

**OWNER/APPLICANT:** JACK & PATRICIA ROSETTI  
4715 WOODVIEW  
SANTA ROSA, CA 95405

**AGENT:** MARK D. VOGEL  
761 SOUTH STATE STREET  
UKIAH, CA 95482

**REQUEST:** Subdivision of a 1.17± acre residential parcel, creating two (2) parcels of 24,183± square feet and 26,844± square feet in size.

**ENVIRONMENTAL DETERMINATION:** Mitigated Negative Declaration

**RECOMMENDATION:** Approve the request

**LOCATION:** Within the 'Old' Hopland community, on the west side of McDowell Street (CR 115E), 250± feet north of its intersection with Sanel Street (CR 115B), located at 12990, 12994, 12996 and 13000 McDowell Street, Hopland; APN 048-220-23.

**TOTAL ACREAGE:** 1.17± Acres

**GENERAL PLAN:** Suburban Residential (SR)

**ZONING:** Suburban Residential- 6,000 square foot minimum/Flood Plain (SR:6K/FP)

**ADJACENT ZONING:** **North & South:** Suburban Residential SR- 6,000 square foot minimum/Flood Plain (SR:6K/FP)  
**East & West:** Agriculture-40 acre minimum/Flood Plain (AG:40/FP)

**EXISTING USES:** Single Family Residences

**ADJACENT USES:** **North & South:** Residential  
**East & West:** Agriculture

**SUPERVISORIAL DISTRICT:** 5

**OTHER RELATED APPLICATIONS ON SITE/NEIGHBORING PROPERTY:**

**On-Site**

- Certificate of Compliance #CC 70-91 resulted in the recording of four Certificates of Compliance, one of which included the subject parcel. These four Certificates were recorded on June 18, 1992.
- Boundary Line Adjustment #B 104-93 was approved on January 27, 1994 which reconfigured the parcel boundaries previously recognized by #CC 70-91.

- Second Residential #SR 3-96 was approved to permit the construction of a second single family residence on the lot.
- Use Permit (Minor) #U 16-2004 was approved to permit the construction of two additional single family residences on the lot.
- Flood Plain Development Permit #FP 6-2004 was prepared for the above proposed project.

**Neighboring Property**

- Second Residential #SR 5-91 was approved to permit the construction of a second single family residence on the lot located to the south of the subject property.
- Use Permit (Minor) #U 17-2004 was approved to permit the construction of two additional single family residences on the lot located to the south of the subject property.
- Flood Plain Development Permit #FP 7-2004 was prepared for the above proposed project.
- Use Permit (Minor) #U 9-2009 for a multi-family development of fourteen (14), two (2) bedroom dwelling units in a Suburban Residential (SR) Zoning District was denied by the Planning Commission on a 5-0 vote on June 17, 2010. This was proposed for the property located to the north of the subject property. The denial was based on inconsistencies with the General Plan, specifically agricultural resources, safety and water resources.
- Flood Plain Development Permit #FP 2-2010 was prepared for the above proposed project.
- Minor Subdivision #MS 3-2013 for a four (4) lot division of property located to the north of the subject property. This project was approved by the Planning Commission on October 31, 2013 and was recorded on September 3, 2014.

**PROJECT DESCRIPTION:**

The applicant has requested a Minor Division of one (1) Legal Parcel consisting of 1.17± acres into two (2) parcels of 24,183± square feet and 26,844± square feet. The subject parcel was originally recognized through Certificate of Compliance #CC 70-91 and reconfigured by Boundary Line Adjustment #B 104-93.

**SITE CHARACTERISTICS:**

The parcel fronts on a private roadway (50 foot access and utility easement) on the northeast boundary of the property which extends to McDowell Street (CR 115E). This roadway easement also serves the properties to the north.

Currently there are a total of four single family residences located on the property and after the proposed division; each parcel will have two single family residences. Water and sewer are provided by the Hopland Public Utility District to the existing four residences. No new construction is anticipated.

The project site slopes gently to the west, away from McDowell Street and there is an 8% slope from the rear of the existing residences to a pear orchard. There is a large oak tree (6± feet diameter) located in the front roadway easement.

The existing residences meet the required setbacks in the front and rear of 20 feet and in the sides of 6 feet as well as the off-street parking requirements per Section 20.180.015(A).

**SERVICES:**

Access: Private Road – The two proposed parcels will be accessed by a private road off of McDowell Street (CR 115E). The private road extends across the frontage of both proposed parcels.

Fire District: Sanel Valley Fire District

Water District: Hopland Public Utility District

Sewer District: Hopland Public Utility District  
 School District: Ukiah Unified School District

**SURROUNDING LAND USE AND ZONING:**

	<b>GENERAL PLAN</b>	<b>ZONING</b>	<b>LOT SIZES</b>	<b>USES</b>
<b>NORTH</b>	SR	SR 6K FP	Residential Lots	Residential
<b>EAST</b>	AG 40	AG 40 FP	18± acres	Agricultural
<b>SOUTH</b>	SR	SR 6K FP	Residential Lots	Residential
<b>WEST</b>	AG 40	AG 40 FP	67± acres	Agricultural

**KEY ISSUES:**

Key Issue #1- Land Use General Plan Consistency:

The project is consistent with the General Plan designation of Suburban Residential. Both parcels being created will maintain the 6,000 square foot minimum. The Land Use Section of the General Plan states the following for the intent of Suburban Residential:

*The Suburban Residential classification is intended to be applied to transitional lands adjacent to cities or towns, including in portions of Community Planning Areas where only residential activities are considered desirable, which lands are appropriate to accommodate future growth, Lands within the Suburban Residential classification should have moderate to light constraints for residential development, should be served by the publicly-maintained road network, and should be located within public service districts or the logical extensions thereof. Portions of lands within the Suburban Residential classification will be appropriate for development of residential subdivisions. Such areas should be developed as major subdivisions, not minor subdivisions; or retained in parcels of sufficient size to be economically developed as subdivisions at some future time.*

While the subject property generally complies with the Suburban Residential general plan designation, there are issues with the location of the property within a Flood Plain (FP) Combining District and adjacent to Agricultural lands which limit the potential for further development. Given the existing build out of the existing parcel, the subdivision would merely divide the properties into 2 separate single family parcels and not increase development intensity. Each of the proposed parcels would already be built out to their maximum number of single family residences (2).

Key Issue #2-Transportation:

The County Department of Transportation (DOT) has reviewed the project with regards to circulation, ingress and egress. The following is a comment discussing the current access for the four existing houses:

*The site is accessed from the north end of McDowell Street. Both residential units on Parcel 1 and the western residence on Parcel 2 are accessed from the north end of McDowell Street from an existing asphalt concrete private road approach and private rocked road with a westerly bearing. The eastern residence on Parcel 2 is accessed from an existing asphalt concrete private road approach and a northerly bearing private rocked road easement serving a northerly adjacent property.*

The DOT has offered five recommended conditions of approval to mitigate any adverse environmental issues that relate to circulation, ingress and egress. See Conditions # 13-17.

## Key Issue #3- Flood Plain:

The subject site lies entirely within the 100-year Flood Plain of the Russian River and also in the Dam Inundation Zone. The existing single family residences were placed on the site with the appropriate building and flood development permits (#FP 6-2004). All of the uses on the subject site are allowable in this zoning district and all structures are elevated above the flood plain.

The Flood Hazards are still a concern and although no more single family residential units would be permitted on the proposed parcels, guest cottages, detached bedrooms and temporary housing would be permitted. Given the concerns by Staff and the Commission during previous use permit hearings in the area, staff recommends that no additional detached living space, such as detached bedrooms, guest cottages, and temporary uses that would allow for living units, such as travel trailers for family care units be approved. See Condition #4.

## Key Issue #4- Agriculture:

Adjacent to the property to the northwest are lands within an Agricultural Preserve. The Mendocino County General Plan Policy RM-109 establishes guidelines for development of property contiguous to agricultural lands.

*Policy RM-109: Discretionary projects and parcels created by land divisions shall be designed and sized to be compatible with contiguous lands classified Agricultural Lands or Range Lands. Criteria include but are not limited to the following:*

- *The number of ownerships and land use intensities adjacent to parcels classified Agricultural Lands or Range Lands shall be minimized.*
- *Projects shall be designed to reduce growth-inducing impacts and maintain a stable limit to urban development. (Staff recommends that a notation be placed on the **Parcel Map** that no further division of the proposed Parcels will be permitted thereby complying with Policy RM-109 of the Mendocino County General Plan). See Condition # 2.*
- *Building envelopes, clustered development, and commercial, industrial, civic and sensitive uses shall be designed with buffers or setbacks from lands classified Agricultural Lands or Range Lands. 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. (There is a pear orchard on the subject property that provides a 170 feet buffer between the existing single family residences and the property which is zoned Agriculture. Staff is also recommending a condition that no additional residential units will be constructed on the proposed Parcels and in addition, the existing single family residences would be in compliance). See Condition # 4.*
- *Potential conflicts related to noise, dust, odor, pesticide use, spraying, burning, lights, late or early hour activities, vandalism and trespass and other issues associated with agricultural operations on agriculture zoned land, shall be mitigated by the new discretionary project, respecting the county's "Right to Farm" ordinance. (Mendocino County Ordinance 10A.13 and specifically Section 10A.13.040 requires disclosure of nearby "agricultural operations including, but not limited to, cultivation, plowing, spraying, pruning, harvesting, crop protection, which occasionally generate dust, smoke, noise and odor and protecting animal husbandry from depredation." This disclosure is required with the "sale, purchase, transfer or lease of real property zoned: "Agricultural Land", or is located within 300 feet of such land").*
- *Residential uses and subdivisions shall maintain a ten (10) acre minimum parcel size adjacent to lands under active Williamson Act contracts which are classified Agricultural or Rangeland. Parcels classified with a smaller minimum parcel size, or zoned Planned Development of Clustering, may exceed these densities, provided that the criteria in policies RM-100 to RM-109 are also employed to reduce impacts. (The subject property is classified with a smaller minimum parcel requirement and therefore may exceed the 10 acre minimum).*

**STAFF RECOMMENDATION:**

Adopt the Mitigated Negative Declaration and approve the request for a Minor Subdivision creating one additional parcel with the recommended Conditions of Approval.

**FINDINGS FOR RECOMMENDED APPROVAL:**

**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.

**Project findings:** The Planning Commission, making the above findings, approves #MS 9-2014 subject to the following conditions of approval as recommended within the staff report, further finding:

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.

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

**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.”

Agricultural

2. The following notes shall be placed on the **Parcel Map** for compliance with Mendocino County General Plan Policy RM-109:

“No further division of the proposed Parcels shall be permitted.” and

“The subject property is located within 300 feet of Agricultural land and residents of the property may be subject to inconvenience or discomfort arising from use of agricultural chemicals, and from the pursuit of agricultural operations including, but not limited to, cultivation, plowing, spraying, pruning, harvesting, crop protection, which occasionally generate dust, smoke, noise, and odor, and protecting animal husbandry from depredation, and should be prepared to accept such inconvenience or discomfort as normal and necessary to farm operation.”

3. The following statement shall appear on the **Parcel Map**:

“All structures (existing and proposed) shall maintain a minimum setback of 50 feet from all property boundaries contiguous with lands under a Williamson Act contract.”

4. The following statement shall appear on the **Parcel Map**:

“Detached bedrooms, guest cottages, and any temporary living unit (i.e. family care units etc.) shall not be allowed due to close proximity to agriculturally zoned property (adjacent lands) and the

potential for hazard from flooding and inundation.”

#### Air Quality

5. 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.

#### Biological Resources

6. 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 \$2,231.25 (or current fee after January 1<sup>st</sup>) shall be made payable to the Mendocino County Clerk and submitted to the Department of Planning and Building Services prior to January 20, 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 insure timely compliance with this condition.**

#### Cultural Resources

7. A note shall appear on the **Parcel Map** that: “In the event that permits (building, grading, etc.) for any future development on any portion of the subject property are applied for, a new archaeological survey shall be required.”

#### Geology & Soils

8. 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.
9. 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".

#### Hydrology and Water Quality

10. All areas within the subdivision subject to flooding shall be clearly identified on the **Parcel Map**. The information on the parcel map shall be based on a flood hazards report prepared by a Civil Engineer and filed with the Planning and Building Services Department and the Mendocino County Department of Transportation. The flood hazards report, using data developed by the Federal Emergency Management Agency, shall clearly identify the magnitude of the flood potential as such relates to the subdivision. A reference to the report shall be made on the **Parcel Map**.
11. A note shall appear on the **Parcel Map** that "Development within the flood plain as identified on this map, is subject to those restrictions in the Flood Plain Regulations of the Mendocino County Code."

#### Public Services

12. Written verification shall be submitted from the **Sanel Valley Fire District** which indicates that the proposed minor subdivision meets their required fire protection standards.

#### Transportation

13. There shall be provided an access easement of a minimum of forty (40) feet in width (as per tentative map) from a publicly maintained road to each parcel being created. Documentation of access easement(s) shall be provided to the Mendocino County Department of Transportation for their review prior to final approval.
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. If a Parcel Map is filed, all natural drainage and water courses shall be shown as easements on the final parcel map. Minimum width shall be twenty (20) feet, or to the high water level plus five (5) feet horizontal distance, whichever is greater.
17. The eastern portions of Parcels 1 and 2 fronting on the existing access easement shall be paved with double bituminous seal for a width of eighteen (18) feet from southern property line of Parcel 1 to the northern property line of Parcel 2.

Utilities/Service Systems

18. The applicant shall either (1) submit to the Division of Environmental Health, a letter from the district(s) or agency(s) stating that water services 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 & 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 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.
19. The applicant will provide a letter from the Hopland Public Utility District to indicate their satisfaction with any requirements that they may have.
20. 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.
21. The applicant and/or subsequent grantees shall create to the satisfaction of Mendocino County Counsel and the Department of Planning and Building Services an organization or association for the maintenance of the private roads and appurtenant drainage systems, water systems and sanitation sewer systems within the subdivision or show evidence of the existence of such an agreement or organization.

**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

\_\_\_\_\_  
FRED TARR  
PLANNER II

FT/hm,at  
November 14, 2014

Mitigated Negative Declaration  
Appeal Fee - \$910.00  
Appeal Period - 10 days

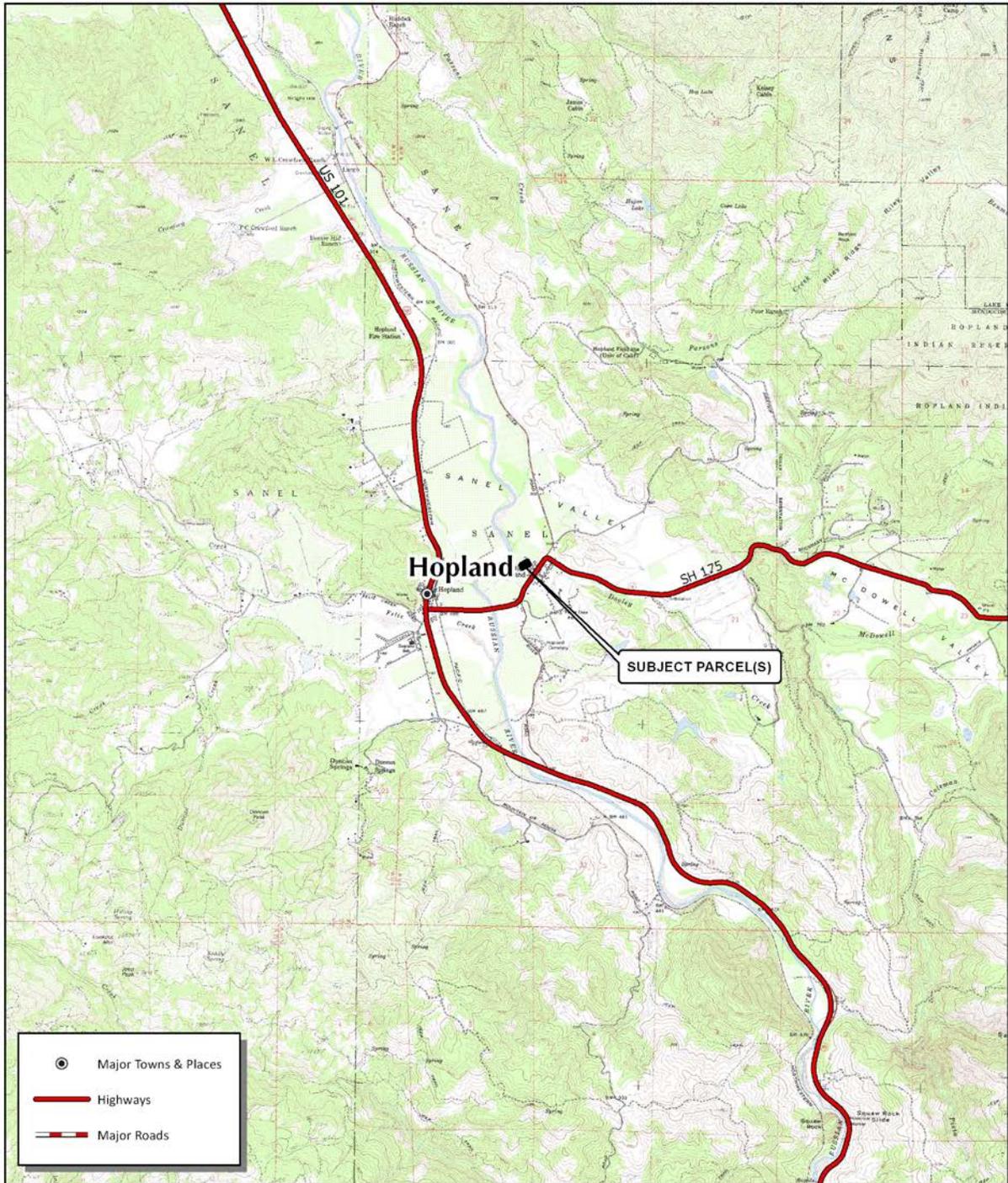
**LIST OF ATTACHMENTS:**

Environmental Review/Initial Study

**REFERRAL AGENCY COMMENTS:**

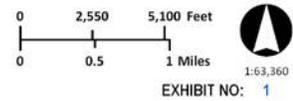
Agency comments relevant to this application are listed within the Key Issues Section of this report and are noted within the Conditions of Approval. Several of the reviewing agencies had no comment regarding the proposed project.

REFERRAL AGENCIES	NOT RETURNED	"NO COMMENT"	COMMENTS
DOT- County Transportation			X
Environmental Health- Ukiah			X
Building Services-Ukiah PBS	X		
Air Quality	X		
Sonoma State			X
Archaeological Commission			X
Dept. of Fish and Wildlife	X		
RWQCB	X		
Hopland Public Utility District			X
Sanel Valley Fire District	X		
Ukiah Unified School District	X		



CASE: MS 9-2014  
OWNER: ROSETTI, Jack & Patricia  
APN: 048-220-23  
AGENT: Mark Vogel  
ADDRESS: 13000 McDowell Street, Hopland

LOCATION MAP

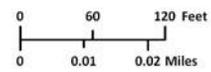




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GOOGLE EARTH AERIAL IMAGERY

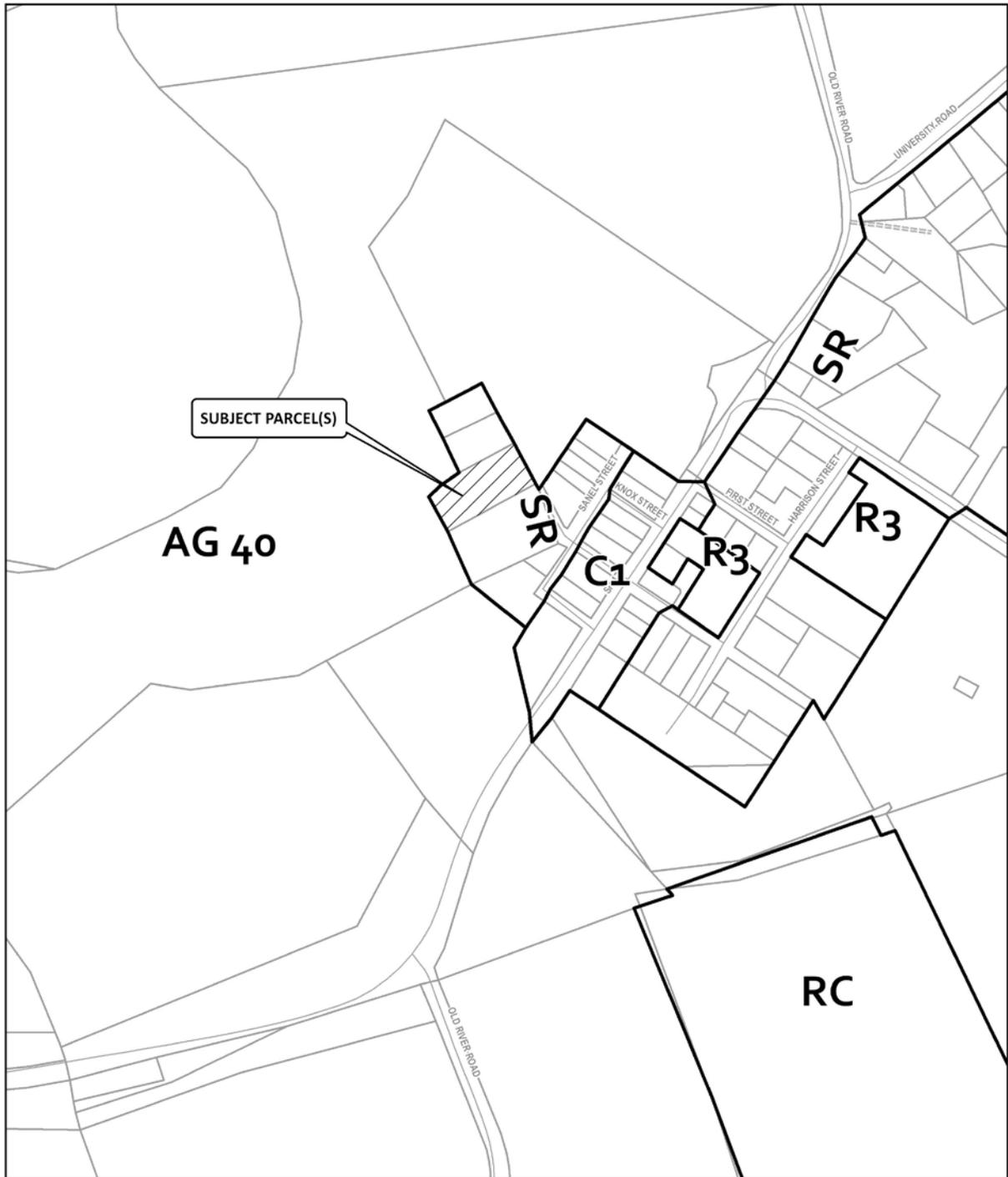
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1:1,487

EXHIBIT NO: 2





CASE: MS 9-2014  
OWNER: ROSETTI, Jack & Patricia  
APN: 048-220-23  
GP/ZONE: SR / SR  
ADDRESS: 13000 McDowell Street, Hopland

ZONING

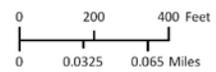
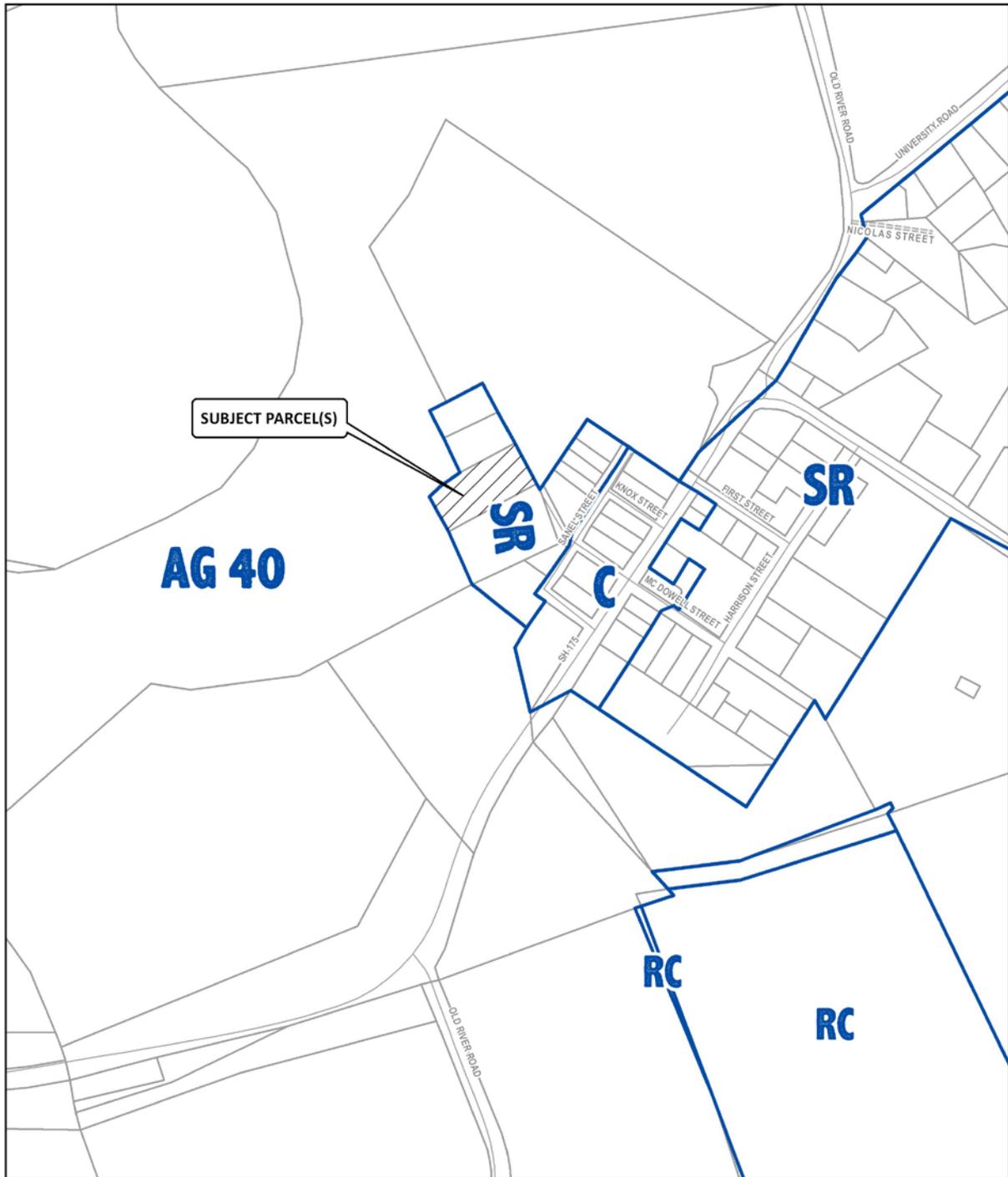


EXHIBIT NO: 4



CASE: MS 9-2014  
OWNER: ROSETTI, Jack & Patricia  
APN: 048-220-23  
GP/ZONE: SR / SR  
ADDRESS: 13000 McDowell Street, Hopland

GENERAL PLAN DESIGNATIONS

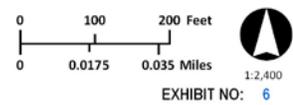


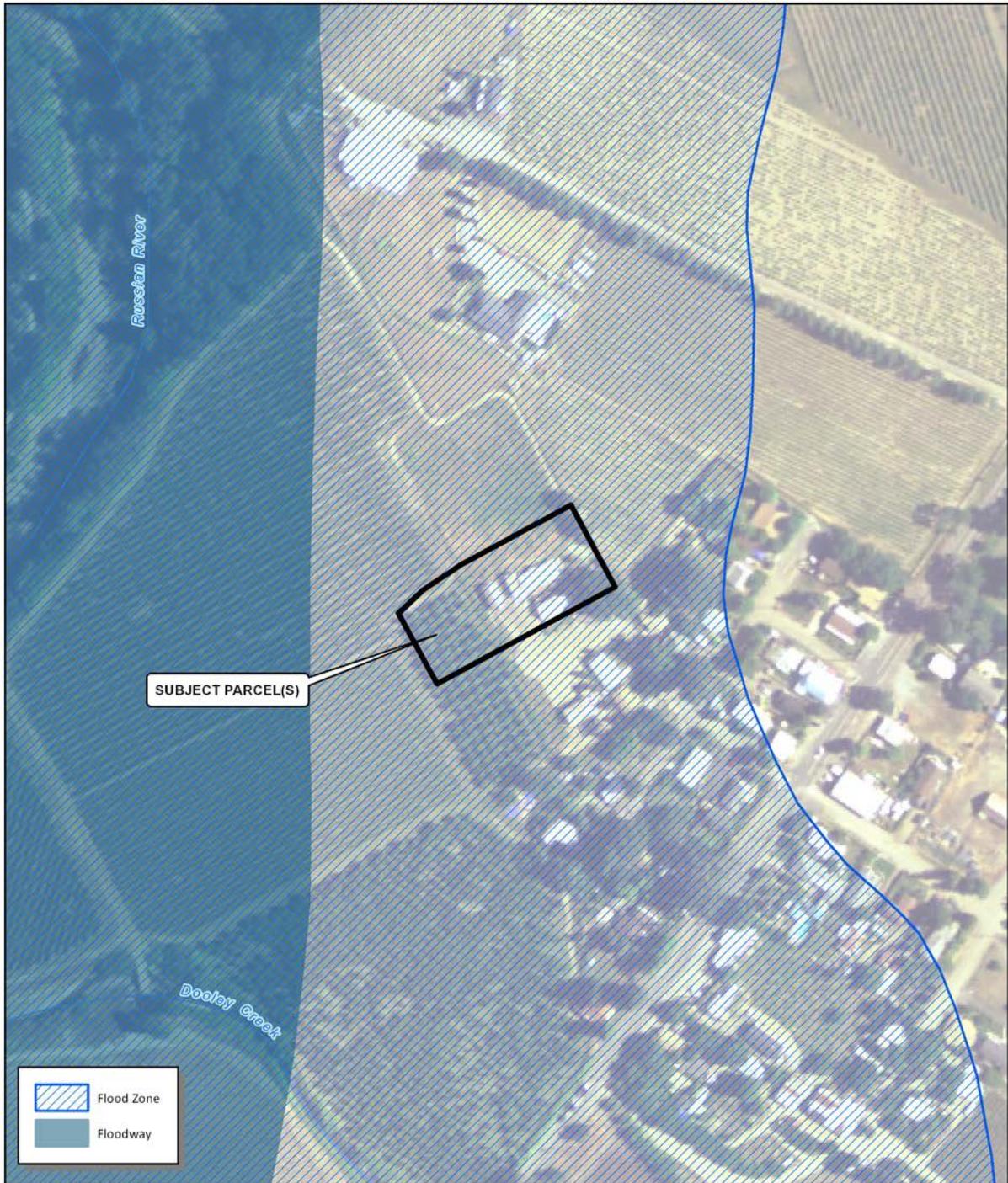
EXHIBIT NO: 5



CASE: MS 9-2014  
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ADJACENT PARCELS





CASE: MS 9-2014  
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**FEMA FLOOD ZONE**  
NFIP MAPS, JUNE 2 2011

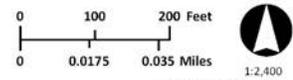


EXHIBIT NO: 7



CASE: MS 9-2014  
OWNER: ROSETTI, Jack & Patricia  
APN: 048-220-23  
AGENT: Mark Vogel  
ADDRESS: 13000 McDowell Street, Hopland

LANDS IN WILLIAMSON ACT CONTRACTS

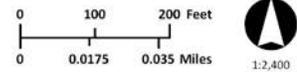


EXHIBIT NO: 9