



COUNTY OF MENDOCINO

DEPARTMENT OF PLANNING AND BUILDING SERVICES

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MEMORANDUM

DATE: OCTOBER 19, 2017

TO: PLANNING COMMISSION

FROM: MARY LYNN HUNT, PROJECT COORDINATOR

RE: MINOR DIVISION NO. MS 2007-0023 (TRUSTEES OF PINOLEVILLE)
MODIFICATION OF CONDITION

Background: On November 18, 2010 the Planning Commission approved the above noted Minor Subdivision creating 4 parcels and a Remainder. In addition, the Planning Commission at the meeting of November 19, 2015, approved Modification to Conditions regarding the use of the Remainder Parcel of the proposed division.

At this time, the interim Trustee for the Pinoleville Trust, Mr. Christopher Neary is requesting that the project again be reviewed to modify Special Condition Number 1 which reads:

Special Condition:

****1.** Prior to the recordation of the Parcel Map, all building and zoning violations shall be adequately addressed. (Added by Planning Commission 11/18/2010)

Applicants Statement: Mr. Neary is requesting that the condition be modified to allow for the recording of the map while the process of bringing the violations into compliance. He states in part:

"We have asked staff to consider allowing us to record the map while we are in the process of addressing the violation and to interpret the condition, "adequately addressed." The staff has declined to accept that interpretation, which position is understandable. However, as a last measure we are requesting that the Planning Commission approve an interpretation which would permit the Parcel Map to be recorded while the violations are being diligently addressed. We have retained Scott Ward for the process of pursuing the permits. This would enable the sale to proceed to place the property in the ownership of the Pinoleville Nation. Obviously the Pinoleville Nation would be required to waive sovereign immunity. Upon change of ownership the Pinoleville Nation which is essentially on site can pursue the finalization of the code violations which requires extensive coordination with very long time occupants of the property."

Previous Planning Commission Action: It was noted by staff during the initial hearing of the project, November 18, 2010 that numerous building and zoning violations we on site. While a condition to address the violation on the Residual Parcel (Condition Number 11) was noted, Planning Commissioner Calvert requested that Special Condition Number 1 be added to the Conditions of Approval to the entire property.

Since the approval by the Planning Commission the applicants have made the following attempt to comply with Special Condition Number 1.

- Two building permits were applied for in 2016 to address two of the illegal structures. To date, no permits have been issued due to being placed on hold by the Environmental Health due to septic requirements.
- A demolition permit was issued on one of the illegal structures. To date this has not been Finaled through Building Division.

- One other demolition permit has also been applied for, but not issued.
- In addition, there continues to be a large amount of debris/illegal structures that still needs to be removed.

Staff Recommendation: Staff would recommend that Special Condition Number 1 not be deleted from the Conditions of Approval. It has been a practice of the department to condition projects on the cleanup of violations and it has proven to be useful in getting applicants in compliance with zoning and building violations. As of the writing of this memo, staff is working with Code Enforcement to develop a condition that would satisfy the requirements to bringing the property into compliance. If a satisfactory condition cannot be established, it is recommended that the current condition apply.

PLANNING COMMISSION RECOMMENDED MOTION: The Planning Commission Denies the Modification of Condition Request for Minor Subdivision MS 2007-0023. If the Planning Commission is able to determine that an alternative Condition can be established and recommend approval of a Revised Special Condition 1, the following environmental determination and findings would be applicable.

Environmental Determination: A Notice of Determination was previously filed in compliance with Section 21108 and 21152 of the Public Resources Code for the proposed subdivision request. The Planning Commission determined that:

1. The project will not have a significant effect on the environment.
2. A Negative Declaration was prepared pursuant to the provisions of CEQA.
3. Mitigation measures were a condition of the project approval.
4. A Statement of Overriding Consideration was not adopted.

Staff has determined that the Modification of Condition would not significantly alter the Environmental Determination previously approved. Based on the above assessment, no new significant impacts will result that cannot be adequately mitigated, therefore, the Negative Declaration previously adopted is still applicable

Environmental Findings: The Planning Commission finds that the environmental impacts identified for the project can be adequately mitigated through the revised conditions of approval or features of the project design so that no significant adverse environmental impacts will result from this project; therefore, a Negative Declaration previously adopted is still applicable.

General Plan Findings: Pursuant to Section 66473.5 of the California Government Code, the Planning Commission finds the proposed subdivision, together with the provisions for its design and improvement is consistent with the applicable goals and policies of the General Plan

Attachments:

- A. Current Conditions of Approval for MS 2007-0023
- B. Original Staff Report for MS 2007-0023
- C. Planning Commission Minutes for November 18, 2010
- D. Planning Commission Memo for November 19, 2010
- E. Planning Commission Minutes for November 19

Current

**FINAL FINDINGS AND CONDITIONS OF APPROVAL
CASE # MS_2007-0023 – TRUSTEES OF PINOLEVILLE
~~NOVEMBER 18, 2010~~
NOVEMBER 19, 2015**

The Planning Commission approves Minor Subdivision # MS 23-2007 per the findings and conditions of approval contained in the staff report and modified during the public hearing as follows;

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 Negative Declaration is adopted.

General Plan Findings: Pursuant to Section 66473.5 of the California Government Code, the Planning Commission finds the proposed subdivision, together with the provisions for its design and improvement is consistent with the applicable goals and policies of the General Plan.

Project Findings: The Planning Commission, making the environmental and General Plan findings above, approves #MS 23-2007, 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.

CONDITIONS OF APPROVAL:

For a Minor Subdivision which has been approved according to the Mendocino County Code, the following "Conditions of Approval" shall be completed prior to filing a Parcel Map

ALL CONDITIONS OF APPROVAL MUST BE MET PRIOR TO EXPIRATION OF TWENTY-FOUR (24) MONTHS FROM DATE OF APPROVAL, UNLESS RENEWED PURSUANT TO THE MENDOCINO COUNTY CODE.

****1.** 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 1st.

- f. All earth-moving activities shall be conducted between May 15th and October 15th 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 m³) on any one lot and does not obstruct a drainage.
- **2. 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 within the Conditions of Approval.
- **3. 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."
- **4. Demolition or renovation of structures may require asbestos clearance and notification to the Air Quality Management District. The applicant shall submit a copy of the National Emissions Standards for Hazardous Air Pollutants [NESHAP] clearance from the Air Quality Management District prior to approval of any demolition permits by the Department of Planning and Building Services.
- **5. A note shall appear on the **Parcel Map** stating that: *"No toxic, hazardous or contaminated materials or waste shall be stored in a designated buffer area or clearly defined flood plain or flood way"*
- **6. All areas within the subdivision subject to flooding shall be clearly identified on Parcel Map. The information on the parcel map shall be based on a flood hazards using data developed by the Federal Emergency Management Agency. Any area of the subdivision within the "floodway" as defined by the federal Emergency Management Agency and on file with the Mendocino County Planning and Building Services Department shall be delineated as a drainage easement on the Parcel Map.

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."*
- **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 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 ~~\$2,060.25~~ **\$2151.50** (or the current fee in effect at the time of approval) shall be made payable to the Mendocino County Clerk and submitted to the Department of Planning and Building Services prior to December 3, 2010 (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 approved entitlement becoming

null and void. **The applicant has the sole responsibility to insure timely compliance with this condition.**

- **8.** All external future lighting shall be shielded and downcast to prohibit light from being cast beyond the property boundaries. The number of exterior lighting fixtures shall be kept the minimum required for safety.
- **9.** A notation shall appear on the **Parcel Map** that *"Agricultural Disclosure per Mendocino County Code MCC 10A.13.040.(C), Residents of 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 farming operations."*
- ~~****10.** The following statement shall appear on the Parcel Map *"Residual Parcel - Due to Mendocino County Superior Court No. CV05220 directive, The Remainder Parcel will be used solely for cemetery and ceremonial uses."*~~
- ~~****11.** All utility connections to the mobile home on the Remainder Parcel shall be disconnected and the unit shall be removed from the property prior to the filing of the Parcel Map.~~
- ~~****12.** The subdivider shall pay into the County Affordable Housing Trust Fund (per County Code Section 20.238.035) an amount equaling 5% of the County-wide median sales price of a single family residence as determined by the County Assessor. Said fee shall be collected prior to the recording of the Parcel Map. (Deleted by Planning Commission 11/18/2010)~~
- **13.** There shall be dedicated by Parcel Map a 35 foot half-width right of way along the north side of Orr Springs Road CR #223 to provide for the ultimate improvement of the County road. This width shall be measured from the centerline of the existing right-of-way of record, or where no record right-of-way exists, from the center of the physical road.
- **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.** All natural drainage and water courses shall be considered as easements. Minimum width shall be twenty (20) feet, or to the high water level plus five (5) feet horizontal distance, whichever is greater. If a Parcel Map is filed, such easements shall be shown on the final parcel map. (All parcels 5 acres and less).
- **17.** Standard residential driveway approaches (5 total) shall be constructed to serve Parcel One (1 each), Parcel Two (1 at each existing driveway), Parcel Three (1 each), Parcel 4 (one each) and the Residual Parcel (1 each). All driveways shall be constructed to a minimum width of twelve (12) feet, area to be improved fifteen (15) feet from the edge of the County road, to be surfaced with 2 inches asphalt concrete over a minimum depth of 6 inches Class 2 aggregate base.
- **18.** Any proposed work within County rights of way requires obtaining an encroachment permit from the Mendocino County Department of Transportation.
- **19.** The subdivider shall comply with any recommendations of the Ukiah Valley Fire District and written verification shall be submitted from the Fire District to the Department of Planning and Building Services that this subdivision is in compliance with their requirements and have been met to their satisfaction.
- **20.** The applicant shall provide the Division of Environmental Health adequate advance written notice (minimum of 15 days) of the date and time any field soil testing procedures for any proposed on-

site sewage systems to allow the Division of Environmental Health staff to be present for soil testing.

~~**21. The applicant shall submit to the Division of Environmental Health an acceptable site evaluation report (DEH FORM # 42.04) for Remainder Parcel completed by a qualified individual demonstrating compliance with the North Coast Regional Water Quality Control Board's Basin Plan Policy for On-site Waste Treatment and Disposal and Mendocino County Division of Environmental Health's Land Division Requirements (DEH FORM # 26.09). (Deleted by Planning Commission 11/18/2010)~~

****21. The applicant shall submit to the Division of Environmental Health an acceptable site evaluation report (DEH FORM # 42.04) for Remainder Parcel completed by a qualified individual demonstrating compliance with the North Coast Regional Water Quality Control Board's Basin Plan Policy for On-site Waste Treatment and Disposal and Mendocino County Division of Environmental Health's Land Division Requirements (DEH FORM # 26.09).**

****22.** The applicant shall submit to the Division of Environmental Health an acceptable site evaluation report (DEH FORM # 42.04) for a replacement system for the existing structure(s) located on parcel(s) 1, 2, 3 and 4 completed by a qualified individual demonstrating compliance with the North Coast Regional Water Quality Control Board's Basin Plan Policy for On-site Waste Treatment and Disposal and Mendocino County Division of Environmental Health's Land Division Requirements (DEH FORM # 26.09).

****23.** The applicant shall submit to the Division of Environmental Health an acceptable site development plan at a scale of not more than 1 inch = 50 feet showing all adjacent parcels on one sheet completed by a qualified individual showing the location and dimensions of the initial sewage disposal system(s), 100% replacement area(s), acceptable setback distances to water wells and other pertinent setback distances which may impact project site development.

~~**24. The applicant shall submit to the Division of Environmental Health an acceptable water quantity evaluation (DEH FORM # 26.05) completed by a qualified individual of a water source located on parcel(s) 3 or Remainder of the subdivision demonstrating an adequate water supply in compliance with the Division of Environmental Health's Land Division Requirements (DEH FORM # 26.09).~~

~~(A) Inland Area Proof of Water Test (DEH FORM# 26.05) per current requirements for parcels (DEH FORM 42.04). (Deleted by Planning Commission 11/18/2010)~~

****24. The applicant shall submit to the Division of Environmental Health an acceptable water quantity evaluation (DEH FORM # 26.05) completed by a qualified individual of a water source located on parcel(s) 3 or Remainder of the subdivision demonstrating an adequate water supply in compliance with the Division of Environmental Health's Land Division Requirements (DEH FORM # 26.09).**

(A) Inland Area Proof of Water Test (DEH FORM# 26.05) per current requirements for parcels (DEH FORM 42.04).

****25.** The applicant shall submit to the Division of Environmental Health an acceptable standard mineral analysis performed by a certified public health laboratory from a source of water on the subdivision.

****26.** The applicant shall either (1) submit to the Division of Environmental Health, a letter from the district(s) or agency(s) stating that water 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. 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.

- **27. 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.
- **28. 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 project and that all work performed is in compliance with applicable conditions.

SPECIAL CONDITIONS OF APPROVAL

- **1. Prior to the recordation of the **Parcel Map**, all building and zoning violations shall be adequately addressed. (Added by Planning Commission 11/18/2010)
- 2. All existing structures shall meet current setback requirements to newly proposed property lines. A site map shall be submitted to the satisfaction of Planning and Building Services clearly identifying compliance. The site map shall include and identify the location of all structures, septic/leach fields and water sources.**

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

STAFF REPORT FOR MINOR SUBDIVISION

**#MS 23-2007
NOVEMBER 18, 2010
PAGE PC-1**

OWNER: TRUSTEES OF PINOLEVILLE
JOE MYERS, RALPH MAIZE, & ART VILLEGAS
PO BOX 216
UKIAH, CA 95482

APPLICANT: MICHAEL KINNEY ESQ
438 FIRST STREET, 4TH FLOOR
SANTA ROSA, CA 95401

CHRIS NEARY-INTERIM TRUSTEE
110 SOUTH MAIN STREET, SUITE C
WILLITS, CA 95490

AGENT: JIM RONCO
700 EAST GOBBI STREET #14
UKIAH, CA 95482

REQUEST: Minor Subdivision of a 68+/- acre parcel into parcels of 5+/-, 9+/-, 5+/- & 44+/- acres and a Remainder Parcel of 5+/- acres. In addition, an exception to the water requirement for the Remainder parcel is requested. The Remainder Parcel will continue to be used as a cemetery (No residential use is requested on this parcel).

LOCATION: In Ukiah, 2+/- miles northwest of the town center, lying on the north side of Orr Springs Road (CR 223), just west with its intersection with Pinoleville Drive (CR 225), approximately 0.5+/- miles west from the intersection of Orr Springs Road and North State Street (CR 104), located at 960 Orr Springs Road: AP#'s 156-110-21 & 169-170-04.

TOTAL ACREAGE: 67.5 +/- Acres

ZONING: Rural Residential- 5 acre minimum (RR5)

ADJACENT ZONING: North: Agriculture- 40 acre minimum (AG40)
East: Pinoleville Industrial, Rural Residential- 5 acre minimum (PI, RR5)
South: Agriculture- 40 acre minimum (AG40, Ag Preserve)
West: Rangeland- 160 acre minimum (RL160)

GENERAL PLAN: Rural Residential- 5 acre minimum (RR5)

SURROUNDING LOT SIZES: North: 1.4+/- Acres to 32+/- Acres
East: 1.06+/- Acres to 2.9+/- Acres
South: 6.5+/- Acres to 45+/- Acres
West: 3.9+/- Acres to 24+/- Acres

EXISTING USES: Residential/ Cemetery

SURROUNDING LAND USES: North: vacant
East: Residential, Industrial
South: Rangeland, Vineyard
West: Rangeland, Residential

SUPERVISORIAL DISTRICT:

5

OTHER RELATED APPLICATIONS:

- Zoning and Building Violations #ZI 2008-16 and BI 1998-64 for the use of a travel trailer/mobile home without permits. No water or sewer. This is the site of the mobile home shown on the Residual Parcel. Violation Open, no compliance.

PROJECT DESCRIPTION: The Trusteeship of the Pinoleville Indians propose a Minor Subdivision of a 67.5± acre parcel into four parcels of 5±, 5±, 9±, 43.5± and a Residual Parcel of 5± acres as directed by a court order, Mendocino County Superior Court No. CV05220. Per the application, the court has directed Parcels One and Three to continue to be used for residential purposes and transferred to "claimants". Parcel Four and the Remainder Parcel will be transferred to the Pinoleville Tribe of Pomo Indians. Parcel Two will be retained for limited residential, "sacred" and "ceremony" uses. In addition, the parcel configurations are the result of court direction to address tribal history and compromises between parties of the court order.

The subject property to be divided is just north of the Ukiah City Limits, lying south of Ackerman Creek, on the north side of Orr Springs Road (CR# 223) approximately ½ mile west of its intersection with North State Street (CR# 104). The property is adjacent to the Pinoleville Rancheria to the east. The property is zoned Rural Residential 5 acre minimums (RR5). Currently the property is improved with eight (8) Single Family Residences, barn, various out buildings, onsite well and numerous septic/leach areas. As proposed the improvements and uses stated within the application will be located on the parcels as follows:

- Proposed Parcel 1 (5± ac) will contain two single family residences (the third residence currently existing will be removed), on-site septic and an existing Millview County Water District hook-up
- Proposed Parcel 2 (9± ac) will be used for "Open Space" and "Ceremonial" purposes. Parcel two's existing residential uses (2 residences, on-site septic and existing Millview County Water District hook-up) will continue until the death of the current claimants, at which time the uses will expire.
- Proposed Parcel 3 (5± ac) will contain one single family residence, on-site septic and on-site well
- Proposed Parcel 4 (43.5± ac) Primarily will remain in open space with one single family residence, on-site septic and Millview County Water District hook-up
- Remainder Parcel (5± ac) will continue to be used for cemetery purposes. One "intermittent" single family residence without benefit of a developed water supply and a comprised septic system exist. The applicant's are asking for an "Exception" to water supply for this parcel, stating that the parcel will be for burial and cemetery purposes.

Each parcel will use the existing driveways to have direct access on to Orr Springs Road to the south.

ENVIRONMENTAL REVIEW:

Earth (Items 1A-G): Minor grading and site preparation may be necessary to develop additional building sites and driveway improvements. No significant impacts are anticipated that cannot be resolved and mitigated through the Grading Permit process, which is subject to the provisions contained in Appendix J, of the 2007 California Uniform Building Code. *Conditions 1 and 2* provide general guidelines to address concerns regarding erosion and dust that may occur during site preparation.

Air Quality (Items 2A-C): A "No Comment" was received from the County Air Quality Management District (AQMD). General comments typically received for like projects relate to particulate matter generated from unpaved roads, woodstove installation, onsite combustion engines, and grading activities. According to the County GIS maps, the project area does not lie within a region which may contain Naturally Occurring Asbestos. Substantial air emissions or a deterioration of ambient air quality is not expected to rise to a level of significance as a result of the project. Staff will recommend that standard conditions regarding rocked roads, compliance with AQMD regulations for stationary onsite internal combustion engines and grading activity be required. *Conditions 3 and 4* are recommended to ensure that impacts to air quality are held to a less than significant level.

Water Hazards/Flooding/Quantity/Drainage (Items 3 A-I):

Drainage: The development has the potential to result in one additional dwelling unit on three of the proposed parcels, accessory buildings, paved areas and landscaping features, which may have an effect on absorption rates and drainage patterns or the rate and amount of surface runoff. Recommended mitigation measures from the above Earth section Minor Subdivision *Condition Numbers 1 and 2* are also offered as a means of protecting surface and ground water resources from development related activity.

Flooding): A portion of the property is within the 100 year Flood Plain and may be subject to periodic flooding. As delineated on the 100 Year Flood Zone map, the major portion of the flood plain is limited to the most northerly portion of the subject property along Ackerman Creek.

Mendocino County generally discourages development within the flood plain as Policy DE-198 of the recently updated General Plan-Development Element states that:

"The creation of lots with no flood-free buildable area will not be allowed."

Each parcel being proposed has more than sufficient area outside of the flood plain suitable for residential development. However, should development occur within the flood plain it will be subject to the provision for flood hazard reduction as set forth in Mendocino County Code Section 20.120.020. To insure General Plan consistency and compliance with the Mendocino County Code *Condition Numbers 5 and 6* are recommended.

Plant and Wildlife (Items 4A-D and 5A-D): A review of the Natural Diversity Data Base and the Biological Resource Maps indicates that the project site is not in or within close proximity to sensitive wildlife habitat. Furthermore, the Department of Fish and Game has not offered comments as to potential adverse impacts upon sensitive wildlife habitat. The project is subject to the filing fees required by Fish and Game Code Section 711.4 unless a waiver is granted by that agency. See *Condition Number 7*.

Noise (Item 6A): Although an increase in noise levels will most likely result from the grading and housing construction phases of the development, overall, staff does not believe the project would cause significant impacts beyond the minor inconvenience during this period.

Light and Glare (Item 7A): With any increased development on site, outside lighting and glare may impact residences on adjacent properties. The newly adopted General Plan Policy RM-134 states:

"The County shall seek to protect the qualities of the nighttime sky and reduce energy use by requiring that outdoor nighttime lighting is directed downward, kept within property boundaries, and reduced both in intensity and direction to the level necessary for safety and convenience."

Condition Number 8 is recommended for future residential or security lighting that may be placed within the subdivision.

Land Use (Item 8A): Lands adjacent to the south of the subject property are within an Agricultural Preserve which is currently under the 10 year rollout process. However due to the fact that the subject property is bordered on the North, South and West with lands zoned Agricultural-40 and Rangeland-160, disclosure of agricultural operations is necessary. *Condition Number 9* is recommended to advise the property owner and/or subsequent grantees that the property is adjacent to Agricultural land and may be subject to inconvenience or discomfort arising from agricultural practices, which occasionally generate dust, noise smoke and odors.

As stated in the application, the Residual Parcel will no longer be used for residential purposes per court directive. In order to ensure that the parcel will be used solely as a cemetery/ceremonial use, and will remain "un-developed" as no habitation or occupied structures of any kind shall occur due to inadequate water and septic. *Condition Number 10* is recommended.

To address the documented building and zoning violation at this site (Remainder Parcel), abatement and removal of the travel trailer/mobile home unit shall satisfy the Department of Planning and Building Services, thereby closing Zoning Violation #ZI 2008-16 and Building Violation #BI 1998-64. See *Condition Number 11*.

Housing (Item 11A): The County has recently adopted an Inclusionary Housing Ordinance, wherein the County acknowledges that it must meet the demand to construct housing for all economic levels of society, not only to meet policies of the State of California but also to better serve the County itself. County Code Section 20.238.010 states that the ordinance shall apply at the "subdivision level" for projects entailing residential development of two or more units. It also states that second residences are exempt from the requirements.

While projects resulting in less than five units are not required to ensure affordability of any of the units per se, the Inclusionary Housing Ordinance does require projects resulting in the two to four units to pay an "in-lieu fee" into an Affordable Housing Trust Fund. Four units would thus require that "5%" of the County-wide median sales price of a single-family residence of the same size in Mendocino County. The median sales price shall be determined annually by the County Assessor prior to March 1, for use in the following year." (County Code Section 20.238.035).

Typically, a four parcel plus remainder parcel division, resulting in five parcels would place the division within the "20% in-lieu" fee bracket. However, since the Remainder Parcel will not be designated a developable parcel due to the cemetery/ceremonial designation, this division would be creating only four residential parcels and the "5% in-lieu" fee would apply. Staff recommends *Condition Number 12*.

Transportation (Items 12 A-F): The Mendocino County Department of Transportation has reviewed the project request with regards to the existing access onto Orr Springs Road and proposed driveways to serve each of the five parcels. In part, the department states:

"Presently three access roads to the property encroach onto Orr Springs Road, two near the eastern boundary and one near the western boundary. The applicant requests an exemption to minimum encroachment standards for existing private lanes as no further residential development on the property is planned."

The Department of Transportation noted that at the Subdivision Committee Meeting, discussions with the agent regarding the configuration of the parcels and which parcels were to remain as single family residential and where the access roads were going to be. *Conditions 13 through 18* will mitigate impacts upon traffic circulation and traffic safety from increased residential traffic generated by the project. In addition as standard information for the applicant's process:

The applicant should be aware that, upon completion of the road improvements, applicant should request inspection. Prior to performing any work in the County right-of-way, an encroachment permit will be required for each proposed parcel from the Department of Transportation. The encroachment permit fee for a standard residential driveway approach will be required. In addition, County Surveyor parcel map checking fees will be required at the time of parcel map submittal.

Public Services (Item 13 A): The subject property is located in the Ukiah Valley Fire District area of responsibility. While the Fire District has not commented on this project as of the writing of this staff report, *Condition Number 19* is recommended to provide for review and approval by District to ensure that fire safe measures to minimize fire hazards to and from future residential development of the project site is met.

Environmental Health/Utilities (Item 15A): Current septic and water improvements on the property include existing leach fields on all parcels (The leach field on the Residual Parcel may not be functional). There is an existing well serving proposed Parcel 3. Parcels 1, 2 and 4 are currently served by Millview Water District. No water source is noted on the Residual Parcel. An Exception to the Division of Land Regulations, Mendocino County Code 17-55 is being requested for the Residual Parcel.

Owner's Statement: "Owner request exception to the requirement to provide a residential water source to a parcel of land being created to provide burial and cemetery uses for the Pinoleville Tribe of Indians. No new residential uses will be allowed on the subject parcel pursuant to court directed restrictions thereby eliminating any future affects to the public welfare or other property in the territory."

Sec. 17-55 Water Supply and Distribution Systems.

(A) When any part of any proposed subdivision lies within five hundred (500) feet of any municipal, special district, or county system providing domestic water, water mains and services shall be installed to serve each lot in said subdivision and connected to such system, if

approved by the governing body of such system. If the system or any part thereof is to be installed within the street right of way, the system location, including valve boxes, meter boxes, and fire hydrants and the system construction specifications shall be subject to the approval of the County Engineer.

The County Division of Environmental Health (DEH) has recommended conditions intended to assure adherence to standard water, septic and/or related policies required by the County. *Conditions Numbered 20 through 26* are offered to address these issues and are expected to hold impacts in this area to a less than significant level. In addition it will be required that the existing mobile home on the Residual Parcel be removed to ensure that no habitation of the property will take place without a proper water/septic source. No other utility-related mitigations are required.

Cultural Resources/Archaeological (Item 19 A-D): A Pinoleville Trust Property Cemetery Recording report, dated May 20, 2010 prepared by Roger Werner of ASI Archaeology and Cultural Resources Management identified two cemetery sites. The boundaries were marked and a Primary Record was filed with the State of California Resources Agency. While the report did not make recommendations for site protection measures staff would suggest that at a minimum (a) a supplemental archaeological survey should the project change, (b) that the "Discovery Clause" be required should cultural resources be encountered during project activities and (c) no development shall occur within the boundaries of the cemeteries and should resources be encountered within at least 100 feet of the locations, all work shall stop and the Mendocino County Archaeological Commission will be immediately notified of the discovery. On July 14, 2010 the Mendocino Archaeological Commission reviewed and accepted the report for this project.

Should any other archaeological discoveries occur during development, compliance with the requirements established by the Mendocino County Archaeological Resources Discovery Clause, Mendocino County Code 22.12.090 Discoveries, would address any future cultural resource concerns. See *Condition 27*

GENERAL PLAN CONSISTENCY REVIEW: The proposed project is consistent with applicable goals and policies of the General Plan.

RECOMMENDED MOTION:

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 Negative Declaration is adopted.

General Plan Findings: Pursuant to Section 66473.5 of the California Government Code, the Planning Commission finds the proposed subdivision, together with the provisions for its design and improvement is consistent with the applicable goals and policies of the General Plan.

Project Findings: The Planning Commission, making the environmental and General Plan findings above, approves #MS 23-2007, 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.

STANDARD CONDITIONS OF APPROVAL:

For a Minor Subdivision which has been approved according to the Mendocino County Code, the following "Conditions of Approval" shall be completed prior to filing a Parcel Map

ALL CONDITIONS OF APPROVAL MUST BE MET PRIOR TO EXPIRATION OF TWENTY-FOUR (24) MONTHS FROM DATE OF APPROVAL, UNLESS RENEWED PURSUANT TO THE MENDOCINO COUNTY CODE.

- **1. 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 1st.
 - f. All earth-moving activities shall be conducted between May 15th and October 15th 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 m³) on any one lot and does not obstruct a drainage.
- **2. 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 within the Conditions of Approval.
- **3. 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."
- **4. Demolition or renovation of structures may require asbestos clearance and notification to the Air Quality Management District. The applicant shall submit a copy of the National Emissions Standards for Hazardous Air Pollutants [NESHAP] clearance from the Air Quality Management District prior to approval of any demolition permits by the Department of Planning and Building Services.
- **5. A note shall appear on the Parcel Map stating that: *"No toxic, hazardous or contaminated materials or waste shall be stored in a designated buffer area or clearly defined flood plain or flood way"*
- **6. All areas within the subdivision subject to flooding shall be clearly identified on Parcel Map. The information on the parcel map shall be based on a flood hazards using data developed by the Federal Emergency Management Agency. Any area of the subdivision within the "floodway" as defined by the

federal Emergency Management Agency and on file with the Mendocino County Planning and Building Services Department shall be delineated as a drainage easement on the Parcel Map.

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."*

- **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 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 \$2,060.25 (or the current fee in effect at the time of approval) shall be made payable to the Mendocino County Clerk and submitted to the Department of Planning and Building Services prior to December 3, 2010 (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 approved entitlement becoming null and void. **The applicant has the sole responsibility to insure timely compliance with this condition.**
- **8. All external future lighting shall be shielded and downcast to prohibit light from being cast beyond the property boundaries. The number of exterior lighting fixtures shall be kept the minimum required for safety.
- **9. A notation shall appear on the Parcel Map that *"Agricultural Disclosure per Mendocino County Code MCC 10A.13.040.(C), Residents of 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 farming operations."*
- **10. The following statement shall appear on the Parcel Map *"Residual Parcel - Due to Mendocino County Superior Court No. CV05220 directive, The Remainder Parcel will be used solely for cemetery and ceremonial uses."*
- **11. All utility connections to the mobile home on the Remainder Parcel shall be disconnected and the unit shall be removed from the property prior to the filing of the Parcel Map.
- **12. The subdivider shall pay into the County Affordable Housing Trust Fund (per County Code Section 20.238.035) an amount equaling 5% of the County-wide median sales price of a single family residence as determined by the County Assessor. Said fee shall be collected prior to the recording of the Parcel Map.
- **13. There shall be dedicated by Parcel Map a 35 foot half-width right of way along the north side of Orr Springs Road CR #223 to provide for the ultimate improvement of the County road. This width shall be measured from the centerline of the existing right-of-way of record, or where no record right-of-way exists, from the center of the physical road.
- **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. All natural drainage and water courses shall be considered as easements. Minimum width shall be twenty (20) feet, or to the high water level plus five (5) feet horizontal distance, whichever is greater. If a Parcel Map is filed, such easements shall be shown on the final parcel map. (All parcels 5 acres and less).

- **17. Standard residential driveway approaches (5 total) shall be constructed to serve Parcel One (1 each), Parcel Two (1 at each existing driveway), Parcel Three (1 each), Parcel 4 (one each) and the Residual Parcel (1 each). All driveways shall be constructed to a minimum width of twelve (12) feet, area to be improved fifteen (15) feet from the edge of the County road, to be surfaced with 2 inches asphalt concrete over a minimum depth of 6 inches Class 2 aggregate base.
- **18. Any proposed work within County rights of way requires obtaining an encroachment permit from the Mendocino County Department of Transportation.
- **19. The subdivider shall comply with any recommendations of the Ukiah Valley Fire District and written verification shall be submitted from the Fire District to the Department of Planning and Building Services that this subdivision is in compliance with their requirements and have been met to their satisfaction.
- **20. The applicant shall provide the Division of Environmental Health adequate advance written notice (minimum of 15 days) of the date and time any field soil testing procedures for any proposed on-site sewage systems to allow the Division of Environmental Health staff to be present for soil testing.
- **21. The applicant shall submit to the Division of Environmental Health an acceptable site evaluation report (DEH FORM # 42.04) for Remainder Parcel completed by a qualified individual demonstrating compliance with the North Coast Regional Water Quality Control Board's Basin Plan Policy for On-site Waste Treatment and Disposal and Mendocino County Division of Environmental Health's Land Division Requirements (DEH FORM # 26.09).
- **22. The applicant shall submit to the Division of Environmental Health an acceptable site evaluation report (DEH FORM # 42.04) for a replacement system for the existing structure(s) located on parcel(s) 1, 2, 3 and 4 completed by a qualified individual demonstrating compliance with the North Coast Regional Water Quality Control Board's Basin Plan Policy for On-site Waste Treatment and Disposal and Mendocino County Division of Environmental Health's Land Division Requirements (DEH FORM # 26.09).
- **23. The applicant shall submit to the Division of Environmental Health an acceptable site development plan at a scale of not more than 1 inch = 50 feet showing all adjacent parcels on one sheet completed by a qualified individual showing the location and dimensions of the initial sewage disposal system(s), 100% replacement area(s), acceptable setback distances to water wells and other pertinent setback distances which may impact project site development.
- **24. The applicant shall submit to the Division of Environmental Health an acceptable water quantity evaluation (DEH FORM # 26.05) completed by a qualified individual of a water source located on parcel(s) 3 or Remainder of the subdivision demonstrating an adequate water supply in compliance with the Division of Environmental Health's Land Division Requirements (DEH FORM # 26.09).
- (A) Inland Area Proof of Water Test (DEH FORM# 26.05) per current requirements for parcels (DEH FORM 42.04).
- **25. The applicant shall submit to the Division of Environmental Health an acceptable standard mineral analysis performed by a certified public health laboratory from a source of water on the subdivision.
- **26. The applicant shall either (1) submit to the Division of Environmental Health, a letter from the district(s) or agency(s) stating that water 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. 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.

- **27. 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.
- **28. 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 project and that all work performed is in compliance with applicable conditions.

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

10-20-2010

DATE

Mary Lynn Hunt

MARY LYNN HUNT
PLANNER II

MLH/at
October 19, 2010

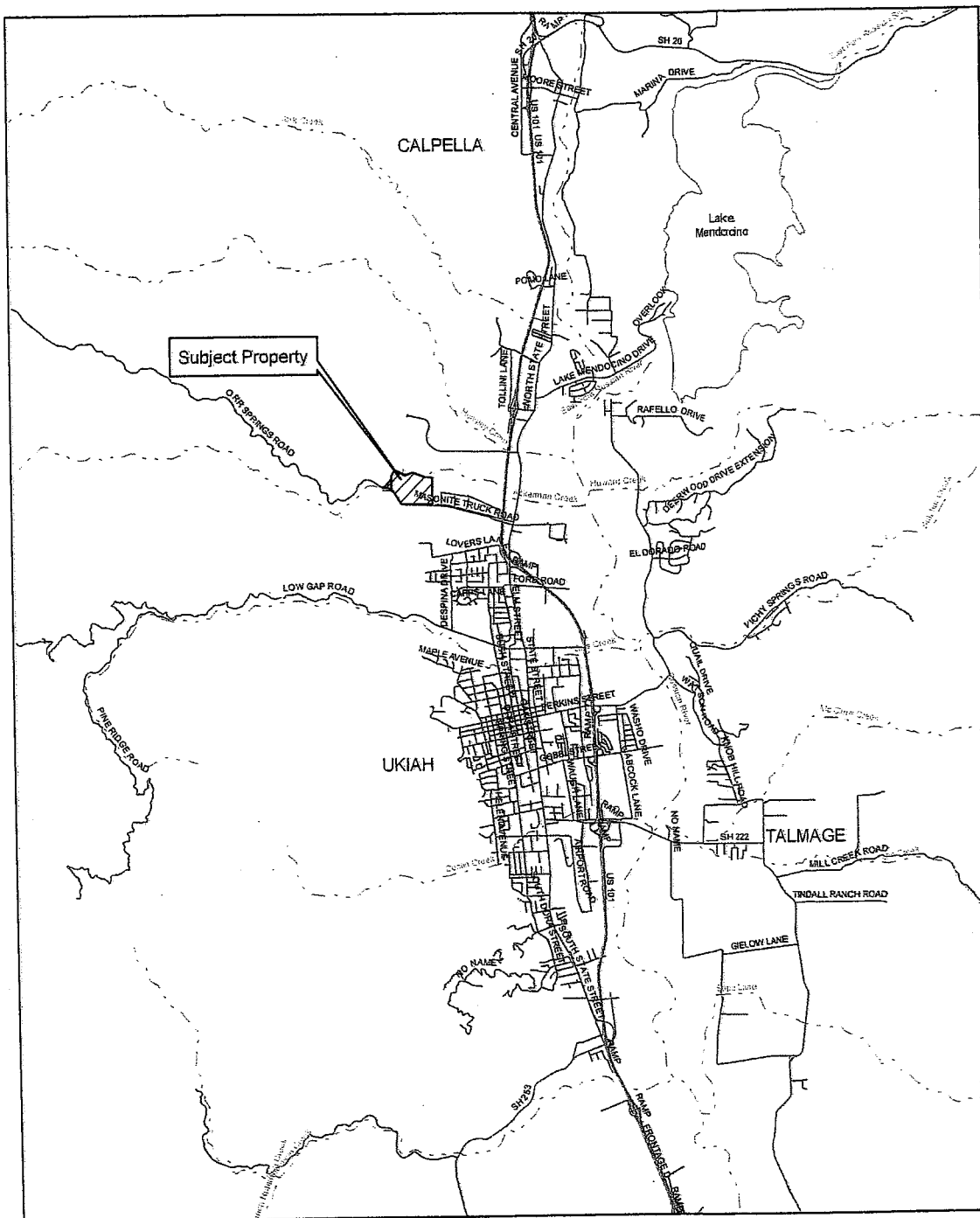
Negative Declaration
Appeal Fee - \$ 910.00
Appeal Period - 10 days

** Indicates conditions relating to Environmental Considerations - deletion of these conditions may affect the issuance of a Negative Declaration.

REFERRAL AGENCIES	REFERRAL NOT RETURNED	REFERRAL RECEIVED "NO COMMENT"	COMMENTS RECEIVED
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MENDOT			At MSC
Environmental Health			At MSC
Building Inspection			X
Assessor	X		
Ag Commissioner	X		
Air Quality		X	
Arch Commission			X
Resource Lands Committee			X
Long Range Planning/UVAP	X		
Dept. Fish & Game	X		
Army Corp of Engineers	X		
Russian River Flood Control	X		
State Highway Patrol	X		
County Addressing			X
Mill View Water Dist.	X		
Ukiah Valley Fire	X		
City of Ukiah Planning	X		
Pinoleville Indian Community	X		

ATTACHMENT B

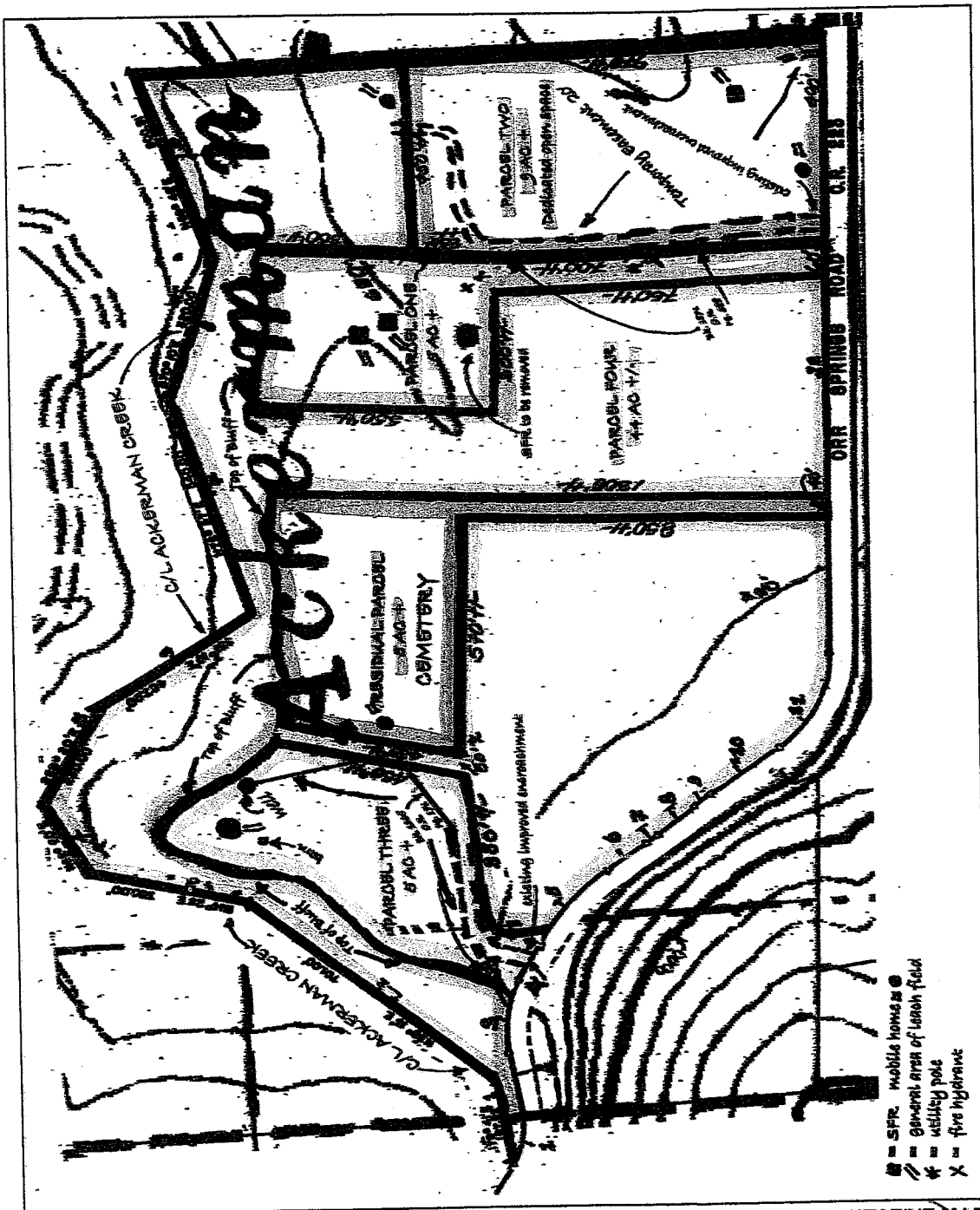


OWNER: TRUSTEES OF PINOLEVILLE INDIANS
 AGENT: RONCO, Jim
 CASE #: MS 23-2007
 APNs: 156-110-21 & 169-170-04

LOCATION MAP

Parcel lines are approximate. Parcel lines on this map are NOT SURVEY LINES, they are for viewing purposes only and should not be used to determine legal boundary lines. Parcel line can be over 200 feet off. (Parcel lines are as of September 2007)



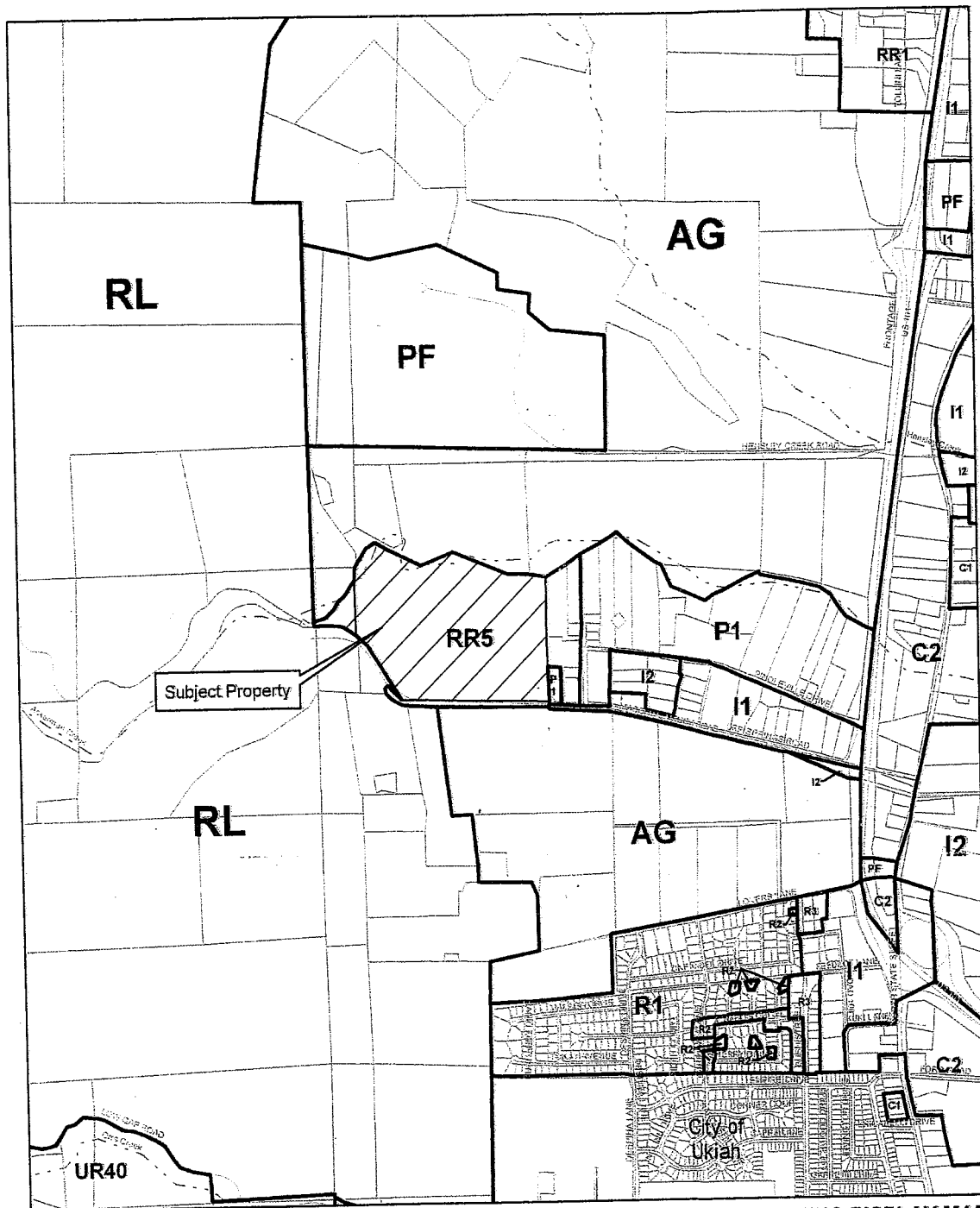


OWNER: TRUSTEES OF PINOLEVILLE INDIANS
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 CASE #: MS 23-2007
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TENTATIVE MAP

*Supervise del
 see Revised (9-15-2014)
 Map approved
 by SubComm
 10-9-14*

Not To Scale

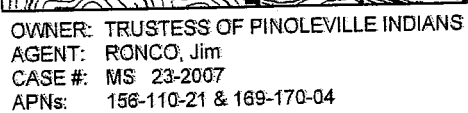


OWNER: TRUSTEES OF PINOLEVILLE INDIANS
 AGENT: RONCO, Jim
 CASE #: MS 23-2007
 APNs: 156-110-21 & 169-170-04

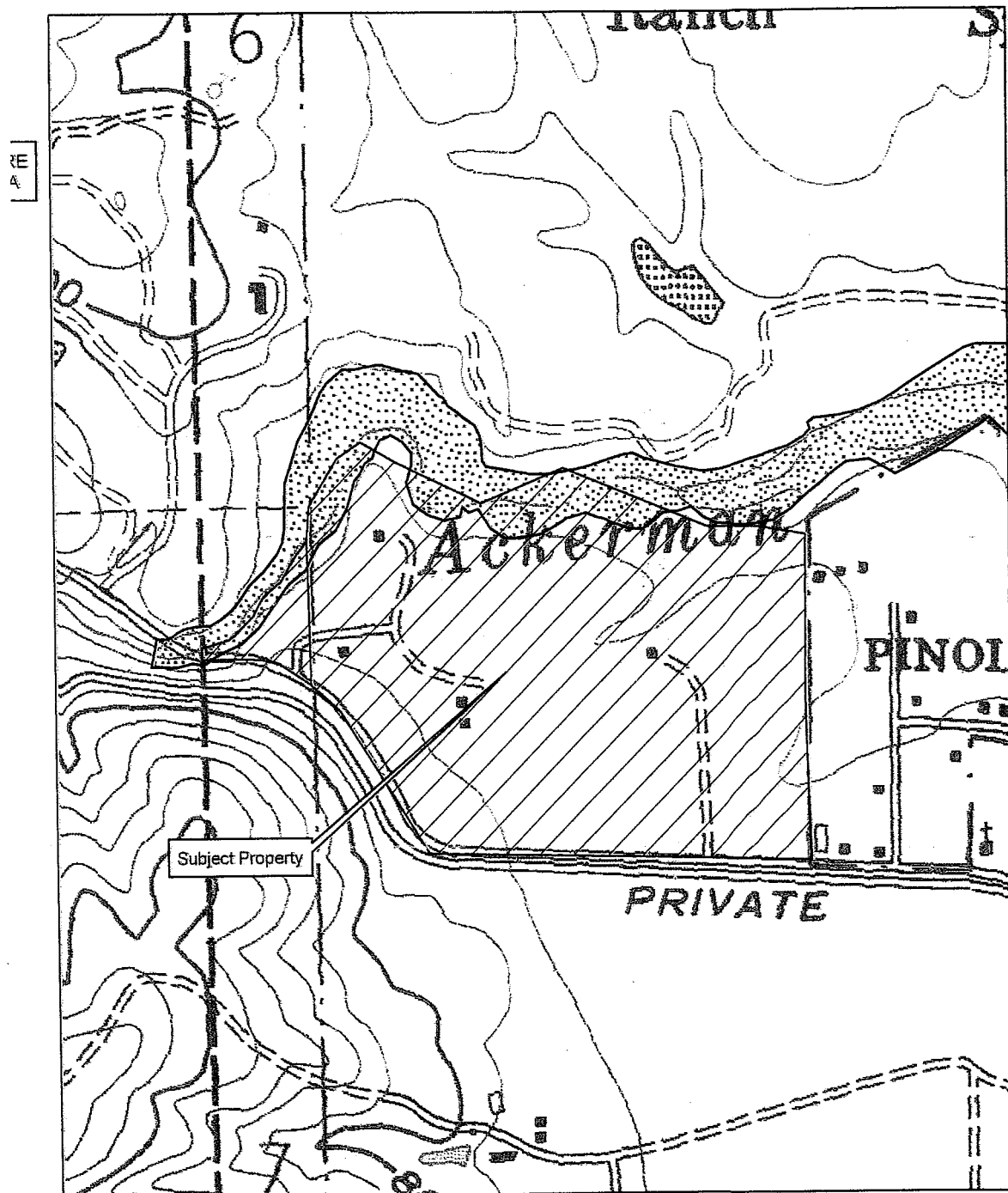
ZONING DISPLAY MAP

Parcel lines are approximate. Parcel lines on this map are NOT SURVEY LINES, they are for viewing purposes only and should not be used to determine legal boundary lines. Parcel line can be over 200 feet off. (Parcel lines are as of September 2007)

1,000 500 0 1,000 Feet



Parcel lines are approximate. Parcel lines on this map are NOT SURVEY LINES, they are for viewing purposes only and should not be used to determine legal boundary lines. Parcel line can be over 200 feet off. (Parcel lines are as of September 2007)



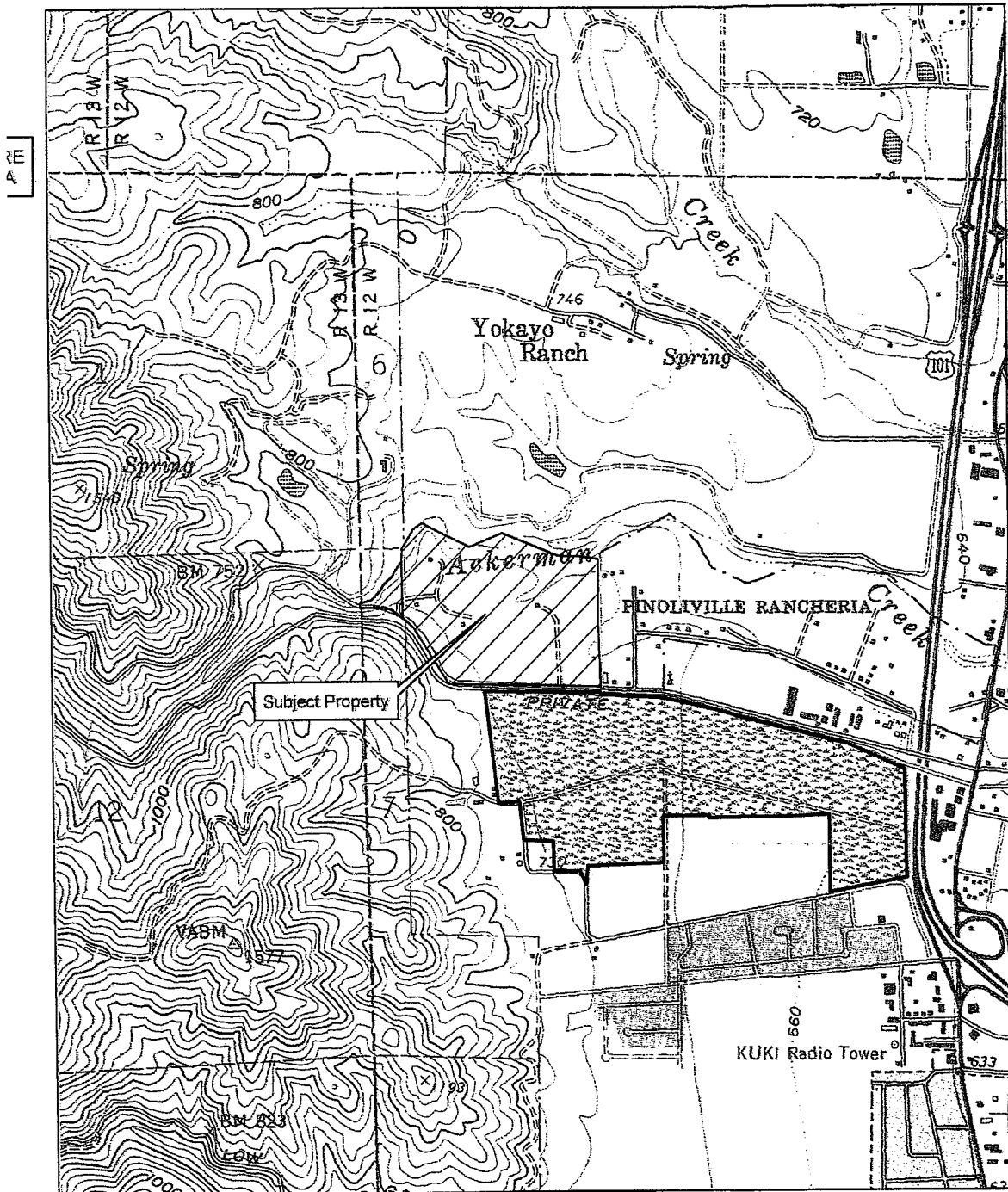
OWNER: TRUSTESS OF PINOLEVILLE INDIANS
AGENT: RONCO, Jim
CASE #: MS 23-2007
APNs: 156-110-21 & 169-170-04

 100 YEAR FLOOD ZONE

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400 200 0 400
Feet

N



OWNER: TRUSTEES OF PINOLEVILLE INDIANS
 AGENT: RONCO, Jim
 CASE #: MS 23-2007
 APNs: 156-110-21 & 169-170-04

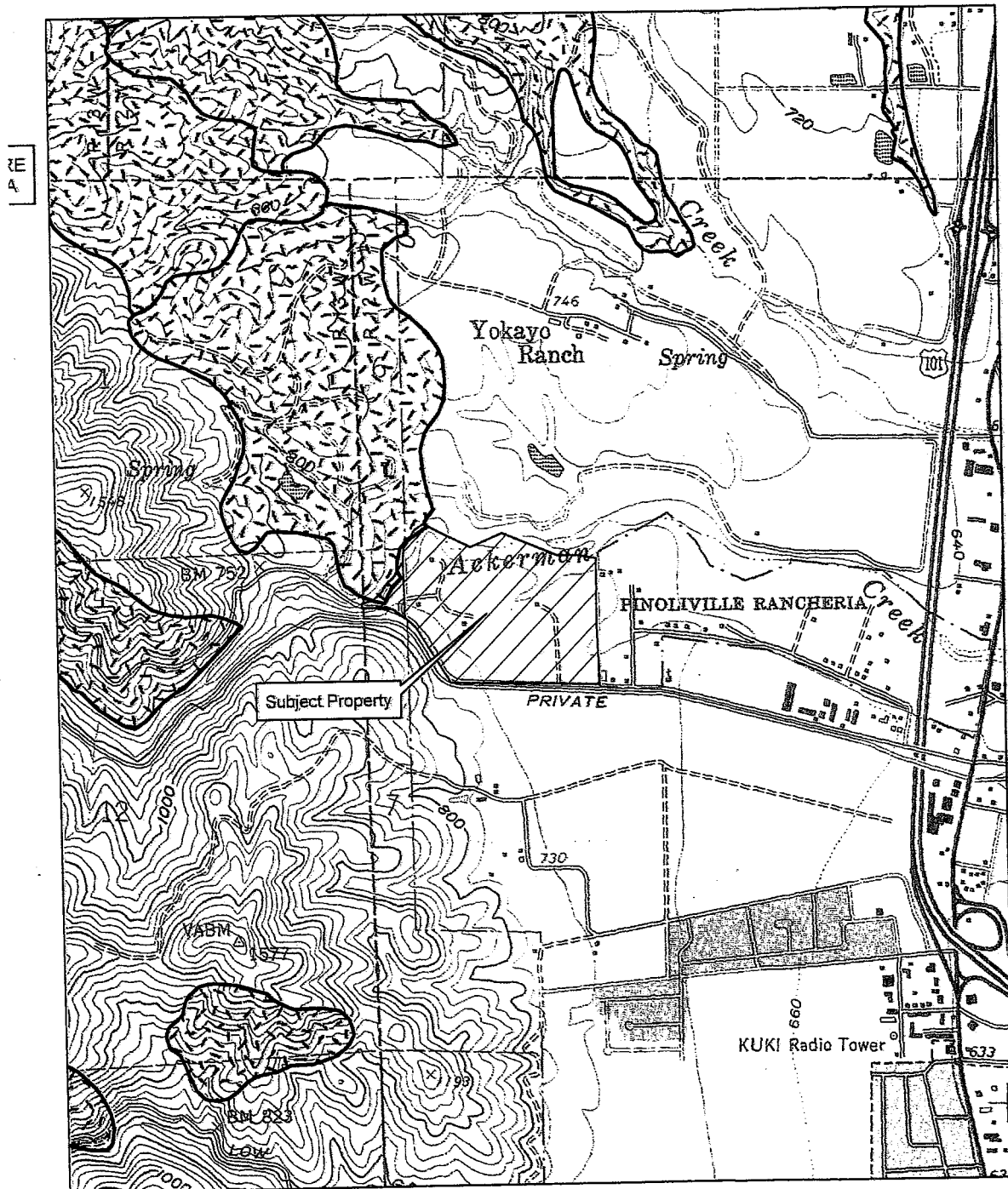
LANDS WITHIN WILLIAMSON ACT

 Williamson Act - Prime and Non Prime Land

Parcel lines are approximate. Parcel lines on this map are NOT SURVEY LINES, they are for viewing purposes only and should not be used to determine legal boundary lines. Parcel line can be over 200 feet off. (Parcel lines are as of September 2007)

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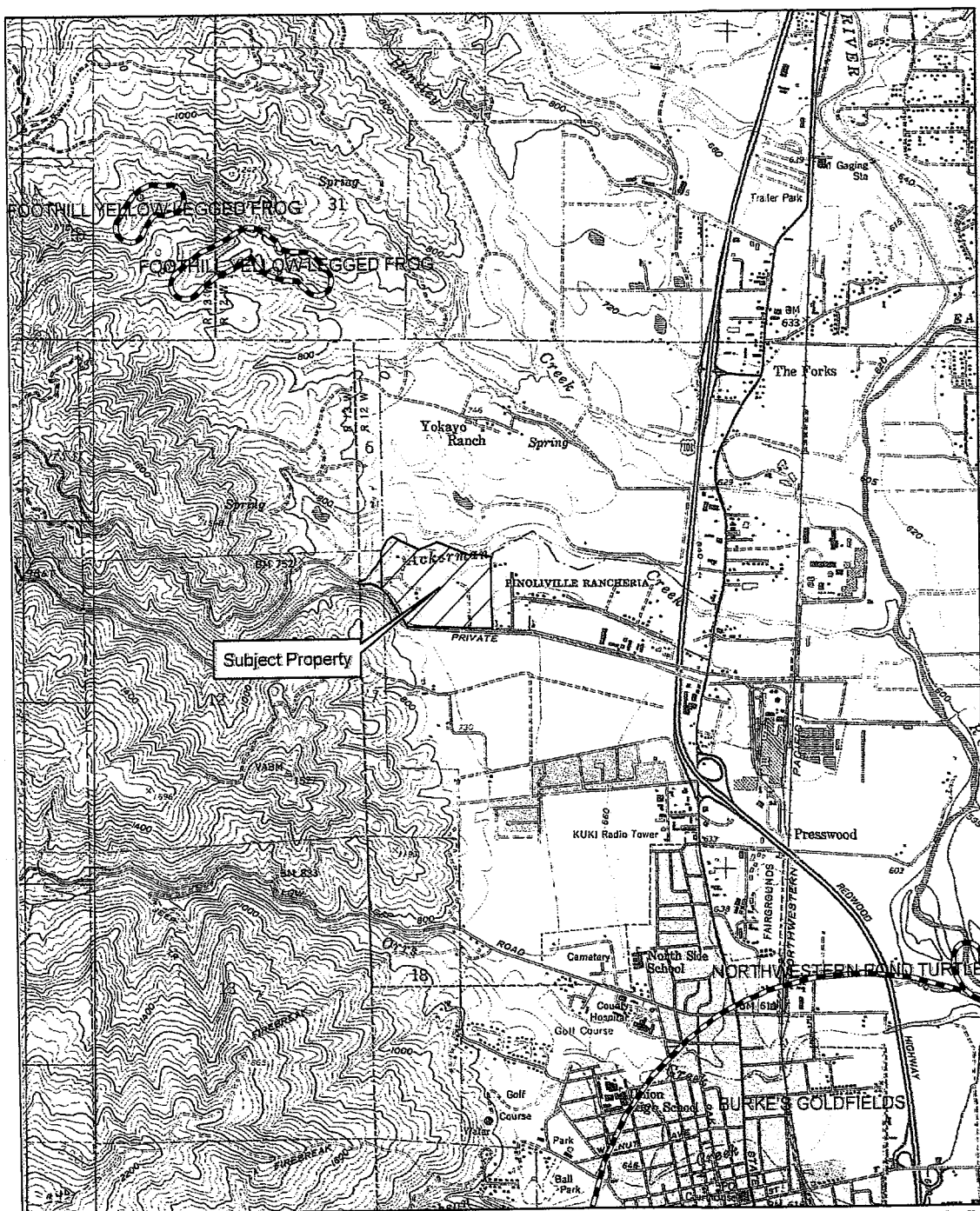
OWNER: TRUSTEES OF PINOLEVILLE INDIANS
 AGENT: RONCO, Jim
 CASE #: MS 23-2007
 APNs: 156-110-21 & 169-170-04

 COMPLEXES ASSOCIATED WITH
SERPENTINITE PARENTS MATERIAL

Parcel lines are approximate. Parcel lines on this map are NOT SURVEY LINES, they are for viewing purposes only and should not be used to determine legal boundary lines. Parcel line can be over 200 feet off. (Parcel lines are as of September 2007)

1,000 500 0 1,000
Feet



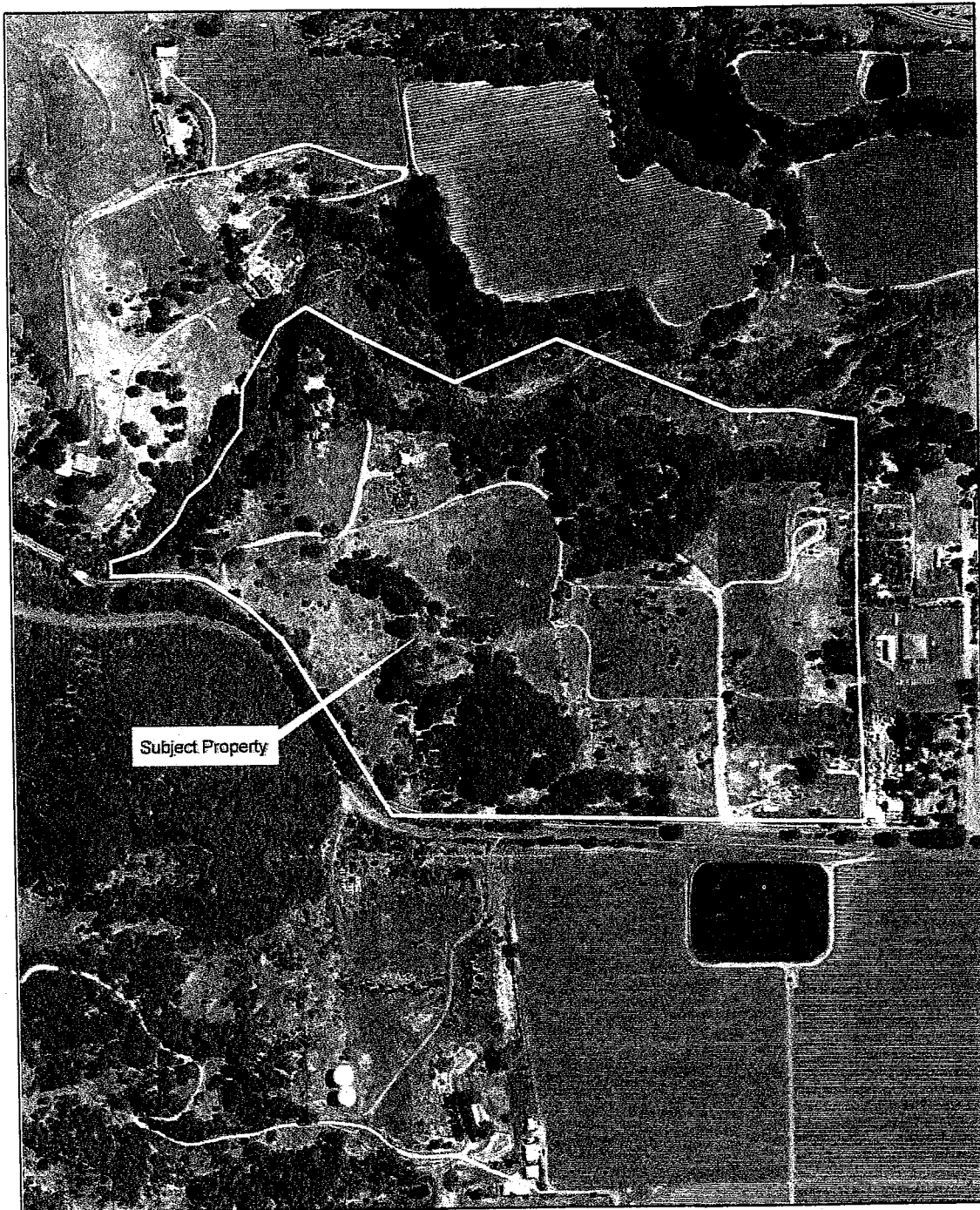


OWNER: TRUSTEES OF PINOLEVILLE INDIANS
 AGENT: RONCO, Jim
 CASE #: MS 23-2007
 APNs: 156-110-21 & 169-170-04

CALIFORNIA NATURAL DIVERSITY
 DATABASE RAREFIND (January 2009)

Parcel lines are approximate. Parcel lines on this map are NOT SURVEY LINES, they are for viewing purposes only and should not be used to determine legal boundary lines. Parcel line can be over 200 feet off. (Parcel lines are as of September 2007)

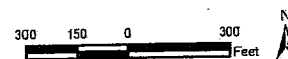




OWNER: TRUSTEES OF PINOLEVILLE INDIANS
AGENT: RONCO, Jim
CASE #: MS 23-2007
APNs: 156-110-21 & 169-170-04

ORTHOPHOTO - 1993

Parcel lines are approximate. Parcel lines on this map are NOT SURVEY LINES, they are for viewing purposes only and should not be used to determine legal boundary lines. Parcel line can be over 200 feet off. (Parcel lines are as of September 2007)



**COUNTY OF MENDOCINO
ENVIRONMENTAL REVIEW GUIDELINES
DRAFT NEGATIVE DECLARATION**

I. DESCRIPTION OF PROJECT.

DATE: OCTOBER 14, 2010

CASE#: MS 23-2007

DATE FILED: 10/18/2007

OWNER: TRUSTEES OF PINOLEVILLE: CHRIS NEARY

APPLICANT: MICHAEL KINNEY ESQ

AGENT: JIM RONCO

REQUEST: Minor Subdivision of a 68+/- acre parcel into parcels of 5+/-, 9+/-, 5+/- & 44+/- acres and a Remainder Parcel of 5+/- acres. In addition, an exception to the water requirement for the Remainder parcel is requested. The Remainder Parcel will continue to be used as a cemetery (No residential use is requested on this parcel).

LOCATION: In Ukiah, 2+/- miles northwest of the town center, lying on the north side of Orr Springs Road (CR 223), just west with its intersection with Pinoleville Drive (CR 225), approximately 0.5+/- miles west from the intersection of Orr Springs Road and North State Street (CR 104), located at 960 Orr Springs Road: AP#'s 156-110-21 & 169-170-04.

PROJECT COORDINATOR: MARY LYNN HUNT

II. DETERMINATION.

In accordance with Mendocino County's procedures for compliance with the California Environmental Quality Act (CEQA), the County has conducted an Initial Study to determine whether the proposed project may have a significant adverse effect on the environment. On the basis of that study, it has been determined that:

Although the project, as proposed, could have had a significant effect on the environment, there will not be a significant effect in this case because mitigation measures required for the project will reduce potentially significant effects to a less than significant level, therefore, it is recommended that a NEGATIVE DECLARATION be adopted.

The attached Initial Study and staff report incorporates all relevant information regarding the potential environmental effects of the project and confirms the determination that an EIR is not required for the project.

**MENDOCINO COUNTY
ENVIRONMENTAL REVIEW GUIDELINES
INITIAL STUDY**

Section I Description Of Project.

DATE: October 14, 2010

CASE#: MS 23-2007

DATE FILED: 10/18/2007

OWNER: TRUSTEES OF PINOLEVILLE: CHRIS NEARY

APPLICANT: MICHAEL KINNEY ESQ

AGENT: JIM RONCO

REQUEST: Minor Subdivision of a 68+/- acre parcel into parcels of 5+/-, 9+/-, 5+/- & 44+/- acres and a Remainder Parcel of 5+/- acres. In addition, an exception to the water requirement for the Remainder parcel is requested. The Remainder Parcel will continue to be used as a cemetery (No residential use is requested on this parcel).

LOCATION: In Ukiah, 2+/- miles northwest of the town center, lying on the north side of Orr Springs Road (CR 223), just west with its intersection with Pinoleville Drive (CR 225), approximately 0.5+/- miles west from the intersection of Orr Springs Road and North State Street (CR 104), located at 960 Orr Springs Road: AP#'s 156-110-21 & 169-170-04.

PROJECT COORDINATOR: MARY LYNN HUNT

Section II Environmental Checklist.

"Significant effect on the environment" means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and aesthetic significance. An economic or social change by itself shall not be considered a significant effect on the environment. A social or economic change related to a physical change, may be considered in determining whether the physical change is significant (CEQA Guidelines, Section 15382).

Accompanying this form is a list of discussion statements for all questions, or categories of questions, on the Environmental Checklist (See Section III). This includes explanations of "no" responses.

Will the project result in the following environmental effects:	No	Yes			
		Not Significant	Significant Unless It is Mitigated	Significant -No Apparent Mitigation	Cumulative
1. EARTH:					
A. Unstable earth conditions or changes in geologic substructures?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B. Disruptions, displacements, compaction, or overcovering of the soil?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C. Change in topography or ground surface relief features?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D. Destruction, covering, or modification of any unique geologic or physical features?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
E. Any increase in wind or water erosion of soils, either on or off the site?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
F. Changes in deposition or erosion of beach sands, or changes in siltation, deposition, or erosion that may modify a river channel, stream, inlet, or bay?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

G. Exposure of people or property to geologic hazards such as earthquakes, ground failure, or other hazards?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Will the project result in the following environmental effects:	No	Yes			
		Not Significant	Significant Unless It is Mitigated	Significant -No Apparent Mitigation	Cumulative
2. AIR:					
A. Substantial air emissions or deterioration of ambient air quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B. Creation of objectionable odors?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C. Alteration of air movement, moisture, or temperature, or any change in climate, either locally or regionally?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. WATER:					
A. Changes in currents, or the course of water movements, in either fresh or marine waters?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B. Changes in absorption rates, drainage patterns, or the rate and amount of surface runoff.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C. Alterations to the course of flow of flood waters?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D. Change in the amount of surface water in any water body?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
E. Discharge into surface waters, or any alteration of surface water quality, such as temperature, dissolved oxygen or turbidity?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
F. Alteration of the direction or rate of flow of ground water?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
G. Change in the quantity of ground water, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
H. Substantial reduction in the amount of water otherwise available for public water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I. Exposure of people or property to water related hazards such as flooding or tsunamis?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. PLANT LIFE:					
A. Change in the diversity of species, or number of any species of plants including trees, shrubs, grass, crops, and aquatic plants?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B. Reduction of the numbers of any unique, rare, or endangered species of plants?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C. Introduction of a new plant species into an area, or creation of a barrier to the normal replenishment of existing species.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D. Reduction in acreage of any agricultural crop?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. ANIMAL LIFE:					

A. Change in the diversity of species, or number of any species of animals including birds, land animals, reptiles, fish, shellfish, insects, and benthic organisms?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B. Reduction in the number of any unique, rare, or endangered species of animals?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Will the project result in the following environmental effects:	No	Yes			
		Not Significant	Significant Unless It is Mitigated	Significant -No Apparent Mitigation	Cumulative
C. Introduction of new species of animals into an area, or in a barrier to the migration or movement of animals?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D. Deterioration of fish or wildlife habitat?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. NOISE:					
A. Increases in existing noise levels?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B. Exposure of people to severe noise levels?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. LIGHT AND GLARE:					
A. Production of new light or glare?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. LAND USE:					
A. Substantial alteration of the present or planned land use of the area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. NATURAL RESOURCES:					
A. Increased rate of use of any natural resources?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. POPULATION:					
A. Alterations to the location, distribution, density, or growth rate of human populations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11. HOUSING:					
A. Will the proposal affect existing housing or create a demand for new housing?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12. TRANSPORTATION/ CIRCULATION:					
A. Generation of substantial additional vehicular movement?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B. Effects on existing parking facilities, or demand for new parking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C. Substantial impact upon existing transportation systems?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D. Alterations to present patterns of circulation or movement of people and/or goods?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
E. Alterations to waterborne, rail, or air traffic?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
F. Increase in traffic hazards to motor vehicles, bicyclists or pedestrians.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13. PUBLIC SERVICES:					

A. Will the proposal have an effect upon, or result in a need for new or altered government services in any of the following areas:					
Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Schools?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Parks and other recreational facilities?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Will the project result in the following environmental effects:	No	Yes			
		Not Significant	Significant Unless It is Mitigated	Significant - No Apparent Mitigation	Cumulative
Maintenance of public facilities, and roads?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other governmental services?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14. ENERGY:					
A. Use of substantial amounts of fuel or energy?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B. Substantial increase in demand upon existing sources of energy, or require development of new energy sources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15. UTILITIES:					
A. Will the project result in a need for new systems or substantial alterations to the following:					
Potable water?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sewerage?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Energy or information transmission lines?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16. HUMAN HEALTH:					
A. Creation of any health hazard or potential health hazard?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B. Exposure of people to any existing health hazards?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C. Risk of explosion or release of hazardous substances (i.e. pesticides, chemicals, oil, radiation) in the event of an accident or unusual conditions?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D. Possible interference with emergency response plan or evacuation plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17. AESTHETICS:					
A. Obstruction of any scenic vista or view open to the public, or create an aesthetically offensive site open to public view?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
18. RECREATION:					
A. Impact upon the quality or quantity of existing recreational opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
19. CULTURAL RESOURCES:					
A. Alteration or destruction of a prehistoric or historic archaeological site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

B. Adverse physical or aesthetic effects to a prehistoric or historic building or structure?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C. Cause a physical change that would affect the unique ethnic cultural values?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D. Restrict existing religious or sacred uses within the potential impact area?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Section III Responses to Environmental Checklist.

For a discussion of each of the environmental effects listed in the Environmental Checklist along with related goals and policies of the General Plan, see the Environmental Review section of the attached staff report.

Section IV Mandatory Findings of Significance.

- A. As discussed in the preceding sections, the project does does not have the potential to significantly degrade the quality of the environment, including effects on animals or plants, or to eliminate historic or prehistoric sites.
- B. As discussed in the preceding sections, both short-term and long-term environmental effects associated with the project will be less than significant significant.
- C. When impacts associated with the project are considered alone or in combination with other impacts, the project-related impacts are insignificant significant.
- D. The above discussions do not identify any substantial adverse impacts to people as a result of the project.

Section V Determination.

On the basis of this initial evaluation, it has been determined that:

- ☐ The proposed project will not have a significant effect on the environment, and it is recommended that a NEGATIVE DECLARATION be adopted.
- ☒ Although the project, as proposed, could have had a significant effect on the environment, there will not be a significant effect in this case because mitigation measures required for the project will reduce potentially significant effects to a less than significant level, therefore, it is recommended that a NEGATIVE DECLARATION be adopted.
- ☐ The proposed project may have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

10-20-2010

DATE



MARY LYNN HUNT
PLANNER II

Ms. Holzhauer stated that the units were a combination of 4 projects would create housing for income levels from very low to moderate income. She estimated that of the 230 units, 45 would be designated very low income with the remainder of the units being built for low to moderate income families.

Commissioner Warner discussed the minutes from 2009 which referenced the Inclusionary Housing Ordinance and thought that the Commission had changed the exemption from 1 unit to 2 units to allow for existing homes. She was concerned that with Option #1, no division would be exempt from the in lieu fee.

Commissioner Holtkamp commented that Option #1 was the simplest to follow, however she was bothered by the fact that a person living in an existing house would pay the fee and felt an exemption process should be crafted for such an instance. She also recalled from the 2009 meeting that the goal was to provide housing, not increase money towards affordable units, but did see the value in getting funds faster.

Commissioner Little noted the fee for a 4 parcel minor subdivision would be \$12,500 and asked what the cost of the development permits would be per parcel.

Mr. Gonzalez estimated that each parcel would cost approximately \$5,000 per unit to create.

Commissioner Little commented that there seemed to be a vast middle class that could not afford housing and fees were constantly being added so that there was no housing for the typical family.

Commissioner Little made a motion to adopt Option #3 per the staff memo dated October 26, 2010, seconded by Commissioner Calvert.

Under discussion, Commissioner Calvert asked if the terminology should be corrected to state parcels instead of units.

Mr. Gonzalez noted further clean up would be needed on the Ordinance and the language could be revisited when the Ordinance went before the Board of Supervisors. He also noted that modifications and waivers were discussed under provisions of the Ordinance.

Upon motion by Commissioner Little, seconded by Commissioner Calvert and carried by the following roll call vote (6-1), IT IS ORDERED to adopt Policy Option #3 per staff recommendation in the memo dated October 26, 2010.

Policy Option #3: One Unit Per Newly Created Parcel of Developable Land: In this case, the fact that an existing, pre-subdivided parcel already has a right to develop (in most cases) a single family residence, it would not be applied to the in-lieu fee calculation. In other words, a hypothetical three parcel subdivision would result in the creation of two newly developable lots on top of the one that existed previously. Therefore, the 2% formula would apply (2 housing units) as opposed to the calculation of 5% of the median home price (3-4 housing units) formula under Section 20.238.035. Further, the in-lieu fees would not apply to cases involving a two-lot split as only one newly developable lot would result from approval of the project.

AYES: Little, Calvert, Nelson, Holtkamp, Hall, Ogle
NOES: Warner
ABSENT: None

4c. CASE#: MS 23-2007

DATE FILED: 10/18/2007

OWNER: TRUSTEES OF PINOLEVILLE

APPLICANT: MICHAEL KINNEY ESQ/ CHRIS NEARY

AGENT: JIM RONCO

REQUEST: Minor Subdivision of a 68+/- acre parcel into parcels of 5+/-, 9+/-, 5+/- & 44+/- acres and a Remainder Parcel of 5+/- acres. In addition, an exception to the water requirement for the Remainder parcel is requested. The Remainder Parcel will continue to be used as a cemetery (No residential use is requested on this parcel).

LOCATION: In Ukiah, 2+/- miles northwest of the town center, lying on the north side of Orr Springs Road (CR 223), just west with its intersection with Pinoleville Drive (CR 225), approximately 0.5+/- miles west from the intersection of Orr Springs Road and North State Street (CR 104), located at 960 Orr Springs Road: AP#'s 156-110-21 & 169-170-04.

PROJECT COORDINATOR: MARY LYNN HUNT

Ms. Mary Lynn Hunt, Project Coordinator, reviewed the staff report and noted the location of the property, stating a Flood Plain Development permit would also be required. She discussed the requirement of the subdivision by court order to dissolve a trust. She noted that most parcels were improved with existing residences, some of which would be removed. She noted that the agent had requested an exception to water and sewer requirements for the remainder parcel because it would have only ceremonial use and would not be occupied in the future. She noted the parcel had violations that would be corrected prior to recording the parcel map. She stated that staff was recommending approval, noting her only concern was the unusual parcel configuration and was available for questions.

Commissioner Little commented that Condition #19 stated the subdivider would comply with any recommendations from Ukiah Valley Fire, however the referral had not been returned.

Ms. Hunt noted it was common to receive the referral without comments; however the condition was included to require the applicants to receive a letter from the District to ensure that the project did not proceed without the fire districts approval.

Jim Ronco, agent, noted the long history of the court conflict, dating back to 1890 and stated that the Superior Court had ordered the dissolution of the trust overseeing the property. He noted the most contentious portion of the subdivision had been ownership of the two cemeteries on the property, hence the somewhat unusual parcel configuration. He stated that proposed Parcels 1 and 3 have existing residences, which the Court intends to make available for purchase by the residents; proposed Parcel 4 would eventually be obtained by the Pinoleville Band of Pomo Indians, as would the remainder parcel and Parcel 2. He commented that there had been some confusion regarding the location of the well on Parcel 3, but that would be clarified before recordation of the parcel map and all violations including the removal of several travel trailers and a house would be completed by court order.

Commissioner Ogle asked if Millview served Parcel 3.

Mr. Ronco stated that only Parcels 1, 2, and 4 were served by the district for water.

Commissioner Ogle asked if the Commission should consider requesting Millview to extend the lines to include Parcel 3.

Mr. Ronco noted the District was under a moratorium and was unsure of the possibility of an extension. He stated the parcel had existing water by well.

Commissioner Little discussed the request for an exception to water and sewer on the remainder parcel and noted the existing residence; he inquired as to the ownership of the parcel.

Mr. Ronco noted the home was abandoned and would be removed for use as a cemetery parcel.

The public hearing was declared open.

George Provenche, Director of Tribal Operations for the Pinoleville Pomo Nation, discussed the history of the trust.

Commissioner Little asked what would happen to the proceeds from the sale of the parcels.

Mr. Provenche stated the proceeds would go back to the beneficiary's of original owners. He stated that the northern portion of Parcel 2 was also a cemetery and discussed a prior conversation that he had with Mr. Chris Neary regarding the establishment of CC&Rs for life estates to the residents on Parcel 1. He stated that the Remainder Parcel, Parcel 2 and Parcel 4 would ultimately revert to the Tribe.

The public hearing was declared closed.

Commissioner Hall discussed the Inclusionary Housing Condition #12 and asked how the fee would be handled from the Commissions prior adoption of Policy Option #3 from the morning.

Ms. Hunt stated that each parcel had an existing residence and the Remainder would not be charged, thus the condition could be deleted. She also stated that the Division of Environmental Health had commented that Condition #21 was not necessary and could be deleted.

Mr. Gonzalez stated that the maker of the motion could add a note to state that the in lieu fee would not be applicable in this division because the development had already occurred.

Commissioner Calvert asked if a condition should be added to address the violations on the property to ensure removal.

Ms. Hunt noted Condition #11.

Mr. Gonzalez noted that a condition could be added to state that prior to the recordation of the Parcel Map, all building and zoning violations shall be adequately addressed.

Dave Jensen, Environmental Health, noted that since the mobile home would be removed and Parcel 3 had an existing well, Condition #24 could also be deleted as there was no need to prove water.

Upon motion by Commissioner Hall, seconded by Commissioner Holtkamp and carried by the following roll call vote (7-0), IT IS ORDERED to approve MS 23-2007 per the findings and conditions of approval contained in the staff report deleting Condition #12, noting that the in lieu fee is not applicable to this subdivision since it is already developed, and deleting Condition #21 and Condition #24 per the recommendations of Environmental Health, and adding Special Condition #1 as follows "prior to the recordation of the Parcel Map, all building and zoning violations shall be adequately addressed."

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 Negative Declaration is adopted.

General Plan Findings: Pursuant to Section 66473.5 of the California Government Code, the Planning Commission finds the proposed subdivision, together with the provisions for its design and improvement is consistent with the applicable goals and policies of the General Plan.

Project Findings: The Planning Commission, making the environmental and General Plan findings above, approves #MS 23-2007, 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.

STANDARD CONDITIONS OF APPROVAL:

For a Minor Subdivision which has been approved according to the Mendocino County Code, the following "Conditions of Approval" shall be completed prior to filing a Parcel Map

ALL CONDITIONS OF APPROVAL MUST BE MET PRIOR TO EXPIRATION OF TWENTY-FOUR (24) MONTHS FROM DATE OF APPROVAL, UNLESS RENEWED PURSUANT TO THE MENDOCINO COUNTY CODE.

**1. 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.

- h. 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.
- i. 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.
- j. 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.
- k. Temporary erosion and sediment control measures shall be established and maintained until permanent protection is established.
- l. 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 1st.
- m. All earth-moving activities shall be conducted between May 15th and October 15th 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.
- n. 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 m³) on any one lot and does not obstruct a drainage.
- **2. 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 within the Conditions of Approval.
- **3. 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."
- **4. Demolition or renovation of structures may require asbestos clearance and notification to the Air Quality Management District. The applicant shall submit a copy of the National Emissions Standards for Hazardous Air Pollutants [NESHAP] clearance from the Air Quality Management District prior to approval of any demolition permits by the Department of Planning and Building Services.
- **5. A note shall appear on the Parcel Map stating that: *"No toxic, hazardous or contaminated materials or waste shall be stored in a designated buffer area or clearly defined flood plain or flood way"*
- **6. All areas within the subdivision subject to flooding shall be clearly identified on Parcel Map. The information on the parcel map shall be based on a flood hazards using data developed by the Federal Emergency Management Agency. Any area of the subdivision within the "floodway" as defined by the federal Emergency Management Agency and on file with the Mendocino County Planning and Building Services Department shall be delineated as a drainage easement on the Parcel Map.

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.*"

- **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 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 \$2,060.25 (or the current fee in effect at the time of approval) shall be made payable to the Mendocino County Clerk and submitted to the Department of Planning and Building Services prior to December 3, 2010 (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 approved entitlement becoming null and void. **The applicant has the sole responsibility to insure timely compliance with this condition.**
- **8. All external future lighting shall be shielded and downcast to prohibit light from being cast beyond the property boundaries. The number of exterior lighting fixtures shall be kept the minimum required for safety.
- **9. A notation shall appear on the Parcel Map that "*Agricultural Disclosure per Mendocino County Code MCC 10A.13.040.(C), Residents of 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 farming operations.*"
- **10. The following statement shall appear on the Parcel Map "*Residual Parcel - Due to Mendocino County Superior Court No. CV05220 directive, The Remainder Parcel will be used solely for cemetery and ceremonial uses.*"
- **11. All utility connections to the mobile home on the Remainder Parcel shall be disconnected and the unit shall be removed from the property prior to the filing of the Parcel Map.
- ~~**12. The subdivider shall pay into the County Affordable Housing Trust Fund (per County Code Section 20.238.035) an amount equaling 5% of the County wide median sales price of a single family residence as determined by the County Assessor. Said fee shall be collected prior to the recording of the Parcel Map.~~
- **13. There shall be dedicated by Parcel Map a 35 foot half-width right of way along the north side of Orr Springs Road CR #223 to provide for the ultimate improvement of the County road. This width shall be measured from the centerline of the existing right-of-way of record, or where no record right-of-way exists, from the center of the physical road.
- **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. All natural drainage and water courses shall be considered as easements. Minimum width shall be twenty (20) feet, or to the high water level plus five (5) feet horizontal distance, whichever is greater. If a Parcel Map is filed, such easements shall be shown on the final parcel map. (All parcels 5 acres and less).
- **17. Standard residential driveway approaches (5 total) shall be constructed to serve Parcel One (1 each), Parcel Two (1 at each existing driveway), Parcel Three (1 each), Parcel 4 (one each) and the Residual

Parcel (1 each). All driveways shall be constructed to a minimum width of twelve (12) feet, area to be improved fifteen (15) feet from the edge of the County road, to be surfaced with 2 inches asphalt concrete over a minimum depth of 6 inches Class 2 aggregate base.

- **18. Any proposed work within County rights of way requires obtaining an encroachment permit from the Mendocino County Department of Transportation.
- **19. The subdivider shall comply with any recommendations of the Ukiah Valley Fire District and written verification shall be submitted from the Fire District to the Department of Planning and Building Services that this subdivision is in compliance with their requirements and have been met to their satisfaction.
- **20. The applicant shall provide the Division of Environmental Health adequate advance written notice (minimum of 15 days) of the date and time any field soil testing procedures for any proposed on-site sewage systems to allow the Division of Environmental Health staff to be present for soil testing.
- ~~**21. The applicant shall submit to the Division of Environmental Health an acceptable site evaluation report (DEH FORM # 42.04) for Remainder Parcel completed by a qualified individual demonstrating compliance with the North Coast Regional Water Quality Control Board's Basin Plan Policy for On-site Waste Treatment and Disposal and Mendocino County Division of Environmental Health's Land Division Requirements (DEH FORM # 26.09).~~
- **22. The applicant shall submit to the Division of Environmental Health an acceptable site evaluation report (DEH FORM # 42.04) for a replacement system for the existing structure(s) located on parcel(s) 1, 2, 3 and 4 completed by a qualified individual demonstrating compliance with the North Coast Regional Water Quality Control Board's Basin Plan Policy for On-site Waste Treatment and Disposal and Mendocino County Division of Environmental Health's Land Division Requirements (DEH FORM # 26.09)
- **23. The applicant shall submit to the Division of Environmental Health an acceptable site development plan at a scale of not more than 1 inch = 50 feet showing all adjacent parcels on one sheet completed by a qualified individual showing the location and dimensions of the initial sewage disposal system(s), 100% replacement area(s), acceptable setback distances to water wells and other pertinent setback distances which may impact project site development.
- ~~**24. The applicant shall submit to the Division of Environmental Health an acceptable water quantity evaluation (DEH FORM # 26.05) completed by a qualified individual of a water source located on parcel(s) 3 or Remainder of the subdivision demonstrating an adequate water supply in compliance with the Division of Environmental Health's Land Division Requirements (DEH FORM # 26.09).~~
- ~~(A) Inland Area Proof of Water Test (DEH FORM# 26.05) per current requirements for parcels (DEH FORM 42.04).~~
- **25. The applicant shall submit to the Division of Environmental Health an acceptable standard mineral analysis performed by a certified public health laboratory from a source of water on the subdivision.
- **26. The applicant shall either (1) submit to the Division of Environmental Health, a letter from the district(s) or agency(s) stating that water 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. 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.

- **27. 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.
- **28. 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 project and that all work performed is in compliance with applicable conditions.

SPECIAL CONDITIONS OF APPROVAL

- **1. Prior to the recordation of the Parcel Map, all building and zoning violations shall be adequately addressed.

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

AYES: Little, Calvert, Nelson Warner, Holtkamp, Hall, Ogle
NOES: None
ABSENT: None

[Break 12:00 – 12:08 PM]

Chairman Nelson noted he had a conflict with item 4d., MS 17-2008 and suggested proceeding with item 4e so the applicant would have the advantage of a full Commission.

4e. CASE#: U 12-2010

DATE FILED: 8/16/2010

OWNER/APPLICANT: WILLITS HORSEMAN'S ASSOCIATION

AGENT: SHN CONSULTING

REQUEST: Use Permit to allow for the relocation of a previously established horse riding arena along with associated seating that is being displaced by the State Highway 101 realignment project.

LOCATION: 0.4+/- miles northeast of the City of Willits town center, lying on the south side of Hearst Willits Road (CR# 306), 0.1+/- miles west of its intersection with Bray Road (CR# 305), located at 901 Hearst Willits Road; AP# 007-032-11, 5, 15, 16, 17, 18 and 19.

PROJECT COORDINATOR: IGNACIO GONZALEZ

Mr. Nash Gonzalez reviewed the staff report and noted that the existing arena had been displaced by the Willits bypass project. He discussed the displacement of earth and grading of a road and noted the recommendation for temporary construction fencing to be installed along creek corridors. He stated there was no need for additional studies since Caltrans had extensively surveyed the area as part of the Willits Bypass project. He commented that staff had recommended denial, but included an alternate motion for approval finding that the use was pre-existing and would not have a negative impact on the environment. He noted the City of Willits had provided a letter of support for the project and was available for questions.

Commissioner Calvert asked if the project could be an allowed use under the "civic use types" and if there was a way to prolong the standard 2 year use permit renewal cost.

Mr. Gonzalez noted that the Willits Horseman's Association was not a public entity and could not be classified under such a use type; however it was at the Commission's discretion to extend the period of the use permit as they saw fit.



COUNTY OF MENDOCINO

DEPARTMENT OF PLANNING AND BUILDING SERVICES

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MEMORANDUM

DATE: NOVEMBER 19, 2015

TO: PLANNING COMMISSION

FROM: MARY LYNN HUNT, PROJECT COORDINATOR

RE: MINOR DIVISION NO. MS_2007-0023 (TRUSTEES OF PINOLEVILLE)
MODIFICATION OF CONDITION

On November 18, 2010 the Planning Commission approved the above noted Minor Subdivision creating 4 parcels and a Remainder. As part of the applicant's request, the Remainder Parcel was to be used strictly for Cemetery/Ceremonial purposes. The reason for this request is that it was believed that the existing Single Family Residence (Mobile Home) did not have adequate septic/leach area and that water would not be available to serve this property. It has since been determined that the residence does in fact have the necessary Sewage Disposal System (Environmental Health Permit # 750F) and that water may soon be available through Millview Water District or other alternative as required by Environmental Health. The Agent, Mr. Christopher Neary is now seeking to modify the Conditions of Approval and delete Number 10 and 11 which state:

***10. The following statement shall appear on the Parcel Map "Residual Parcel - Due to Mendocino County Superior Court No. CV05220 directive, The Remainder Parcel will be used solely for cemetery and ceremonial uses."*

***11. All utility connections to the mobile home on the Remainder Parcel shall be disconnected and the unit shall be removed from the property prior to the filing of the Parcel Map.*

At their meeting September 10, 2015 the Subdivision Committee reviewed the request. The Committee recommended that the Planning Commission approve the request with the re-instatement of two conditions as requested by Environmental Health that will address the parcel being used for residential purposes. In addition Special Condition number 2 was requested to help identify the improvements located on project site. Conditions to be re-instated/added are:

Conditions of Approval to Re-Instate

21. The applicant shall submit to the Division of Environmental Health an acceptable site evaluation report (DEH FORM # 42.04) for Remainder Parcel completed by a qualified individual demonstrating compliance with the North Coast Regional Water Quality Control Board's Basin Plan Policy for On-site Waste Treatment and Disposal and Mendocino County Division of Environmental Health's Land Division Requirements (DEH FORM # 26.09)

**24. The applicant shall submit to the Division of Environmental Health an acceptable water quantity evaluation (DEH FORM # 26.05) completed by a qualified individual of a water source located on parcel(s) 3 or Remainder of the subdivision demonstrating an adequate water supply in compliance with the Division of Environmental Health's Land Division Requirements (DEH FORM # 26.09).

(A) Inland Area Proof of Water Test (DEH FORM# 26.05) per current requirements for parcels (DEH FORM 42.04).

Special Condition to be Added

2. All existing structures shall meet current setback requirements to newly proposed property lines. A site map shall be submitted to the satisfaction of Planning and Building Services clearly identifying compliance. The site map shall include and identify the location of all structures, septic/leach fields and water sources.

Environmental Determination: A Notice of Determination was previously filed in compliance with Section 21108 and 21152 of the Public Resources Code for the proposed subdivision request. The Planning Commission determined that:

1. The project will not have a significant effect on the environment.
2. A Negative Declaration was prepared pursuant to the provisions of CEQA.
3. Mitigation measures were a condition of the project approval.
4. A Statement of Overriding Consideration was not adopted.

Staff has determined that the Modification of Conditions for the continued use of the Proposed Remainder (Residual) parcel does not alter the Environmental Determination previously approved given the current existing use of the proposed Remainder Parcel. Based on the above assessment, no new significant impacts will result that cannot be adequately mitigated through the revised conditions. Therefore, the Negative Declaration previously adopted is still applicable

RECOMMENDED MOTION: The Planning Commission, making the environmental and General Plan findings, approves the Modification of Conditions Request for Minor Subdivision No. MS_2007-0023.

Environmental Findings: The Planning Commission finds that the environmental impacts identified for the project can be adequately mitigated through the revised conditions of approval or features of the project design so that no significant adverse environmental impacts will result from this project; therefore, a Negative Declaration previously adopted is still applicable.

General Plan Findings: Pursuant to Section 66473.5 of the California Government Code, the Planning Commission finds the proposed subdivision, together with the provisions for its design and improvement is consistent with the applicable goals and policies of the General Plan

Attachments

- A. Revised Final Findings and Conditions of Approval
- B. Letter Dated June 19, 2015 from Mr. Christopher Neary
- C. Revised Tentative Map (As accepted by the Subdivision Committee 10/9/2014)

REVISED
FINAL FINDINGS AND CONDITIONS OF APPROVAL
CASE # MS_2007-0023 – TRUSTEES OF PINOLEVILLE
NOVEMBER 18, 2010
NOVEMBER 19, 2015

The Planning Commission approves Minor Subdivision # MS 23-2007 per the findings and conditions of approval contained in the staff report and modified during the public hearing as follows;

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 Negative Declaration is adopted.

General Plan Findings: Pursuant to Section 66473.5 of the California Government Code, the Planning Commission finds the proposed subdivision, together with the provisions for its design and improvement is consistent with the applicable goals and policies of the General Plan.

Project Findings: The Planning Commission, making the environmental and General Plan findings above, approves #MS 23-2007, 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.

CONDITIONS OF APPROVAL:

For a Minor Subdivision which has been approved according to the Mendocino County Code, the following "Conditions of Approval" shall be completed prior to filing a Parcel Map

ALL CONDITIONS OF APPROVAL MUST BE MET PRIOR TO EXPIRATION OF TWENTY-FOUR (24) MONTHS FROM DATE OF APPROVAL, UNLESS RENEWED PURSUANT TO THE MENDOCINO COUNTY CODE.

**1. 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 1st.

- f. All earth-moving activities shall be conducted between May 15th and October 15th 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 m³) on any one lot and does not obstruct a drainage.

- **2. 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 within the Conditions of Approval.

- **3. 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."

- **4. Demolition or renovation of structures may require asbestos clearance and notification to the Air Quality Management District. The applicant shall submit a copy of the National Emissions Standards for Hazardous Air Pollutants [NESHAP] clearance from the Air Quality Management District prior to approval of any demolition permits by the Department of Planning and Building Services.

- **5. A note shall appear on the **Parcel Map** stating that: "*No toxic, hazardous or contaminated materials or waste shall be stored in a designated buffer area or clearly defined flood plain or flood way*"

- **6. All areas within the subdivision subject to flooding shall be clearly identified on Parcel Map. The information on the parcel map shall be based on a flood hazards using data developed by the Federal Emergency Management Agency. Any area of the subdivision within the "floodway" as defined by the federal Emergency Management Agency and on file with the Mendocino County Planning and Building Services Department shall be delineated as a drainage easement on the Parcel Map.

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.*"

- **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 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 ~~\$2,060.25~~ \$2151.50 (or the current fee in effect at the time of approval) shall be made payable to the Mendocino County Clerk and submitted to the

Department of Planning and Building Services prior to December 3, 2010 (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 approved entitlement becoming null and void. **The applicant has the sole responsibility to insure timely compliance with this condition.**

- **8. All external future lighting shall be shielded and downcast to prohibit light from being cast beyond the property boundaries. The number of exterior lighting fixtures shall be kept the minimum required for safety.
- **9. A notation shall appear on the **Parcel Map** that "Agricultural Disclosure per Mendocino County Code MCC 10A.13.040.(C), Residents of 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 farming operations."
- ~~**10. The following statement shall appear on the Parcel Map "Residual Parcel - Due to Mendocino County Superior Court No. CV05220 directive, The Remainder Parcel will be used solely for cemetery and ceremonial uses."~~
- ~~**11. All utility connections to the mobile home on the Remainder Parcel shall be disconnected and the unit shall be removed from the property prior to the filing of the Parcel Map.~~
- ~~**12. The subdivider shall pay into the County Affordable Housing Trust Fund (per County Code Section 20.238.035) an amount equaling 5% of the County-wide median sales price of a single family residence as determined by the County Assessor. Said fee shall be collected prior to the recording of the Parcel Map. (Deleted by Planning Commission 11/18/2010)~~
- **13. There shall be dedicated by Parcel Map a 35 foot half-width right of way along the north side of Orr Springs Road CR #223 to provide for the ultimate improvement of the County road. This width shall be measured from the centerline of the existing right-of-way of record, or where no record right-of-way exists, from the center of the physical road.
- **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. All natural drainage and water courses shall be considered as easements. Minimum width shall be twenty (20) feet, or to the high water level plus five (5) feet horizontal distance, whichever is greater. If a Parcel Map is filed, such easements shall be shown on the final parcel map. (All parcels 5 acres and less).
- **17. Standard residential driveway approaches (5 total) shall be constructed to serve Parcel One (1 each), Parcel Two (1 at each existing driveway), Parcel Three (1 each), Parcel 4 (one each) and the Residual Parcel (1 each). All driveways shall be constructed to a minimum width of twelve (12) feet, area to be improved fifteen (15) feet from the edge of the County road, to be surfaced with 2 inches asphalt concrete over a minimum depth of 6 inches Class 2 aggregate base.

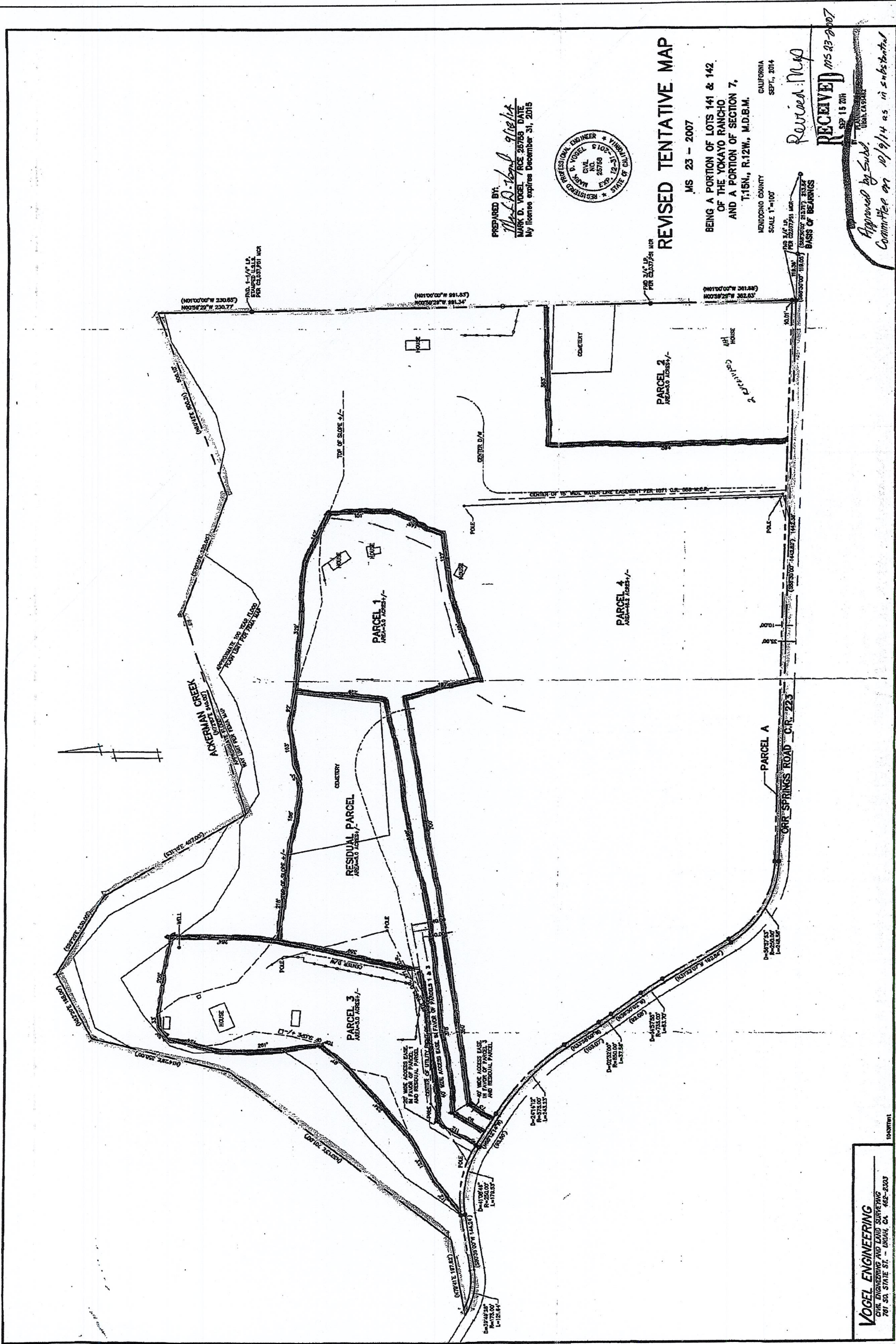
- **18.** Any proposed work within County rights of way requires obtaining an encroachment permit from the Mendocino County Department of Transportation.
- **19.** The subdivider shall comply with any recommendations of the Ukiah Valley Fire District and written verification shall be submitted from the Fire District to the Department of Planning and Building Services that this subdivision is in compliance with their requirements and have been met to their satisfaction.
- **20.** The applicant shall provide the Division of Environmental Health adequate advance written notice (minimum of 15 days) of the date and time any field soil testing procedures for any proposed on-site sewage systems to allow the Division of Environmental Health staff to be present for soil testing.
- ~~****21.** The applicant shall submit to the Division of Environmental Health an acceptable site evaluation report (DEH FORM # 42.04) for Remainder Parcel completed by a qualified individual demonstrating compliance with the North Coast Regional Water Quality Control Board's Basin Plan Policy for On-site Waste Treatment and Disposal and Mendocino County Division of Environmental Health's Land Division Requirements (DEH FORM # 26.09). (Deleted by Planning Commission 11/18/2010)~~
- **21.** The applicant shall submit to the Division of Environmental Health an acceptable site evaluation report (DEH FORM # 42.04) for Remainder Parcel completed by a qualified individual demonstrating compliance with the North Coast Regional Water Quality Control Board's Basin Plan Policy for On-site Waste Treatment and Disposal and Mendocino County Division of Environmental Health's Land Division Requirements (DEH FORM # 26.09).
- **22.** The applicant shall submit to the Division of Environmental Health an acceptable site evaluation report (DEH FORM # 42.04) for a replacement system for the existing structure(s) located on parcel(s) 1, 2, 3 and 4 completed by a qualified individual demonstrating compliance with the North Coast Regional Water Quality Control Board's Basin Plan Policy for On-site Waste Treatment and Disposal and Mendocino County Division of Environmental Health's Land Division Requirements (DEH FORM # 26.09).
- **23.** The applicant shall submit to the Division of Environmental Health an acceptable site development plan at a scale of not more than 1 inch = 50 feet showing all adjacent parcels on one sheet completed by a qualified individual showing the location and dimensions of the initial sewage disposal system(s), 100% replacement area(s), acceptable setback distances to water wells and other pertinent setback distances which may impact project site development.
- ~~****24.** The applicant shall submit to the Division of Environmental Health an acceptable water quantity evaluation (DEH FORM # 26.05) completed by a qualified individual of a water source located on parcel(s) 3 or Remainder of the subdivision demonstrating an adequate water supply in compliance with the Division of Environmental Health's Land Division Requirements (DEH FORM # 26.09).~~
- ~~(A) Inland Area Proof of Water Test (DEH FORM# 26.05) per current requirements for parcels (DEH FORM 42.04). (Deleted by Planning Commission 11/18/2010)~~
- **24.** The applicant shall submit to the Division of Environmental Health an acceptable water quantity evaluation (DEH FORM # 26.05) completed by a qualified individual of a water source located on parcel(s) 3 or Remainder of the subdivision demonstrating an adequate water supply in compliance with the Division of Environmental Health's Land Division Requirements (DEH FORM # 26.09).
- (A) Inland Area Proof of Water Test (DEH FORM# 26.05) per current requirements for parcels (DEH FORM 42.04).

- **25.** The applicant shall submit to the Division of Environmental Health an acceptable standard mineral analysis performed by a certified public health laboratory from a source of water on the subdivision.
- **26.** The applicant shall either (1) submit to the Division of Environmental Health, a letter from the district(s) or agency(s) stating that water 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. 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.
- **27.** 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.
- **28.** 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 project and that all work performed is in compliance with applicable conditions.

SPECIAL CONDITIONS OF APPROVAL

- **1.** Prior to the recordation of the **Parcel Map**, all building and zoning violations shall be adequately addressed. (Added by Planning Commission 11/18/2010)
- 2.** **All existing structures shall meet current setback requirements to newly proposed property lines. A site map shall be submitted to the satisfaction of Planning and Building Services clearly identifying compliance. The site map shall include and identify the location of all structures, septic/leach fields and water sources.**

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



SE: MS 2007-0023
ER: WRIGHT, Clarence, et. al.
PN: 156-110-21, 169-170-04
CT:
SS: 970 Orr Springs Rd., UK

NO SCALE

REVISED TENTATIVE

d by the Mendocino County Planning & Building Services, October, 2015
a is approximate. Map provided without warranty of any kind.

Revised 9.

ATTACHMENT D

5. **Consent Calendar.**

5a. **Approval of the September 17, 2015 Planning Commission Minutes.**

Upon motion by Commissioner Nelson, seconded by Commissioner Holtkamp, and carried by a voice vote of (6-0), the September 17, 2015 Planning Commission Minutes are approved.

6. **Regular Calendar.**

6a. **CASE#: MS 23-2007**

DATE FILED: 1/1/2011

OWNER: TRUSTEES OF PINOLEVILLE

APPLICANT: MICHAEL KINNEY ESQ

AGENT: JIM RONCO

PROJECT COORDINATOR: MARY LYNN HUNT

REQUEST: Modification of Conditions of Approval

ENVIRONMENTAL DETERMINATION: Negative Declaration

LOCATION: In Ukiah, 2± miles northwest of the town center, lying on the north side of Orr Springs Road (CR 223), just west with its intersection with Pinoleville Drive (CR 225), 0.5± miles west from the intersection of Orr Springs Road and North State Street (CR 104); APN's 156-110-21 & 169-170-04.

RECOMMENDED ACTION: Approve modification as recommended.

Mary Lynn Hunt, Project Coordinator, reviewed the staff memo and discussed the history of the subdivision. She reviewed the status of an existing mobile home on the parcel in question, which did not have water or septic hookups. She noted that an existing septic permit had been located and with Millview lifting the moratorium, a water hookup could be established and the applicant had requested to retain the parcel for residential use. She stated the application had been referred back to Subdivision Committee for review and revised conditions, new conditions and special conditions were recommended to approve the modification to the minor subdivision; noting that the General Plan Consistency Findings, Environmental Findings and Project Findings had been made in 2010 with the previous subdivision application.

Chair Warner noted the Commission had previously deleted the in-lieu fee, and asked staff if they recalled the reason.

Ms. Hunt commented that she believed it was because no further residences would be created as all homes were existing.

Chair Warner discussed the lifetime estate requirements, and noted the Commission was approving a modification maintaining the parcel for permanent residential use.

Mr. Chris Neary stated he had been appointed as the interim trustee to implement a solution so that the entire property could be sold to the Pinoleville nation. In doing so, he had helped to create lifetime estates for several residents; including the parcel which had previously been deemed "ceremonial". He commented that there were no residents willing to buy their property.

Chair Warner noted the reference to a well on Parcel 3.

Mr. Neary commented the well was located on the "Lockart" parcel, but was drilled by Indian Health to serve 2 parcels and could be connected to the residual parcel at any time.

Chair Warner noted the cost involved to bring Millview to the property and asked who would pay.

Mr. Neary assured the Commission that Indian Health will pay for services and the Millview connection for the property.

Commissioner Ogle clarified that the property was not a "Rancheria".

Mr. Neary stated it was not a Rancheria, but a county property held in trust and the beneficiaries would be splitting the income produced by the sales price.

Commissioner Ogle asked if Pinoleville would be submitting an application to turn the parcels into Reservation or Rancheria.

Mr. Neary noted they may apply, and probably would at some point make the property reservation.

Commissioner Ogle commented that she thought there was a fire hydrant at the corner of Parcel 4 and was surprised.

Mr. Jim Ronco stated there was a hydrant by the road there and noted the previous condition to demolish the mobile home.

The public hearing was declared open, seeing no one come forward, the public hearing was declared closed.

Upon motion by Commissioner Hall, seconded by Commissioner Holtkamp and carried by the following roll call vote (6-0), IT IS ORDERED to approve the modification to conditions for Minor Subdivision #MS 23-2007, as indicated in the Memo and Attachment A provided by staff dated November 19, 2015.

The Planning Commission approves Minor Subdivision # MS 23-2007 per the findings and conditions of approval contained in the staff report and modified during the public hearing as follows;

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 Negative Declaration is adopted.

General Plan Findings: Pursuant to Section 66473.5 of the California Government Code, the Planning Commission finds the proposed subdivision, together with the provisions for its design and improvement is consistent with the applicable goals and policies of the General Plan.

Project Findings: The Planning Commission, making the environmental and General Plan findings above, approves #MS 23-2007, 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.

CONDITIONS OF APPROVAL:

For a Minor Subdivision which has been approved according to the Mendocino County Code, the following "Conditions of Approval" shall be completed prior to filing a Parcel Map

ALL CONDITIONS OF APPROVAL MUST BE MET PRIOR TO EXPIRATION OF TWENTY-FOUR (24) MONTHS FROM DATE OF APPROVAL, UNLESS RENEWED PURSUANT TO THE MENDOCINO COUNTY CODE.

**1. 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 1st.
- f. All earth-moving activities shall be conducted between May 15th and October 15th 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 m³) on any one lot and does not obstruct a drainage.
- **2. 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 within the Conditions of Approval.
- **3. 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."
- **4. Demolition or renovation of structures may require asbestos clearance and notification to the Air Quality Management District. The applicant shall submit a copy of the National Emissions Standards for Hazardous Air Pollutants [NESHAP] clearance from the Air Quality Management District prior to approval of any demolition permits by the Department of Planning and Building Services.
- **5. A note shall appear on the **Parcel Map** stating that: *"No toxic, hazardous or contaminated materials or waste shall be stored in a designated buffer area or clearly defined flood plain or flood way"*
- **6. All areas within the subdivision subject to flooding shall be clearly identified on Parcel Map. The information on the parcel map shall be based on a flood hazards using data developed by the Federal Emergency Management Agency. Any area of the subdivision within the "floodway" as defined by the Federal Emergency Management Agency and on file with the Mendocino County Planning and Building Services Department shall be delineated as a drainage easement on the Parcel Map.

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."*
- **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 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 ~~\$2,060.25~~ \$2151.50 (or the current fee in effect at the time of approval)

shall be made payable to the Mendocino County Clerk and submitted to the Department of Planning and Building Services prior to December 3, 2010 (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 approved entitlement becoming null and void. **The applicant has the sole responsibility to insure timely compliance with this condition.**

- **8. All external future lighting shall be shielded and downcast to prohibit light from being cast beyond the property boundaries. The number of exterior lighting fixtures shall be kept the minimum required for safety.
- **9. A notation shall appear on the **Parcel Map** that "*Agricultural Disclosure per Mendocino County Code MCC 10A.13.040.(C), Residents of 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 farming operations.*"
- ~~**10. The following statement shall appear on the Parcel Map "*Residual Parcel - Due to Mendocino County Superior Court No. CV05220 directive, The Remainder Parcel will be used solely for cemetery and ceremonial uses.*"~~
- ~~**11. All utility connections to the mobile home on the Remainder Parcel shall be disconnected and the unit shall be removed from the property prior to the filing of the Parcel Map.~~
- ~~**12. The subdivider shall pay into the County Affordable Housing Trust Fund (per County Code Section 20.238.035) an amount equaling 5% of the County-wide median sales price of a single family residence as determined by the County Assessor. Said fee shall be collected prior to the recording of the Parcel Map. (Deleted by Planning Commission 11/18/2010)~~
- **13. There shall be dedicated by Parcel Map a 35 foot half-width right of way along the north side of Orr Springs Road CR #223 to provide for the ultimate improvement of the County road. This width shall be measured from the centerline of the existing right-of-way of record, or where no record right-of-way exists, from the center of the physical road.
- **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. All natural drainage and water courses shall be considered as easements. Minimum width shall be twenty (20) feet, or to the high water level plus five (5) feet horizontal distance, whichever is greater. If a Parcel Map is filed, such easements shall be shown on the final parcel map. (All parcels 5 acres and less).
- **17. Standard residential driveway approaches (5 total) shall be constructed to serve Parcel One (1 each), Parcel Two (1 at each existing driveway), Parcel Three (1 each), Parcel 4 (one each) and the Residual Parcel (1 each). All driveways shall be constructed to a minimum width of twelve (12) feet, area to be improved fifteen (15) feet from the edge of the County road, to be surfaced with 2 inches asphalt concrete over a minimum depth of 6 inches Class 2 aggregate base.
- **18. Any proposed work within County rights of way requires obtaining an encroachment permit from the Mendocino County Department of Transportation.

- **19.** The subdivider shall comply with any recommendations of the Ukiah Valley Fire District and written verification shall be submitted from the Fire District to the Department of Planning and Building Services that this subdivision is in compliance with their requirements and have been met to their satisfaction.
- **20.** The applicant shall provide the Division of Environmental Health adequate advance written notice (minimum of 15 days) of the date and time any field soil testing procedures for any proposed on-site sewage systems to allow the Division of Environmental Health staff to be present for soil testing.
- ~~****21.** The applicant shall submit to the Division of Environmental Health an acceptable site evaluation report (DEH FORM # 42.04) for Remainder Parcel completed by a qualified individual demonstrating compliance with the North Coast Regional Water Quality Control Board's Basin Plan Policy for On-site Waste Treatment and Disposal and Mendocino County Division of Environmental Health's Land Division Requirements (DEH FORM # 26.09). (Deleted by Planning Commission 11/18/2010)~~
- **21.** The applicant shall submit to the Division of Environmental Health an acceptable site evaluation report (DEH FORM # 42.04) for Remainder Parcel completed by a qualified individual demonstrating compliance with the North Coast Regional Water Quality Control Board's Basin Plan Policy for On-site Waste Treatment and Disposal and Mendocino County Division of Environmental Health's Land Division Requirements (DEH FORM # 26.09).
- **22.** The applicant shall submit to the Division of Environmental Health an acceptable site evaluation report (DEH FORM # 42.04) for a replacement system for the existing structure(s) located on parcel(s) 1, 2, 3 and 4 completed by a qualified individual demonstrating compliance with the North Coast Regional Water Quality Control Board's Basin Plan Policy for On-site Waste Treatment and Disposal and Mendocino County Division of Environmental Health's Land Division Requirements (DEH FORM # 26.09).
- **23.** The applicant shall submit to the Division of Environmental Health an acceptable site development plan at a scale of not more than 1 inch = 50 feet showing all adjacent parcels on one sheet completed by a qualified individual showing the location and dimensions of the initial sewage disposal system(s), 100% replacement area(s), acceptable setback distances to water wells and other pertinent setback distances which may impact project site development.
- ~~****24.** The applicant shall submit to the Division of Environmental Health an acceptable water quantity evaluation (DEH FORM # 26.05) completed by a qualified individual of a water source located on parcel(s) 3 or Remainder of the subdivision demonstrating an adequate water supply in compliance with the Division of Environmental Health's Land Division Requirements (DEH FORM # 26.09).~~
- ~~(A) Inland Area Proof of Water Test (DEH FORM# 26.05) per current requirements for parcels (DEH FORM 42.04). (Deleted by Planning Commission 11/18/2010)~~
- **24.** The applicant shall submit to the Division of Environmental Health an acceptable water quantity evaluation (DEH FORM # 26.05) completed by a qualified individual of a water source located on parcel(s) 3 or Remainder of the subdivision demonstrating an adequate water supply in compliance with the Division of Environmental Health's Land Division Requirements (DEH FORM # 26.09).
- (A) Inland Area Proof of Water Test (DEH FORM# 26.05) per current requirements for parcels (DEH FORM 42.04).
- **25.** The applicant shall submit to the Division of Environmental Health an acceptable standard mineral analysis performed by a certified public health laboratory from a source of water on the subdivision.
- **26.** The applicant shall either (1) submit to the Division of Environmental Health, a letter from the district(s) or agency(s) stating that water 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. 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.

- **27. 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.
- **28. 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 project and that all work performed is in compliance with applicable conditions.

SPECIAL CONDITIONS OF APPROVAL

- **1. Prior to the recordation of the Parcel Map, all building and zoning violations shall be adequately addressed. (Added by Planning Commission 11/18/2010)
2. All existing structures shall meet current setback requirements to newly proposed property lines. A site map shall be submitted to the satisfaction of Planning and Building Services clearly identifying compliance. The site map shall include and identify the location of all structures, septic/leach fields and water sources.

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

AYES: Krueger, Nelson Warner, Holtkamp, Hall, Ogle
NOES: None
ABSENT: Little

6b. CASE#: R_2013-0006

DATE FILED: 7/23/2013

OWNER: ARIETTA DAVID A & THERESA WALS

PROJECT COORDINATOR: DUSTY DULEY

REQUEST: Rezone of approximately 80 acres property from the Forestland (FL-160) zoning district to the Timberland Production (TP-160) zoning district.

ENVIRONMENTAL DETERMINATION: Statutorily Exempt from CEQA Section 15264 (Local agencies are exempt from the requirement to prepare an EIR or negative declaration on the adoption of timberland preserve zones under Government Code Sections 51100 et seq. (Gov. Code, Sec. 51119)).

LOCATION: 4.5± miles west of Philo, lying on the south side of Philo Greenwood Road (CR 132), 0.5± mile west of its intersection with Signal Ridge Road (CR 133), located at 21491 Philo Greenwood Road; APN 026-600-28.

RECOMMENDED ACTION: Recommend approval to the Board of Supervisors.

Dusty Duley, Project Coordinator, reviewed the staff report and noted a forest management plan was prepared by Mark Edwards, which noted the improved area. He discussed the benefit to the applicant for rezoning his parcel to Timberland Production and noted the property met the minimum qualifications listed in Mendocino County Code Section 22.07. He noted staff was recommending that the Planning Commission recommend approval to the Board of Supervisors and noted a correction to page 5 of the staff report, to strike "and subject to the conditions of approval" as the rezone did not have conditions.

Mr. Steve Arietta was present for questions.