

MENDOCINO COUNTY DEPARTMENT OF PLANNING AND BUILDING SERVICES

STAFF REPORT FOR MINOR SUBDIVISION

MS_2011-0003
JUNE 18, 2015
PAGE PC-1

OWNER/APPLICANT: BETTY S DELANEY
6201 HIGHWAY 175
HOPLAND, CA 95449

AGENT: JIM RONCO
700 E GOBBI STREET, #114
UKIAH, CA 95482

REQUEST: Minor Subdivision of a 30± acre parcel into two (2) parcels of 17.20± and 13.2± acres.

LOCATION: 4± miles east of Old Hopland, lying on both sides of Highway 175; 6201 Highway 175; APN 50-090-07 and 50-090-08. 6201 Highway 175, Hopland.

TOTAL ACREAGE: 30± acres

GENERAL PLAN: RR:10

ZONING: RR:10

SUPERVISORIAL DISTRICT: 5

ENVIRONMENTAL DETERMINATION: Mitigated Negative Declaration

RECOMMENDATION: Approve with Conditions

PROJECT DESCRIPTION: The applicant proposes a minor subdivision of a 30.0± acre property to create two parcels of approximately 17.2 and 13.2 acres, respectively. The property is located approximately 4 miles east of Old Hopland, lying on both sides of Highway 175, approximately 11 miles east of its intersection with Highway 101. Current improvements include a single family residence on proposed Parcel 2 with a leach field and well, and a studio. Proposed Parcel 1 remains vacant with a building site designated off a driveway approach off of Highway 175. Both the existing and proposed residences will be accessed via separate driveways off of Highway 175.

APPLICANT'S STATEMENT: A description of the project from the application materials states, in part, that the:

Owner/applicant intends to create two parcels of land fronting Highway 175. The site is currently physically bisected by Highway 175. The project will formalize the existing physical parcelization of the property. The parcels will be approximately 17± acres including the highway right of way for unimproved Parcel 1 and 13± acres for improved Parcel 2 abutting Highway 175. Both parcels have slopes in excess of 25% with a building envelope available on unimproved Parcel 1. A driveway approach and road/driveway from Highway 175 for which an encroachment permit from the California Department of Transportation and a grading permit from the County of Mendocino... have been obtained, will be developed concurrently with any residential development on Parcel 1. Parcel 2 is fully developed with a permitted single family dwelling and studio, permitted septic system, permitted water system, existing driveway and encroachment onto Highway 175. Power is developed on Parcel 2 and adjacent on the highway for Parcel 1. An existing spring is located on Parcel 1 [which] will provide water for domestic purposes. Septic will have to be developed on Parcel 1 when residential improvement occurs, feasibility having been established by previous soil tests.

RELATED APPLICATIONS:**On-Site**

- General Plan Amendment #GP 2007-0003 was approved as part of the adopted General Plan Update in August 2009, which included a change to the land use classification of the subject property from Rangeland to Rural Residential (10- acre minimums). A subsequent rezone (#R 2009-0003) was approved on May 11, 2010, rezoning the property from Rangeland to Rural Residential (RR 10).

SITE CHARACTERISTICS: Project site topography is comprised of fairly steep hillsides ranging from 20% to 30% sloping towards the south. Proposed Parcel 1 is bordered on three sides by a switchback curve of the highway, while Parcel 2 is bordered to the north by Highway 175. Surrounding parcels consist primarily of open space and grazing land, essentially made up of the same vegetation (i.e. chaparral and oak woodland) as the subject parcel.

SURROUNDING LAND USE AND ZONING:

	GENERAL PLAN	ZONING	LOT SIZES	USES
NORTH	RL160	RL 160	13 – 65± acres	Residential
EAST	RL160	RL 160	14 – 20± acres	Residential
SOUTH	RL160	RL 160	160± acres	Vacant
WEST	RL160	RL 160	83± acres	Vacant

SERVICES:

Access: HIGHWAY 175
 Fire District: SANEL VALLEY, CALFIRE
 Water District: NONE
 Sewer District: NONE
 School District: UKIAH UNIFIED

REFERRAL AGENCY COMMENTS: Agency comments relevant to this application are listed within the Issues Section of this report and are noted within the Conditions of Approval. Otherwise, most of the reviewing agencies had no comment regarding the proposed project.

REFERRAL AGENCIES	NOT RETURNED	"NO COMMENT"	COMMENTS
Department of Transportation			X
Environmental Health-Ukiah			X
Building Services-Ukiah PBS			X
Air Quality Management District		X	
Sonoma State University-NWIC			X
Archaeological Commission	X		
Caltrans			Verbal
CalFire			X
Dept. of Fish & Wildlife	X		
Sanel Fire District	X		

KEY ISSUES:

Key Issue #1 General Plan and Zoning Consistency: The project is consistent with general provisions of the Rural Residential classification as found in Development Element Policy DE-14 as well as with policies regarding appropriate size and design compatibility. Resource Management Policy RM-109 states in part that:

Building envelopes, clustered development, and commercial, industrial, civic, and sensitive uses shall be designed with buffers or setbacks from lands classified Agricultural or Rangelands. Buffers are defined generally as a physical separation of 200-300 feet (depending on pesticide application impacts) with the potential for a reduced separation when a topographic feature, substantial tree-stand, landscaped berm, watercourse, or similar existing or constructed feature is provided and maintained.

The proposed lots of 10 acres or greater are compatible with the General Plan land use designation and staff is recommending a minimum 200 feet buffer between future residential development and adjacent properties that are zoned for agriculture or timber type uses (see Condition Number 2).

Key Issue #2- Transportation/Traffic: The conditions recommended by the Mendocino County Department of Transportation (DOT) will mitigate any potential significant traffic impacts resulting from this project including conformance with policies for effective performance of the circulation system, mitigation of congestion conflicts and other matters of safety including any possible emergency access issues (see Conditions Number 14 through 16).

Key Issue #3- Land Use Compatibility: The site is bisected by switchbacks on Highway 175 and the project will formalize the existing physical separation of the property into parcels of approximately 17 and 13 acres. The subdivision will allow additional development similar to surrounding lots. A driveway approach and road/driveway from Highway 175 are subject to permit requirements of the California Department of Transportation (see Condition Number 16).

Key Issue #4- Division of Land Regulations: The project was reviewed by the County Subdivision Committee on May 8, 2014, which recommended approval with standard conditions (see Conditions Number 3 through 17). No conflicts with the County Division of Land Regulations (Title 17- Mendocino County Code) were identified.

Environmental Review: Staff has completed an Initial Study for the proposed project in accordance with the California Environmental Quality Act and has determined 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 impacts will result from this project. Therefore the proposed project qualifies for a mitigated negative declaration.

FINDINGS FOR RECOMMENDED APPROVAL:

Environmental Findings: The Planning Commission finds that the proposed project would not have a significant effect on the environment, and therefore, a Mitigated Negative Declaration is adopted, in accordance with the California Environmental Quality Act.

Recommended Action and Findings: The Planning Commission approves #MS_2011-0003 subject to conditions of approval and based on the following findings:

1. Pursuant to California Government Code Section 66445(e), the Planning Commission finds that the division and development 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.
2. The proposed parcel subdivision complies with all requirements of the Subdivision Map Act and of the Mendocino County Code, specifically with respect to lot area, improvement and design, flood and water drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability and environmental protection.
3. The proposed project is consistent with applicable goals and policies of the General Plan as subject to the conditions of approval.

RECOMMENDED CONDITIONS OF APPROVAL: Conditions which must be met prior to use and/or occupancy and for the duration of this permit:

Aesthetics

1. All external lighting shall be shielded and downcast to prohibit light from being cast beyond the property boundaries. The number of exterior lighting fixtures shall be kept to the minimum required for safety.

Agriculture and Forestry Resources

- **2. A note shall appear on the **Parcel Map** that residential development shall be setback a minimum of 200 feet from neighboring properties that are zoned Rangeland or are under a Williamson Act contract.

Air Quality

3. 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 and 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 \$2,260.00 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 as "*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 insure 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 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:
 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 m³) on any one lot and does not obstruct a drainage.
7. A notation shall be placed on the Parcel Map stating that, "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".
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 1 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).

Hazards and Hazardous Materials

10. The subdivider shall comply with those recommendations in the **California Department of Forestry** letter of June 12, 2011_(CDF# 127-11) 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**.

The subdivider shall also comply with those recommendations of the **Sanel 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 and Water Quality

11. 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.
12. The applicant shall submit to the Division of Environmental Health an acceptable water quantity evaluation (DEH FORM # 26.05) completed by a qualified individual of a water source located either on parcel(s) 1 or 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).
13. 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.

Transportation/Traffic

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. A standard private road approach shall be constructed at the Highway in accordance with encroachment permit procedures administered by the California Department of Transportation.
17. 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.

DATE

JOHN SPEKA

JS/at
April 24, 2015

Mitigated Negative Declaration
Appeal Fee: \$ 910.00
Appeal Days: 10 days

*** Indicates conditions relating to Environmental Considerations - deletion of these conditions may affect the issuance of a Mitigated Negative Declaration.*

LIST OF ATTACHMENTS:

- A- Environmental Review/Initial Study
- B- Location Map
- C- Aerial
- D- Wide Aerial
- E- Tentative Map
- F- Zoning Display Map
- G- General Plan Map
- H- Fire Hazard
- I- Local Soils
- J- Williamson Act Map