

OWNER: CARIN BOKHOF
26800 HIGHWAY 128
YORKVILLE, CA 95494

APPLICANT: BRETT JOHNSON
1656 UNION STREET
EUREKA, CA 95501

AGENTS: SAM GENTLE
1835 6TH STREET
EUREKA, CA 95494

REQUEST: Use Permit to allow Caltrans to maintain a Maintenance Disposal Facility on a 1.32± acre site within a 44± acre parcel. The project will consist of site preparation, placing, storing, recycling and compacting of fill material (rock and soil, up to 15,000 cubic yard over a 5 year period) collected from on-going maintenance activities of State highways.

ENVIRONMENTAL DETERMINATION: Mitigated Negative Declaration

RECOMMENDATION: Approve with conditions

LOCATION: In Yorkville, lying southwest of Highway 128, just northwest of its intersection with Elkhorn Road (CR 120), located at 26800 Highway 128; AP# 049-290-19.

TOTAL ACREAGE: 44.40± Acres (Disposal Site 1.32± ac)

ZONING: Rural Community/Upland Residential – 20 acre minimum (RC/UR 20)

ADJACENT ZONING: Rural Community/Upland Residential – 20 acre minimum/Rangeland- 160 acre minimum (RC/UR 20/RL160)

GENERAL PLAN: Rural Community/Remote Residential- 20 acre minimum (RC/RMR 20)

EXISTING USES: Residential, Vacant

SURROUNDING LAND USES: North: Residential
East: Residential
West: Residential/ Vacant
South: Rangeland

SURROUNDING LOT SIZES: 1± Acre to 49± Acres

SUPERVISORIAL DISTRICT: 5

OTHER RELATED APPLICATIONS ON SITE: None.

SURROUNDING AREA: No significant permits have been issued on adjoining properties. Surrounding area is mostly rural community properties with agricultural uses and moderate to large acreages. The site can be characterized as rolling woodland habitat with a mixed conifer and broad leaf assemblage. The property also consists of broad open spaces of grasslands showing a moderately browsed and grazed disturbance area year-round. Both natural and disturbed land use areas are included in this disposal location.

PROJECT DESCRIPTION: Caltrans is proposing the development of a Maintenance Disposal Site Facility near Yorkville. The material to be disposed of at the proposed site will consist of approximately 15,000 cubic yards of soil and rock. The project includes preparing the site to receive fill material which will include organic matter removal, cutting toe trench, placing and compacting fill material, and grading and constructing site access from the main property access road to the disposal site. The development of the site will be staged over a period of five years. Access to the site is off of Highway 128 on a private driveway. The driveway has a private access easement that is used to access the site though a neighboring property which is improved with a residence located at the front of the access road. Caltrans also provided staff with a Storm Water Pollution Prevention Plan (SWPPP) for the site that details the procedures used to mitigate potential environmental impacts associated with the site.

ENVIRONMENTAL REVIEW: A Draft Initial Study and Proposed Mitigated Negative Declaration has been prepared for the project with supporting materials provided by the applicant and consulting agents. The document was used to identify potentially significant impacts pursuant to California Environmental Quality Act (CEQA) guidelines Section 15063. The draft environmental document has been attached as part of the subject report. All application materials are available for review at the Ukiah office of the Department of Planning and Building Services.

KEY ISSUES:

Issue #1-Geology- The project has the potential to result in soil erosion or loss of topsoil. Sediment controls Best Management Practices (BMP) have been outlined by the applicant in their Facility Pollution Prevention Plan to address these potential impacts. Sediment control for the project includes practices that intercept, slow or detain the flow of storm water and allow sediment to settle and be trapped. These practices can consist of installing linear sediment barriers, fiber rolls, or check dams to break up slope length or flow; they may also include constructing a sediment trap. All sediment barriers require periodic inspection and maintenance.

The applicant will also be required to obtain a grading permit from the County of Mendocino Planning and Building Services that will require these best management practices be used to the fullest extent to prevent erosion, sedimentation and top soil loss. With the following practices in place staff cannot foresee significant impacts that would result in substantial erosion or loss of topsoil, (see Condition Number 3).

Soil stabilization best management practices will be implemented including the implementation of a soil stabilization and revegetation plan to reduce erosion. Stabilization will be required for minor slides and slipouts that will include cleanup and repair. Inspections will be performed to ensure stabilization was successfully implemented.

Soil stabilization of the site will consist of the following best management practices to repair disturbed soil areas or erodible slopes: compaction, wood mulch, hydraulic mulch, hydro seeding, soil binders, straw mulch, geotextiles, and riprap. Any new growth in disturbed areas will also be allowed to germinate to allow for increased slope stability. The applicant will be required to prepare and present a soil stabilization and revegetation plan to planning and building services before any building permit will be issued for the site, (see Condition Number 11).

Issue #2-Runoff- A winter site operations plan was proposed by the applicant that would include winterizing the site to prevent runoff and erosion during rainy months. The Mendocino County Water Agency has requested conditions that would require the applicant to establish photographic monitoring points for all drainage areas. This monitoring data will be collected by the area maintenance supervisor as stated on the Winter Site Operation Plan. This photographic data as well as compaction testing results and a statement from the applicant acknowledging their responsibility to follow the tasks identified in the Winter Site Operations plan will be submitted to the County of Mendocino Department of Planning and Building Services, (see Condition Number 10).

Clear water diversion will be implemented as is outlined in the applicants provided a Storm Water Pollution Prevention Plan. Clear water diversion consists of a system of structures and measures that intercept clear water transport it around the project site and discharge it down stream with minimal water quality degradation. Structures that are used as a part of this system include diversion ditches, berms, dikes, slope drains, and drainage and interceptor swales. The applicant is required to adhere to these best management practices, (see Condition Number 3).

Although project does not include work over water crossings, Standard Special Provision (SSP) 7-340 shall be included in final plans, Specifications and Estimate (PS&E) to address water pollution control requirements. This SSP requires the preparation and implementation of a water pollution control plan. The project must also comply with Caltrans Statewide NPDES permit, issued by the State Water Resources Control Board.

Issue #3- Traffic- The project will consist of site preparation, and placing, storing, recycling and compacting of fill material totaling about 15,000 cubic yards over a 5 year period. The fill material will consist of rock and soil collected from ongoing maintenance activities along State highways. Moving this fill material has the potential to impact traffic along Highway 128 and was referred to the Mendocino County Department of Transportation (DOT) for comment. DOT responded to staffs referral stating that access to the site will be directly from State Highway 128 along a private driveway. Nearby Elkhorn Road (CR# 120) will not be used for site access. DOT recommended approval of the project as it will not directly impact a County Road. Based on DOT comment Staff does not foresee any significant impacts to transportation and traffic as a result of this project.

Issue #4-Zoning Consistency- The proposed project is consistent with applicable goals and policies of the Mendocino County Zoning Code. Staff has determined that the applicant's requested use type is defined in the County Zoning Code Chapter 20.024.050 as "Construction Sales and Services". The "Construction Sales and Services" use is defined as *"establishments or places of business primarily engaged in construction activities and incidental storage on lots other than construction sites as well as the retail or wholesale sale, from the premises, of materials used in the construction of buildings or other structures other than retail sale of paint, fixtures and hardware; but excludes those classified as one of the automotive and heavy equipment use types. Typical uses include building materials stores, tool and equipment rental or sales, retail lumber, contractors storage yard, furniture manufacturing or cabinet shops"*. The current zoning of the project parcel is Rural Community (RC) and Upland Residential (UR 20) Construction Sales and Services is a permitted use type in RC zoning subject to a Minor Use Permit, as per Mendocino County Zoning Code Sec.20.044.020. According to the submitted site plan the majority project will be located within the RC zoning and spill over a small amount into the split UR 20 zoning on the property. Staff recognizes that the majority of the project will take place on the RC zoning and sees this project being consistent with the zoning located on the property.

GENERAL PLAN CONSISTANCY RECOMMENDATION: Subject to the conditions of approval, the proposed project is consistent with the applicable policies of the General Plan.

STAFF RECOMMENDATION: No significant environmental impacts will result from the proposed project which cannot be adequately mitigated though the conditions of approval. Therefore staff recommends approval of #U 4-2014.

RECOMMENDED MOTION: Approval

Environmental Findings: The Zoning Administrator has evaluated the Initial Study and other information pertinent to the project and finds that the identified environmental impacts can be mitigated to a level of insignificance through the conditions of approval or project design; therefore, a Mitigated Negative Declaration is adopted.

Project Findings: The Zoning Administrator adopts the Environmental and General Plan findings above, and approves #U 4-2014, subject to the following conditions of approval as recommended within the staff report:

- a) That the establishment, maintenance or operation of a use or building applied for is in conformity to the General Plan;

As discussed under pertinent sections of the staff report, the proposed project is consistent with applicable goals and policies of the General Plan as subject to the conditions of approval.

- b) That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided;

Adequate utilities and site improvements will be provided in accordance with the conditions of approval. Proof that these conditions have been met will be submitted to Planning and Building Services before the finalization of any building permits. *Conditions numbers 3 and 11.*

- 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 proposed use type will not constitute a nuisance or be detrimental to the surrounding area if the project is conducted as proposed and is in accordance with all conditions of approval. Conditions that will ensure this finding can be made outline county noise standards, downcast lighting, site improvements, and air quality permit standards. Proof that these conditions have been met will be submitted to Planning and Building services before the finalization of any building permits. *Conditions numbers 8, 9, 10, 11, 12 and 13.*

- d) That such use preserves the integrity of the zoning district.

The subject property is zoned (RC, UR 20), which allows for construction sales and service uses, subject to a Minor Use Permit. The proposed use conforms to all regulations of the zoning districts and preserves the integrity of such districts.

CONDITIONS OF APPROVAL: Conditions which must be met prior to use and/or occupancy and for the duration of this permit:

1. That the application along with supplemental exhibits and related material are considered elements of this entitlement and that compliance there with be mandatory, unless a modification has been approved by the Zoning Administrator.
2. That this permit is subject to the securing of all necessary permits from County, State and Federal agencies having jurisdiction for the proposed development and eventual use. Any requirement imposed by an agency having jurisdiction shall be considered a condition of this permit. Evidence

of compliance with all permits shall be submitted to the Mendocino County Department of Planning and Building Services.

3. All building and grading permits required by Mendocino County Department of Planning and Building Services for all construction including grading for driveways shall be obtained and complied with. All outstanding expired or noncompliant building permits shall be brought into compliance. In addition, "Best Management Practices" shall be employed to mitigate erosion, sedimentation and discharge to the lake or watercourses caused by grading and all other disturbances or stockpiling of materials (including for work commenced prior to the issuance of this permit) in connection with any proposed improvement, to greatest extent feasible. This may include restricting earth disturbances outside the rainy season or employing silt barriers, and aggressive measures to mulch and seeding with fire resistive, native species, among others measures.
4. 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.

5. 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.
6. 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.
7. 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 fee required 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 \$2231.25 shall be made payable to the Mendocino County clerk and submitted to the Department of Planning and Building Services no later than 5:00 pm on December 16, 2014. 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.
8. Noise levels created by the operation as measured at the nearest residence other than that of the business operator shall not exceed 60 dBA/Ldn.
9. All exterior lighting shall be shielded so that it does not shine or glare beyond the limits of the property.
10. Establish and install the minimum number of photographic monitoring points sufficient to provide 100% of photographic coverage of the entire site, including temporary storage area. All drainage areas should be photographed from more than one angle. Date stamped photo documentation must be submitted to the Department of Planning and Building services following all winter

inspections by the “area maintenance supervisor” as stated.

11. The applicant must provide a final stabilization and revegetation plan to the Department of Planning and Building Services prior to the issuance of any building permits for the site.
12. All grading and site preparation greater than one (1) acre requires an Air Quality Management District Permit. Evidence of the district permit must be provided to Planning and Building Services before issuance of any building permits for the site.
13. All Material; placed, stored, recycled and or compacted shall meet the requirements of title 17,CCR Section 93106- Asbestos Airborne Toxic Control Measure for Surface Applications.

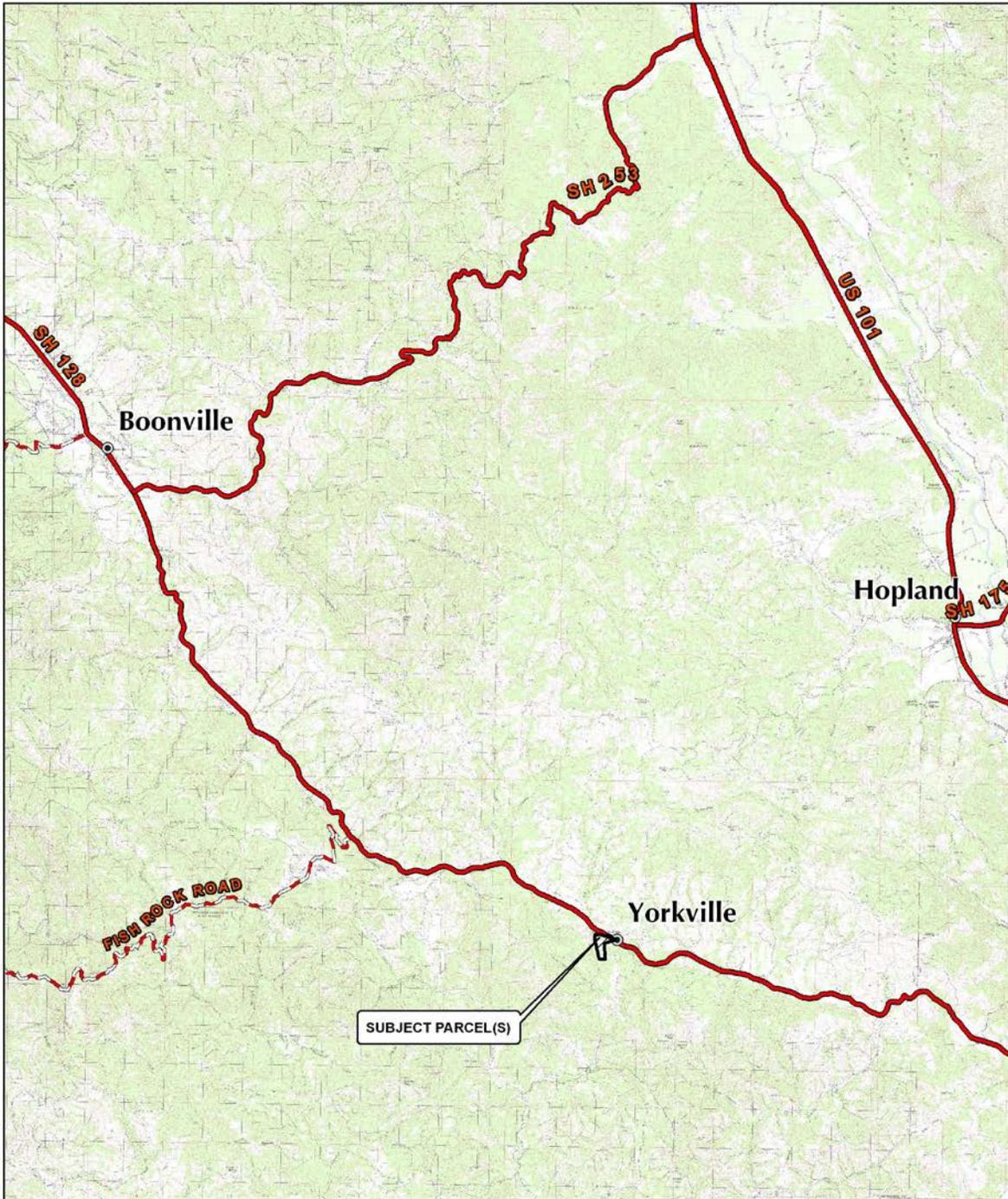
DATE

MATTHEW GILSTER
PLANNER I

MG/at
September 30, 2014

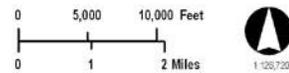
Mitigated Negative Declaration
Appeal Fee - \$910.00
Appeal Period - 10 days

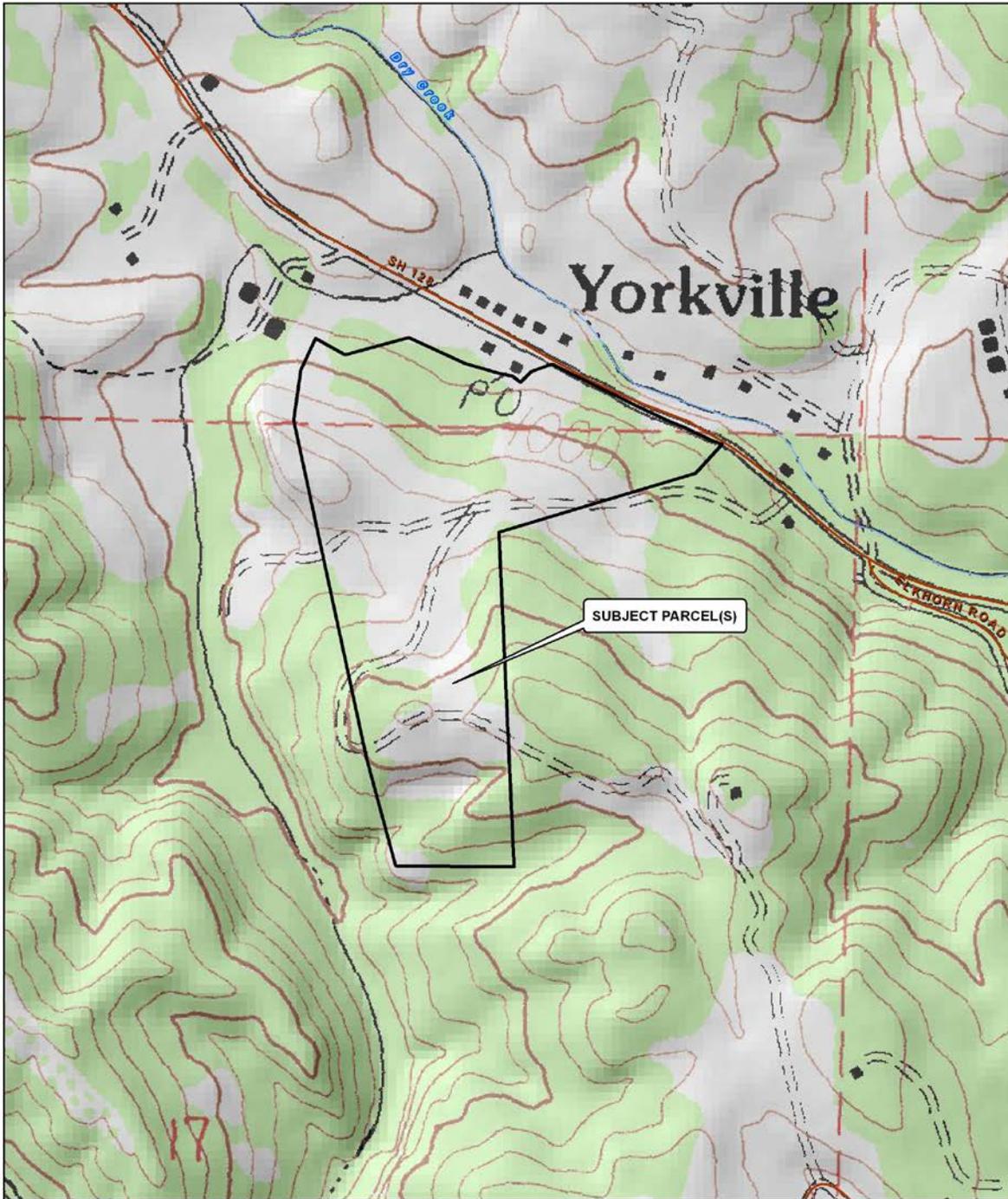
REFERRAL AGENCIES	REFERRAL NOT RETURNED	REFERRAL RECEIVED "NO COMMENT"	COMMENTS RECEIVED
Agricultural Commissioner		X	
Archaeological Commission			X
Assessor	X		
AQMD			X
County Water Agency			X
Resource Lands Committee		X	
Caltrans	X		
CalFire			X
RWQCB	X		
Office of Mines and Reclamation	X		
Dept. of Conservation	X		
Building Inspection			X
Environmental Health	X		
Dept. of Transportation			X
Dept. of Fish & Wildlife	X		
Anderson Valley Fire Dept.	X		
Anderson Valley Community Services	X		



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OWNER: BOKHOF, Carin
APN: 049-290-19
AGENT: Sam Gentle
ADDRESS: 26800 Hwy. 128, Yorkville

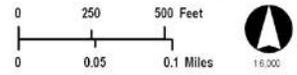
LOCATION MAP





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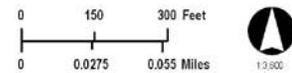
TOPOGRAPHIC MAP
CONTOUR INTERVAL IS 40 FEET

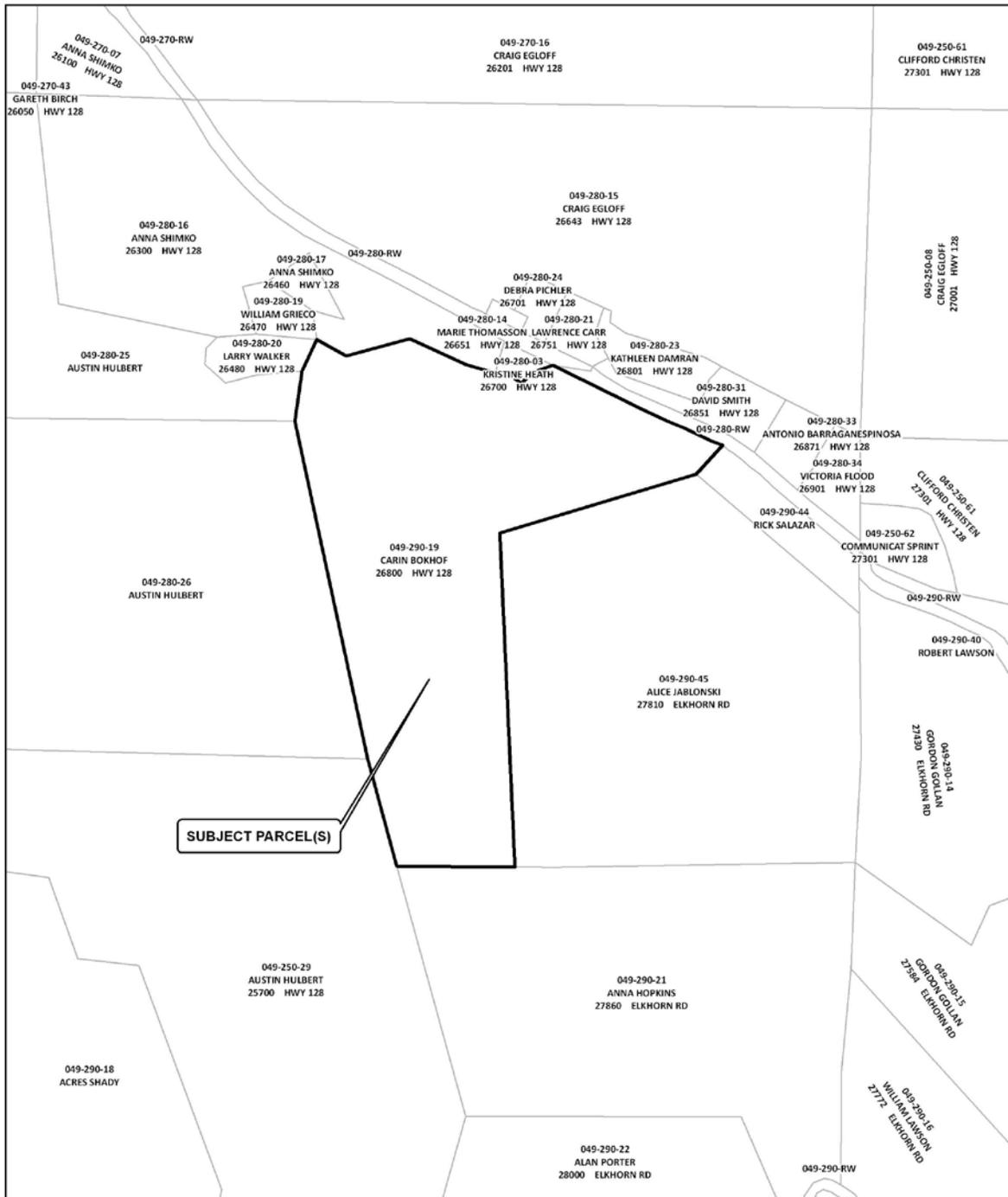




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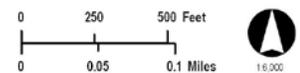
2010 NAIP AERIAL ORTHOPHOTO

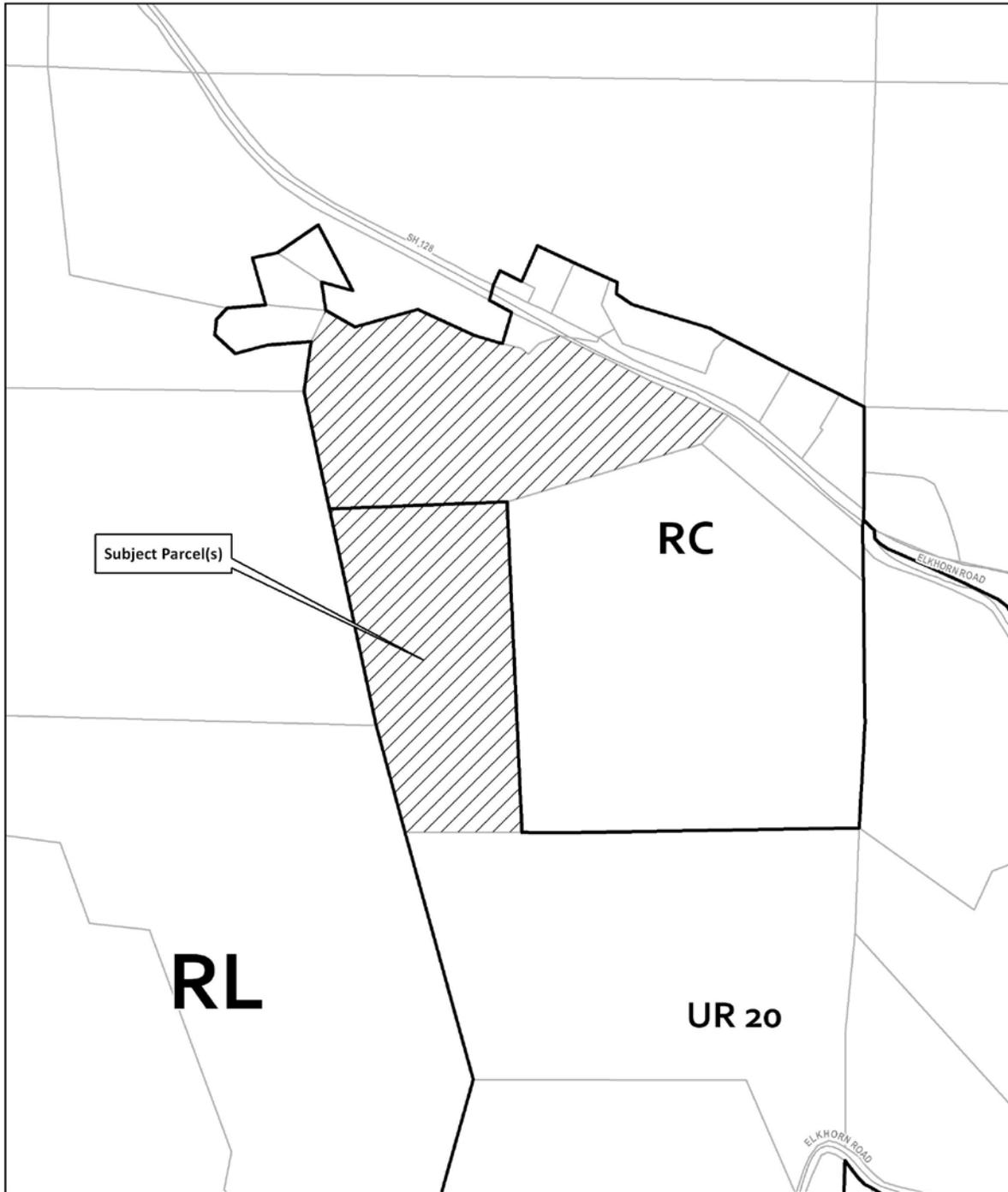




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ADJACENT PROPERTY OWNERS

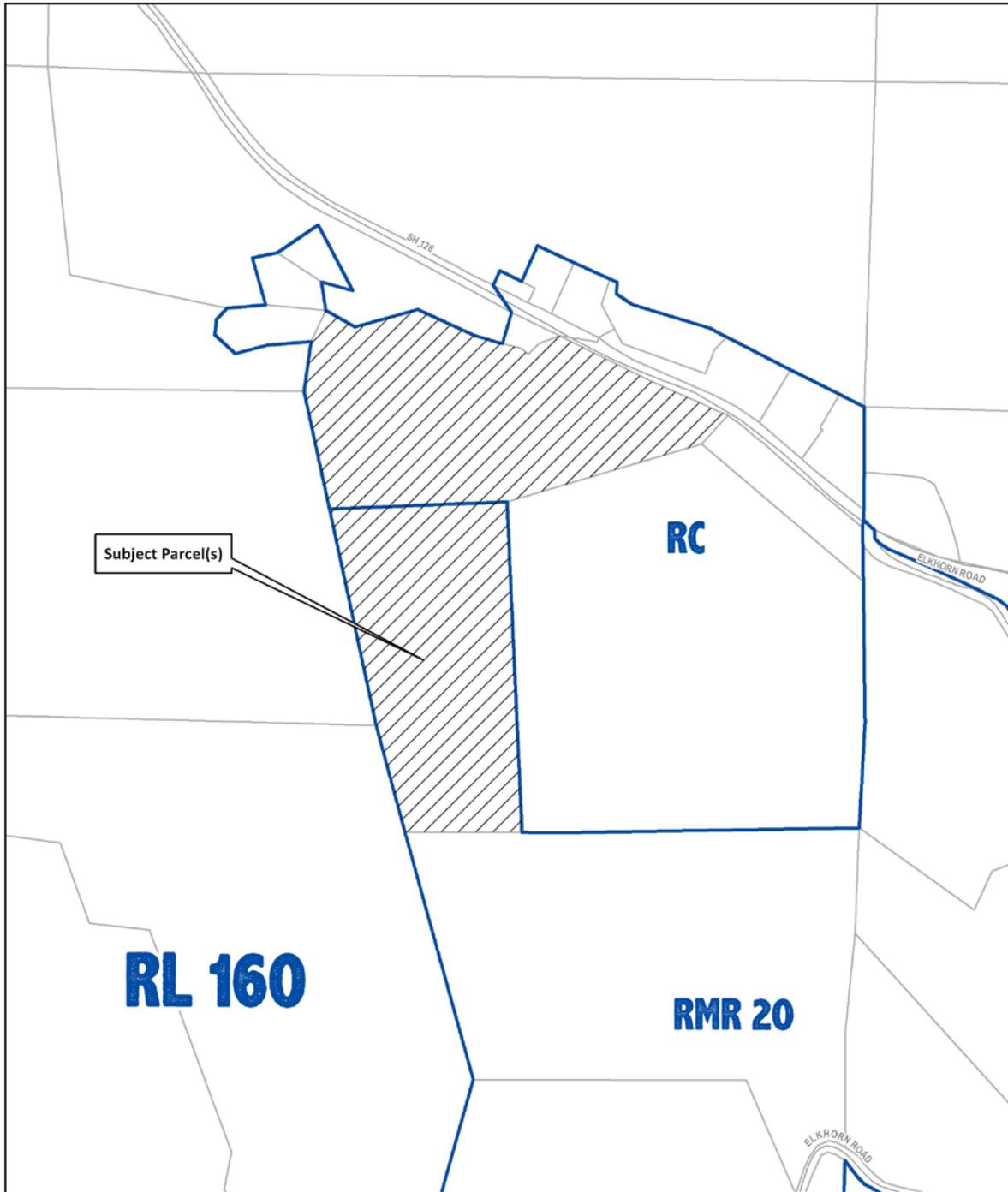




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GP/ZONE: Varies / Varies
ADDRESS: 26800 Hwy. 128, Yorkville

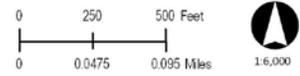
ZONING DISPLAY MAP

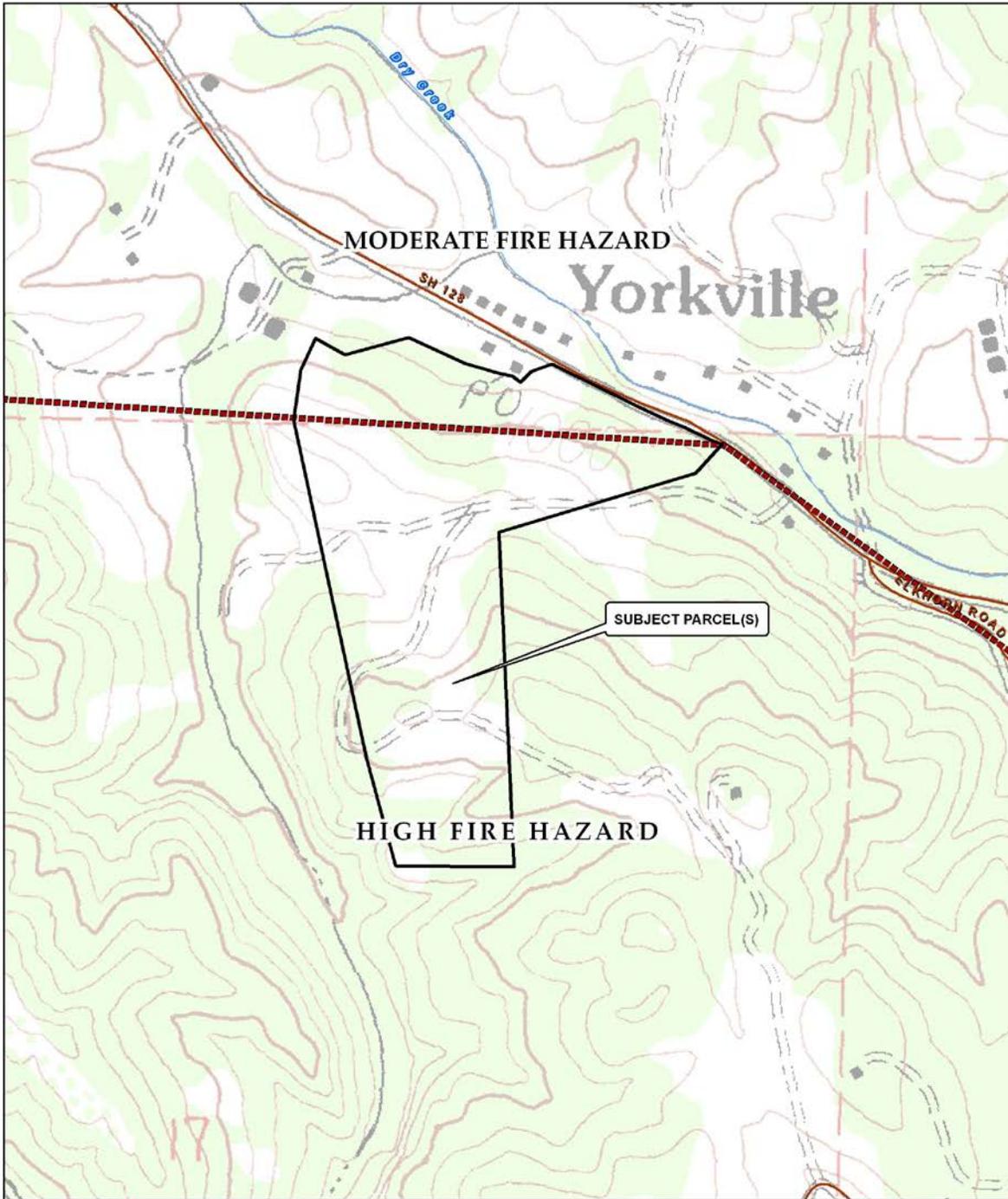




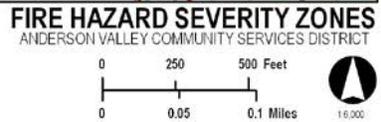
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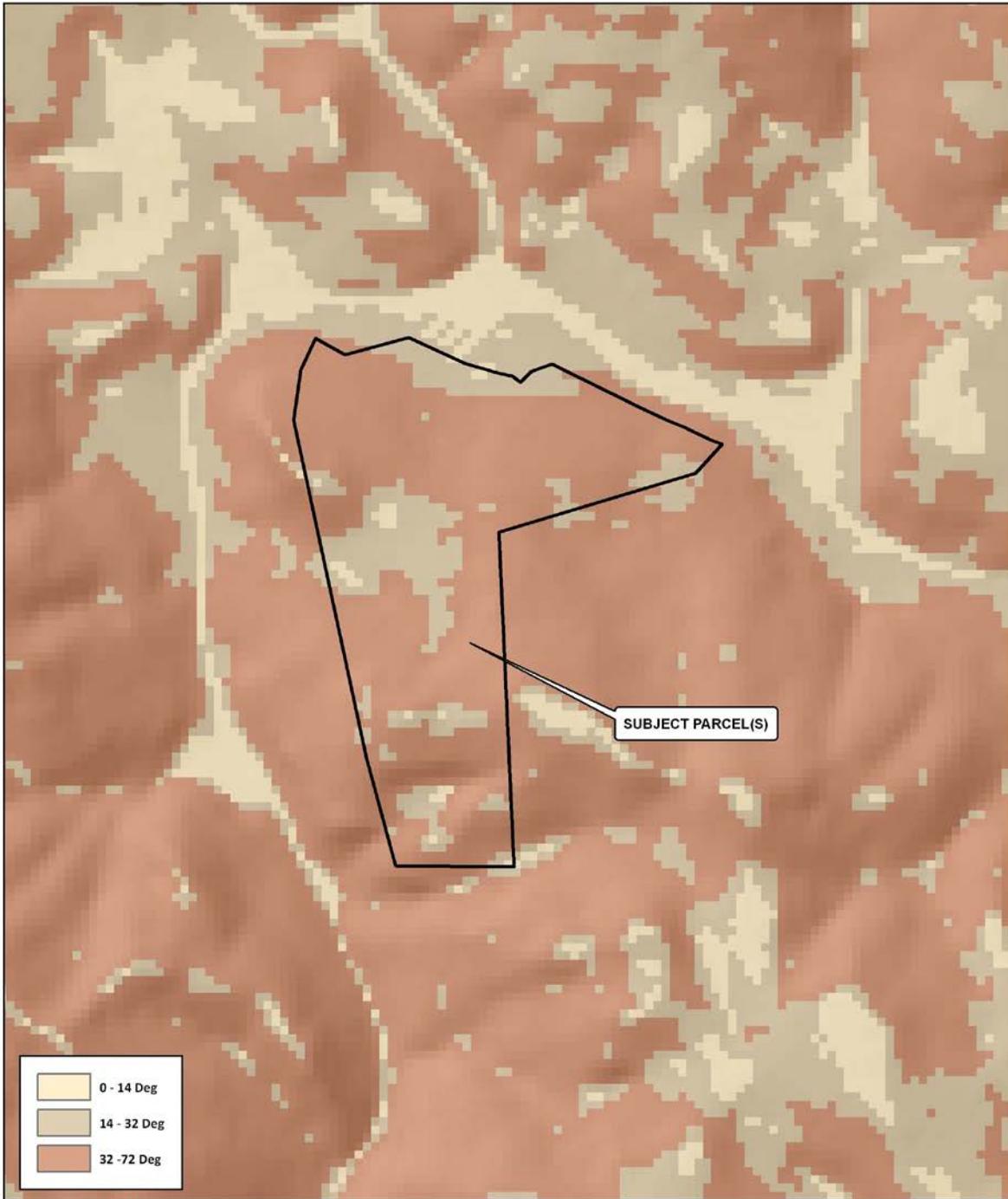
GENERAL PLAN DESIGNATIONS





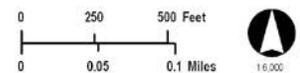
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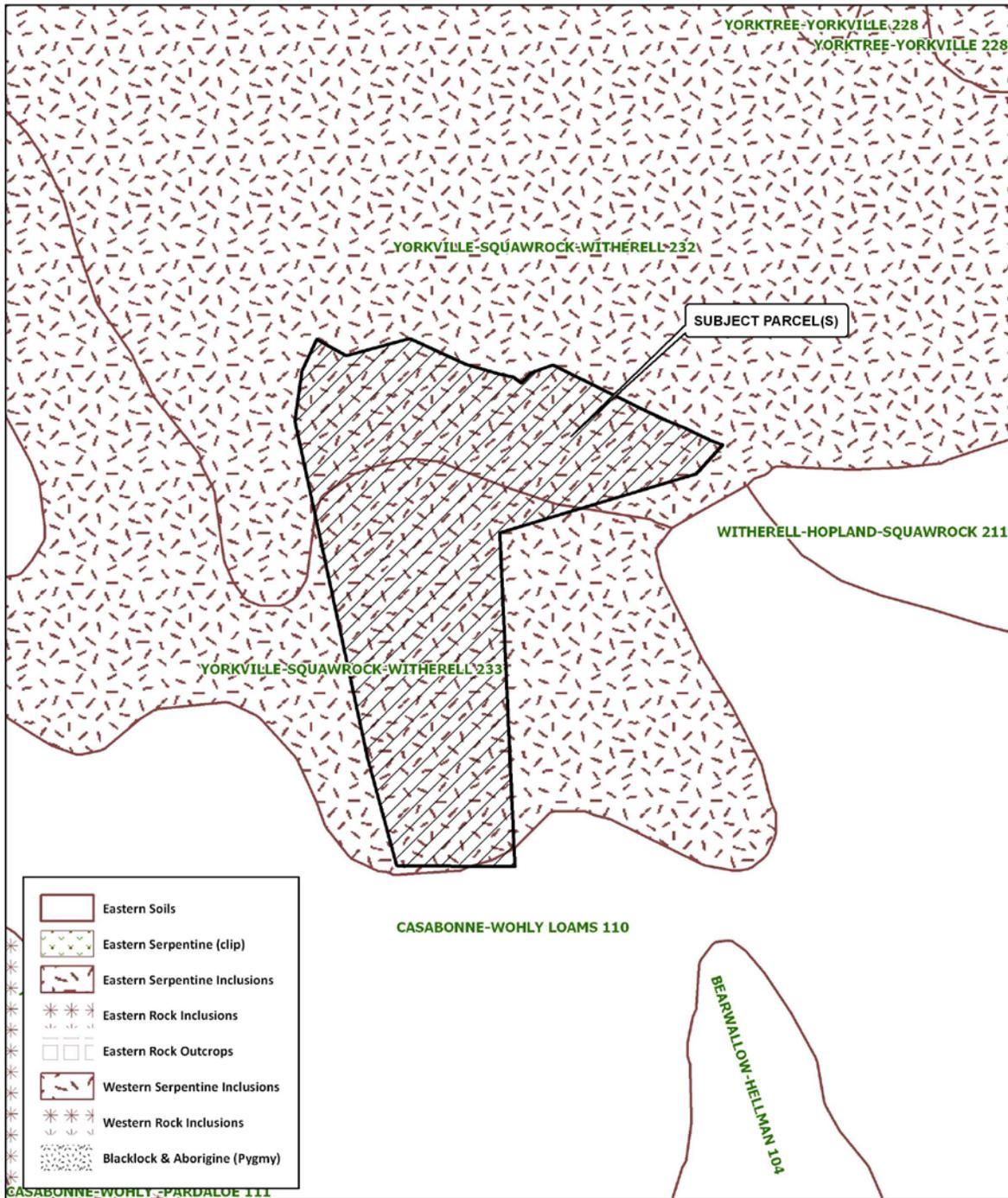




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ESTIMATED SLOPE





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LOCAL SOIL TYPES

