specific to the future project, or its site that have not been considered in this Program EIR.

1.7 Environmental Review Process

The environmental impact review process required under CEQA is summarized below and illustrated in Figure 1-1. The steps appear in sequential order.

1. **Notice of Preparation (NOP) Distributed.** Immediately after deciding that an EIR is required, the lead agency must file a NOP soliciting input on the EIR scope to "responsible," "trustee," and involved federal agencies; to the State Clearinghouse, if one or more state agencies is a responsible or trustee agency; and to parties previously requesting notice in writing. The NOP must be posted in the County Clerk's office for 30 days. A scoping meeting to solicit public input on the issues to be assessed in the EIR is not required but may be conducted by the lead agency. The NOP public comment period for the Ukiah 2040 EIR was from May 31 to June 30, 2022 and a scoping meeting was held on June 15, 2022. Public comments were received in response to the NOP and scoping process.
2. **Draft EIR Prepared.** The Draft EIR must contain: a) table of contents or index; b) summary; c) project description; d) environmental setting; e) significant impacts (direct, indirect, cumulative, growth-inducing and unavoidable impacts); f) alternatives; g) mitigation measures; and h) irreversible changes.
3. **Public Notice and Review.** A lead agency must prepare a Public Notice of Availability (NOA) of an EIR. The NOA must be placed in the County Clerk's office for 30 days (Public Resources Code Section 21092) and sent to anyone requesting it. Additionally, public notice of Draft EIR availability must be given through at least one of the following procedures: a) publication in a newspaper of general circulation; b) posting on and off the project site; and c) direct mailing to owners and occupants of contiguous properties. The lead agency must consult with and request comments on the Draft EIR from responsible and trustee agencies, and adjacent cities and counties. When a Draft EIR is sent to the State Clearinghouse for review, the public review period must be 45 days, unless a shorter period is approved by the Clearinghouse (Public Resources Code 21091). Distribution of the Draft EIR may be required through the State Clearinghouse. This EIR will be circulated for a 45-day public review and will be sent to the State Clearinghouse.
4. **Notice of Completion.** A lead agency must file a Notice of Completion (NOC) with the State Clearinghouse as soon as it completes a Draft EIR.
5. **Final EIR.** A Final EIR must include: a) any revisions to the Draft EIR; b) copies of comments received during public review; c) list of persons and entities commenting; and d) responses to comments.
6. **Certification of Final EIR.** The lead agency shall certify that: a) the Final EIR has been completed in compliance with CEQA; b) the Final EIR was presented to the decision-making body of the

lead agency; and c) the decision-making body reviewed and considered the information in the Final EIR prior to approving a project.

7. **Lead Agency Project Decision.** A lead agency may: a) disapprove a project because of its significant environmental effects; b) require changes to a project to reduce or avoid significant environmental effects; or c) approve a project despite its significant environmental effects, if the proper findings and statement of overriding considerations are adopted.
8. **Findings/Statement of Overriding Considerations.** For each significant impact of the project identified in the EIR, the lead or responsible agency must find, based on substantial evidence, that: a) the project has been changed to avoid or substantially reduce the magnitude of the impact; b) changes to the project are within another agency's jurisdiction and such changes have or should be adopted; or c) specific economic, social, or other considerations make the mitigation measures or project alternatives infeasible. If an agency approves a project with unavoidable significant environmental effects, it must prepare a written Statement of Overriding Considerations that set forth the specific social, economic, or other reasons supporting the agency's decision.
9. **Mitigation Monitoring/Reporting Program.** When an agency makes findings on significant effects identified in the EIR, it must adopt a reporting or monitoring program for mitigation measures that were adopted or made conditions of project approval to mitigate significant effects.
10. **Notice of Determination.** An agency must file a Notice of Determination after deciding to approve a project for which an EIR is prepared. A local agency must file the Notice with the County Clerk. The Notice must be posted for 30 days and sent to anyone previously requesting notice. Posting of the Notice starts a 30-day statute of limitations on CEQA challenges.

Figure 1-1 Environmental Review Process

