

Resolution Number \_\_\_\_\_

Planning Commission  
County of Mendocino  
Ukiah, California  
July 16, 2015

MS\_2010-0014 MORGAN DeBOLD / SANDRA DARR

RESOLUTION OF THE Planning Commission, COUNTY OF MENDOCINO, STATE OF CALIFORNIA, ADOPTING A Mitigated Negative Declaration AND GRANTING APPROVAL for a Minor Subdivision located 10+/- miles north of Laytonville, lying on both side of Bell Springs Road (CR# 324) approximately 0.5+/- mile from its intersection with State Highway 101. Located at 57800 Bell Springs Road, Laytonville; APN 053-490-08.

WHEREAS, the owner and applicant, MORGAN DeBOLD and SANDRA DARR, filed an application for the minor subdivision with the Mendocino County Department of Planning and Building Services to create two parcels of 21.0+/- acres and 40.8+/- acres, 10+/- miles north of Laytonville, lying on both sides of Bell Springs Road (CR# 324) approximately 0.5+/- mile from its intersection with State Highway 101, at 57800 Bell Springs Road, Laytonville; APN 053-490-08.; General Plan: Remote Residential (RMR 20); Zoning: Upland Residential (UR 20); Supervisorial District 3; and

WHEREAS, a MITIGATED NEGATIVE DECLARATION was prepared for the Project and noticed and made available for agency and public review for the proposed project 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 July 16, 2015, at which time the Planning Commission heard and received all relevant testimony and evidence presented orally or in writing regarding the Mitigated Negative Declaration and the Project. All interested persons were given an opportunity to hear and be heard regarding the Mitigated Negative Declaration and the Project; and

WHEREAS, the Planning Commission has had an opportunity to review this Resolution and finds that it accurately sets for the intentions of the Planning Commission regarding the Mitigated Negative Declaration and the Project.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission makes the following findings;

**Division of Land Findings:**

- 1.) Pursuant to California Government Code Section 66445(e), the Planning Commission finds that 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 minor 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 minor subdivision is consistent with the applicable goals and policies of the General Plan and consistent with the Zoning Code as subject to the conditions of approval.

**Environmental Findings:** The environmental impacts identified for the project can be adequately addressed 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.

**Fire Hazard Findings:**

- 1.) The existing development on the proposed parcels and any future structures on the proposed parcel will be able to 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 existing and future structures. Cal Fire Condition of Approval listed under Cal Fire File #356-10 includes provisions for maintaining defensible space for fire protection and fire protection of existing and new structures.
- 2.) Structural fire protection and suppression services will be available for the subdivision by a funded public entity (Long Valley Fire Protection District) that is organized solely to provide fire protection services.
- 3.) Ingress and egress for the subdivision will meet Cal Fire and local ordinance regulations regarding road standards for fire equipment access. Cal Fire #356-10 includes the required private road/driveway widths, maximum grades and type of surface required to accommodate fire equipment.

BE IT FURTHER RESOLVED that the Planning Commission hereby adopts the Mitigated Negative Declaration and the Mitigation Monitoring Program set forth in the Conditions of Approval. The Planning Commission certifies that the Mitigated 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 Mitigated Negative Declaration reflects the independent judgment and analysis of the Planning Commission,

BE IT FURTHER RESOLVED that the Planning Commission hereby grants the requested INLAND MINOR SUBDIVISION, 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 11<sup>th</sup> day after the date of the Resolution unless an appeal is taken.

## EXHIBIT A

### CONDITIONS OF APPROVAL MINOR SUBDIVISION - MS\_2010-0014 JULY 16, 2015

Minor Subdivision located 10± miles north of Laytonville, lying on both side of Bell Springs Road (CR 324) approximately 0.5± mile from its intersection with Highway 101. Located at 57800 Bell Springs Road, Laytonville; APN 053-490-08.

**APPROVED PROJECT DESCRIPTION:** Subdivision of a 62.6± acres parcel, creating two (2) parcels of 21.8± acres and 40.8± acres in size.

#### **CONDITIONS OF APPROVAL:**

##### Aesthetics

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

“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.”

**The Planning and Building Services Department will review and sign-off all building permit applications for new structures and will verify that all future lighting associated with the new structures are downcast or 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** 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.

**Mendocino County Grading Permits for access roads, driveways and interior circulation routes will require sign-off from the Air Quality Management District prior to issuance.**

##### Biological Resources

3. \*\* 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 (or current fee) shall be made payable to the Mendocino County Clerk and submitted to the Department of Planning and Building Services prior to July 31, 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 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 insure timely compliance with this condition.**

**The California Department of Fish and Wildlife filing fee is required to be paid prior to the recordation of the Notice of Determination.**

#### Cultural Resources

4. \*\* The historic road segment as identified in the Archaeological Survey prepared by John Parker on March 3, 2015 must be avoided during any future ground disturbance activity.

**Mendocino County Grading permits will be required prior to any future ground disturbance activity at which time, the Planning Division will have the opportunity to assure that the historic road segment, as identified in the Archaeological Survey which was prepared by John Parker, is avoided. A copy of that Archaeological Survey is kept in a secure location in the office of the Mendocino County Department of Planning and Building Services.**

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.

**See mitigation monitoring for Condition #4.**

#### 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.
  - 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<sup>st</sup>.
  - 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.

**A grading permit will be required for construction of roads, driveway and building pads and BMP will be required through the Division of Building Services.**

7. A notation shall be placed on the Parcel Map/Unilateral Agreement 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".

#### Hydrology and 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.

**The Division of Environmental Health will be the responsible agency for this mitigation monitoring condition. This must be met prior to recordation of the parcel map.**

9. \*\* The applicant shall submit to the Division of Environmental Health an acceptable site evaluation report (DEH FORM # 42.04) for parcel(s) 1 and 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).

**See mitigation monitoring for Condition #8.**

10. \*\* 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) 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).

**See mitigation monitoring for Condition #8.**

11. \*\* 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.

**See mitigation monitoring for Condition #8**

- 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 any parcel of the subdivision demonstrating an adequate water supply in compliance with the Division of Environmental Health's Land Division Requirements (DEH FORM # 26.09).

**See mitigation monitoring for Condition #8.**

### Public Services

- 13.a \*\* The subdivider shall comply with those recommendations and conditions of approval that are found in **Cal Fire** File # 356-10, or other alternatives as acceptable to the **Cal Fire**. Written verification shall be submitted from **Cal Fire** to the Department of Planning and Building Services that these conditions have been met to the satisfaction of **Cal Fire**.

**Cal Fire is the responsible agency for this mitigation monitoring condition and the County of Mendocino will not record the parcel map until Cal Fire's conditions are met.**

- 13.b\*\* Written verification shall be submitted from **Long Valley Fire District** to the Department of Planning and Building Services that the required regulations have been met to the satisfaction of the **District**.

**All of Long Valley Fire District's required regulations must be met prior to recordation of the parcel map.**

### 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. \*\* Two standard private driveway approaches shall be constructed to serve Parcels 1 and 2, minimum width of ten (10) feet, and improved length of fifteen (15) feet from the edge of the County road, to be surfaced with surfacing comparable to that on the County road.

**The Mendocino County Department of Transportation is the responsible agency for this condition and the parcel map will not be recorded until this condition has been met.**

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

### Standard/Special Conditions

18. 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.
18. All structures to remain on site, shall maintain setbacks to all new property lines in accordance with the Upland Residential Zoning District requirement, Mendocino County Code (MCC) Section 20.048. In addition, all barns shall maintain 50 foot setbacks to all property lines and 40 foot setback to all residential structures as required by MCC 20.152.015(G).

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

\*\* Indicates Mitigation Monitoring and Reporting Program conditions associated with the Environmental document.

ATTEST: ADRIENNE M. THOMPSON  
Secretary to the Planning Commission

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MOLLY WARNER, Chair  
Mendocino County Planning Commission

By \_\_\_\_\_

I hereby certify that according to the Provisions of Government Code Section 25103 delivery of this document has been made

APPROVED AS TO FORM  
DOUGLAS L. LOSAK, Interim County Counsel

BY: STEVEN D. DUNNICLIFF  
Director

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Deputy

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