



**PLANNING COMMISSION
STAFF REPORT- MINOR SUBDIVISION**

**APRIL 5, 2018
MS_2017-0003**

SUMMARY

OWNER/APPLICANT: CLARK McGEHEE
3401 N STATE ST
UKIAH, CA 95482

AGENT: MATT HERMAN
335 S MAIN STREET
WILLITS, CA 95490

REQUEST: Subdivision of a 9.34± acre parcel into two new parcels and a remainder parcel. The new parcels would be 3.10± acres and 0.91± acres, with the remainder parcel being 5.33± acres.

LOCATION: 3.5± miles north of Ukiah center, on the east side of N. State Street (CR 104). Immediately southeast of the intersection of N. State Street and Parducci Road (CR 224). 3401 N. State Street. (APN: 169-080-01).

TOTAL ACREAGE: 9.34 acres

GENERAL PLAN: Commercial (C)

ZONING: Limited Industrial (I1:12K)

SUPERVISORIAL DISTRICT: 1

ENVIRONMENTAL DETERMINATION: Categorically Exempt: Class 15, Section 15315

RECOMMENDATION: Approve with Conditions

STAFF PLANNER: Sam "Vandy" Vandewater

BACKGROUND

PROJECT DESCRIPTION: Subdivision of a 9.34± acre into two parcels and a remainder parcel. The new parcels would be 3.10± acres and 0.91± acres, with the remainder parcel being 5.33± acres.

SITE CHARACTERISTICS: The subject parcel is located on east side of North State Street, roughly 3.5 miles north of downtown Ukiah. The parcel is mostly paved and developed, with unpaved areas still being utilized for industrial purposes. Undeveloped and unutilized land is restricted mostly to the periphery of the parcel. There are a number of structures already existing on the parcel that are used by existing business operations. Structures include a large warehouse-like building, multiple carports, and mini-storage units. The parcel gains access from North State Street and is connected to the Millview Water District.

RELATED APPLICATIONS ON-SITE:

- Development Review DR 1-88 was completed on the subject parcel. The DR was to review the establishment of a rock crushing and screening facility.

Neighboring Property:

- No related applications on neighboring parcels have been identified as important in regards to this proposed project.

SURROUNDING LAND USE AND ZONING:

	GENERAL PLAN	ZONING	LOT SIZES	USES
NORTH	I (Industrial)	I1	4.78±	Industrial/Commercial
EAST	I (Industrial)	I1, I2, PF	NWPRR	NWPRR
SOUTH	I (Industrial)	I1	2.95±	Industrial/Commercial
WEST	I (Industrial)	I1	N. State St.	N. State St.

PUBLIC SERVICES:

Access: North State Street (CR 104)
Fire District: Ukiah Valley Fire Protection District
Water District: Millview
Sewer District: Millview
School District: Ukiah Unified

AGENCY COMMENTS: On April 5, 2017, project referrals were sent to the following responsible or trustee agencies with jurisdiction over the Project. Their submitted recommended conditions of approval are contained in Exhibit A of the attached resolution. A summary of the submitted agency comments are listed below. Any comment that would trigger a project modification or denial are discussed in full as key issues in the following section.

REFERRAL AGENCIES	COMMENT
Department of Transportation	Comment
Environmental Health	No Comment
Building Inspection	No Comment
Assessor	No Response
Air Quality Management District	Comment
County Addresser	No Comment
Ukiah Valley Fire Protection District	No Comment
Millview Water District	No Comment
Redwood Valley Rancheria	Comment
Cloverdale Rancheria	No Response
Sherwood Valley Rancheria	No Response
Sonoma State University	Comment
Department of Conservation	No Response

KEY ISSUES

1. General Plan and Zoning Consistency: The subject parcel has a General Plan Land Use Designation of Commercial (C) as defined by Chapter 3: Development Element of the Mendocino County General Plan. The Commercial classification is intended *"to be applied to lands appropriate for a variety of commercial uses. Lands classified Commercial should be within or contiguous to developed areas, such as near the boundaries of cities and in Community Planning Areas, and should be served by the publicly-maintained circulation network and should be situated in locations where future growth is anticipated..."*

The Project is consistent with the General Plan designation as it is located within the developed corridor of North State Street. The subject parcel is also served by North State Street, a publically maintained road, further showing the parcel's consistency with the Commercial General Plan designation. The Project would help to stimulate growth in the future by providing more opportunities for developers and

businesses. Furthermore, the Project does not conflict with any policy identified in the Ukiah Valley Area Plan, and is consistent with Policy LU1.2b which discusses *Infill Incentives*. The Project promotes infill by dividing developed land from undeveloped land, thus allowing for future growth along a major transportation corridor.

The Zoning designation for the parcel is classified as “Industrial – Limited” (I1), which is intended “*to create and preserve areas where manufacturing and industrial uses which evidence no or very low nuisance characteristics may locate. Nonindustrial uses which support or are adjuncts to industrial uses and are compatible with such uses are permitted within the zone particularly administrative, sales and service uses,*” as defined in Section 20.096.005 of the Mendocino County Code. The Project is already the location of several industrial businesses and operations, including an equipment manufacturer and storage business, thus utilizing the area for industrial purposes. Furthermore, with little residential or commercial activities around the subject parcel, the Project would not create any more nuisance for area than already exists.

However, this reflects inconsistency between the General Plan and Zoning designations, as the Commercial General Plan designation does not consider Industrial – Limited to be an appropriate zoning designation within its confines. Research shows that the General Plan designation for the subject parcel was changed with the adoption of the Ukiah Valley Area Plan (UVAP), which changed the General Plan designation from Industrial to Commercial (UVAP, pg.12-8).

Despite this inconsistency, staff recommends approval of the subdivision for two main reasons. First, there is no minimum parcel size for parcels in either Commercial or Industrial General Plan designations, provided they are connected to a water and sewer district, as well as having access to a publically-maintained road. As will be discussed below, the subject parcel meets these requirements for having adequate services and access. With regards to the Zoning designation, neither the commercial zonings (C1 and C2) nor the industrial zonings (I1, I2, and PI) require a minimal parcel size. This allows the parcels to be Rezoned or General Plan Amended with no conflicts to the UVAP or General Plan.

Secondarily, Condition 20 has been crafted for this project. The condition states that before any development of the newly established parcels can occur, the parcel(s) must complete a General Plan Amendment or Rezone to reflect consistency between the two designations. This allows existing uses to continue provided there is no expansion of non-conforming uses. Existing uses include an equipment manufacturer and a storage business that provides mini-storage units, as well as RV and boat storage. The expansion of the mini-storage can occur as this use (Mendocino County Code 20.024.140 Wholesaling, Storage, and Distribution) is principally permitted in both Commercial – General and Industrial – Limited Zoning designations.

2. Environmental Protection: The project is Categorically Exempt from a CEQA review under a Class 15 (Section 15315) exemption for minor land divisions. The exemptions is allowed for such divisions of land in urbanized areas that have adequate public access and can have services provided to the parcel. The parcel has access to North State Street, a publically maintained road, and has connections to the Millview Water District for water and wastewater services. PG&E provides the electricity service to the parcel.

3. Division of Land Regulations: The project was reviewed by the County Subdivision Committee on June 8, 2017, at which time the Subdivision Committee recommended conditional approval of the proposed minor subdivision to the Planning Commission per the required finding found in MCC §17-48.5. No conflicts with the County Division of Land Regulations were identified.

RECOMMENDATION

By resolution, the Planning Commission adopt the Categorical Exemption and grant Minor Subdivision MS_2017-0003 for the Project based on the approved project description facts and findings and subject to the conditions of approval in Exhibit A.

DATE

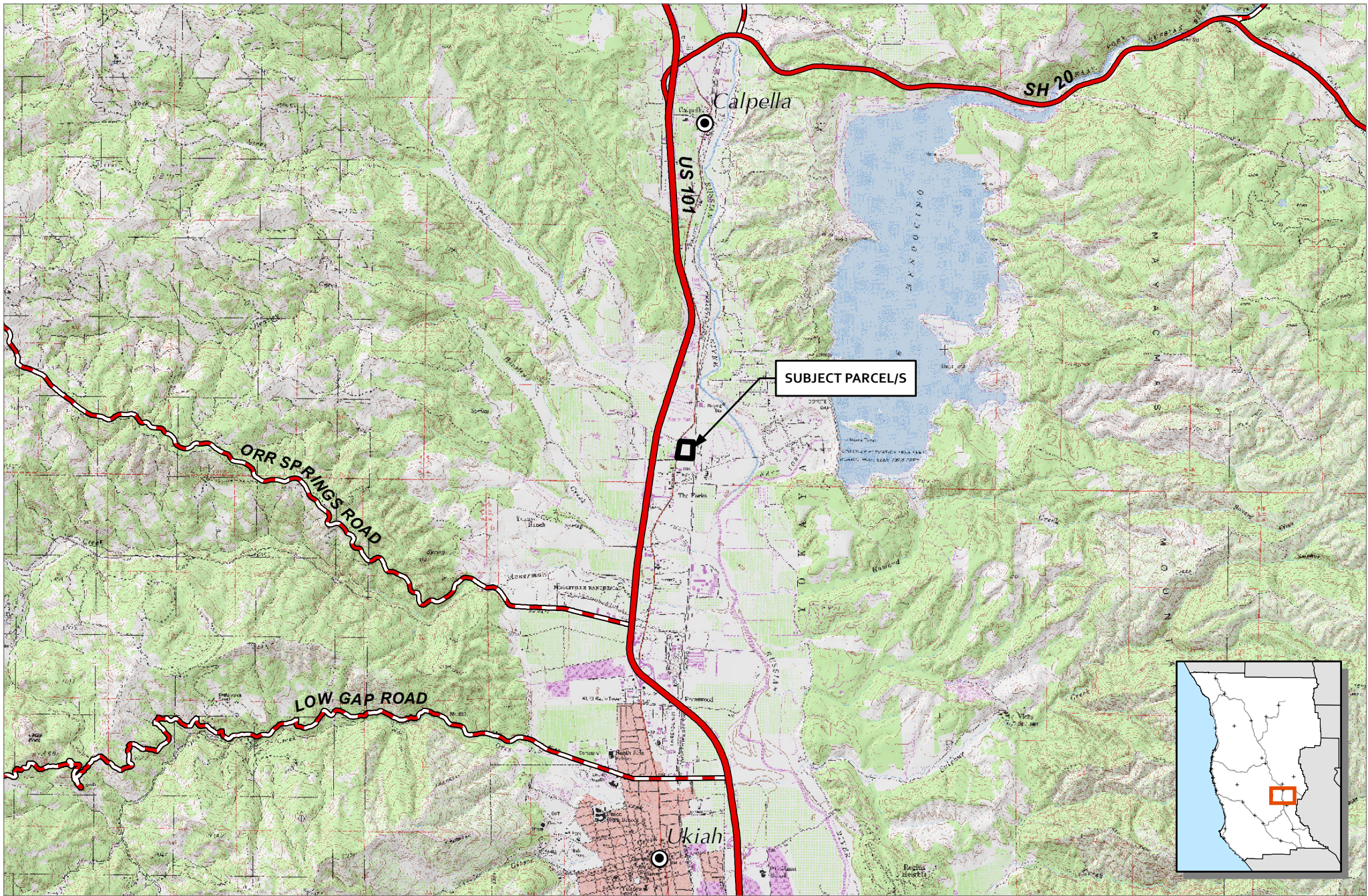
SAM VANDEWATER
PLANNER II

Appeal Period: 10 Days
Appeal Fee: \$1,616.00

ATTACHMENTS:

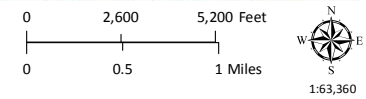
- A. Location Map
- B. Aerial Map
- C. Tentative Map
- D. Zoning Map
- E. General Plan Map
- F. Adjacent Owner Map
- G. Fire Responsibility Areas Map
- H. Water District Map
- I. Dam Inundation Map
- J. Soils Map
- K. Stormwater Map
- L. School District Map
- M. Earthquake Hazard Zone Map
- N. Miscellaneous Map

RESOLUTION AND CONDITIONS OF APPROVAL (Exhibit A):



CASE: MS 2017-0003
OWNER: McGEHEE, Clark
APN: 169-080-01
APLCT: Clark McGehee
AGENT: Matt Herman
ADDRESS: 3401 N. State Street, Ukiah

- Major Towns & Places
- Highways
- Major Roads

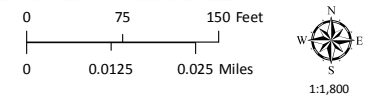


LOCATION MAP

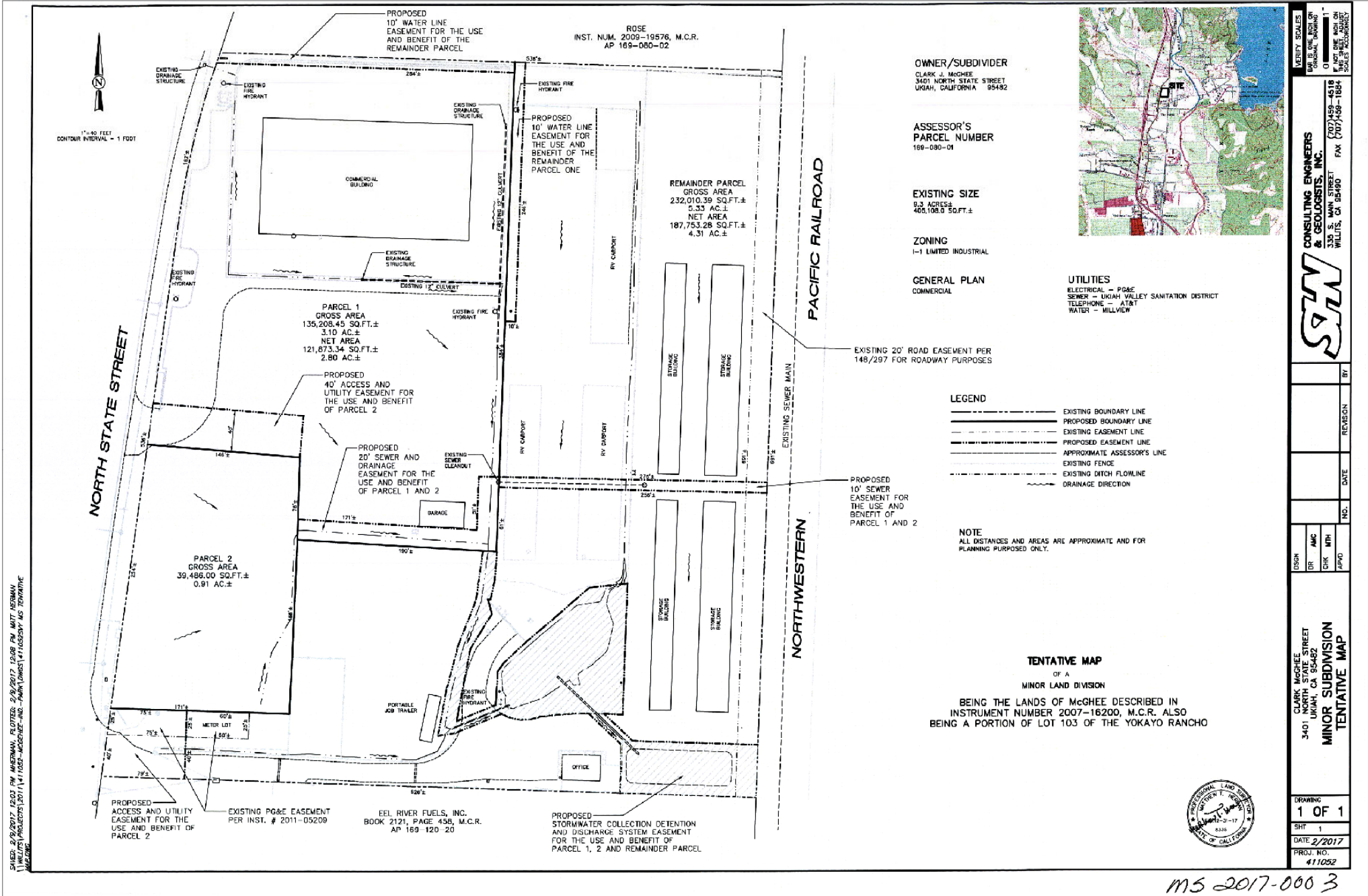


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- Public Roads
- Private Roads
- Driveways/Unnamed Roads
- Railroads



AERIAL IMAGERY




CASE: MS 2017-0003
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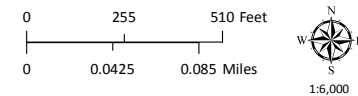
NO SCALE

TENTATIVE MAP

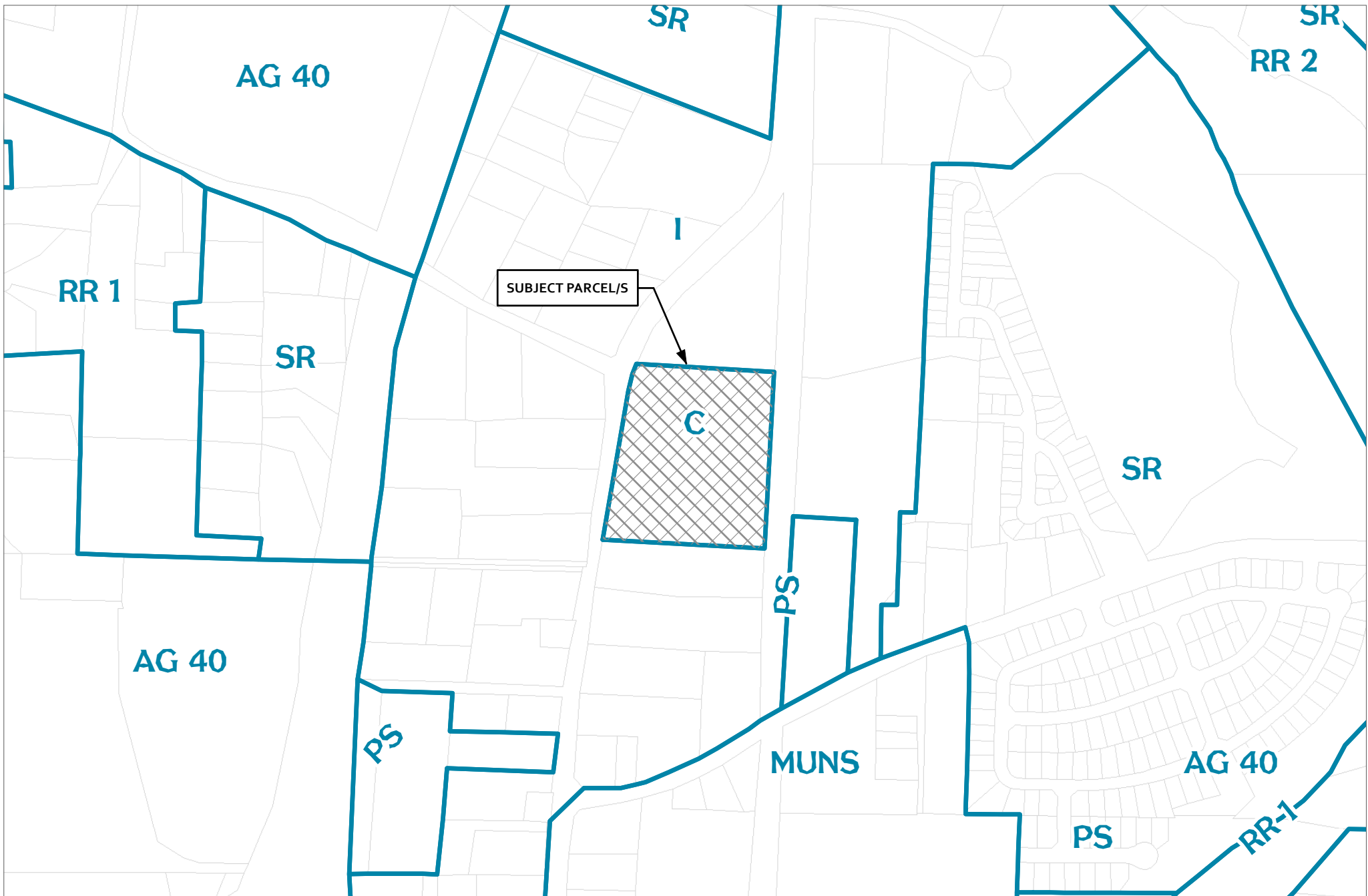


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 Zoning Districts

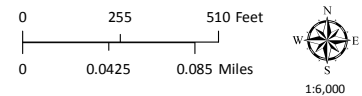


ZONING DISPLAY MAP

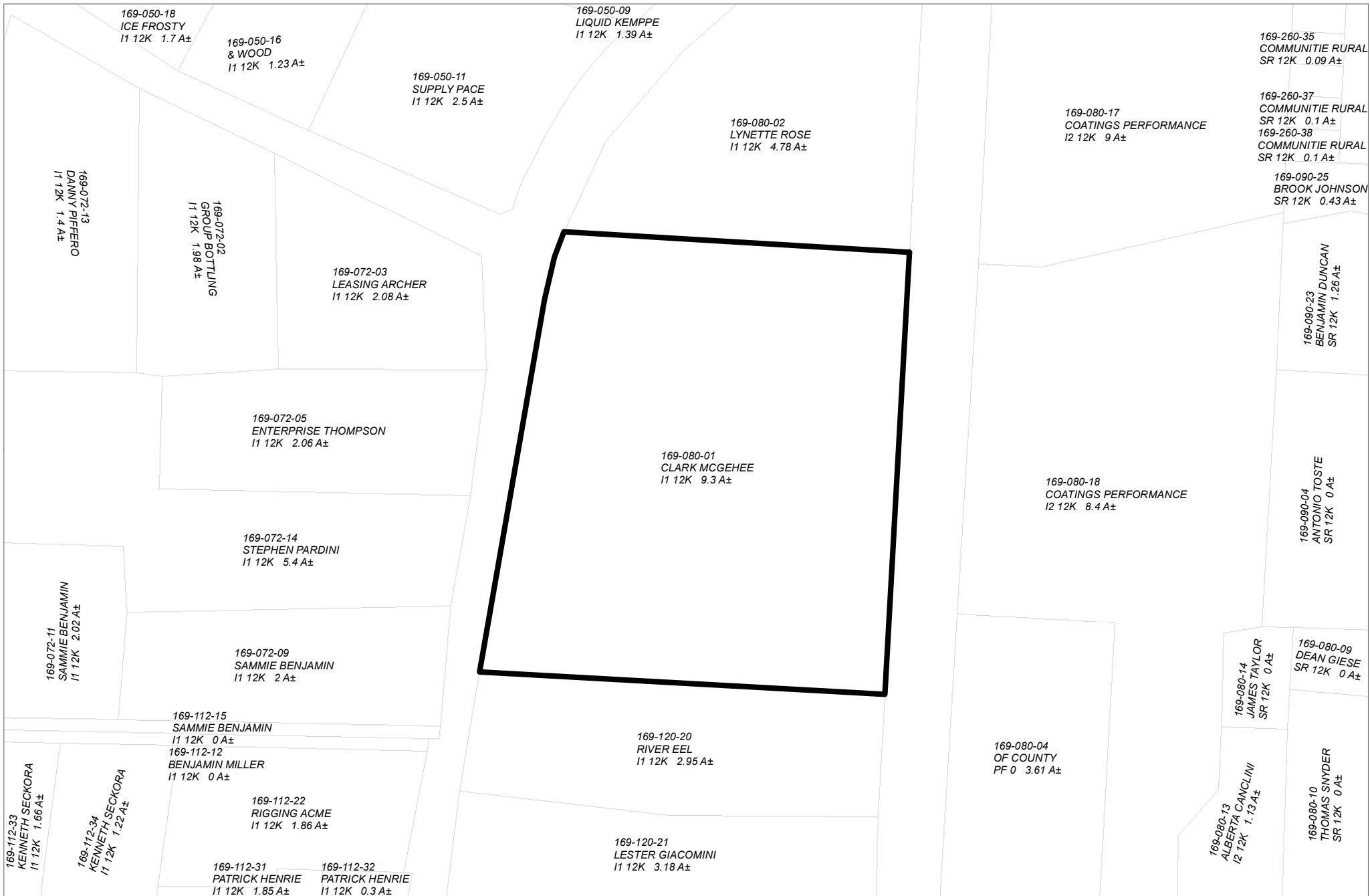


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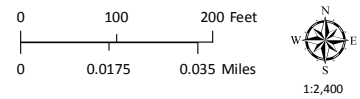
 General Plan Classes



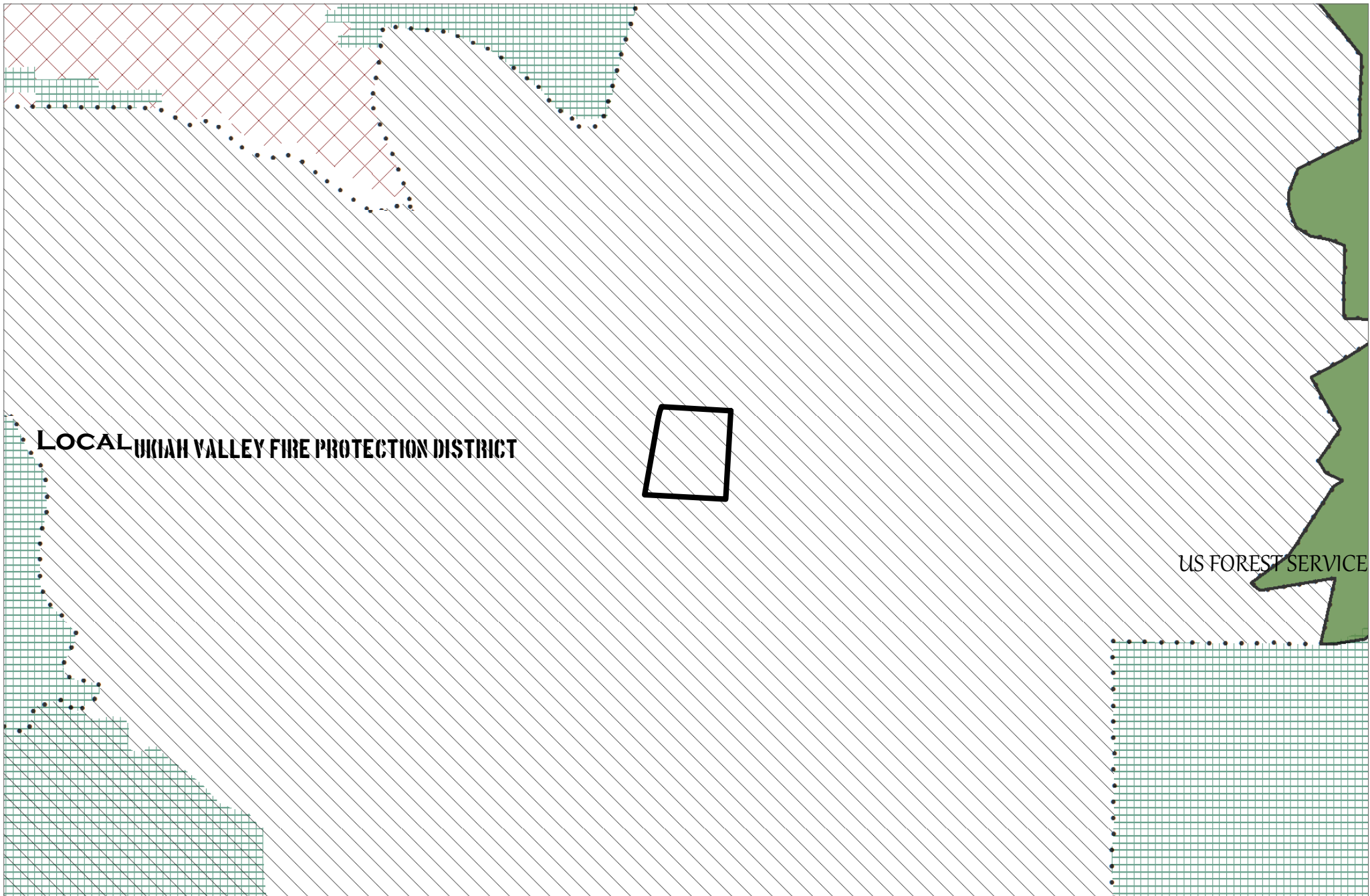
GENERAL PLAN CLASSIFICATIONS



CASE: MS 2017-0003
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APN: 169-080-01
APLCT: Clark McGehee
AGENT: Matt Herman
ADDRESS: 3401 N. State Street, Ukiah

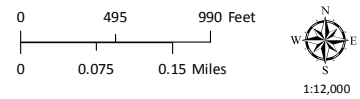


ADJACENT PARCELS



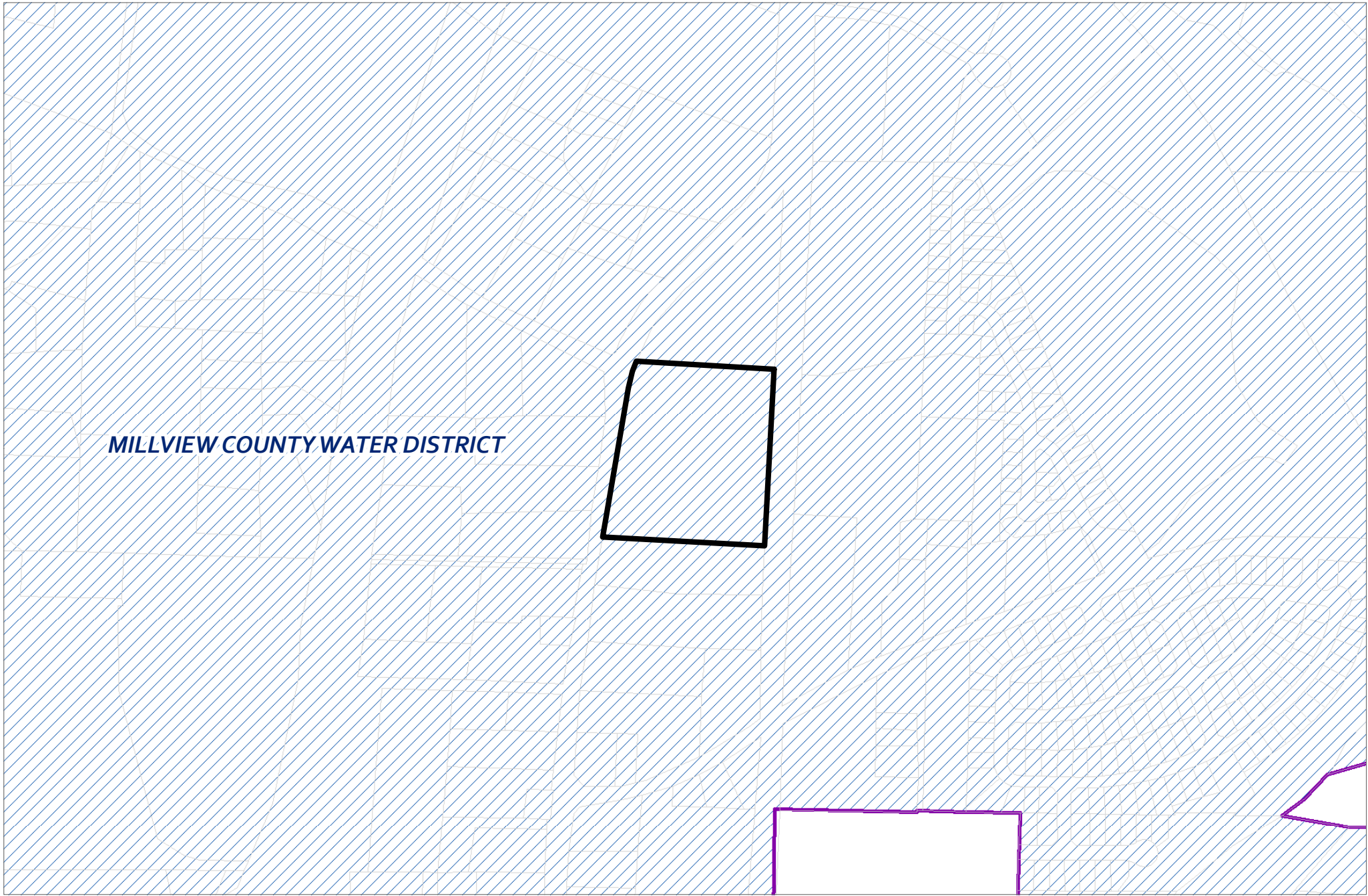
CASE: MS 2017-0003
OWNER: McGEHEE, Clark
APN: 169-080-01
APLCT: Clark McGehee
AGENT: Matt Herman
ADDRESS: 3401 N. State Street, Ukiah

-  County Fire Districts
-  Moderate Fire Hazard
-  Local Responsibility Areas
-  High Fire Hazard




FIRE RESPONSIBILITY AREAS

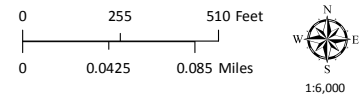
Map produced by the Mendocino County Planning & Building Services, February, 2017
All spatial data is approximate. Map provided without warranty of any kind.



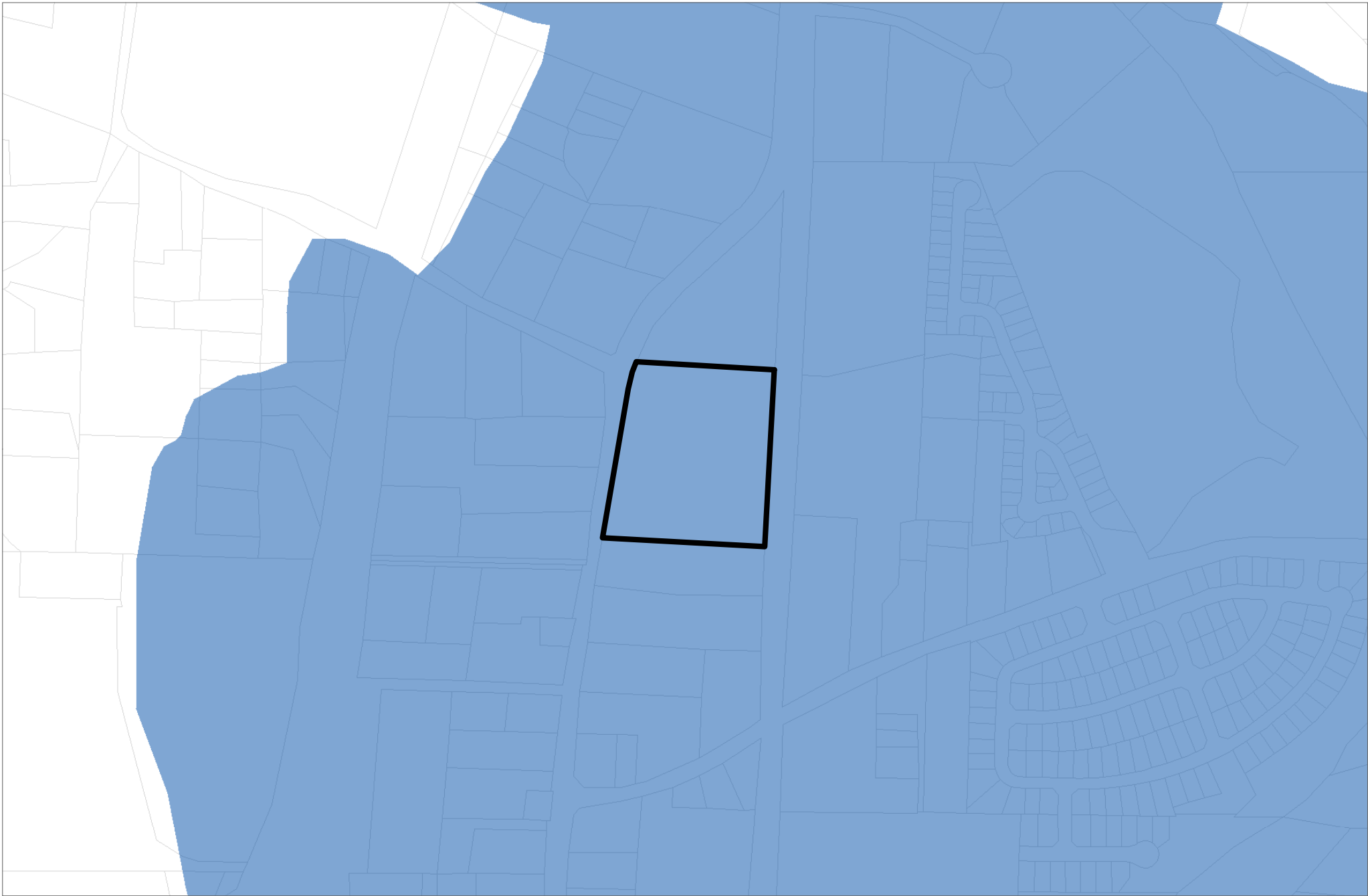
MILLVIEW COUNTY WATER DISTRICT

CASE: MS 2017-0003
OWNER: McGEHEE, Clark
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AGENT: Matt Herman
ADDRESS: 3401 N. State Street, Ukiah


 County Water Districts

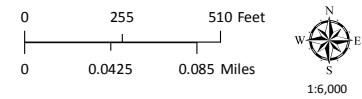


WATER DISTRICTS

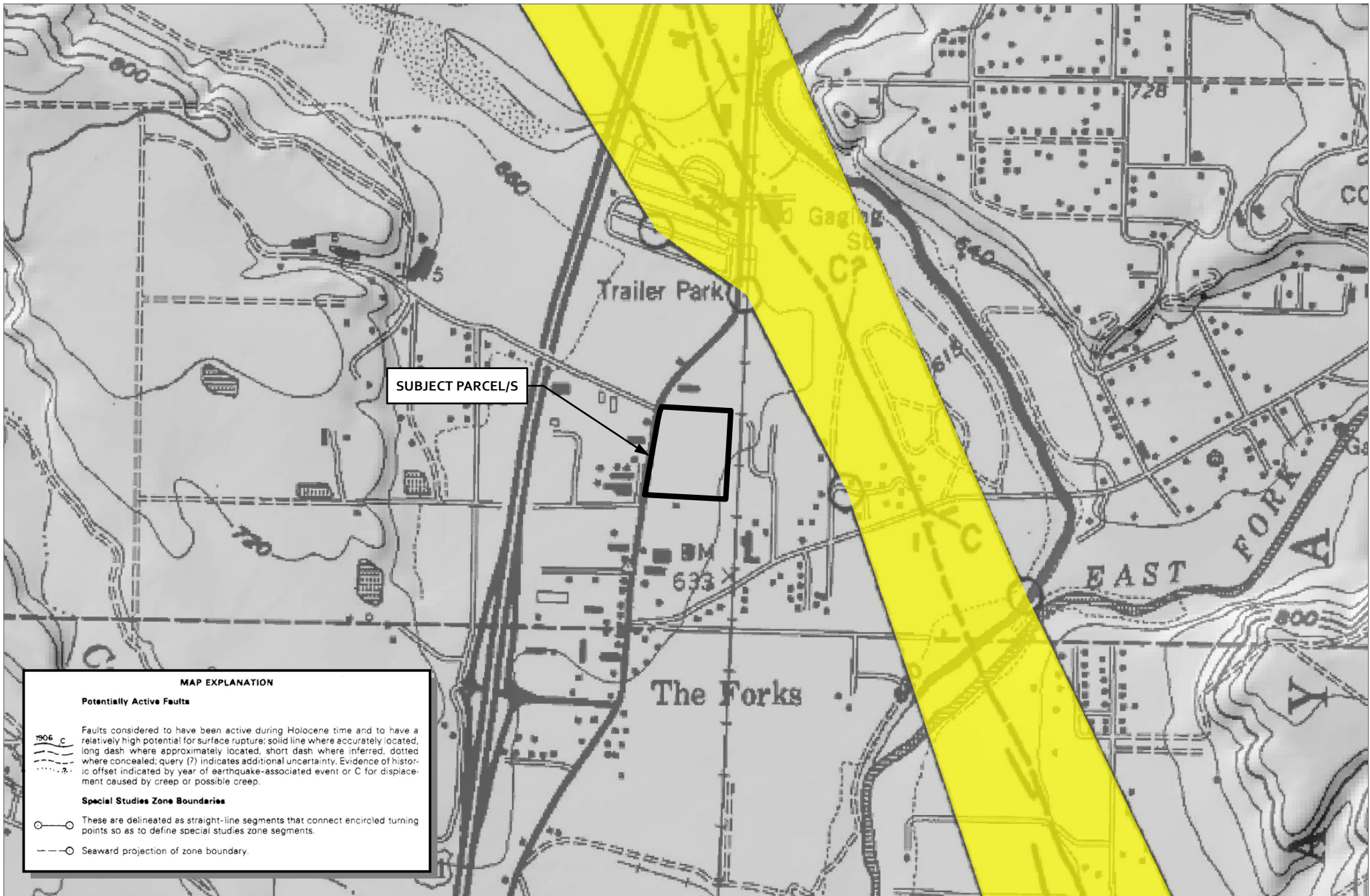


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 Estimated Inundation Zones

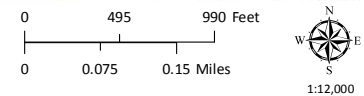


INUNDATION ZONES

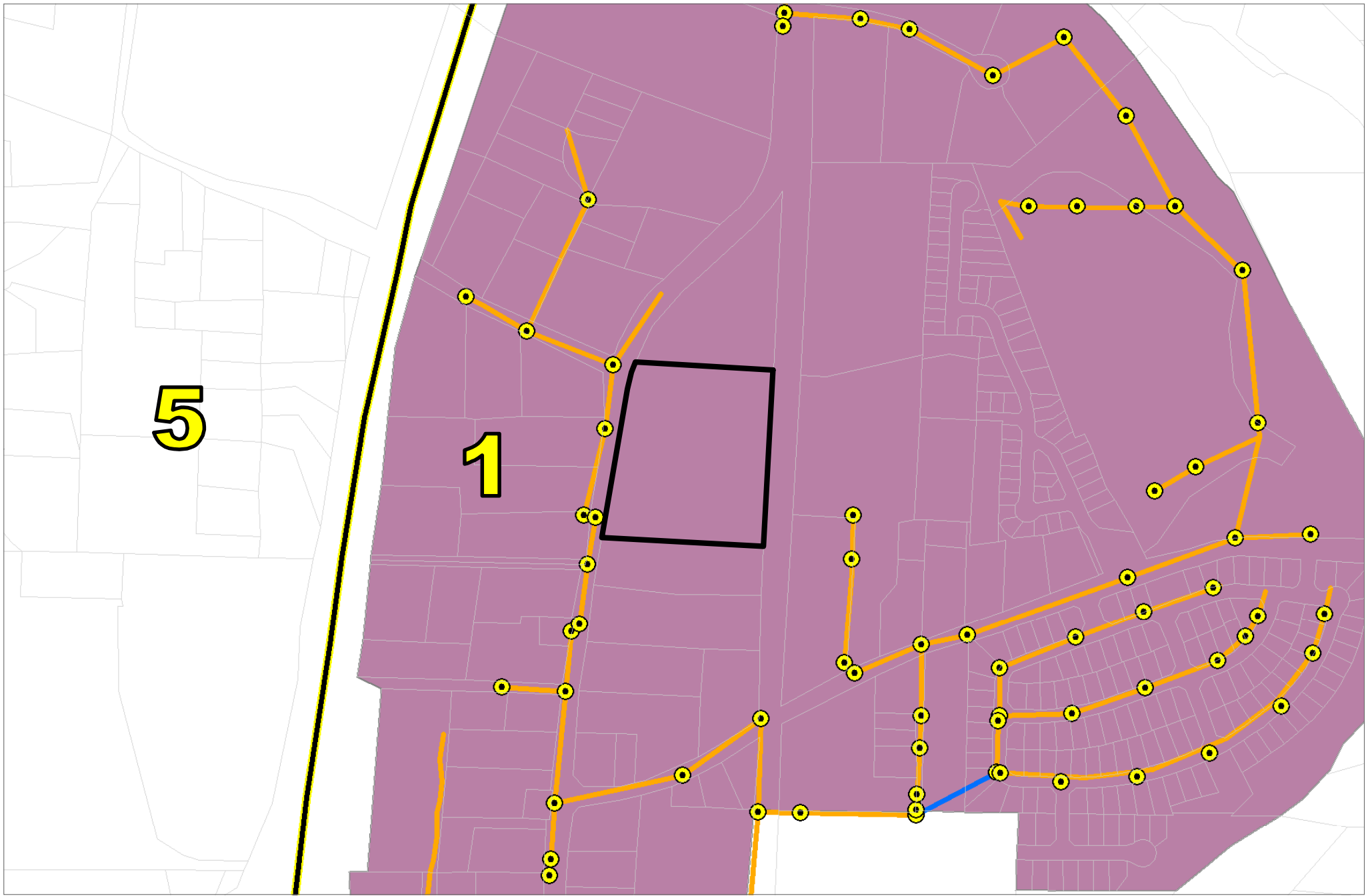


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 Maacama Fault Zone

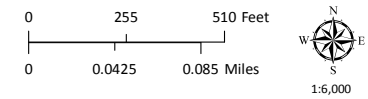


EARTHQUAKE HAZARD ZONES



CASE: MS 2017-0003
OWNER: McGEHEE, Clark
APN: 169-080-01
APLCT: Clark McGehee
AGENT: Matt Herman
ADDRESS: 3401 N. State Street, Ukiah

- Supervisorial Districts 2010
- Sewer Manhole
- UVSD 8" Transmission Line
- UVSD Lines
- Ukiah Valley Sanitation Dist.
- UVAP Boundary



MISC DISTRICTS

Resolution Number _____

County of Mendocino
Ukiah, California
April 5, 2018

MS_2017-0003 MCGEHEE CLARK J

RESOLUTION OF THE PLANNING COMMISSION, COUNTY OF
MENDOCINO, STATE OF CALIFORNIA, ADOPTING A CATEGORICAL
EXEMPTION AND GRANTING A 3 PARCEL MINOR SUBDIVISION.

WHEREAS, the applicant, CLARK McGEHEE, filed an application for Minor Subdivision with the Mendocino County Department of Planning and Building Services to subdivide a 9.34± acre parcel into two new parcels and a remainder parcel. The new parcels would be 3.10± acres and 0.91± acres, with the remainder parcel being 5.33± acres, located 3.5± miles north of Ukiah center, on the east side of N State Street (CR 104). Immediately southeast of the intersection of N. State Street and Parducci Road (CR 224). 3401 N. State Street, Ukiah; APN 169-080-01, General Plan C; Zoning I1:12K; Supervisorial District 1; (the "Project"); and

WHEREAS, the Secretary for Resources has found that certain classes of projects have been determined not to have a significant effect on the environment and are therefore exempt from the requirement for the preparation of environmental documents, and the Project was determined to meet the criteria for a CATEGORICAL EXEMPTION from the California Environmental Quality Act (CEQA) under Class 15; and

WHEREAS, in accordance with applicable provisions of law, the Planning Commission held a public hearing on, April 5, 2018, at which time the Planning Commission heard and received all relevant testimony and evidence presented orally or in writing regarding the CATEGORICAL EXEMPTION and the Project. All interested persons were given an opportunity to hear and be heard regarding the CATEGORICAL EXEMPTION the Project; and

WHEREAS, the Planning Commission has had an opportunity to review this Resolution and finds that it accurately sets forth the intentions of the Planning Commission regarding the CATEGORICAL EXEMPTION and the Project.

NOW, THEREFORE, BE IT RESOLVED, that based upon the evidence in the record, the Planning Commission makes the following findings;

1. **General Plan and Zoning Consistency Findings:** The Project is consistent with the General Plan designation and Zoning designation, independently, but the two designations are not consistent with each other. Staff still recommends approval, however, as both Industrial and Commercial General Plan designations, as well as I1 and C2 zoning designations, have no minimal parcel size. Additionally, the Project has been conditioned to prevent any future development until the inconsistencies between designations is corrected. Furthermore, the Project does not conflict with any policy of the Ukiah Valley Area Plan, and is consistent with Policy LU1.2b regarding infill incentives by providing additional parcels to be developed.
2. **Environmental Protection Findings:** The Project was determined to be Categorically Exempt from a CEQA review under a Section 15315, Class 15 (Division of Land) exemption.
3. **Division of Land Regulations:** The Project is consistent with Chapter 17 of the Mendocino County Code, Division of Land Regulations.

BE IT FURTHER RESOLVED that the Planning Commission hereby adopts the Class 15 Categorical Exemption and Conditions of Approval. The Planning Commission certifies that the

Categorical Exemption has been completed, reviewed, and considered, together with the comments received during the public review process, in compliance with CEQA and State and County CEQA Guidelines, and finds that the Categorical Exemption reflects the independent judgment and analysis of the Planning Commission.

BE IT FURTHER RESOLVED that the Planning Commission hereby grants the requested Use Permit, subject to the Conditions of Approval in Exhibit "A", attached hereto.

BE IT FURTHER RESOLVED that the Planning Commission designates the Secretary as the custodian of the document and other material which constitutes the record of proceedings upon which the Planning Commission decision herein is based. These documents may be found at the office of the County of Mendocino Planning and Building Services, 860 North Bush Street, Ukiah, CA 95482.

BE IT FURTHER RESOLVED that the Planning Commission action shall be final on the 11th day after the date of the Resolution unless an appeal is taken.

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

ATTEST: VICTORIA DAVIS
 Commission Services Supervisor

By: _____

BY: IGNACIO GONZALEZ
Interim Director

MADLIN HOLTKAMP, Chair
Mendocino County Planning Commission

EXHIBIT A

CONDITIONS OF APPROVAL MS_2017-0003 - McGEHEE APRIL 5, 2018

APPROVED PROJECT DESCRIPTION: Subdivision of a 9.34± acre parcel into two new parcels and a remainder parcel. The new parcels would be 3.10± acres and 0.91± acres, with the remainder parcel being 5.33± acres.

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. All future external lighting, whether installed for security, safety or landscape design purposes, shall be shielded, downcast or shall be positioned in a manner that will not shine or allow light glare to exceed the boundaries of the parcel on which it is placed.
2. A notation shall appear on the Parcel Map stating that future development of building site(s), access roads or driveways may be subject to the grading requirements and drainage control measures identified in the Conditions of Approval
3. A note shall appear on the Parcel Map stating 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. A note shall appear on the Parcel Map stating that in the event that archaeological resources are encountered during development of 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.
5. Those "Recommendations" outlined in the Archaeological Report dated October 20, 2017, prepared by Jay Flaherty, shall be complied with. In the event that additional archaeological resources are encountered during development of 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.
6. The sub-divider 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. 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.
 - b. 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.

- c. Temporary erosion and sediment control measures shall be established and maintained until permanent protection is established.
 - d. 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.
 - e. 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.
 - f. 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:
 - i. 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).
 - ii. 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.
7. A note shall appear on the Parcel Map stating that all lots are within the Dam Failure Inundation Hazard area of Coyote Dam.
8. The sub-divider shall comply with those recommendations in the Ukiah Valley Fire District letter of April 11, 2017, or other alternatives as acceptable to the Fire District. Written verification shall be submitted from the Fire District to the Department of Planning and Building Services that this condition has been met to the satisfaction of the Fire District.
9. 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.
10. 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.
11. There shall be provided an access easement of 40 feet in width from a publicly maintained road to each parcel not taking access directly from a publicly maintained road. Documentation of access easement(s) shall be provided to the Mendocino County Department of Transportation for their review prior to final approval.

12. 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 of record or a minimum of ten (10) feet, whichever is greater.
13. Concrete curb, gutter, planter and minimum 5 foot wide sidewalks shall be constructed along the project's frontage to North State Street (CR 104) in accordance with Mendocino County Road and Development Standards No. A40A, Type "B". All pedestrian facilities shall comply with State and Federal accessibility requirements.
14. A standard commercial road approach shall be constructed to access Parcels 2 and 3, to a minimum width of eighteen (18) feet, with improved approach extending twenty (20) feet from the edge of the County road, to be paved with asphalt concrete. Concrete driveways shall not be permitted.
15. Road improvements shall be constructed in accordance with improvement plans prepared by a Civil Engineer and approved by the Mendocino County Department of Transportation. Current improvement plan checking and inspection fees apply.
16. If approval of the tentative map is conditioned upon certain improvements being made by the sub-divider, the sub-divider shall notify the Mendocino County Department of Transportation when such improvements have been completed. Prior to the filing of the parcel map, required road improvements must be inspected and approved by the Department of Transportation. Current inspection fees apply.
17. Any proposed work within County rights-of-way requires obtaining an encroachment permit from the Mendocino County Department of Transportation.
18. 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.
19. Pursuant to Government Code Section 66492 & 66493, prior to recordation of the Parcel Map, the sub-divider 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.
20. A note shall appear on the Parcel Map stating that before any future development can occur on the newly established parcels, the General Plan designation or Zoning designation shall be amended to reflect consistency.

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