



COUNTY OF MENDOCINO

DEPARTMENT OF PLANNING AND BUILDING SERVICES

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MEMORANDUM

DATE: July 27, 2023
TO: Planning Commission
FROM: Planning Staff
SUBJECT: Redline Resolution for August 3, 2023 Planning Commission Hearing

The applicant has requested a minor revision to the language of recommended Condition 18. Staff has no concerns with the proposed modified language.

Please see attached redline of the proposed resolution.

Resolution Number

County of Mendocino
Ukiah, California

AUGUST 3, 2023

MS_2020-0006 - JACK RAFTER LLC

RESOLUTION OF THE PLANNING COMMISSION, COUNTY OF MENDOCINO, STATE OF CALIFORNIA, ADOPTING A NEGATIVE DECLARATION AND APPROVING A UNILATERAL AGREEMENT FOR WAIVER OF PARCEL MAP FOR A MINOR SUBDIVISION OF ONE PARCEL INTO ONE LOT AND A REMAINDER.

WHEREAS, the applicant, VANCE RICKS, filed an application for Minor Subdivision with the Mendocino County Department of Planning and Building Services to subdivide an existing 6± acre parcel comprised of APNs 167-190-08 and 167-230-03, into two separate legal parcels of 2.1± acres and 3.9± acres, located 4.5± north of Ukiah City center, lying on the east side of North State Street (CR 104), 0.3± north of its intersection with Pomo Lane (CR 228A), located at 4681 North State Street, Ukiah (APNs 167-190-08 and 167-230-03); General Plan Suburban Residential (SR); Zoning Suburban Residential (SR:12K); Supervisorial District 1; (the "Project"); and

WHEREAS, in accordance with applicable provisions of law, the Planning Commission held a public hearing on August 4, 2022, at which time the Planning Commission continued said hearing to a date uncertain.

WHEREAS, in accordance with applicable provisions of law, the Planning Commission held a public hearing on August 3, 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 Suburban Residential (SR) and the Project is consistent with the General Plan definition. Additionally, the subject parcel lies within the Zoning District of Suburban Residential (SR:12K) and the Project is consistent with the Zoning District per MCC 20.044; and
2. **Division of Land Regulations:** As proposed, the Project is not consistent with MCC Section 17-53(A), which requires that every subdivision and parcel division to connect to a City, County, or State maintained street or highway. While Parcel One is adjacent to North State Street (CR 104), due to visibility and safety concerns, the Mendocino County Department of Transportation has recommended Condition of Approval Number 20 which requires the dedication of a "no-access strip" along the western boundary of Parcel One as it abuts North State Street. Access to Parcel One is proposed to occur through an existing driveway on the remainder parcel that does not presently reach Parcel One. Condition of Approval Number 15 requires the applicant to improve the driveway through the remainder parcel to Parcel One prior to the filing of a parcel map or unilateral agreement. With adherence to Condition of Approval Number 15, the Project will be consistent with Mendocino County Code Chapter 17; and
3. **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_2020-0006), 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_2020-0006 - JACK RAFTER LLC

AUGUST 3, 2023

APPROVED PROJECT DESCRIPTION: Minor Subdivision of one legal 6-acre parcel, comprised of APNs 167-190-08 and 167-230-03, creating one legal parcel of 2.1± acres and a remainder parcel of 3.9± 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 Unilateral Agreement 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 Unilateral Agreement 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 Unilateral Agreement stating:

Prior to the development phase of the project, the subdivider shall contact the Mendocino County Air Quality Management District for a determination as to the need for an Asbestos Dust Mitigation Plan and/or Geologic Survey to comply with CCR section 93105 and 93106 relating to naturally occurring asbestos. Written verification from the Air Quality Management District shall be submitted to the Department of Planning & Building Services stating that the project is in compliance with State and Local regulations relating to naturally occurring asbestos.

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.

Cultural Resources

5. A notation shall appear on the Unilateral Agreement 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

6. 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. 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.
 - b. 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.
 - c. Temporary erosion and sediment control measures shall be established and maintained until permanent protection is established.
 - d. 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.
 - e. 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.
 - f. 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.
7. The subdivider shall comply with those recommendations of the Ukiah Valley Fire District or other alternatives as acceptable to the Fire District. Written verification shall be submitted from Fire District to the Department of Planning and Building Services that this condition has been met to the satisfaction of the Fire District.

Hydrology & Water Quality

8. 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.

9. The applicant shall submit to the Division of Environmental Health an acceptable site evaluation report (DEH FORM # 42.04) for Parcel One 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).
10. 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 pertinent setback distances which may impact project site development.
11. The applicant shall either (1) submit to the Division of Environmental Health, a letter from the district(s) or agency(s) stating that water and/or sewer services (and main extension, where required) have been installed to the satisfaction of the district or agency to serve each lot in said subdivision and connected to the system providing the service(s) and has been accepted by the district or agency for maintenance by said district or agency (Mendocino County Code 17.55 & 17.56); or (2) the applicant shall submit a letter to the Division of Environmental Health from the district(s) or agency(s) stating that engineered improvement plans for the future installation of services (and main extensions, where required) for each lot and the connection to the system providing the service and acceptable to the district, including maintenance of the system by the district and the applicant shall submit a letter to Division of Environmental Health for the County Engineer stating that performance bonds or other adequate surety have been secured, to the satisfaction of the county engineer, to cover the cost of the installation of service (and main extensions, where required) for each lot and the connection to the system providing the service per Mendocino County Code Chapter 17 Article VIII.

Land Use & Planning

12. 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.

Transportation

13. An access easement, 40 feet in width, shall be established through the Remainder Parcel from a publicly maintained road to Parcel One. Documentation of access easement(s) shall be provided to the Mendocino County Department of Transportation for their review prior to final approval.
14. All material natural drainage and water courses benefiting both Parcel One and the Remainder Parcel shall be established 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

15. Subdivision road within the access easement shall be improved in accordance with County of Mendocino Road and Development Standards drawing A10H and the following minimum standards: Twenty-Two (22) foot wide, eight (8) inch minimum thickness Class 2 aggregate base rock road within the access easement. Install or replace drainage culverts 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.
16. A standard **private road approach** shall be constructed to a minimum width of eighteen (18) feet, with improved approach extending twenty (20) feet from the edge of the County road, paved with asphalt concrete or comparable surfacing to that of the adjacent road. Concrete driveways shall not be permitted.

17. If the access easement length exceeds 300 feet from North State Street (CR 104) to Parcel One, a 40-foot radius turnaround shall be constructed within a 50 foot radius easement at terminus of access easement to the satisfaction of the Mendocino County Department of Transportation.
18. 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 the recording of the Unilateral Agreement, required road improvements must be inspected and approved by the Department of Transportation, or, at subdivider's election, subdivider shall enter into a Subdivision Improvement Agreement per section 17-48.5(B)(2) of Mendocino County Code ~~must be in place~~. Current inspection fees apply.
19. Any proposed work within County rights-of-way requires obtaining an encroachment permit from the Mendocino County Department of Transportation.
20. A notation shall appear on the Unilateral Agreement restricting direct Access onto North State Street, CR# 104, from Parcel One by dedication of a no-access strip along the boundary of Parcel One that abuts CR 104. If a Parcel Map is filed, such no-access strip shall be shown on the final map.

Special Conditions

21. Pursuant to Government Code Section 66492 & 66493, prior to recordation of the Unilateral Agreement, 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.
22. Building/Development Setbacks indicating Front/Rear/Side to all property boundary's (existing and proposed) and roadway/easements shall be designated on an exhibit map to be submitted to the Department. (*MCC Sec. 17-52.(I)*)
23. All existing leach fields located on Remainder Parcel shall meet the required five (5) foot setback from the boundary line of Parcel One.
24. A Conditional Certificate of Compliance shall be recorded for the Remainder Parcel concurrently with the recording of the Unilateral Agreement. The Conditional Certificate of Compliance shall require that conditions of approval numbers set forth below be met prior to future development of the Remainder Parcel. The conditions of approval applicable to the Remainder Parcel as specified below will only need to be fulfilled at the time of future development. Future development on the Remainder Parcel includes improvements which materially impact the existing capacity of the septic system and require Environmental Health review and approval. Examples include, but are not limited to, construction of Accessory Dwelling Units, Family Care Units, bedroom additions to existing residential dwellings, 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. The developer shall comply with any recommendations made by the Ukiah Valley Fire District or other alternatives as acceptable to the Fire District. Written verification shall be submitted from Fire District to the Department of Planning and Building Services that this condition has been met to the satisfaction of the Fire District.
5. The developer 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 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).

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