

**OWNER:** GARY ALLEN BEALL  
PO BOX 923  
GUALALA, CA 95445

**APPLICANT:** PHILIP M REYNOLDS  
PO BOX 913  
GUALALA, CA 95445

**AGENT:** SUSAN RUSCHMEYER  
PO BOX 574  
GUALALA, CA 95445

**REQUEST:** Coastal Development Minor Subdivision of a 34.38± acre parcel into two parcels of 5± acres and 29.38± acres.

**LOCATION:** In the Coastal Zone, 2± miles from the Gualala town center, lying west of Old Stage Road (CR 502) at the northwest corner of its intersection with Pacific Woods Road (CR 523).

**TOTAL ACREAGE:** 34.38± acres

**GENERAL PLAN:** Coastal Element: RR-5 (Rural Residential–5 acre minimum)

**ZONING:** Coastal Zoning Code: RR-5 (Rural Residential–5 acre minimum)

**SUPERVISORIAL DISTRICT:** 5

**ENVIRONMENTAL DETERMINATION:** Mitigated Negative Declaration

**RECOMMENDATION:** Approve the request

**BACKGROUND**

**PROJECT DESCRIPTION:** The applicant requests a Coastal Development Minor Subdivision of a 34.38± acre parcel into two parcels of 5± acres and 29.38± acres. Existing single-family residential units are present on each of the proposed parcels, served by existing public water connections and private septic systems. Both proposed parcels are served by existing driveway access from Old Stage Road, which will be abandoned and replaced by new driveway access from Old Stage Road.

**RELATED APPLICATIONS:**

- Boundary Line Adjustment B 1991-0125 was approved on May 26, 1992, which transferred 0.18± acres from previous APN 145-051-03 (the parcel subject to this subdivision application) to previous APN 145-051-04 (the adjacent parcel to the southeast).

**PROJECT SETTING:**

**SITE CHARACTERISTICS:** The 34.38± acre parcel fronts on Old Stage Road (CR 502) on the eastern boundary of the property and has frontage on Pacific Woods Road (CR 524) at the southern property boundary. Proposed “Parcel A” contains an existing single-family residence, two sheds, carport, and on-site septic. North Gualala Water Company serves the existing development. Proposed “Parcel B” contains an existing single-

family residence with garage, shop, barn, two sheds, and a canvas storage structure. Both residences take access off Old Stage Road.

**SURROUNDING LAND USE AND ZONING:**

	GENERAL PLAN	ZONING	LOT SIZE	USE
<b>NORTH</b>	RR-5	RR-5	2± acres	Residential
<b>EAST</b>	RR-5 / RR-1	RR-5 / RR-1	1± acre	Residential
<b>SOUTH</b>	RR-5(1) / RR-5(SR)	RR-5(SR)	2± acres	Residential
<b>WEST</b>	RMR-40	RMR-40	88± acres	Vacant

**SERVICES:**

**Access** Private driveway connecting to Old Stage Road (CR 502)  
**Fire District** South Coast Fire Protection District  
**Water District** North Gualala Water Company  
**Sewer District** Private/on-site septic  
**School District** Arena Union Elementary

**REFERRAL AGENCY COMMENTS:**

Agency comments relevant to this application are listed within the Key Issues section of this report and are noted within the Conditions of Approval. Otherwise, the reviewing agencies had no comment regarding the proposed project. As noted by Mendocino Department of Transportation and as described under **Key Issue 2** below, before recordation of the final map, the existing access must be abandoned and replaced, as proposed, to satisfy sight distance standards.

Referral Agencies	Not Returned	No Comment	Comments
Mendocino Department of Transportation			X
Environmental Health – Fort Bragg			X
Building Inspection – Fort Bragg		X	
Planning – Ukiah		X	
Air Quality Management District			X
Archaeological Commission			X
Sonoma State – Northwest Information Services			X
Caltrans	X		
Department of Forestry / CalFire			X
South Coast Fire Protection District		X	
Department of Fish and Wildlife	X		
California Coastal Commission	X		
Gualala Municipal Advisory Council		X	
North Gualala Water District	X		

**KEY ISSUES:**

**1. General Plan and Zoning Consistency**

The property is designated Rural Residential-Planned Development by the Coastal Element of the General Plan, and is also zoned Rural Residential-Planned Development-5 acre minimums (RR-PD-5). There is no conflict with the Coastal Land Use Classification in regards to density or use. The existing single-family residential units are principally permitted by zoning and General Plan. The proposed subdivision does not permit any additional development, and will not increase density beyond what is permitted by the zoning district and General Plan designation.

The minimum front, rear and side yard for parcels in the RR-5 zoning district, per Section 20.376 of the Coastal Zoning Code is thirty feet. The submitted tentative map shows a tank, shed, and carport (to the north of the

proposed property boundary), and a canvas storage building and shed (to the south of the proposed property boundary) that may not comply with this thirty foot setback. Additionally, the tentative map shows a shed along the northern property boundary of proposed Lot A. As per recommended **Condition 12**, the final **Parcel Map** must indicate that all structures adhere to the thirty foot setback minimum from all property lines. Any structure that is within the required yard setback must be either relocated or removed.

Subject to the recommended condition of approval, staff finds subdivision CDMS 2014-0003 consistent with General Plan and Coastal Zoning Code regulations.

## 2. Division of Land Regulations

The project was reviewed by County staff to identify applicable County regulations related to road standards as well as water and septic requirements.

### *Utilities*

The County Division of Environmental Health is recommending **Condition 8** and **Condition 9** requiring the applicant to complete soil testing and a site evaluation report demonstrating a septic design that meet applicable State and County standards for on-site septic systems. **Condition 10** and **Condition 11** require a water quality evaluation be submitted and approved demonstrating adequate water is available to serve the subdivided parcels as well as a standard mineral analysis of the proposed water source.

### *Transportation*

Both proposed parcels front on Old Stage Road (CR 502) along their eastern boundaries. The two parcels resulting from this subdivision application will each contain a single-family residence, allowing for no future residential development without a Coastal Development Permit. There would be no traffic or access impacts stemming from the approval of this application in excess of existing conditions.

The County Department of Transportation (DOT) reviewed the project with regards to circulation, ingress and egress. While this subdivision would create no increase in traffic or access hazards, DOT offered conditional approval that would improve the safety of the existing accesses. In a letter dated May 23, 2014, DOT recommended approval of this subdivision application, subject to conditions outlined by **Condition 14, 15, 16, 17**.

DOT included a condition requiring all existing private driveway approaches serving the proposed parcels be improved to meet minimum sight distance standards. The applicant has revised the original application to propose new means of access for each parcel, and proposes to abandon the old driveway approaches (as shown on the Tentative Map). DOT has reviewed the revised application, and, provided the abandoned driveways are abandoned and fenced to prevent future access, finds that the new access approaches meet minimum sight distance requirements. **Condition 18** is recommended, requiring the applicant to abandon and fence the existing driveways prior to filing of the **Parcel Map**.

In addition to providing the existing development with new accesses, the applicant will remove vegetation to obtain sight distance minimums. The applicant submitted a vegetation plan, dated January 2015, indicating the vegetation to be removed. Planning staff finds the proposed vegetation removal fails to meet the definition of Major Vegetation Removal, as defined in Section 20.308.080(C) of the Coastal Zoning Code, and does not require a Coastal Development Permit.

The applicant should be aware that, prior to filing of the **Parcel Map**, the roadway improvements must be inspected and approved by the Department of Transportation, and is subject to encroachment permitting. Upon completion of the roadway improvements, applicant should request inspection.

### *Public Services*

The project site is served by CalFire and South Coast Fire Protection District. The increase of one additional parcel without an entitlement for additional single-family residences would not create additional service demands or result in adverse physical impacts associated with delivery of fire, police, parks or other public services. **Condition 13** is recommended to provide for review and approval by the Department of Forestry (CalFire) of fire safe measures to minimize fire hazards to and from the existing residential development on the site.

### 3. Environmental Protection

An Initial Study for the proposed project was completed in accordance with the California Environmental Quality Act (CEQA). Staff did not identify any significant impacts to the environment, which would occur as the result of the project. The following sections of the Initial Study require recommended conditions to ensure that project impacts will remain at a less than significant level.

#### *Aesthetics*

The project location is not visible from any public vantage points and does not lie within a designated Highly Scenic Area (HSA). This subdivision does not permit additional residences on either proposed parcel—a Coastal Development Permit (CDP) would be required for second residential units, subject to Mendocino County Coastal Zoning Code (MCCZC) Section 20.458.020. While the visual impacts of future residential development would be considered with the review of a Coastal Development Permit, additional exterior lights on existing structures must comply with Mendocino County Coastal Zoning Code lighting regulations.

**Condition 1** requires a note to appear on the *Parcel Map* that: “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.” Approval of this application does not entitle the proposed parcels to additional residential development; therefore, there are no impacts to aesthetic resources beyond the existing state of development. **Condition 1** will ensure that potential future alterations to the existing development will not impact aesthetic resources.

#### *Biological Resources*

The Mendocino County Coastal Zoning Code requires review of all coastal development applications “to determine whether the project has the potential to impact an Environmentally Sensitive Habitat Area (ESHA).” This proposed subdivision is unique in that each resulting parcel will already a single family dwelling unit, and additional residential units would require a Coastal Development Permit. The MCCZC Section 20.496.015(A) lists three circumstances by which a project has the potential to impact an ESHA. This application was reviewed based on these circumstances, and discussed below:

- (1) *The development is proposed to be located on a parcel or proximate to a parcel identified on the land use plan map with a rare and/or endangered species symbol.*

Local Coastal Program Map 31 does not indicate the presence of a rare and/or endangered species or habitat on the subject parcel, nor does the map depict a rare and/or endangered species symbol very near or in direct relationship (proximate) to the subject parcel.

- (2) *The development is proposed to be located within an ESHA, according to an on-site investigation, or documented resource information.*

The California Natural Diversity Database (NDDDB), maintained by the California Department of Fish and Wildlife, is relied upon by Planning staff for documented resource information. The NDDDB indicated the potential for one rare or threatened species—the Townsend’s big-eared bat. According to *Terrestrial Mammal Species of Special Concern in California*, Townsend’s big-eared bats are known to roost in “old, mostly abandoned buildings with darkened, enclosed cave-like attics...[and] on walls or ceilings, often near entrances.” The species has restrictive roost requirements and roost “disturbance or destruction has been primarily responsible for population declines in most areas.” While the proposed subdivision would have no impact on the Townsend’s big-eared bat since no construction or demolition is proposed, to limit any future impact, **Condition 3** is recommended directing the applicant to have a qualified biologist inspect unoccupied buildings for signs of habitation by birds and bats in the event they are to be demolished.

- (3) *The development is proposed to be located within one hundred feet of an environmentally sensitive habitat and/or has potential to negatively impact the long-term maintenance of the habitat, as determined through project review.*

Each of the proposed parcels will contain one existing single-family residence and related accessory development. The principally permitted use on the parcels—residential use—is already developed, and future residential development is subject to Coastal Development Permits. This subdivision application, if approved, will not permit

any further development or construction on the parcel within one hundred feet of an ESHA or beyond, and will therefore have no impact on biological resources.

Additionally, Staff received no comments from the Department of Fish and Wildlife regarding this application. While this application will not directly affect biological resources, the potential presence of Townsend's big-eared bat habitat should be protected in the event that any future development (particularly demolition) takes place. **Condition 3** will add protection to the threatened species that would not exist without approval of this application.

#### *Cultural Resources*

An Archaeological Survey of the area was conducted by Thad M. Van Bueren, M.A. and described in a report dated July 13, 2014. The survey discovered one potential historically significant resource—a dwelling occupied in the late 1940s. The report discusses this occurrence, and concludes that the structure “does not appear to possess qualities that might qualify it as a historical resource as defined in the California Register of Historical Resources, consistent with CEQA guidelines Section 15064.5(1)(2-3).” While no historically significant resources were identified by the survey, Code Sections 22.12.090 and 22.12.100 (Discovery Clause) would apply in the event that archaeological resources are encountered during any future excavation operations. **Condition 5** is recommended to increase the protection of cultural resources for any future ground disturbance activity.

#### **RECOMMENDATION:**

Adopt a Mitigated Negative Declaration and approve the request for Coastal Development Minor Division CDMS 2014-0003 based on the following findings, and subject to the recommended Conditions of Approval.

#### **FINDINGS:**

**Environmental Findings:** The Planning Commission finds that the environmental impacts identified for the project can be adequately mitigated through the conditions of approval or features of the project design so that no significant adverse environmental impacts will result from this project; therefore, a Mitigated Negative Declaration is adopted.

**Coastal Land Division Findings:** As required by Section 20.532.100(C), the Planning Commission further finds that:

1. The new lots created have or will have adequate water, sewage, including a long term arrangement for septic disposal, roadway and other necessary services to serve them; and
2. The new lots created will not have, individually or cumulatively, a significant adverse environmental effect on environmentally sensitive habitat areas or on other coastal resources; and
3. The new lots created will not significantly adversely affect the long-term productivity of adjacent agricultural or timber lands; and
4. Other public services, including but not limited to, solid waste and public roadway capacity, have been considered and are adequate to serve the proposed parcels; and
5. The proposed land division meets the requirements of Chapter 20.524 and is consistent with all applicable policies of the Coastal Element.

**Project Findings:** The Planning Commission, making the above findings, approves CDMS 2014-0003 subject to the following conditions of approval as recommended by staff, further finding:

Pursuant to California Government Code Section 66445(e), the Planning Commission finds that subdivision of the property in the manner set forth on the approved or conditionally approved tentative map will not unreasonably interfere with the free and complete exercise of the public entity or public utility right-of-way or easement.

The proposed minor subdivision complies with all requirements of the Subdivision Map Act and the Mendocino County Code, specifically with respect to lot area, improvement and design, flood and water drainage control and that it includes appropriate improved public roads, sanitary disposal facilities, water supply availability and

environmental protection.

**CONDITIONS OF APPROVAL:**

Aesthetics

1. A 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 note shall appear on the **Parcel Map**, stating, "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

3. Any unoccupied structures that are required to be relocated or demolished to meet setback requirements prior to recordation of the **Parcel Map** shall be inspected for signs of habitation by birds and bats by a qualified biologist, and the results shall be reported to Planning and Building Services to determine if a Coastal Development Permit is required for relocation or demolition.
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 Game 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 \$2,260.00 shall be made payable to the Mendocino County Clerk and submitted to the Department of Planning and Building Services prior to **May 1, 2015** (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 Game 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 note shall appear on the **Parcel Map** that 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

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.
  - 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 1.
  - f. All earth-moving activities shall be conducted between May 15<sup>th</sup> and October 15<sup>th</sup> 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:
    1. 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).
    2. 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 m<sup>3</sup>) on any one lot and does not obstruct a drainage.
7. A notation shall be placed on the Parcel Map/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.

#### Hydrology and Water Quality

8. The applicant shall submit to the Division of Environmental Health an acceptable site evaluation report (DEH FORM #42.04) for a replacement system for the existing structures located on parcels A and B 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 systems, 100% replacement areas, 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 an acceptable standard mineral analysis performed by a certified public health laboratory from a source of water on the subdivision.
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 extensions, 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 and 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 are acceptable to the district, including maintenance of the system by the district, and the applicant shall submit a letter to the Division of Environmental Health from 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 services (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 and Planning

12. Per Mendocino County Coastal Zoning Code Sections 20.376.030 and 20.376.035, any structure located within thirty (30) feet of any property boundary on either parcel shall be removed or replaced, subject to Building Permit requirements.

Public Services

13. The subdivider shall comply with those recommendations in the **California Department of Forestry and Fire Protection** letter of February 25, 2014 (**CalFire# 44-14 and 45-14**) or other alternatives as acceptable to the **Department of Forestry**. Written verification shall be submitted from the **Department of Forestry** to the Department of Planning and Building Services that this condition has been met to the satisfaction of the **Department of Forestry**.

Transportation

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. 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.
16. All existing driveway approaches serving Lots A and B shall be improved to meet minimum sight distance standards per MDOT Standard No. A53.
17. Any proposed work within County Rights of way requires obtaining an encroachment permit from the Mendocino County Department of Transportation.
18. The applicant shall abandon and fence the existing driveway accesses prior to filing the **Parcel Map**.

Standard Conditions

19. 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.

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

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DATE

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SCOTT PERKINS  
PLANNER I

SMP

Appeal Fee - \$910.00  
Appeal Period - 10 days

**ATTACHMENTS:**

- A – Location Map
- B – Topographic Map
- C – 2010 NAIP Aerial
- D – Tentative Map
- E – Zoning Display Map
- F – General Plan
- G – LCP Map
- H – Adjacent Property Owners
- I – Fire Hazard
- J – Coastal Ground Water Resource
- K – CEQA Initial Study Mitigated Negative Declaration