

MENDOCINO COUNTY DEPARTMENT OF PLANNING AND BUILDING SERVICES

STAFF REPORT FOR MINOR USE PERMIT

**#U_2015-0001
MAY 14, 2015
PAGE ZA-1**

OWNER: RYAN BIRCHARD & MIKE STRUPP
16350 PINE DR
FORT BRAGG, CA 95437

APPLICANT: SBM ASSOCIATES, LLC
16551 MITCHELL CREEK RD
FORT BRAGG, CA 95437

AGENT: ANDY HARNEY
PO BOX 2833
FORT BRAGG, CA 95437

REQUEST: Use Permit to establish a Cottage Industry–Custom Manufacturing, artist collective studio. The use will be conducted within a newly constructed 1,000 sq. ft. workshop with paved access to the workshop from the existing driveway.

DATE DEEMED COMPLETE: March 20, 2015

LOCATION: 3± miles Southeast of Fort Bragg, lying east of Mitchell Creek Drive (CR 414B) just north of its intersection with Turner Road (CR 414F) and Franklin Road (CR414D). Located at 16551 Mitchell Creek Drive, Fort Bragg; APN 019-450-24

TOTAL ACREAGE: 2.42 acres

GENERAL PLAN: RR:2

ZONING: RR:2

SUPERVISORIAL DISTRICT: 4

ENVIRONMENTAL DETERMINATION: Class 3(e) Categorical Exemption pursuant to Section 15303 for new construction of accessory structures, like garages, carports, patios or workshops.

RECOMMENDATION: Approve with conditions

BACKGROUND

PROJECT DESCRIPTION: The property owners, Ryan Birchard and Mike Strupp, are requesting a Minor Use Permit, pursuant to Mendocino County Code (MCC) Chapter 20.160 *Cottage Industries*, to conduct *Custom Manufacturing* within a Rural Residential (RR) Zoning District. The use permit would allow the property owners to craft art pieces inside a workshop located on a developed residential lot located in the Fort Bragg area and east of Local Coastal Plan designated lands.

The applicants propose to build a 25 by 40 foot (or 1000 square foot in area) workshop; extend the existing gravel driveway an additional 340 feet from its current configuration to the front of the proposed workshop and add a 900 square foot turnaround with two new parking spaces; and underground conduit connecting the workshop to utilities. Two new parking spaces are proposed for customers and employees.

APPLICANTS' STATEMENT: The applicants submitted the following: "SBM is an artist collective [that is owned by the property owners]. We propose to build a new multi-medium workshop on property located at 16551 Mitchell Creek Road, Fort Bragg. The purpose of the workshop is to provide creative work space for our artist to use in the production of their products. The products are not mass produced; they are uniquely made piece by piece in limited quantity. The materials used in each artist designs, will vary from one artist to the next, are typically but not limited to, metals, woods, ceramics, glass, paints, lacquers.

The work on all projects will be performed inside the workshop. The only exterior work will be the loading and unloading of raw materials and finished products. To minimize any noise disturbance to the neighborhood the workshop will be operated with the doors closed. Some of the work may produce; steam, smoke, fumes, odor, and [an] exhaust fan with filter will be used to minimize these from permeating the area in the neighborhood.

An SBM associate will reside on the property and manage the operation of the workshop to assure that it is operated within the conditions of the Use Permit and local zoning ordinances."

RELATED APPLICATIONS:

On Site

- BF 2015-0021 for a 1000 square foot workshop; BF 2009-0419 to replace sheathing and siding, new electrical, plumbing, replace windows, *et al*; BF 2009-0292 to re-roof.
- Previous code violations were closed prior to the current owners taking possession of the property.

Neighboring Properties

- BL 2003-0242 at 16501 Mitchell Creek Drive. A business license has been issued for a Home Occupation at this location.
- U 1982-0019 at 16601 Mitchell Creek Drive. A use permit was issued for a Family Care Unit on the lot directly north of the subject site.

PROJECT SETTING

SITE CHARACTERISTICS: The subject site, 16551 Mitchell Creek Drive, is southeasterly of the City of Fort Bragg and located on the eastside of Mitchell Creek Drive between its intersections with Baxman Lane and Turner Road (APN 019-450-24). Site access is directly from Mitchell Creek Drive. The 2.4 acre site consists of a developed residential lot with an existing 1750 square foot owner-occupied home, two storage buildings (one 144 square foot; the other 416 square foot), and 625 square foot garage. There is an existing 12 feet wide driveway and two on-site parking spaces. A utility connection, well, and septic tank are on site. The area is characterized by rolling terrain with a gentle rise planted with Bishop Pines, shrubs, and grass. The proposed workshop location is behind the single-family home and landscaping will screen the proposed structure from public views. Views of the residential setting will not significantly change by constructing the proposed workshop. The shortest distance between the workshop and the nearest neighboring residence is approximately 200 feet.

SURROUNDING LAND USE AND ZONING: The neighboring land uses are residential (see Table 1).

	GENERAL PLAN	ZONING	LOT SIZES	USES
NORTH	RR2	RR2	3.42 acres	Residential
EAST	RR2	RR2	1.9 acres	Residential
SOUTH	RR2	RR2	2.4 acres	Residential
WEST	RR2	RR2	2.46 acres	Residential

SERVICES:

Access: The site is located on the eastside of Mitchell Creek Drive between its intersections with Baxman Lane and Turner Road (APN 019-450-24). MCC Section 20.160.020(A) limits the number of employees working on the premises to two (2), in addition to the members of the family residing on the premises. Individual residential land uses typically generate about ten vehicle trips per day. Cottage Industry land uses can accommodate additional daily traffic volumes from two employees, ten customers/clients, and three delivery vehicles. Additional vehicle trips from this site could exceed 30 trips per day. The residential character of the area could be impacted by the number of new vehicle trips per day generated from this residential lot. Staff recommends a condition limiting vehicle trips to twenty per day.

Fire District: FORT BRAGG RURAL FIRE PROTECTION DISTRICT

Water District: NONE

Sewer District: NONE

School District: FORT BRAGG UNIFIED

REFERRAL AGENCY COMMENTS: Agency comments relevant to this application are reviewed in the Key Issues section of this report and are noted within the Conditions of Approval. Table 2 identifies what agencies have been contacted and what type of response was received.

Table 2: Referral Agency Comments			
REFERRAL AGENCIES	NOT RETURNED	"NO COMMENT"	COMMENTS
Planning Ukiah	X		
Building Inspection Fort Bragg		X	
California Department of Forestry (CalFire)			X
Fort Bragg Rural Fire District		X	
Environmental Health Fort Bragg			X
Assessor	X		
Air Quality Management District	X		

KEY ISSUES:

Key Issue #1 General Plan Consistency and Zoning Consistency: The site is subject to General Plan Policy GE-14, which specifies the intent and general uses for Rural Residential designated lands. The site is within the bounds of the Rural Residential Zoning District, which is intended to create and enhance residential areas where agricultural uses compatible with a permanent residential use is desired. Family Residential single-family is a permitted use and Cottage Industries requires a Minor Use Permit.

The intent of Cottage Industries Land Use is to provide for limited commercial and industrial uses, in conjunction with a dwelling, that are more extensive than home occupations, but which, like home occupations, do not alter or disturb the residential or rural nature of the premises or its surrounds. Such limited commercial and industrial uses are known as Cottage Industries and are defined with in Chapter 20.160.

The site includes a dwelling and the placement of the workshop towards the rear of the lot provides adequate screening of potential noise, emissions, and activity associated with Cottage Industries. The proposal is designed to ameliorate impacts from the activity of *Custom Manufacturing*, like producing original art or crafts.

Key Issue #2- Cottage Industries in Rural Residential Districts: Section 20.208.010 defines Custom Manufacturing as “the on-site production of individually crafted goods using hand tools or mechanical equipment typical of the type or specifications found in a home shop or not creating noise, dust, fumes, visual impacts or electrical or water use in excess of home shop or hobby equipment and may include incidental on-site sales of those goods to retail consumers. Typical uses include ceramic studios, candle-making shops, custom jewelry manufacturing and wood working shops, or light assembly of components manufactured off-premises.”

Section 20.160.030 *Examples of uses permitted upon securing a minor use permit* state that Custom Manufacturing may be conducted as *Limited Cottage Industries* in the RR-2 District subject to securing a minor use permit and compliance with criteria in Section 20.160.020.

Section 20.160.020(A) through (H) identify specific standards for *Limited Cottage Industries*. This Minor Use Permit Application addresses each standard as follows:

Employees

(A) In addition to the members of the family residing on the premises, County Code limits on-site employees to not more than two (2) employees working on the premises;

Land Use

(B) The proposed Custom Manufacturing is incidental and subordinate to the on-site residential use. The principal land use is a 1570 square foot single-family home. One quarter of the total lot coverage (3,935 square feet) would be the proposed 1000 square foot workshop.

Maximum Area

(C) Multiple uses may be permitted within the cottage industry. The total area occupied by all uses within the cottage industry, including storage, does not exceed one thousand (1,000) square feet.

Storage, Sign

(D) All aspects of the cottage industry shall be located and conducted within the proposed workshop. Staff recommends adopting three conditions: (1) a condition that states outdoor storage of materials, products, or vehicles is prohibited; (2) another that states that there shall be no other change in the outside appearance of the building or premises; and (3) a condition limiting signs to one non-illuminated sign that does not exceed four square feet in area.

Retail

(E) The sale of merchandise not produced on the premises shall be incidental and accessory to the merchandise or service produced by the cottage industry and shall not be advertised in any manner.

Customers

(F) Not more than ten (10) customers or clients shall come to the premises during any one (1) day. Not more than three (3) delivery vehicles shall access the premises each day.

Vehicles

(G) Large vehicles or construction equipment (such as trucks of over one (1) ton rating) shall not be operated, maintained, or parked in public view in connection with a cottage industry, except to the extent customarily used by residents in the surrounding neighborhood on their own property. Not more than one (1) vehicle for servicing may be parked in public view.

Nuisance

(H) No equipment or process used in the cottage industry shall create noise, vibration, glare, fumes, dust, odors, smoke, electrical interference or other impacts in excess of those customarily generated by single-family residential uses in the neighborhood, nor shall noise exceed the one (1) or two (2) family residential standards in Appendix C at the property line.

The applicants anticipate use of materials that in larger quantities would require a Hazardous Material Management Plan (HMMP), but are proposing to limit material quantities below the threshold for an HMMP. They propose use of one #2 cylinder and two #3 cylinders that have a combined capacity of 190

cubic feet of gas; and storing one 5 gallon container of solvent. This volume of gas and solvents do not reach the threshold for a HMMP. Building construction will include installation of an exhaust fan with filter. Workshop doors will remain closed and materials will be stored inside the workshop. The applicants intend to use, recycle, and repurpose materials to reduce by-product waste generated from manufacturing custom art pieces.

Key Issue #3- Rural Residential District Regulations: As outlined in Table 3 (below), the proposed development complies with all RR-2 site development regulations.

Table 3: RR-2 Development Regulations		
MCC SECTION	STANDARD	PROPOSED WORKSHOP
20.048.035 Minimum Front and Rear Yards	20 feet	50 feet
20.048.040 Minimum Side Yard	6 feet	40 feet
20.048.050 Building Height Limit	35 feet	14 feet 2 inches
Maximum combined lot coverage	not specified	3935 square feet or 3.7% of lot area
20.160.020(C) Total area occupied by Cottage Industries (including on-site storage)	1000 square feet	1000 square feet

California Department of Forestry and Fire Protection requests that the owner be required to adhere to Public Resources Code 4290, which implements minimum fire safety standards related to defensible space and are applicable to state responsibility area lands. The project site is within the boundaries of the Fort Bragg Rural Fire Protection District.

Key Issue #4- Environmental Protection: New construction of accessory structures, like workshops, are eligible for a Class 3(e) Categorical Exemption from the California Environmental Quality Act (CEQA), pursuant to Section 15303 of the California Code of Regulations, Title 14, Chapter 3, Article 19.

If approved, a Notice of Categorical Exemption will be posted.

The application is to construct a workshop that will be used for custom manufacturing, as defined in Section 20.228.010 (MCC). The scale and scope of on-site work will vary. The zoning code anticipates that *Custom Manufacturing* will not be a source of noise, dust, fumes, visual impacts, or excess use of electrical or water resources; therefore, the application includes installation an exhaust fan with filter; assurances that the workshop doors will remain closed; and that material will be stored inside the workshop. The site is subject to *Exterior Noise Limit Standards* in Appendix C of Division I of Title 20 of the Mendocino County Code. These objective standards support staff's recommendation that the proposed accessory structure, a workshop, satisfies the guidelines for a categorical exemption from CEQA.

RECOMMENDATION: The Zoning Administrator approves Minor Use Permit U_2015-0001, based on the following findings, and subject to recommended conditions of approval.

FINDINGS: The Zoning Administrator may make the following findings for the construction of a 1000 square foot detached workshop, 340 foot extension of an existing driveway, 900 square foot vehicle turnaround, and a Minor Use Permit for *Custom Manufacturing* as Cottage Industries on a residentially developed lot that is located at 16551 Mitchell Creek Drive, Fort Bragg.

General Plan Consistency Finding: Pursuant to Section 20.196.020(A), the proposal is found consistent with the goals and objectives of Mendocino County General Plan, including Policy DE-14 that describes the intent and general uses for Rural Residential designated lands. The principal use at the site is residential, which is consistent with the site's RR2 (Rural Residential) Land Use Designation. The RR classification is intended to encourage local small scale food production (farming) in areas which are not

well suited for large scale commercial agriculture, defined by present or potential use, location, microclimate, slope, exposure, etc. General uses include cottage industries, like that proposed by the property owners.

Project Findings: The Zoning Administrator's approval of U_2015-0001 is subject to MCC Section 20.196.020(B) through (D) and specific conditions of approval.

- (B) *That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.* The site currently has access to utilities; is adjacent to a public road; has on-site septic and is designated as a Sufficient Groundwater Resource Area. Necessary services are provided.
- (C) *That such use will not, under the circumstances of that particular case, 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; provided, that if any proposed building or use is necessary for the public health, safety or general welfare, the finding shall be to that effect.* The application includes commitments to reduce potential public nuisances. Examples include, that the workshop doors will remain closed to reduce noise and an exhaust fan with filter will minimize steam, smoke, fumes, and odor emissions. The location of the proposed workshop is behind a single-family home. The proposed building and use would not be detrimental to the public health, safety, or general welfare.
- (D) *That such use preserves the integrity of the zoning district.* Cottage Industries are permitted with an approved Minor Use Permit in the Rural Residential Zoning District. The intent of the Rural Residential Zoning District is preserved with the approval of U_2015-0001. Limited industrial uses, in conjunction with a dwelling, as Cottage Industries do not alter or disturb the residential nature of the premises or its surroundings (Section 20.160.005).

Environmental Findings: Class 3(e) Categorical Exemption from the California Environmental Quality Act for new construction of accessory structures, like garages, carports, patios or workshops, pursuant to Section 15303 of the California Code of Regulations, Title 14, Chapter 3, Article 19.

Conditions of Approval: Conditions that shall be met prior to use or occupancy, and for the duration of this permit:

1. On-site use and storage of hazardous materials shall be below the threshold requiring an Environmental Health Department permit for a Hazardous Material Management Plan (HMMP). Quantities of hazardous material or a mixture containing a hazardous material stored or used on-site shall be less than 55 gallons, 500 pounds, or 200 cubic feet at any one time during any year.
2. The project is subject to the requirements of Regulation 1, Rule 492 (National Emission Standards for Hazardous Air Pollutants), of the Mendocino County Air Quality Management District.
3. Any stationary onsite internal combustion engines over 50 horsepower (i.e. large power generator or pumps) may require a permit from the Mendocino County Air Quality Management District, depending on fuel source and level of operation. Engines less than 50 horsepower are subject to registration by the Mendocino County Air Quality Management District for emissions inventory purposes.
4. In the event that archaeological resources are encountered on the site, further disturbance 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.
5. The operation of the workshop shall be subject to the standards specified in Section 20.160.020 Specific Standards for Cottage Industries—Limited of the Mendocino County Zoning Code and as follows:
 - a. Not more than two (2) employees working on the premises in addition to the members of the family residing on the premises.

- b. The cottage industry shall be clearly incidental and subordinate to the use of the premises for residential purposes.
 - c. Multiple uses may be permitted within the cottage industry. The total area occupied by all uses within the cottage industry, including storage, shall not exceed one thousand (1,000) square feet. Materials shall be stored inside the 1000 square foot workshop.
 - d. All aspects of the cottage industry shall be located and conducted within a dwelling unit or enclosed accessory building(s). There shall be no other change in the outside appearance of the building or premises, except one (1) non-illuminated sign not exceeding four (4) square feet. Exterior storage of materials, products, or vehicles is prohibited.
 - e. The sale of merchandise not produced on the premises (except mail order only businesses) shall be incidental and accessory to the merchandise or service produced by the cottage industry and shall not be advertised in any manner.
 - f. Not more than ten (10) customers or clients shall come to the premises during any one (1) day. Not more than three (3) delivery vehicles shall access the premises each day. Vehicle trips to or from the property is limited to twenty per day.
 - g. Large vehicles or construction equipment (such as trucks of over one (1) ton rating) shall not be operated, maintained, or parked in public view in connection with a cottage industry, except to the extent customarily used by residents in the surrounding neighborhood on their own property.
 - h. No equipment or process used in the cottage industry shall create noise, vibration, glare, fumes, dust, odors, smoke, electrical interference or other impacts in excess of those customarily generated by single-family residential uses in the neighborhood, nor shall noise exceed the One and Two Family Residential dBA limits set out in Appendix C of Division I, Title 20 of the Mendocino County Code *Exterior Noise Limit Standards*.
6. All external lighting shall be shielded and downcast to prohibit light from being cast beyond the property boundaries. Outdoor lighting shall be turned off at 7:00 p.m. in the evenings and not be turned back on until the following day after 6:00 a.m. in the morning. (Twenty-four hour security lighting would be exempt from this time requirement; however, any exterior security lighting installed on the property shall utilize motion-sensor activation). Lighting adjacent to property boundaries shall be setback a minimum of 20 feet from all property lines.
 7. The property owner shall comply with requirements of the Fort Brag Rural Fire Protection District or other alternatives as acceptable to Fire District. Written verification shall be submitted from the Fire District to the Department of Planning and Building Services that this condition has been met to the satisfaction of the Fire District.
 8. The property owner shall comply with those recommendations of the California Department of Forestry (CalFire) or other alternatives as acceptable to the Department of Forestry. A Final Clearance letter from the Department of Forestry shall be submitted to the Department of Planning and Building Services stating that compliance with their requirements have been met to their satisfaction.
 9. The applicant shall secure all required permits from the Building Inspection Division of the Department of Planning and Building Services for all construction. Compliance with handicapped accessibility for the facility may be required.
 10. A valid Mendocino County Business Licenses for the subject property shall be issued by the Mendocino County Tax Collector, and a copy of said license shall be submitted to the Department of Planning and Building Services prior to the operation of the business.
 11. Applicant must hire a Qualified Site Evaluator to address the issue of wastewater at the site. Wastewater may come from employee/operator restrooms, sinks for washing of hands and dishes, etc. Applicants must have adequate septic system capacity to accommodate any wastewater generated in this process. All wastewater to flow to a permitted septic system.
 12. No signs shall be allowed within any public right-of-way/roadway.

13. This permit shall become effective after all applicable appeal periods have expired or appeal processes exhausted. Failure of the permittee to make use of this permit within one year or failure to comply with payment of any fees within specified time periods shall result in the automatic expiration of this permit. Unless the property owner timely files an application to renew this Cottage Industries Use Permit #U_2015-0001, this permit shall expire on May 14, 2017. The applicant has sole responsibility for renewing this permit before the expiration date listed above. The County will not provide a notice prior to the expiration date. Renewals are subject to Section 20.196.050 of the Mendocino County Zoning Code.
14. The use and occupancy of the premises shall be established and maintained in conformance with the provisions of Title 20 of the Mendocino County Code unless modified by conditions of the Use Permit.
15. That the application along with supplemental exhibits and related material be considered elements of this entitlement and that compliance therewith be mandatory, unless a modification has been approved by the Zoning Administrator.
16. That this permit be 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.
17. 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.
18. 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.
19. It shall be the responsibility of the applicant to ensure that contractors engaged to perform work on the site are aware of the conditions of this permit and that all work performed is in compliance with applicable conditions.

April 3, 2015

JULIANA CHERRY
PLANNER III

JC/at
Categorical Exemption
Appeal Fee: \$910.00
Appeal period: 10 days

LIST OF ATTACHMENTS:

- A- Location Map
- B- Topographic Map
- C- Google Earth Imagery
- D- Revised Site Plan
- E- Revised Elevations
- F- Zoning Display Map
- G- General Plan Classifications
- H- Adjacent Parcels
- I- Fire Hazard Zones & Responsibility Areas
- J- Coastal Ground Water Resource Areas
- K- Estimated Slope
- L -Local Soils
- M- School Districts