

MENDOCINO COUNTY DEPARTMENT OF PLANNING AND BUILDING SERVICES

STAFF REPORT FOR PARCEL SUBDIVISION

**#P_2014-0001
JUNE 18, 2015
PAGE PC-1**

OWNER: HWC AND ASSOCIATES, LLC
PO 575
COVELO, CA 95428

APPLICANT: RANDY WESTON
557 S. MAIN STREET
WILLITS, CA 95490

REQUEST: Parcel Subdivision of a 287± acre legal parcel (APNs 034-121-63, -66, -71, and -72) into four (4) parcels of 47±, 47± 74± and 119± acres. The private road name "Pear Ranch Road" is proposed to serve the parcels.

DATE DEEMED COMPLETE: 2/6/2015

LOCATION: In Covelo, 1.5± miles south of town center, lying north of Fairbanks Road (CR 327A) east of its intersection with Highway 162 (Covelo Road). No address assigned; APN's 034-121-63, -66, -71, and -72.

TOTAL ACREAGE: 287± Acres

GENERAL PLAN: Agriculture-40 acre minimum (AG 40)

ZONING: Agriculture-40 acre minimum (AG 40)

SUPERVISORIAL DISTRICT: 3

ENVIRONMENTAL DETERMINATION: Mitigated Negative Declaration

RECOMMENDATION: Approve with conditions

PROJECT DESCRIPTION: The property owner, HWC & Associates LLC, is requesting a Parcel Subdivision per Mendocino County Code Section (MCC Sec) 17.19 within the Rangeland-160 (RL-160) zoning district. The Parcel Subdivision would create four (4) lots of 47±, 47±, 74±, and 119± acres with access to three of the lots over Pear Ranch Road (private) off of Fairbanks Road (CR 327A) and one lot having direct access off of Fairbanks Road.

The Department of Planning and Building Services and the Department of Transportation requested that the applicant submit a Parcel Subdivision application instead of a Minor Subdivision application for two reasons: 1) all parcels are larger than 40 acres and 2) the property owners own contiguous properties which would be included in determining the number of parcels being created per MCC 17.-17.(E) **Cumulation of Parcels.**

APPLICANT'S STATEMENT: The applicant provides this description of the project: "The project is located in the southern part of Round Valley just north of Fairbanks Road and consists of 287± acres. The proposed division will create 4 parcels, two 47 acre parcels, a 74 and 119 acre parcel. The zoning is AG 40 and is used as grazing land. None of the property is Agricultural Preserve. Access will be off of Fairbanks Road, and will be by a private road, "Pear Ranch Road" that will terminate at a cul-de-sac for access to these parcels. Water will be by private well and sewage disposal will be private also. Wet

weather tests have been completed and preliminary septic systems have been designed. Three of the four parcels currently have PG&E and the fourth parcel will have utility easements as an appurtenance”.

SITE CHARACTERISTICS: The subject property is located approximately 2.5 miles south of Covelo and north of Fairbanks Road. The subject property is undeveloped; the terrain is level and is currently used for a pear orchard and fallow pasture.

The property is undeveloped except for one well and two small ponds.

The State of California Natural Diversity Database maps indicate that there are oak woodlands on the property which should be protected.

SURROUNDING LAND USE AND ZONING:

	GENERAL PLAN	ZONING	LOT SIZES	USES
NORTH	AG 40	AG 40	20 acres	AG/ Res
EAST	AG 40	AG 40	5 to 118 acres	AG/ Res
SOUTH	RR5/AG 40	RR 5/AG 40	2 to 271 acres	AG/ Res
WEST	AG 40	AG 40	18 to 20 acres	AG/ Res

SERVICES:

Access: The subject property is located on the north side of Fairbanks Road (CR 327A). Three of the proposed parcels will gain access off of Fairbanks Road by “Pear Ranch Road” (private) and one of the proposed parcel will have direct access to Fairbanks Road.

Fire District: Covelo Fire District

Water District: NONE

Sewer District: NONE

School District: Round Valley Unified School District

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		
Assessor	X		
Agricultural Commissioner		X	
RLPC			X
CalFire			X
Sonoma State University-NWIC			X
Archaeological Commission			X
Air Quality	X		
Covelo Fire District	X		
State Dept. of Fish & Wildlife	X		
RWQCB	X		

KEY ISSUES:

Key Issue #1- General Plan and Zoning Consistency: General Plan Policy # DE-16: Land Use Category: AG-Agricultural Lands:

General Uses: Residential uses, agricultural uses, farmworker housing, cottage industries, residential clustering, uses determined to be related to and compatible with agriculture, conservation, processing and development of natural resources and utility installations.

Agricultural Resources Policy General Plan Policy # RM-109 states in part: *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 40 acres or greater are compatible with the General Plan land use designation of Agriculture 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 # 2.

Key Issue #2-Biological Resources: The State of California Natural Diversity Database Map indicates that there are oak woodlands on the property and staff is recommending that a 50 foot buffer be established between future development and the drip line of the oak woodland. This 50 foot buffer will be shown on an Exhibit Map which will be found in file #P_2014-0001. See Condition # 4.

Key Issue #3-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 safety including dangerous intersections or conflicts with farm equipment. The conditions will also mitigate any possible emergency access issues. See Condition numbers 15-22. Staff also recommends that a road maintenance agreement be established for the future maintenance of "Pear Ranch Road" (private). See Condition # 23.

Key Issue #4-Division of Land Regulations: The project was reviewed by the County Subdivision Committee on March 12, 2015, which recommended conditional approval to the Planning Commission per the required findings found in Section 17-48.5 of the Mendocino County Code. No conflicts with the County Division of Land Regulations were identified.

Key Issue #5-Fire Hazard Zone: The subject property is located in the Covelo Fire Protection District and is also located in a very high fire hazard severity zone. The applicant will be required to meet the required regulations of the Covelo Fire Protection District. See Condition # 14.

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 #P_2014-0001 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 and is subject to the conditions of approval.
4. There is substantial evidence in the record that any and all structures that are built on the proposed lots within this subdivision will meet the required State Board of Forestry and Fire Protection regulations that are found in Sections 4290 and 4291 of the Public Resources Code in maintaining defensible space for fire protection of new structures.
5. Structural fire protection and suppression services will be available for the subdivision by a funded public entity (Covelo Fire Protection District) that is organized solely to provide fire protection services.
6. Ingress and egress for the subdivision meets the regulations regarding road standards for fire equipment access and for local ordinance and approved by the Mendocino County Department of Transportation and by the Covelo Fire Protection District.

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 Agriculture, Rangeland or are under a Williamson Act contract.

Air Quality

3. A note shall appear on the **Parcel Map** or **Additional Information Sheet** that the access road, driveway, and interior circulation routes 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. The subdivider shall submit to the Department of Planning and Building Services, an **Exhibit Map** defining the Oak Woodland Areas on proposed Parcels 3 and 4. This **Exhibit Map** shall include a 50 foot buffer extending from the drip-line of the Oak Trees in which no future development will be permitted.

5. 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:

- **6. Those “Recommendations” outlined in the Archaeological Report dated August 8, 2014, prepared by, Alex DeGeorgey MA, Registered Professional Archaeologist shall be complied with. In addition, Mendocino County Archaeological Commission requires a building/development restriction shall be carried forward with deed restrictions. In the event that additional 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:

- **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:
 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 (38.3m³) on any one lot and does not obstruct drainage.

- **8. 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".
- **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) 1-4 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 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 on parcel(s) Any 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.

Hazards and Hazardous Materials:

- **14. The subdivider shall also contact the Covelo Fire District and written verification shall be submitted from the Fire District to the Department of Planning and Building Services that compliance with Covelo Fire District requirements have been met to their satisfaction.

Transportation/Traffic:

- **15. There shall be provided an access easement of forty-six (46) and sixty (60) feet in width (as per tentative map) from a Fairbank Road (CR 327A) to the easterly boundary of Parcel 1.
- **16. 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.
- **17. 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.
- **18. Construct a twenty-two (22) foot wide road with an eight (8) inch thick aggregate base surface from Fairbanks Road (CR 327A) to the easterly boundary of Parcel 1, using a minimum of horizontal curve radius of one hundred twenty-five (125) feet, grade not to exceed fifteen (15) percent, and drainage culverts where necessary. New or replaced culverts shall be a minimum of 18 inches in diameter. Road improvements shall be constructed in conformance with improvement plans prepared by a professional civil engineer licensed by the State of California.

- **19. A standard private road approach shall be constructed at the subdivision road intersection with Fairbank Road (CR 327A), with a minimum width of twenty-two (22) feet in conformance with Mendocino County Department Design Standards No A51B, A51C, A52 and A53.
- **20 Any proposed work within County rights-of-way requires obtaining an encroachment permit from the Mendocino County Department of Transportation.
- **21. A 40-foot radius turnaround shall be constructed within a 50-foot radius easement at the locations shown on the tentative map to the satisfaction of the Mendocino County Department of Transportation.
- **22. Special Condition for Bridges: A report prepared by a Civil Engineer shall be filed with the Mendocino County Department of Transportation, verifying the opening beneath the creek crossing has sufficient capacity to accommodate the 100-year flood, and that the creek crossing can sustain an HS-20 loading. The report shall verify that, in the opinion of the Engineer, the crossing has been constructed in accordance with acceptable industry practice, is suitable for a structure sited at this location, and has no outstanding maintenance defects or limitations. If the crossing meets the HS-20 loading, but is not able to safely support all combinations of State legal loads (as determined by California Vehicle Code Section 35550 et seq.), the report shall also specify the allowable capacity, and signs shall be posted on each side of the crossing (Uniform Sign Type R20B, 24" minimum, with appropriate Type R20D) to indicate the load restrictions. Any bridge or culvert construction, or modifications, shall be performed under the direct supervision of a Civil Engineer. A building permit will be required from the Department of Planning and Building Services. Prior to construction of the creek crossing, subdivider shall obtain any necessary permits from the California Department of Fish and Game (Wildlife), the U.S. Army Corps of Engineers, and any other agencies with jurisdiction. The Civil Engineer shall verify in the report that all necessary permits were obtained.
23. The applicant shall create, to the satisfaction of Mendocino County Counsel (fee to be collected for review), current fee is \$150.00, check payable to Mendocino County Counsel) and the Department of Planning and Building Services, an organization for the maintenance of the private roads and appurtenant drainage systems within the subdivision.
24. In-lieu fees shall be paid into the Affordable Housing Trust Fund per Section 20.238.035 of the County Code equaling 5% of County-wide median sales price of a single-family residence. Fees shall be collected prior to recordation of the **Parcel Map**.
25. The new legal descriptions proposed by Boundary Line Adjustment #B_2014-0051 must be recorded in quit claim deeds prior to the recordation of Parcel Division #P_2014-0001.

{DATE}

FRED TARR

FT/at
April 14, 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.

ATTACHMENTS:

- A. Environmental Review/Initial Study
- B. Location Map
- C. Aerial Photo
- D. Topographic Map
- E. Plot Plan
- F. Site Plan
- G. Floor Plan
- H. Adjacent Property Owners
- I. Zoning Map
- J. General Plan Map
- K. Fire Hazard Maps
- L. Local Soils
- M. Williamson Act Map