



**SUMMARY**

**OWNER:** SOUZA PROPERTIES LLC  
6358 CANYON COVE DR  
SALT LAKE CITY, UT 84121

**APPLICANT:** STEVEN SOUZA  
6358 CANYON COVE DRIVE  
SALT LAKE CITY, UT 84121

**REQUEST:** Use Permit to re-establish two (2) single-family dwellings on the property as Farm Labor Housing.

**DATE DEEMED COMPLETE:** February 2, 2016

**LOCATION:** 1± mi. east of the City of Ukiah town center, lying on the north side of E. Gobbi Street (CR 208), approximately ½ mi. east of its intersection with Highway 101 at 1000 E. Gobbi Street, Ukiah (APN: 179-110-01)

**TOTAL ACREAGE:** 30± acres

**GENERAL PLAN:** AG40

**ZONING:** AG:40

**SUPERVISORIAL DISTRICT:** 1

**ENVIRONMENTAL DETERMINATION:** Exempt per Section 15193 of CEQA Guidelines

**RECOMMENDATION:** Approve with conditions

**STAFF PLANNER:** ROBERT DOSTALEK

**PROJECT DESCRIPTION:**

The applicant proposes to designate two (2) single-family dwellings on the property as Farm Labor Housing. Four dwelling units currently exist on the parcel. The proposal includes demolition of an existing garage and construction of a new garage with dwelling unit above. The unpermitted mobile home would be removed. The project would result in a primary residence, a second residential unit and two farm labor housing units.

**BACKGROUND**

On April 28, 1980 the Board of Supervisors approved Use Permit #U 10-80 to authorize two dwelling units on the property as Farm Labor Housing. Three (3) total dwelling units were noted to exist on the subject property at that time. On April 28, 1983 Use Permit #U 10-80 expired as no renewal request was submitted. The dwelling units previously approved for Farm Labor Housing remain on the property unregulated. Additionally, an unpermitted mobile home currently exists on the property resulting in four (4)

total dwelling units. The unpermitted mobile home is proposed to be removed as a component of the project.

Currently, seven (7) other structures exist on the parcel; a garage, a tractor shed, a tool shed, two small storage sheds, an old garage and a chicken coop. As noted above, the old garage is proposed to be demolished and rebuilt with a dwelling unit above

**SURROUNDING LAND USE AND ZONING:**

	<b>GENERAL PLAN</b>	<b>ZONING</b>	<b>LOT SIZES</b>	<b>USES</b>
<b>NORTH</b>	AG40	AG:40	77.97± acres	Ag
<b>EAST</b>	AG40	AG:40	30.7± acres	Ag/Residential
<b>SOUTH</b>	AG40	AG:40	7800 sq. ft. - 18.7± acres	Ag/Residential
<b>WEST</b>	City of Ukiah	City of Ukiah	6000± sq. ft.	Residential

**PUBLIC SERVICES:**

Access: Private driveway off E. Gobbi Street (CR 208)  
 Fire District: Ukiah Valley Fire District  
 Water District: City of Ukiah  
 Sewer District: Ukiah Valley Sanitation District  
 School District: Ukiah Unified

**AGENCY COMMENTS:**

On February 2, 2016 and June 21, 2016 project referrals were sent to the following responsible or trustee agencies with jurisdiction over the Project. Their required related permits, if any, are listed below. A summary of the submitted agency comments are listed below.

<b>REFERRAL AGENCIES</b>	<b>RELATED PERMIT</b>	<b>COMMENT</b>	<b>DATE</b>
Department of Transportation	Encroachment Permit	Comments	February 22, 2016
Assessor		No Response	
Environmental Health-Ukiah		Comments	March 4, 2016
Agriculture Commissioner		No Response	
Building Services-Ukiah PBS	Demo/Building	Comments	February 17, 2016
Sonoma State University		Comments	February 16, 2016
Ukiah Valley Sanitation District		No Response	
City of Ukiah Water		No Response	
Air Quality Management District	Asbestos survey	Comments	February 9, 2016
Ukiah Valley Fire District		No Response	

**KEY ISSUES**

**1. General Plan and Zoning Consistency:**

The subject parcel has a General Plan Land Use Designation of AG40 (Agricultural Lands) with a corresponding zoning of AG:40 (Agricultural District, 40-acre minimum). Farm Labor Housing is permissible upon securing a minor use permit in the AG:40 zone district per Mendocino County Code

(MCC) Section 20.052.020(A).

According to the applicant, the parcel is 30 acres with 28 acres planted to vineyard. Policy OC3.1 of the Ukiah Valley Area Plan (UVAP) directs to "Maintain viable Agricultural Land classifications." Further, principle 2-2d of the General Plan states in part that the County shall "[e]ncourage farmers to provide farmworker housing on their properties for their workers' families, reducing transportation costs, greenhouse gas emissions, and other impacts caused by commuting to farm jobs."

The existing mobile home was placed on the subject property without benefit of permit. The applicant has indicated that the mobile home would be removed as a component of the overall project. **Condition 11** is recommended to require the mobile home to be removed prior to issuance of demolition and/or Building Permits.

The entire subject property is mapped flood zone with approximately the eastern half being floodway (see attached map). Therefore, **Condition 9** is recommended to require the applicant to secure a Flood Hazard Development Permit prior to issuance of Building Permits.

The Division of Environmental Health referral response dated March 4, 2016 includes a condition stating:

*"If site is within the jurisdiction of the Ukiah Valley Sanitation District (UVSD), then a letter from the District will be required. If site is not within the UVSD, then Mendocino County Environmental Health will require standard septic primary and replacement field designs. Environmental Health may require a proof of water test."*

**Condition 12** is recommended to ensure compliance with condition recommendations from the Division of Environmental Health.

The subject parcel is accessed by East Gobbi Street (CR 208). A referral response from the Mendocino County Department of Transportation (DOT) dated February 22, 2016 includes conditions to construct three (3) road approaches onto East Gobbi Street. The recommendations from DOT are included as **Condition 10**.

The project was referred to the California Historic Resources Information System (CHRIS) at Sonoma State University. CHRIS responded on February 16, 2016 that the project site has the possibility of containing unrecorded archaeological site and/or historic structures. The project was heard by the Mendocino County Archaeological Commission on April 13, 2016 at which it was determined that no survey would be required. **Condition 3** is recommended to ensure the project complies with Mendocino County's standard "Discovery Clause" pertaining to archaeological resources.

## **2. Confirmation of Agricultural Uses/Farm Employment on the Property:**

The request involves the use of residential structures on the property for Farm Labor Housing. To ensure the continued use of the authorized dwelling units for farm labor only, **Condition 2** is recommended to require the annual submission of W-2 Forms or other acceptable type of documentation verifying the necessity of agricultural employment on the property.

## **3. Environmental Protection:**

The project is exempt from environmental review pursuant to California Code of Regulations (CCR) Section 15193 (Agricultural Housing Exemption). The project involves the designation of two residential dwelling units as Farm Labor Housing: one dwelling unit to be designated as Farm Labor Housing is pre-existing and one unit is proposed new construction (garage with apartment above).

**RECOMMENDATION**

By resolution, accept the Categorical Exemption and grant approval of Use Permit #U 2016-0001, as conditioned, based on the facts and findings and subject to the conditions of approval.

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DATE

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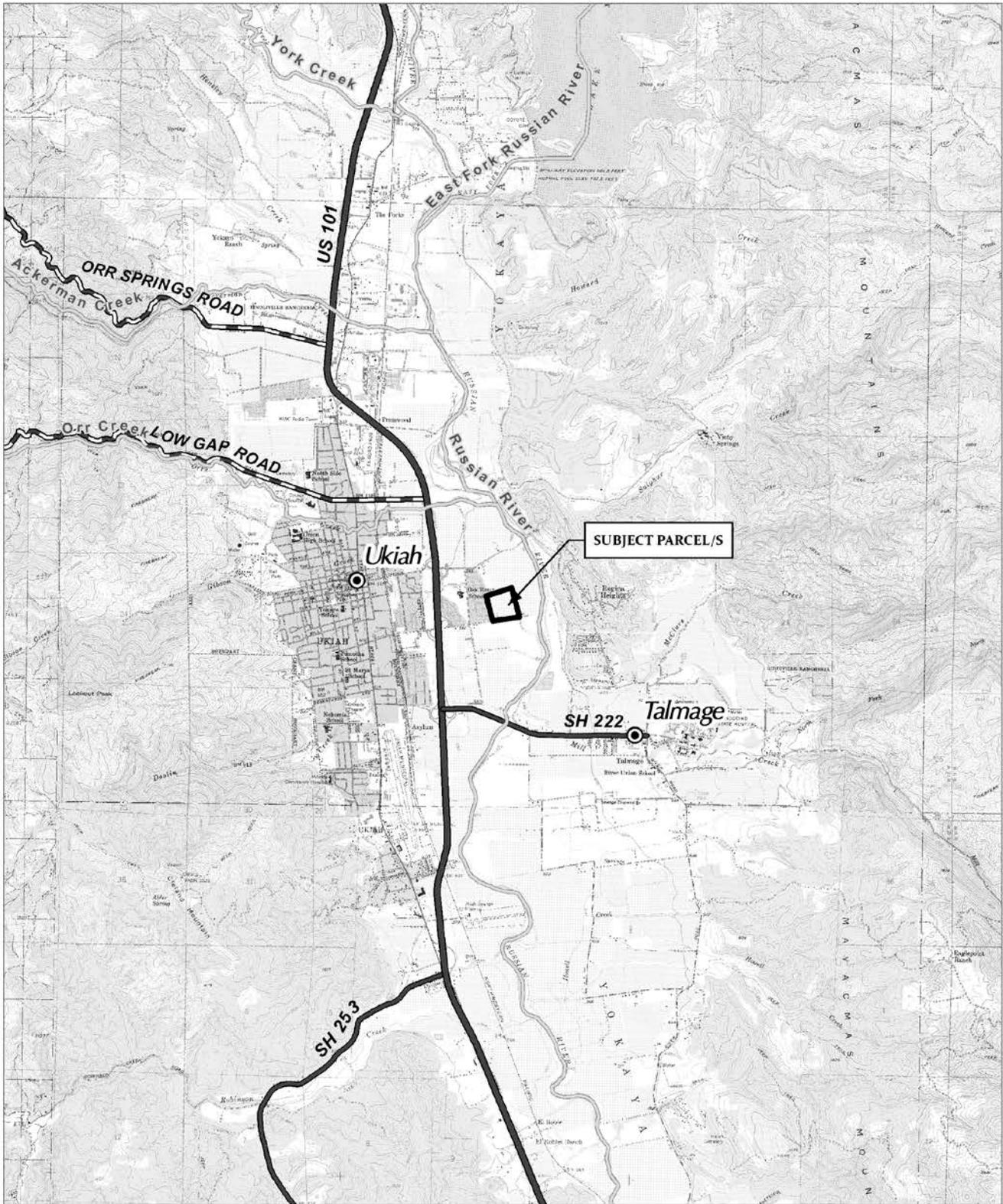
ROBERT DOSTALEK

Appeal Period: 10 Days  
Appeal Fee: \$910.00

**ATTACHMENTS:**

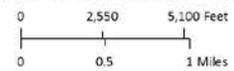
- A. Location Map
- B. Aerial Map
- C. Existing Site Map
- D. Proposed Site Map
- E. Adjacent Owner Map
- F. Zoning Map
- G. General Plan
- H. Fire Hazards Map
- I. Flood Zone

**RESOLUTION AND CONDITIONS OF APPROVAL (Exhibit A):**



CASE: U 2016-0001  
 OWNER: Souza Properties, LLC  
 APN: 179-110-01  
 APLCT: Steven Souza  
 ADDRESS: 1000 E. Gobbi St., UK

-  Major Towns & Places
-  Major Roads
-  Major Rivers
-  Highways



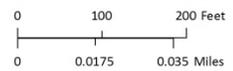
LOCATION MAP

Map produced by the Mendocino County Planning & Building Services, January, 2016  
 All spatial data is approximate. Map provided without warranty of any kind.

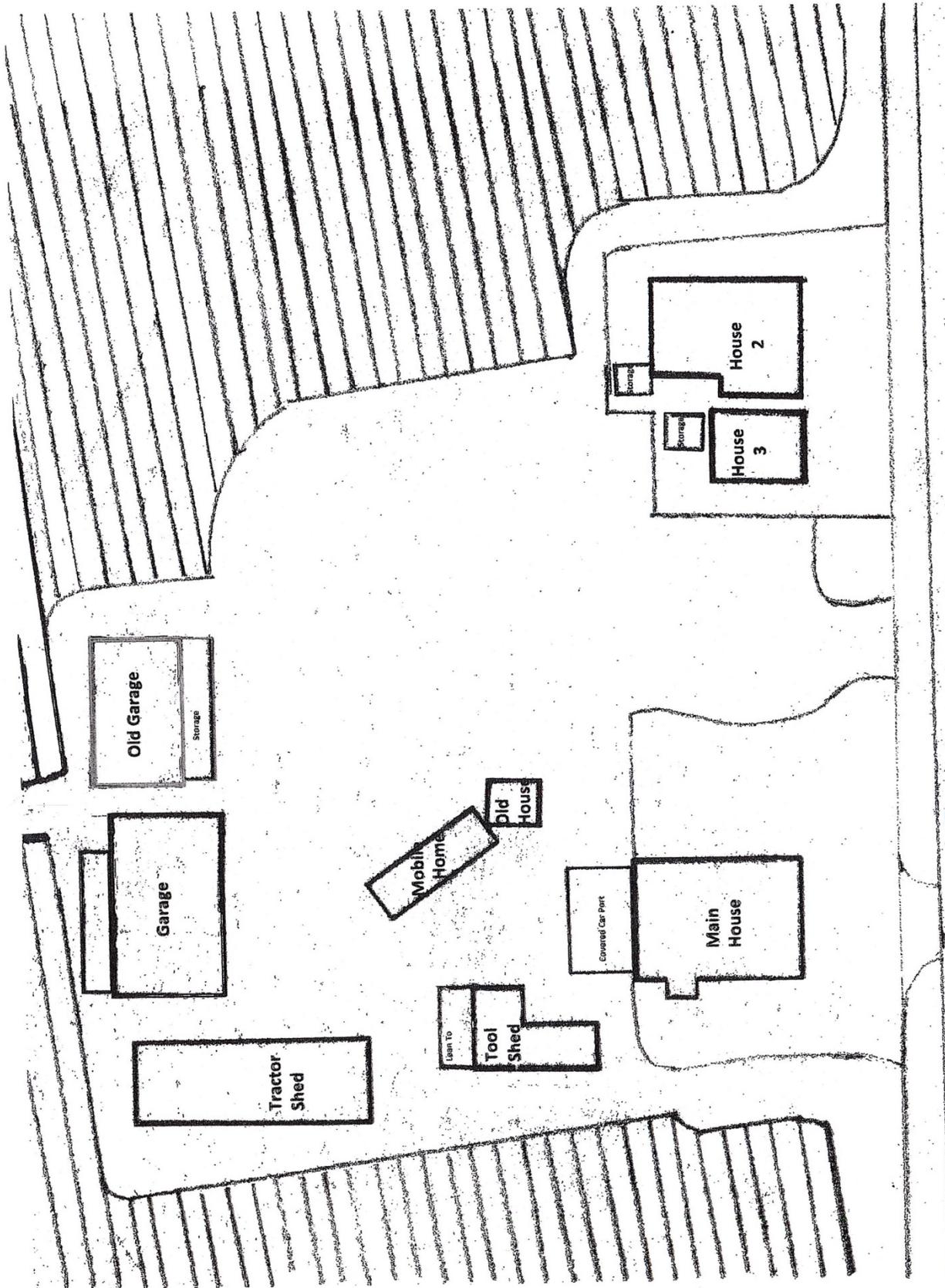


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ADDRESS: 1000 E. Gobbi St., UK

Public Roads

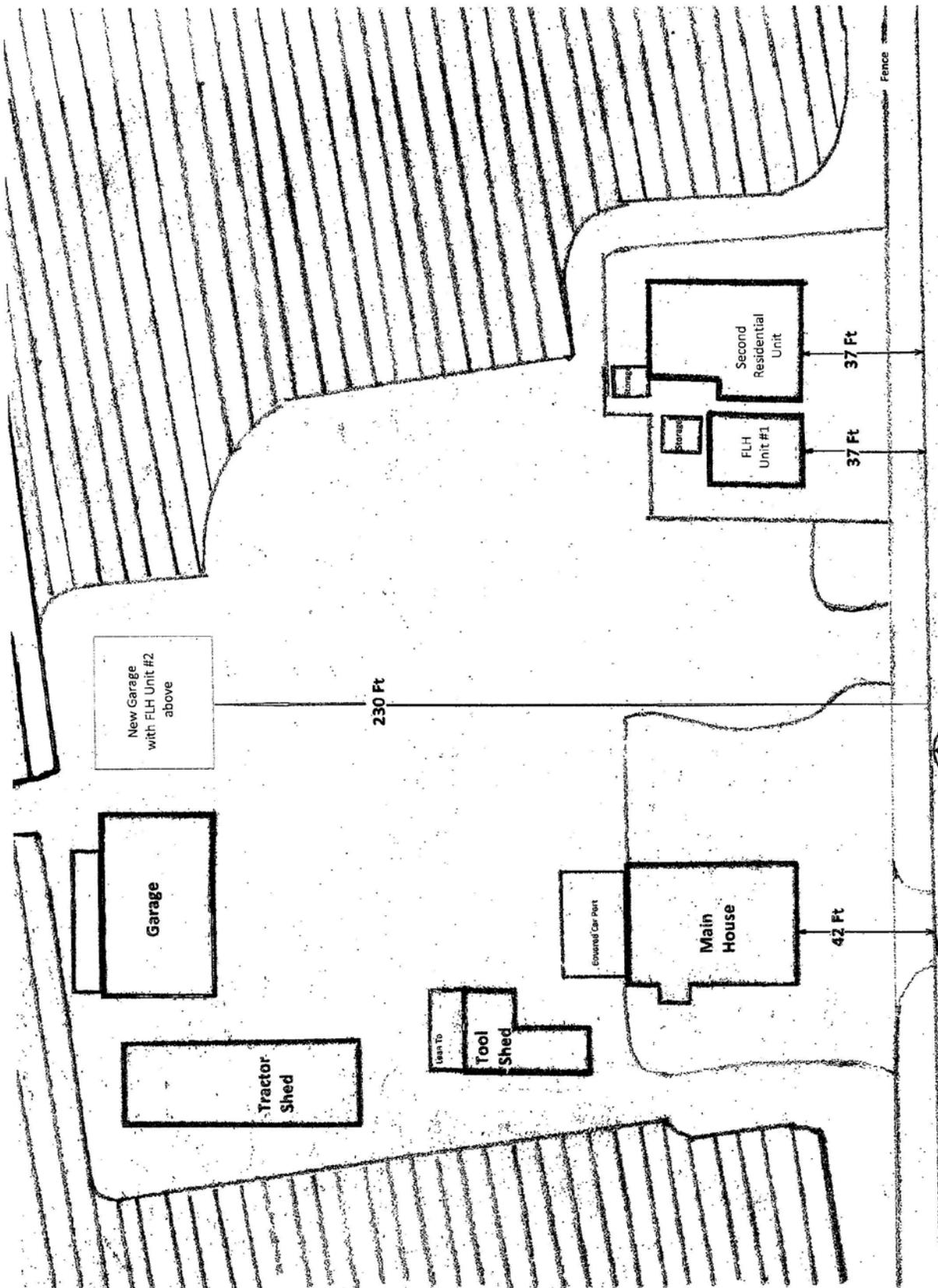


2014 NAIP IMAGERY



East Gobbi St.

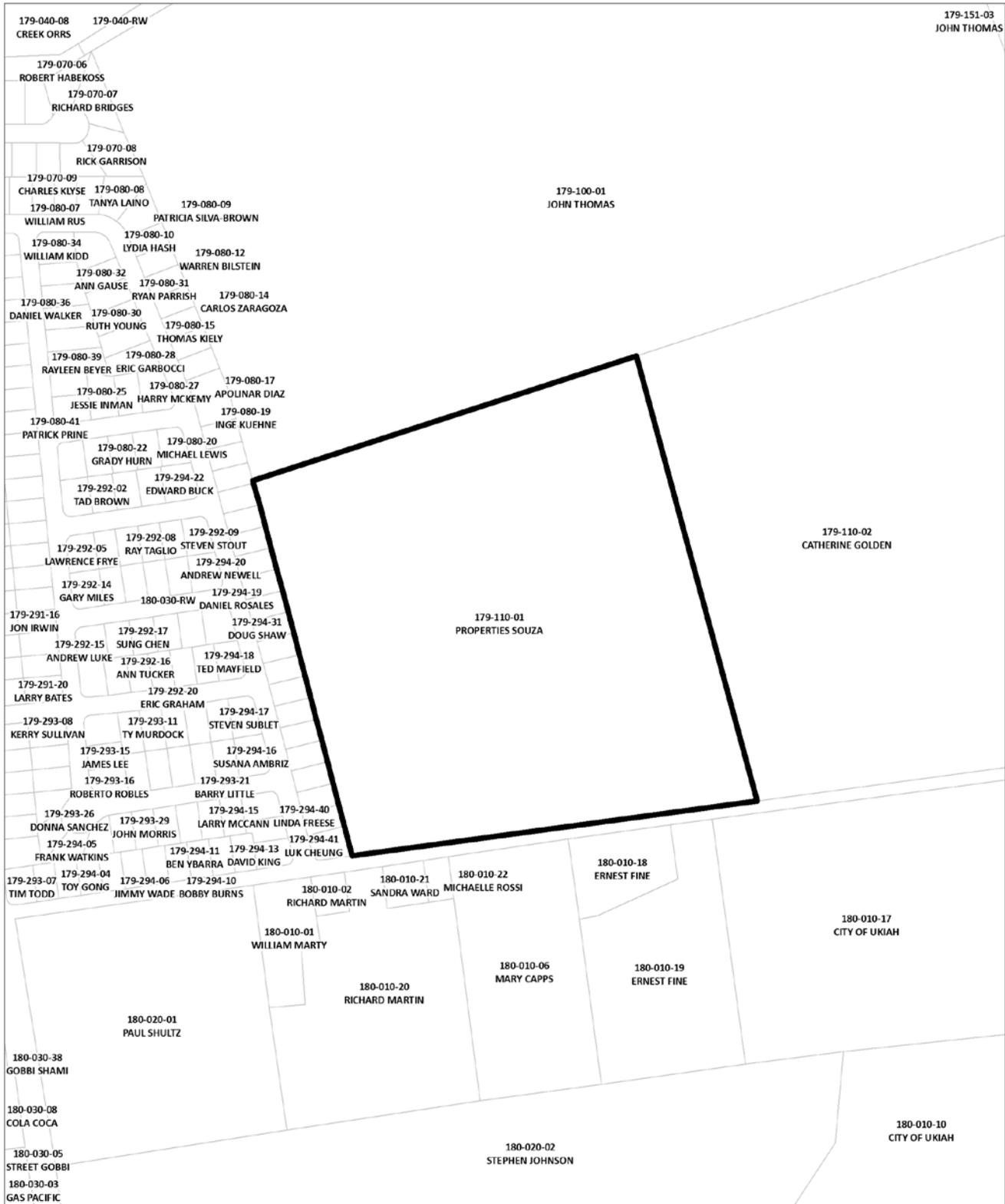
EXISTING SITE MAP



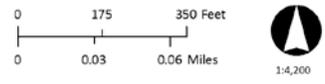
Scale 1" = 41'

PROPOSED SITE MAP

East Gobbi St.

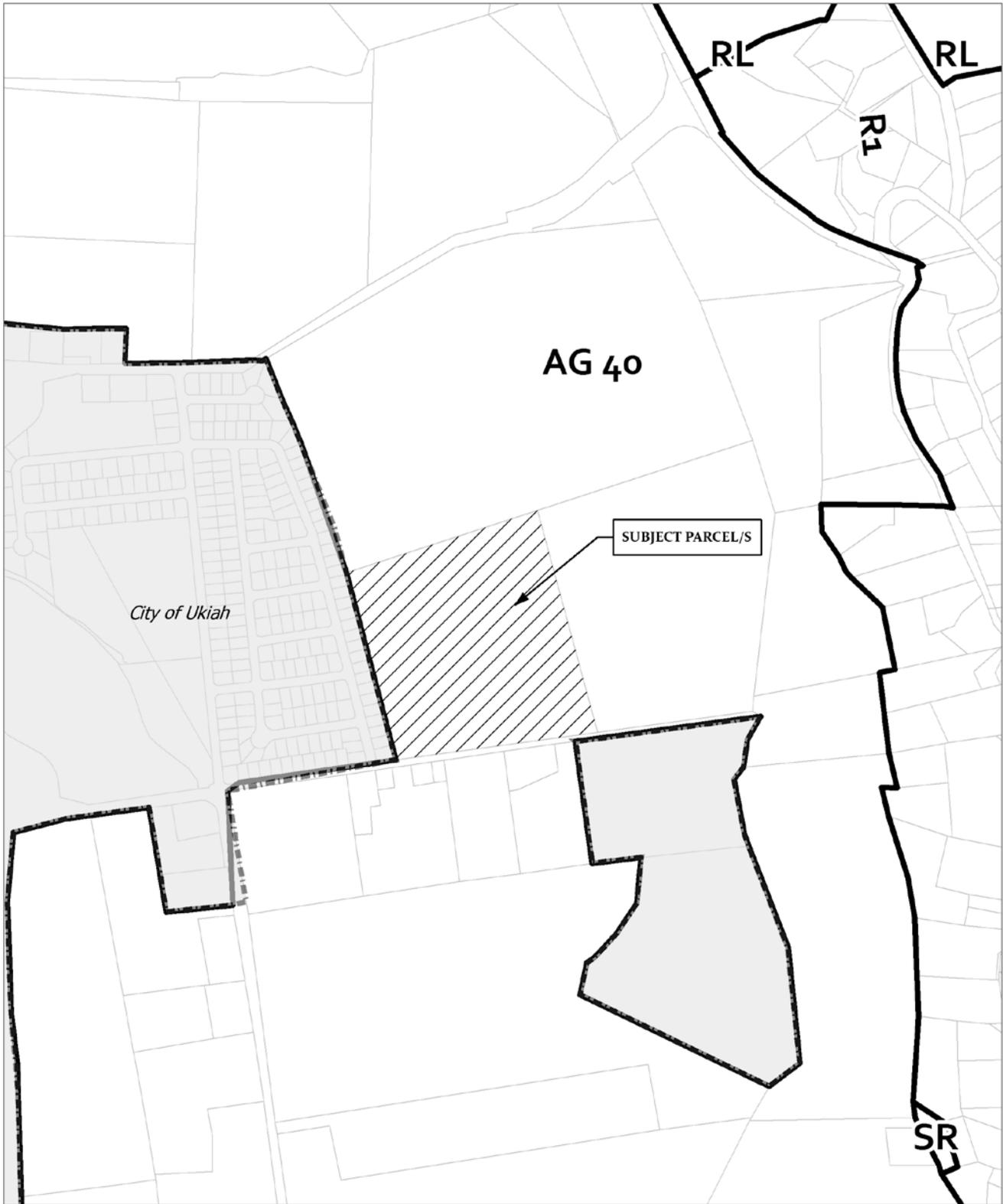


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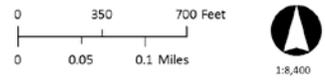
ADJACENT PARCELS

Map produced by the Mendocino County Planning & Building Services, January, 2016  
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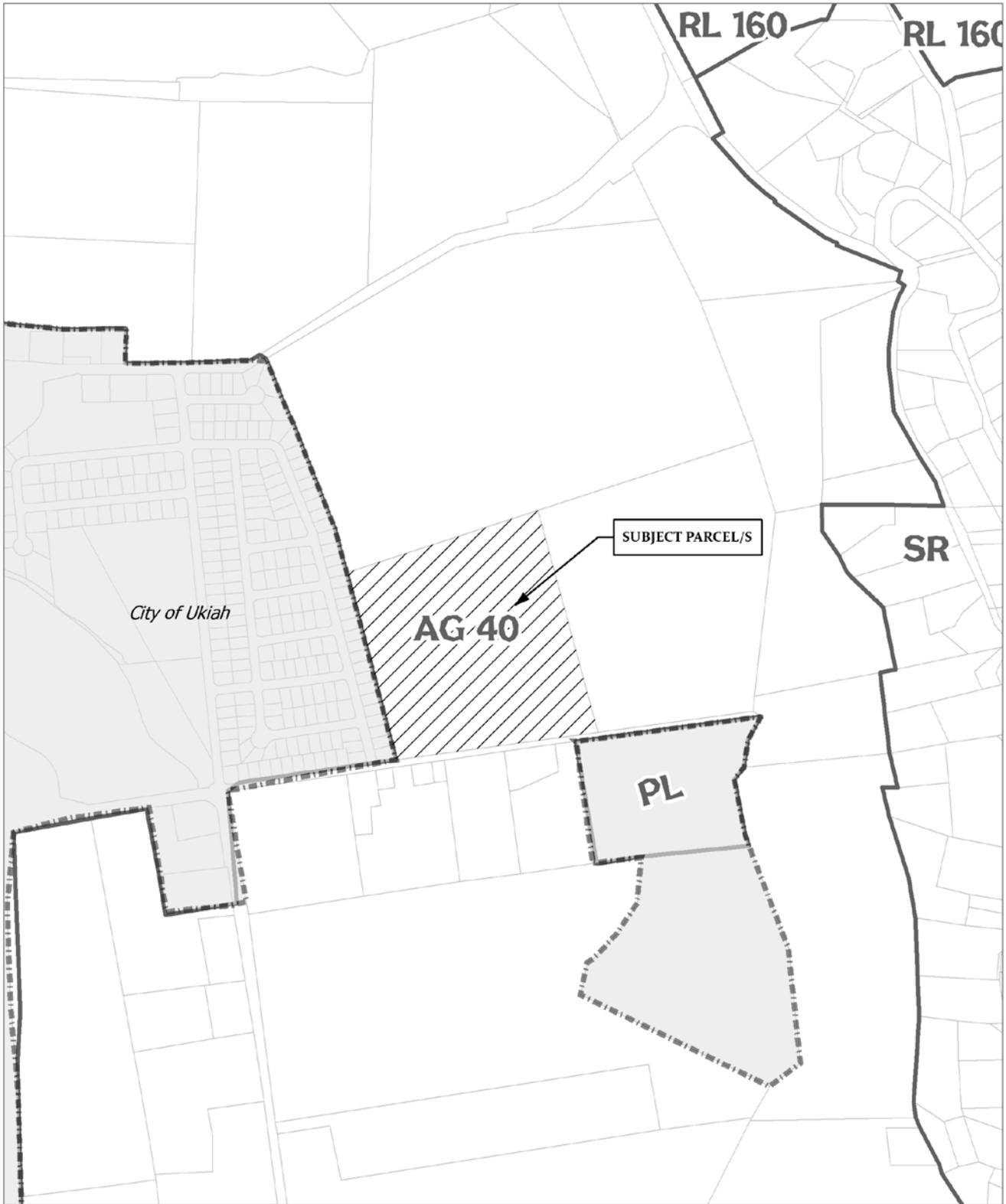
CASE: U 2016-0001  
OWNER: Souza Properties, LLC  
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APLCT: Steven Souza  
ADDRESS: 1000 E. Gobbi St., UK

 Incorporated City Limits  
 Zoning Master



ZONING DISPLAY MAP

Map produced by the Mendocino County Planning & Building Services, January, 2016  
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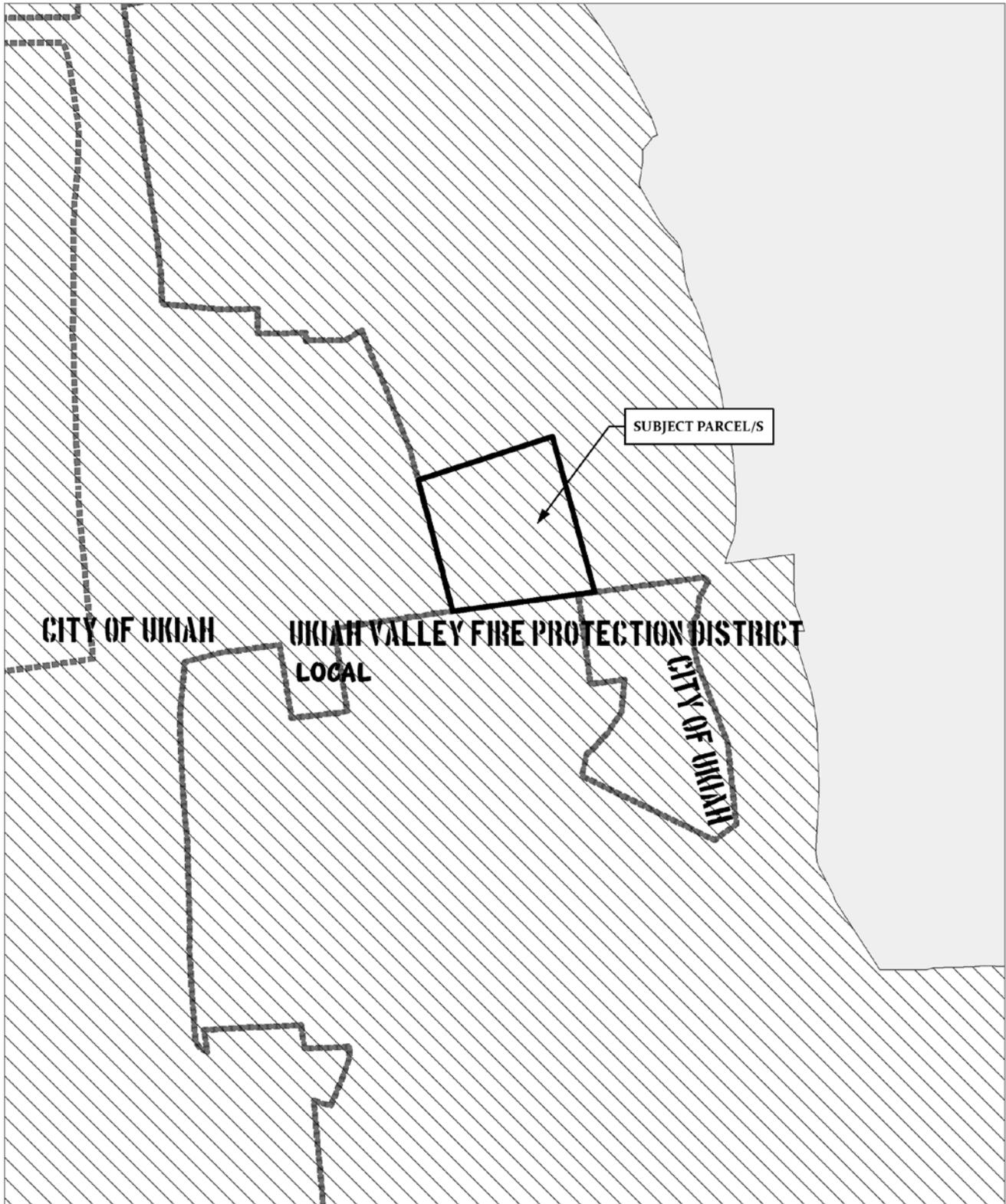
 Incorporated City Limits  
 General Plan Master

0 350 700 Feet  
0 0.05 0.1 Miles



GENERAL PLAN CLASSIFICATIONS

Map produced by the Mendocino County Planning & Building Services, January, 2016  
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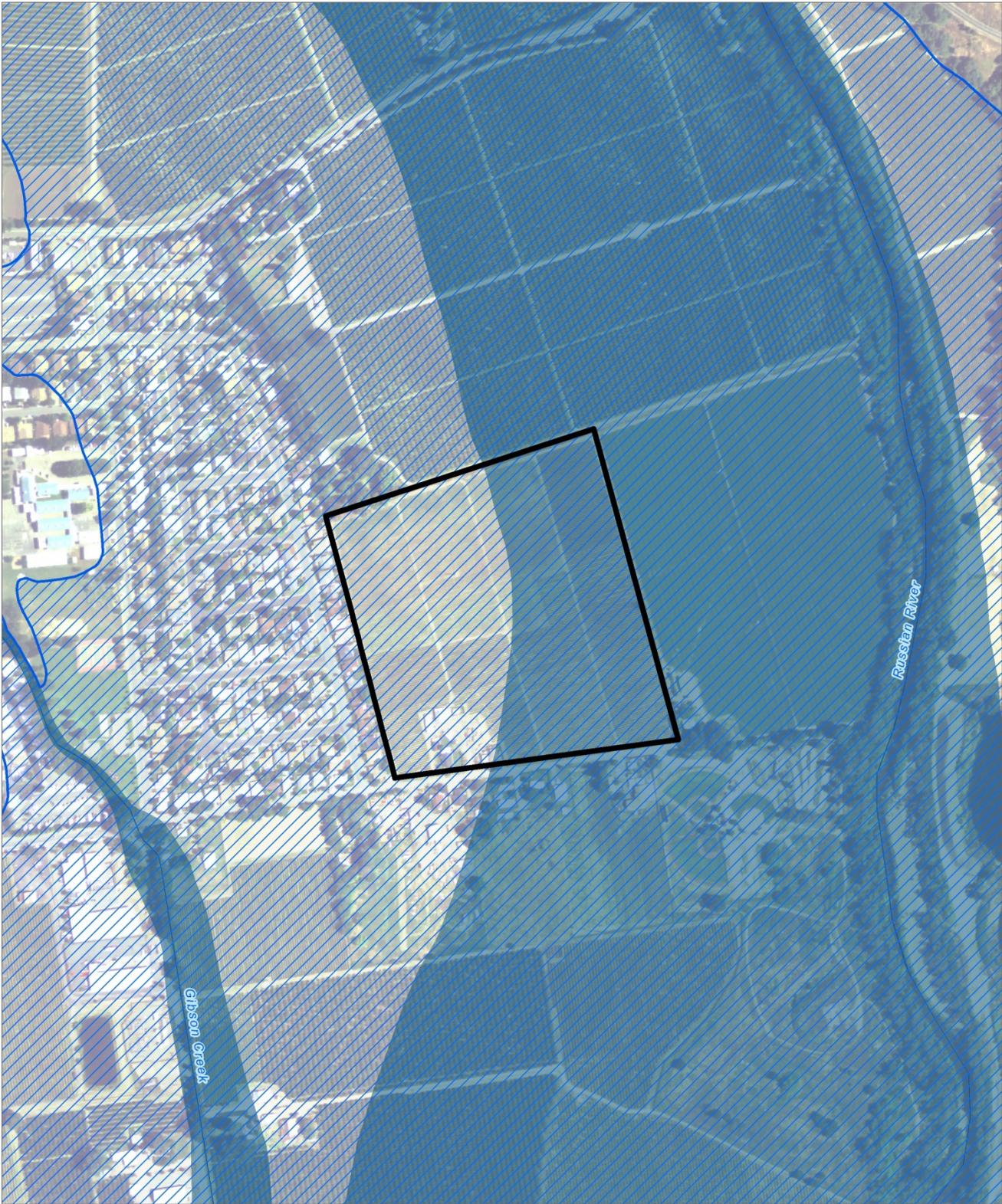
 County Fire Districts  
 Moderate Fire Hazard

0 500 1,000 Feet  
0 0.075 0.15 Miles



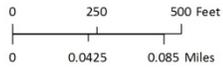
**FIRE HAZARD ZONES & RESPONSIBILITY AREAS**

Map produced by the Mendocino County Planning & Building Services, January, 2016  
All spatial data is approximate. Map provided without warranty of any kind.



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-  Flood Zone
-  Floodway
-  Named Rivers



**FEMA FLOOD ZONE**  
 NFIP MAPS, JUNE 2nd, 2011

Map produced by the Mendocino County Planning & Building Services, January, 2016  
 All spatial data is approximate. Map provided without warranty of any kind.

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

County of Mendocino  
Ukiah, California  
September 8, 2016

U\_2016-0001 SOUZA PROPERTIES LLC

RESOLUTION OF THE ZONING ADMINISTRATOR, COUNTY OF MENDOCINO, STATE OF CALIFORNIA, ADOPTING AN AGRICULTURAL HOUSING EXEMPTION AND GRANTING A USE PERMIT FOR FARM LABOR HOUSING.

WHEREAS, the applicant, SOUZA PROPERTIES LLC AND Steven Souza, filed an application for a MINOR USE PERMIT with the Mendocino County Department of Planning and Building Services to authorize Farm Labor Housing, 1± mi. east of the City of Ukiah town center, lying on the north side of E. Gobbi Street (CR 208), approximately ½ mi. east of its intersection with Highway 101 at 1000 E. Gobbi Street, Ukiah (APN: 179-110-01) — General Plan AG40; Zoning AG:40/FP; Supervisorial District 1; (the “Project”); and

WHEREAS, pursuant to the California Environmental Quality Act of 1970, and State and County Guidelines thereto, this project has been found to be exempt from environmental review; and

WHEREAS, the Zoning Administrator has had an opportunity to review this Resolution and finds that it accurately sets for the intentions of the Zoning Administrator regarding the Categorical Exemption and the Project.

NOW, THEREFORE, BE IT RESOLVED, that the Zoning Administrator makes the following findings;

1. General Plan Findings: The subject property is classified Agriculture (AG40) under the General Plan. Farm Labor Housing to support the agricultural use of the property is consistent with the General Plan.
2. Zoning Findings: The subject property is zoned Agriculture, 40-Acre Minimum (AG:40). The project is consistent with the Agricultural District provisions of Chapter 20.052 of the County Code.
3. Project Findings: The Zoning Administrator approves #U 2016-0001 subject to the conditions of approval recommended by staff, and further finding:
  - A) That adequate utilities, access roads, drainage, and other necessary facilities have been or are being provided.

The site is developed with multiple residential units in which requisite services are or would be provided. The site gains access from Gobbi Street (CR 208). Condition 10 requires construction of driveway approaches to Department of Transportation standards and Condition 12 will ensure adequate wastewater disposal.

- B) That the proposed use will not constitute a nuisance or be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in or passing through the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the county.

The project would authorize the use of two residential dwelling units as Farm Labor Housing (FLH). The property is actively planted in vineyard and the proposed FLH units would support the viability of the agricultural use on the property. The project has been conditioned to minimize potential nuisances and will ensure compatibility with surrounding land uses.

C) That such use preserves the integrity of the zoning district.

The property is zoned Agriculture (AG). Vineyards are a principally permitted use in the AG zoning district. The project is intended to support the existing use of the property as an actively planted vineyard thereby preserving the integrity of the zone district

BE IT FURTHER RESOLVED that the Zoning Administrator hereby adopts the Section 15193 exemption and the Conditions of Approval. The Zoning Administrator certifies that the exemption 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 exemption reflects the independent judgment and analysis of the Zoning Administrator.

BE IT FURTHER RESOLVED that the Zoning Administrator hereby grants the requested MINOR USE PERMIT, subject to the Conditions of Approval in Exhibit "A", attached hereto.

BE IT FURTHER RESOLVED that the Zoning Administrator designates the Secretary as the custodian of the document and other material which constitutes the record of proceedings upon which the Zoning Administrator 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 Zoning Administrator action shall be final on the 11<sup>th</sup> day after the date of the Resolution unless an appeal is taken.

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

ATTEST: ADRIENNE THOMPSON  
Commission Services Supervisor

By: \_\_\_\_\_

BY: STEVE DUNNICLIFF  
Director

ANDY GUSTAVSON  
Zoning Administrator

\_\_\_\_\_

\_\_\_\_\_

## EXHIBIT A

### CONDITIONS OF APPROVAL U\_2016-0001

Use Permit to re-establish two (2) single-family dwellings on the property as Farm Labor Housing.

**APPROVED PROJECT DESCRIPTION:** Use Permit to re-establish two (2) single-family dwellings on the property as Farm Labor Housing.

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

1. This permit is subject to the securing of all necessary permits for the proposed development and eventual use from County, State and Federal agencies having jurisdiction. Any requirements imposed by an agency having jurisdiction shall be considered a condition of this permit. Written verification from the County Division of Code Enforcement shall be submitted to Planning and Building Services that all outstanding violations have been cleared to the satisfaction of that office.
2. Prior to issuance of demolition or Building Permits on the property, the applicant shall provide proof of farm labor employment by furnishing copies of W-2 Forms, 1099 Forms, legal commitments or contract(s) establishing status as farm labor to the Department of Planning and Building Services for residents of the subject housing units. Copies shall be provided on an annual basis thereafter to verify continued farm labor uses of the said units.
3. In the event that archaeological resources are encountered during construction on 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.
4. Prior to issuance of Building Permits, written verification of compliance with any applicable fire safe regulations shall be provided from the Ukiah Valley Fire District to the Department of Planning and Building Services.
5. This permit shall become effective after all applicable appeal periods have been expired or appeal processes exhausted. Failure of the permitted to make use of this permit within two years or failure to comply with payment of any fees within specified time periods shall result in the automatic expiration of this permit.
6. The application along with supplemental exhibits and related material shall be considered elements of this entitlement and that compliance therewith be mandatory, unless a modification has been approved by the Zoning Administrator.
7. This permit shall be subject to revocation or modification by the Zoning Administrator upon a finding of any one (1) or more of the following grounds:
  - a. That such permit was obtained or extended by fraud.
  - b. That one or more of the conditions upon which such permit was granted have been violated.
  - c. That the use for which the permit was granted is so conducted as to be detrimental to the public health, welfare or safety, or as to be a nuisance.

Any such revocation shall proceed as specified in Title 20 of the Mendocino County Code.

8. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit described boundaries. Should, at any time, a legal determination be made that the number, size or shape of parcels within the permit described boundaries are different than that which is legally required by this permit, this permit shall become null and void.
9. Prior to issuance of Building Permits on the subject property, the applicant/owner shall comply with the provisions contained in MCC Chapter 20.120 ("FP" Flood Plain Combining District).
10. The applicant shall construct three (3) road approaches onto East Gobbi Street (CR 208):
  1. A standard private driveway approach at the entrance to the vineyard at the southwest corner of the parcel. This approach shall be constructed to a minimum width of ten (10) feet and length of fifteen (15) feet from the edge of the County road and be constructed with asphalt concrete.
  2. A standard commercial road approach at the main commercial vineyard entrance, constructed to a minimum width of eighteen (18) feet and length of twenty (20) feet from the edge of the County road and be constructed with asphalt concrete.
  3. A standard private driveway approach at the residence gravel driveway just to the east of the main commercial vineyard entrance. This approach shall be constructed to a minimum width of ten (10) feet, and length of twenty (15) feet from the edge of the County road and be constructed with asphalt concrete.

In conformance with encroachment permit procedures administered by the Mendocino County Department of Transportation, the applicant shall obtain an encroachment permit each of the three (3) approaches.

11. Prior to issuance of demolition and/or Building Permits, the applicant shall provide evidence that the existing mobile home on the property has been removed and relocated or disposed of in a location permissible by federal, state and/or local law.
12. The applicant shall comply with regulations administered by the Division of Environmental Health. If site is within the jurisdiction of the Ukiah Valley Sanitation District (UVSD), then a letter from the District shall be required. If site is not within the UVSD, then Mendocino County Environmental Health shall require standard septic primary and replacement field designs. Environmental Health may require a proof of water test.
13. Prior to removal of the mobile home on the property, the applicant shall adhere to all procedural requirements administered by the Mendocino County Air Quality Management District.
14. Two (2) dwelling units are hereby authorized for use as Farm Labor Housing only. Occupancy of these units shall be restricted to farm employees and his/her families. Rental of the dwelling units to persons other than farm employees and his/her families shall be prohibited. At such time the need for Farm Labor Housing on the property discontinues and/or the use permit expires, the dwelling units shall be removed and/or converted to a permissible accessory use.
15. 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.