



COUNTY OF MENDOCINO
DEPARTMENT OF PLANNING AND BUILDING SERVICES
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MEMORANDUM

DATE: May 4, 2023
TO: Planning Commission
FROM: Keith Gronendyke, Planner III
SUBJECT: Minor Subdivision Application, MS_2020-0005 (HUNTER-BROWN)

This memo is regarding the above noted Minor Subdivision application to subdivide a 34.92± acre parcel creating four (4) parcels, ranging in size from 5.08± to 8.05± acres with a Remainder Parcel of 11.59± acres.

Additional comments from the Mendocino County Department of Transportation requires that minor changes be made to Condition #21 of the Resolution as detailed below:

20. Subdivision road within the access easement **beginning at the end of County Road 226A** shall be improved in accordance with County of Mendocino Road and Development Standards drawing A10H with the following minimum standards:

Road width: 22 feet
Surface width: 18 feet
~~Minimum ditch offset: 5 feet~~
Design speed: 25 miles per hour
Base: 12-inch minimum Class 2 aggregate base
Surface type: Double chip seal

Attachment:
Redline Resolution

Resolution Number _____

County of Mendocino
Ukiah, California

MAY 4, 2023

MS_2020-0005 HUNTER/BROWN

RESOLUTION OF THE PLANNING COMMISSION, COUNTY OF MENDOCINO, STATE OF CALIFORNIA, ADOPTING A NEGATIVE DECLARATION AND APPROVING A MINOR SUBDIVISION OF A 34.92± ACRE PARCEL INTO FOUR (4) LOTS AND A REMAINDER.

WHEREAS, the applicant, LACO ASSOCIATES, filed an application for a Minor Subdivision with the Mendocino County Department of Planning and Building Services to subdivide an existing 34.92± acre parcel creating four (4) parcels, ranging in size from 5.08± to 8.05± acres with a remainder parcel of 11.59± acres, located 6.2± miles northeast of Ukiah City center, lying on the west side of Lake Ridge Drive (Private), 1.5± miles north of its intersection with Lake Mendocino Drive (CR 227B), addressed at 5370 Lake Ridge Road; APN: 168-080-09; General Plan Rural Residential (RR); Zoning Rural Residential (RR:5); Supervisorial District 1; (the "Project"); and

WHEREAS, a Negative Declaration was prepared for the Project and noticed and made available for agency and public review on February 19, 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 May 4, 2023,, at which time the Planning Commission heard and received all relevant testimony and evidence presented orally or in writing regarding the Negative Declaration and the Project. All interested persons were given an opportunity to hear and be heard regarding the Negative Declaration and the Project; and

WHEREAS, the Planning Commission has had an opportunity to review this Resolution and finds that it accurately sets forth the intentions of the Planning Commission regarding the 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 parcel has a General Plan Land Use Designation of Rural Residential (RR)

Policy 1.1 of the Housing Element of the Mendocino County General Plan states: *'Encourage the development of an adequate supply of housing and a range of housing densities and types to meet the diverse needs of County residents.'*

This subdivision will allow the construction of at least one single family residence along with the addition of an accessory dwelling unit on each newly created parcel. This would benefit the housing needs of County residents along with allowing for a range of densities. As such, this project is consistent with Policy 1.1 of the Housing Element of the Mendocino County General Plan.

2. The subject parcel lies within the Zoning District of Rural Residential (RR:5). Section 20.048.025 (C) Minimum Lot Area of the Mendocino County Zoning Ordinance requires each parcel to be a minimum of five (5) acres in size. Each proposed parcel is at least five (5) acres. As such, the Project is consistent with the Zoning District per MCC 20.048.025(C); and

3. **Division of Land Regulations:** The Project is consistent with Chapter 17 of the Mendocino County Code, Division of Land Regulations. The project was reviewed by the Mendocino County Subdivision Committee on October 13, 2022, which recommended approval with conditions to the Mendocino County Planning Commission.
4. **Environmental Protection Findings:** The CEQA initial study completed by staff identified the Project to have less than significant to no impact on the environment; therefore, a Negative Declaration is adopted.

BE IT FURTHER RESOLVED that the Planning Commission hereby adopts the Negative Declaration. The Planning Commission certifies that the 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 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 (MS_2020-0005), 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 Planning Commission 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

MS_2020-0005

MAY 4, 2023

MINOR SUBDIVISION OF A 34.92± ACRE PARCEL INTO FOUR (4) PARCELS RANGING IN SIZE FROM 5.08± ACRES TO 8.05± ACRES, AND A REMAINDER PARCEL OF 11.59± ACRES.

APPROVED PROJECT DESCRIPTION: Minor Subdivision of a 34.92± acre parcel creating four (4) parcels, ranging in size from 5.08± to 8.05± acres with a remainder parcel of 11.59± acres.

CONDITIONS OF APPROVAL: For a Minor Subdivision which has been approved according to the Mendocino County Code, the following "Conditions of Approval" shall be completed prior to filing a Parcel Map or Unilateral Agreement.

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

Aesthetics

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

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. A notation shall appear on the Parcel Map stating:

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.

3. A notation shall appear on the Parcel Map stating:

The access road, driveway and interior circulation routes shall be maintained in such a manner as to insure minimum dust generation subject to Air Quality Management District Regulation 1 Rule 430. All grading must comply with Air Quality Management District Regulations Rule 430. Any rock material, including natural rock from the property used for surfacing must comply with Air Quality Management District regulations regarding asbestos content

Biological Resources

4. 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 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.

5. A pre-construction survey for special-status animals and plants should be performed by a qualified biologist to ensure that special-status animals and plants are not present. If any listed species are detected, construction should be delayed, and the appropriate wildlife agency (CDFW and/or USFWS) should be consulted and project impacts and mitigation reassessed.

If construction activities would occur during nesting season (typically February through August), a pre-construction survey for the presence of special-status bird species or any nesting bird species should be conducted by a qualified biologist within 500-feet of proposed construction areas. If active nests are identified in these areas, CDFW and/or USFWS should be consulted to develop measures to avoid "take" of active nests prior to the initiation of any construction activities. Avoidance measures may include establishment of a buffer zone using construction fencing or the postponement of vegetation removal until after the nesting season or until after a qualified biologist has determined the young have fledged and are independent of the nest site.

Cultural Resources

6. A notation shall appear on the Parcel Map stating:

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/Soils

7. The subdivider shall **acknowledge in writing** to the Department of Planning and Buildings 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 preparation standards:
 - a. That adequate drainage controls be constructed and maintained in such a manner as to prevent contamination of surface and/or ground water, and to prevent erosion.
 - b. The applicant shall endeavor to protect and maintain as much vegetation on the site as possible, removing only as much as required to conduct the operation.
 - c. 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 (38.3 m³) on any one lot and does not obstruct a drainage.

Fire

8. The subdivider shall comply with those recommendations in the CAL FIRE letter (CALFIRE #372-20) or other alternatives as acceptable to CAL FIRE. Written verification shall be submitted from CAL FIRE to the Department of Planning and Building Services that this condition has been met to the satisfaction of CAL FIRE.

Hydrology & Water Quality

9. 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.
10. The applicant shall submit to the Division of Environmental Health an acceptable site evaluation report (DEH FORM # 42.04) for Parcel(s) 1, 3, 4 and 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).
11. The applicant shall submit to the Division of Environmental Health an acceptable site evaluation report (DEH FORM # 42.04) for a replacement system of the existing structure(s) located on Parcel(s) 2 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).
12. 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) and acceptable pertinent setback distances which may impact project site development.
13. The applicant shall submit to the Division of Environmental Health acceptable water quantity evaluation(s):

1,200 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 parcel(s) 1 and 2 of the subdivision demonstrating an adequate water supply in compliance with the Division of Environmental Health's Land Division requirements (DEH FORM #26.09).
14. 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.

Land Use & Planning

15. All existing structures shall meet current setback requirements to newly proposed property lines. A site map shall be submitted to the satisfaction of Planning and Building Services clearly identifying compliance.

16. The private road providing access to the new parcels shall be given a unique name and identified as such on the Parcel Map. The Planning Director or their designee must approve the proposed private road name prior to clearance of this condition.

Population and Housing

17. The subdivider shall pay into the County Affordable Housing Trust Fund (per County Code Section 20.238.035) an amount equaling 5% of the County-wide median sales price 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

18. There shall be provided an access easement of 60 feet in width from a publicly maintained road to each parcel being created. Documentation of access easement(s) shall be provided to the Mendocino County Department of Transportation for their review prior to final approval.

Note: Per County of Mendocino Road and Development Standards, the minimum easement width for private minor subdivision roads shall be sixty (60) feet, except where the road does not have the potential to serve more than four parcels, in which case the minimum easement width shall be forty (40) feet.

19. 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.

20. 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.

Road Improvement Requirements

21. Subdivision road within the access easement **beginning at the end of County Road 226A** shall be improved in accordance with County of Mendocino Road and Development Standards drawing A10H with the following minimum standards:

- Road width: 22 feet
- Surface width: 18 feet
- Minimum ditch offset: 5 feet**
- Design speed: 25 miles per hour
- Base: 12-inch minimum Class 2 aggregate base
- Surface type: Double chip seal

22. Drainage culverts shall be installed or replaced where necessary. New or replaced culverts shall be a minimum of 12 inches in diameter and designed by a California Registered Civil Engineer to accommodate the 10-year storm event with a headwater to depth ratio of no greater than 1.0. In no case shall a new or replaced culvert be smaller than an upstream culvert.

23. A forty-foot radius turnaround shall be constructed within a fifty-foot radius easement at the terminus of the access easement to the satisfaction of the Mendocino County Department of Transportation.

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

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

Special Conditions

26. 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.
27. Building/Development Setbacks indicating Front/Rear/Side to all property boundaries (existing and proposed) and roadway/easements shall be designated on the Parcel Map (MCC Sec. 17-52(l)).
28. All Expired Building Permits on the parcel shall be reinstated and completed, or canceled prior to Recordation of the Parcel Map.
29. A Conditional Certificate of Compliance shall be recorded for the remainder parcel concurrently with the recording of the Parcel Map. The Conditional Certificate of Compliance shall require the below conditions of approval be met prior to development of the Remainder Parcel. Future development on the remainder parcel includes but is not limited to: Single-Family Residences, Accessory Dwelling Units, Family Care Units, expansions, repairs, bedroom additions, and major repairs to existing septic. Major repairs are defined as: (1) repairs required for an Onsite Wastewater Treatment System (OWTS) dispersal system due to surfacing wastewater effluent from the dispersal field and/or wastewater backed up into plumbing fixtures because the dispersal system is not able to percolate the design flow of wastewater associated with the structure served, or (2) for a septic tank, repairs required to the tank for a compartment baffle failure or tank structural integrity failure such that either wastewater is exfiltrating or groundwater is infiltrating.

1. *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.*

2. *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*

3. *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.*

4. *A pre-construction survey for special-status animals and plants should be performed by a qualified biologist to ensure that special-status animals and plants are not present. If any listed species are detected, construction should be delayed, and the appropriate wildlife agency (CDFW and/or USFWS) should be consulted and project impacts and mitigation reassessed.*

If construction activities would occur during nesting season (typically February through August), a pre-construction survey for the presence of special-status bird species or any nesting bird species should be conducted by a qualified biologist within 500-feet of proposed construction areas. If active nests are identified in these areas, CDFW and/or USFWS should be consulted to develop measures to avoid "take" of active nests prior to the initiation of any construction activities. Avoidance measures may include establishment of a buffer zone using construction fencing or the postponement of vegetation removal until after the nesting season or until after a qualified biologist has determined the young have fledged and are independent of the nest site.

5. *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.

6. *The applicant shall submit to the Division of Environmental Health an acceptable site evaluation report (DEH FORM # 42.04) 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).*
7. *The applicant shall submit to the Division of Environmental Health acceptable water quantity evaluation(s):*

1,200 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 parcel(s) 1 and 2 of the subdivision demonstrating an adequate water supply in compliance with the Division of Environmental Health's Land Division requirements (DEH FORM #26.09).

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