



COUNTY OF MENDOCINO
DEPARTMENT OF PLANNING AND BUILDING SERVICES
860 NORTH BUSH STREET · UKIAH · CALIFORNIA · 95482
120 WEST FIR STREET · FORT BRAGG · CALIFORNIA · 95437

JULIA KROG DIRECTOR
PHONE: 707-234-6650
FAX: 707-463-5709
FB PHONE: 707-964-5379
FB FAX: 707-961-2427
pbs@mendocinocounty.org
www.mendocinocounty.org/pbs

MEMORANDUM

DATE March 23, 2023
TO Planning Commission
FROM Liam Crowley, Planner II
SUBJECT MS_2022-0003 (Rorick) Revised Resolution

A revised resolution has been prepared for the project to include requisite fire safety findings pursuant to California Government Code Section 66474.02(a). A condition of approval has been added to reflect the recommendations of CAL FIRE and subsequent conditions have been re-numbered to reflect this change. The revised resolution is attached with changes shown in **red**.

Attachment:

- Revised Resolution for Minor Subdivision MS_2022-0003

Resolution Number _____

County of Mendocino
Ukiah, California

MARCH 23, 2023

MS_2022-0003 - RORICK

RESOLUTION OF THE PLANNING COMMISSION, COUNTY OF MENDOCINO, STATE OF CALIFORNIA, ADOPTING A MITIGATED NEGATIVE DECLARATION AND GRANTING A MINOR SUBDIVISION.

WHEREAS, the applicant, ROXANNE CLEMENT-RORICK AND filed an application for a minor subdivision with the Mendocino County Department of Planning and Building Services to subdivide an existing 214± acre parcel into two (2) parcels and one (1) remainder parcel. Parcel 1 would be 56.77± acres, Parcel 2 would be 40+ acres, and the Remainder Parcel would be 118.44± acres, 6.5± miles north of Redwood Valley, on the west side of Tomki Road (CR 237D) 4.5± miles north of its intersection with East Road (CR 230) and West Road (CR 237), located at 16250 and 17000 Tomki Road, Redwood Valley (APN's: 107-056-04, 107-040-21, 105-290-16); General Plan RMR:40; Zoning UR:40; Supervisorial District 1; (the "Project"); and

WHEREAS, a Mitigated Negative Declaration was prepared for the Project and noticed and made available for agency and public review on February 21, 2023, in accordance with the California Environmental Quality Act (CEQA) and the State and County CEQA Guidelines; and

WHEREAS, in accordance with applicable provisions of law, the Planning Commission held a public hearing on March 23, 2023, at which time the Planning Commission heard and received all relevant testimony and evidence presented orally or in writing regarding the Mitigated Negative Declaration and the Project. All interested persons were given an opportunity to hear and be heard regarding the Mitigated Negative Declaration and the Project.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission makes the following findings;

1. **General Plan and Zoning Consistency Findings:** The subject lot is classified as Remote Residential 40-Acre Minimum (RMR:40) as defined in Chapter 3 of the Mendocino County General Plan. The proposed subdivision is not within the jurisdictional boundaries of a water or sewer district. Each resulting lot would be provided with water and sewage infrastructure via wells and gravity septic systems. Each resulting lot would be accessed via Tomki Road (CR 237D), a publicly maintained road. The site is within the jurisdictional boundary of both the Redwood/Calpella Fire Protection District and the California Dept. of Forestry and Fire Protection (CALFIRE). The subdivision is intended to provide separate parcels for future residential development and establish a remainder parcel to be maintained as a recreational use. The existing cabin would remain on the proposed remainder parcel. The RMR:40 classification establishes a minimum lot size of forty (40) acres. As proposed, each resulting lot would be at least forty (40) acres in size. On lands classified as RMR:40, one dwelling is permitted per legally created parcel. The proposed subdivision meets the minimum lot size requirements, and future development would be classified as a residential use. Therefore, the subdivision request is consistent with the RMR:40 General Plan land use classification.

The subject lot is within the Upland Residential 40 Acre Minimum (UR:40) zoning district as defined in Chapter 20.056 in the Mendocino County Code (MCC). The subdivision is requested in anticipation that single-family residences would be developed on the resulting lots. This request is consistent with the intent of the UR:40 district, specifically regarding the establishment of low-density residential use and management of existing vacant land for future agricultural or timber production uses. MCC Section 20.056.025 and 20.056.030 establish a minimum lot size of forty

(40) acres and maximum dwelling density of one (1) unit per forty (40) acres, respectively. As proposed, each resulting lot would be equal to or greater than forty (40) acres and one dwelling would be located on each lot. Therefore, the proposed subdivision would be consistent with the intent and requirements of the UR:40 zoning district.

2. **Division of Land Regulations:** The project was reviewed by the Mendocino County Subdivision Committee on November 10, 2022. The Committee recommended conditional approval of the proposed subdivision to the Planning Commission pursuant to findings required by MCC Section 17-48.5. The Committee's recommendations are part of the attached resolution, including Exhibit A. The Committee did not find conflicts with the County Division of Land Regulations.
3. **Environmental Protection Findings:** An Initial Study for the proposed project was completed in accordance with the California Environmental Quality Act (CEQA). It was found that some environmental impacts could occur due to future development. However, mitigation measures were identified which would render these impacts less-than-significant. Thus, a Mitigated Negative Declaration was prepared.
4. **Fire Safety Findings: Per §66474.02(a) of the Government Code, the project is in conformance with the required fire safety findings.**
 - a. CAL FIRE has provided Conditions of Approval for the project that, when met, will ensure the project complies with regulations adopted by the State Board of Forestry and Fire Protection pursuant to §4290 and §4291 of the Public Resources Code. The conditions recommended by CAL FIRE have been included as a part of this resolution.
 - b. That structure fire protection and suppression services will be available for the subdivision through a publicly funded fire district. The project site is within the Redwood Valley-Calpella Fire District, which is mandated to provide structure protection.

BE IT FURTHER RESOLVED that the Planning Commission hereby adopts the Mitigated Negative Declaration. The Planning Commission certifies that the Mitigated Negative Declaration has been completed, reviewed, and considered, together with the comments received during the public review process, in compliance with CEQA and State and County CEQA Guidelines, and finds that the Mitigated Negative Declaration reflects the independent judgment and analysis of the Planning Commission.

BE IT FURTHER RESOLVED that the Planning Commission hereby grants the requested Minor Subdivision, subject to the Conditions of Approval in Exhibit "A", attached hereto.

BE IT FURTHER RESOLVED that the Planning Commission designates the Secretary as the custodian of the document and other material which constitutes the record of proceedings upon which the decision herein is based. These documents may be found at the office of the County of Mendocino Planning and Building Services, 860 North Bush Street, Ukiah, CA 95482.

BE IT FURTHER RESOLVED that the Planning Commission action shall be final on the 11th day after the date of the Resolution unless an appeal is taken.

I hereby certify that according to the Provisions of Government Code Section 25103 delivery of this document has been made.

ATTEST: JAMES FEENAN
Commission Services Supervisor

By: _____

BY: JULIA KROG
Director

DIANA WIEDEMANN, Chair
Mendocino County Planning Commission

EXHIBIT A

CONDITIONS OF APPROVAL AND MITIGATION MEASURES

MS_2022-0003 – ROXANNE CLEMENT-RORICK

MARCH 23, 2023

APPROVED PROJECT DESCRIPTION: Minor Subdivision of an existing 214± acre parcel into two (2) parcels and one (1) remainder parcel. Parcel 1 would be 56.77± acres, Parcel 2 would be 40+ acres, and the Remainder Parcel would be 118.44± acres.

CONDITIONS OF APPROVAL AND MITIGATION MEASURES (as indicated by “”):**

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

Aesthetics

**1. The following note shall be placed on the Parcel Map:

“All future external lighting, whether installed for security, safety or landscape design purposes, shall be shielded, downcast or shall be positioned in a manner that will not shine or allow light glare to exceed the boundaries of the parcel on which it is placed.”

Air Quality

2. The following note shall appear on the Parcel Map:

“Future development of building site(s), access roads or driveways may be subject to the grading requirements and drainage control measures identified in the Conditions of Approval.”

Biological Resources

3. This entitlement does not become effective or operative and no work shall be commenced under this entitlement until the California Department of Fish and Wildlife filing fees required or authorized by Section 711.4 of the Fish and Game Code are submitted to the Mendocino County Department of Planning and Building Services. Said fee of \$2,814.00 or current fee shall be made payable to the Mendocino County Clerk and submitted to the Department of Planning and Building Services within five (5) days of the end of any appeal period. Any waiver of the fee shall be on a form issued by the Department of Fish and Wildlife upon their finding that the project has “no effect” on the environment. If the project is appealed, the payment will be held by the Department of Planning and Building Services until the appeal is decided. Depending on the outcome of the appeal, the payment will either be filed with the County Clerk (if the project is approved) or returned to the payer (if the project is denied). Failure to pay this fee by the specified deadline shall result in the entitlement becoming null and void. **The applicant has the sole responsibility to ensure timely compliance with this condition.**

Cultural Resources

4. The following note shall appear on the Parcel Map:

“In the event that archaeological resources are encountered during development of the property, work in the immediate vicinity of the find shall be halted until all requirements of Chapter 22.12 of the Mendocino County Code relating to archaeological discoveries have been satisfied.”

Geology and Soils

- **5.** The subdivider shall **acknowledge in writing** to the Department of Planning and Building Services that all grading activities and site preparation, at a minimum, shall adhere to the following “Best Management Practices”. The applicant shall submit to the Department of Planning and Building Services an acknowledgement of these grading and site inspection standards.
- a. That adequate drainage controls be constructed and maintained in such a manner as to prevent contamination of surface and/or ground water, and to prevent erosion.
 - b. The applicant shall endeavor to protect and maintain as much vegetation on the site as possible, removing only as much as required to conduct the operation.
 - c. All concentrated water flows shall be discharged into a functioning storm drain system or into a natural drainage area well away from the top of banks.
 - d. Temporary erosion and sediment control measures shall be established and maintained until permanent protection is established.
 - e. Erosion control measures shall include, but are not limited to, seeding and mulching exposed soil on hill slopes, strategic placement of hay bales below areas subject to sheet and rill erosion, and installation of bioengineering materials where necessary. Erosion control measures shall be in place prior to October 1st.
 - f. All earth-moving activities shall be conducted between May 15th and October 15th of any given calendar year unless wet weather grading protocols are approved by the Department of Planning and Building Services or other agencies having jurisdiction.
 - g. Pursuant to the California Building Code and Mendocino County Building Regulations, a grading permit will be required unless exempted by the Building Official or exempt by one of the following:
 - i. An excavation that (1) is less than 2 feet (610 mm) in depth or (2) does not create a cut slope greater than 5 feet (1524 mm) in height and steeper than 1 unit vertical in 1½ units horizontal (66.7% slope).
 - ii. A fill less than 1 foot (305 mm) in depth and placed on natural terrain with a slope flatter than 1 unit vertical in 5 units horizontal (20% slope), or less than 3 feet (914 mm) in depth, not intended to support structures, that does not exceed 50 cubic yards on any one lot and does not obstruct a drainage.

Fire

6. The subdivider shall comply with those recommendations in the CAL FIRE letter (CAL FIRE #31-23) or other alternatives as acceptable to CAL FIRE. When construction of a new building, road, or driveway occurs, a new State Fire Safe Regulations application must be submitted.

Hydrology and Water Quality

- 7.** The applicant shall provide the Division of Environmental Health adequate advance written notice (minimum of 15 days) of the date and time any field soil testing procedures for any proposed on-site sewage systems to allow the Division of Environmental Health staff to be present for soil testing.
- **8.** The applicant shall submit to the Division of Environmental Health an acceptable site evaluation report (DEH Form #42.04) for all parcel(s) completed by a qualified individual demonstrating compliance with the North Coast Regional Water Quality Control Board’s Basin Plan Policy for On-site Waste Treatment and Disposal and Mendocino County Division of Environmental Health’s Land Division Requirements (DEH Form #26.09).
- **9.** The applicant shall submit to the Division of Environmental Health an acceptable site development plan at a scale of not more than 1 inch = 50 feet showing all adjacent parcels on one sheet completed

by a qualified individual showing the location and dimensions of the initial sewage disposal system(s), 100% replacement area(s), acceptable setback distances to water wells and other pertinent setback distances which may impact project site development.

****10.** The applicant shall submit to the Division of Environmental Health acceptable water quantity evaluation(s):

a. 1200 gallon Proof of Water Test Form 26.05 per current requirements. Inland Areas

(DEH Form #26.05) completed by a qualified individual of a water source located on each parcel(s) of the subdivision demonstrating an adequate water supply in accordance with the Division of Environmental Health's Land Division Requirements (DEH Form #26.09).

****11.** The applicant shall submit to the Division of Environmental Health an acceptable standard mineral analysis performed by a certified public health laboratory from an identified source on the subdivision. Compounds to be tested for, at a minimum are: Calcium, Iron (total), Magnesium, Manganese (total), Potassium, Sodium, Bicarbonate, Carbonate, corrosivity (pH), alkalinity (total), total dissolved solids, turbidity, Chloride, Fluoride, Nitrate, Sulfate, Calcium hardness, Magnesium hardness and total hardness.

Population and Housing

12. The subdivider shall pay into the County Affordable Housing Trust Fund (per County Code Section 20.238.035) an amount equaling 2% of the County-wide median sales prices of a single-family residence as determined by the County Assessor. Said fee shall be collected prior to the recording of the Parcel Map. This percentage is based on the number of unimproved (Single Family Residences) parcels to be created.

Transportation

****13.** There shall be dedicated by Parcel Map 30 feet along the west side of Tomki Road CR 237D to provide for the ultimate improvement of the County road. This width shall be measured from the centerline of the existing right-of-way of record, or where no record right-of-way exists, from the center of the physical road.

****14.** If a Parcel Map is filed, all easements of record shall be shown on the parcel map. All utility lines shall be shown as easements with widths as shown of record or a minimum of ten (10) feet, whichever is greater.

****15.** All natural drainage and water courses shall be considered as easements. Minimum width shall be twenty (20) feet, or to the high water level plus five (5) feet horizontal distance, whichever is greater. If a Parcel Map is filed, such easements shall be shown on the final parcel map.

****16.** If approval of the tentative map is conditioned upon certain improvements being made to the subdivider, the subdivider shall notify the Mendocino County Department of Transportation when such improvements have been completed. Prior to the filing of the parcel map, required road improvements must be inspected and approved by the Department of Transportation. Current inspection fees apply.

****17.** Any proposed work within County rights-of-way requires obtaining an encroachment permit from the Mendocino County Department of Transportation.

Special Conditions

****18.** A Conditional Certificate of Compliance shall be recorded for the remainder parcel concurrently with the recording of the Parcel Map. The Conditions Certificate of Compliance shall require that the following condition must be met prior to future development of the remainder parcel:

- a. The applicant shall submit to the Division of Environmental Health an acceptable site evaluation report (DEH Form #42.04) for the remainder parcel completed by a qualified individual demonstrating compliance with the North Coast Regional Water Quality Control Board's Basin Plan Policy for On-site Waste Treatment and Disposal and Mendocino County Division of Environmental Health's Land Division Requirements (DEH Form #26.09)

19. Building/Development setbacks indicating Front/Rear/Side yards to all property boundaries (existing and proposed) and roadway/easements shall be designated on the Parcel Map per Mendocino County Code Section 17-52(I))

20. Pursuant to Government Code Section 66492 & 66493, prior to recordation of the Parcel Map, the subdivider must: (1) Obtain a Certificate from the Mendocino County Tax Collector stating that all current taxes and any delinquent taxes have been paid and; (2) Pay a security deposit (or bond) for taxes that are a lien, but not yet due and payable.

**21. A note shall appear on the Parcel Map for Parcels 1 and 2 stating a Residential Driveway Approach is required to be built prior to any development in accordance with Mendocino County Road and Development Standards No. A51A, or as modified by applicant and approved by Department of Transportation staff.

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