

Resolution Number _____

County of Mendocino
Ukiah, California
June 7, 2018

MS_2017-0002 - FRANCISCO & ISABEL ALVAREZ

RESOLUTION OF THE PLANNING COMMISSION, COUNTY OF MENDOCINO, STATE OF CALIFORNIA, ADOPTING A NEGATIVE DECLARATION AND GRANTING A DIVISION OF LAND FOR A 2-PARCEL MINOR SUBDIVISION WITH REMAINDER PARCEL AND AN EXCEPTION PER MCC §17-48.5(A)(1)(i) TO REDUCE THE REQUIRED 60-FOOT ACCESS EASEMENT WIDTH TO 55 FEET.

WHEREAS, the applicant, Francisco & Isabel Alvarez and Pope Engineering, filed an application for division of land with the Mendocino County Department of Planning and Building Services to subdivide a 3.4± acre lot into two new parcels and a remainder parcel. The project also includes an Exception request to the 60-foot road width requirement. The new parcels would be 0.61± acres and 1.14± acres with a remainder parcel of 1.66± acres, 2.3± miles south of Ukiah town center, lying on the west side of South State Street (CR 104A), 0.05± miles from its intersection with Fircrest drive (CR 210) and South Dora Street (CR 209), located at 315 Crestview Drive (CR 210A), Ukiah (APN: 180-220-21), General Plan SR; Zoning R1:6K/FP, AZ; Supervisorial District 5; (the "Project"); and

WHEREAS, a NEGATIVE DECLARATION was prepared for the Project and noticed and made available for agency and public review on May 16, 2018 in accordance with the California Environmental Quality Act (CEQA) and the State and County CEQA Guidelines; and

WHEREAS, in accordance with applicable provisions of law, the Planning Commission held a public hearing on June 7, 2018, at which time the Planning Commission heard and received all relevant testimony and evidence presented orally or in writing regarding the Negative Declaration and the Project. All interested persons were given an opportunity to hear and be heard regarding the Negative Declaration and 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 Negative Declaration and the Project.

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

1. **General Plan and Zoning Consistency Findings:** The subject parcel has a General Plan Land Use Designation of Suburban Residential (SR) and the Project is consistent with the intent of the General Plan classification. Additionally, the subject parcel lies within the Zoning District of Single Family Residential (R1:6K) and the Project is consistent with the Zoning District per MCC 20.072.
2. **Environmental Protection Findings:** The CEQA initial study completed by staff identified the Project to have less than significant impact on the environment, and any concerns are adequately addressed through the conditions of approval so that no adverse environmental impacts will result from the Project; therefore a Negative Declaration is adopted.
3. **Division of Land Regulations:** The Project is consistent with Chapter 17 of the Mendocino County Code, Division of Land Regulations. The project includes an Exception to Sections 17-48.5(A)(1)(i) and 17-66 of the Division of Land Regulations to reduce the roadway easement width from the required 60 feet to 55 feet. The site is physically suitable for the proposed subdivision, including the Exception, and the design would not result in nuisances or serious public health concerns. The site is also suitable for the resulting density of development.

4. Ukiah Valley Area Plan (UVAP) Consistency Findings: The proposed Minor Subdivision is located within the UVAP area and is consistent with the goals and policies contained in the UVAP.

Formatted: Numbered + Level: 1 +
Numbering Style: 1, 2, 3, ... + Start at: 1 +
Alignment: Left + Aligned at: 0.25" + Indent
at: 0.5"

Formatted: Indent: Left: 0"

BE IT FURTHER RESOLVED that the Planning Commission hereby adopts the Negative Declaration and the Conditions of Approval. The Planning Commission certifies that the Negative Declaration 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 Negative Declaration reflects the independent judgment and analysis of the Planning Commission.

BE IT FURTHER RESOLVED that the Planning Commission hereby grants the requested Division of Land, 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

MADELIN HOLTKAMP, Chair
Mendocino County Planning Commission

EXHIBIT A

CONDITIONS OF APPROVAL MS_2017-0002 - FRANCISCO & ISABEL ALVAREZ JUNE 7, 2018

APPROVED PROJECT DESCRIPTION: Minor subdivision of a 3.4± acre lot into a 0.61± acre lot and a 1.14± acre lot with a remainder parcel of 1.66± acres. Also requested is an Exception per MCC §17-48.5(A)(1)(i) to reduce the required 60-foot access easement width to 55 feet.

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.

AESTHETICS/VISUAL RESOURCES

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.

AIR QUALITY

2. A notation shall appear on the Parcel Map stating: "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: "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."

BIOLOGICAL RESOURCES

4. This entitlement does not become effective or operative and no work shall be commenced under this entitlement until the California Department of Fish and Wildlife filing 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 \$ 2,330.75 or Current Fee shall be made payable to the Mendocino County Clerk and submitted to the Department of Planning and Building Services 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 Wildlife 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 entitlement becoming null and void. **The applicant has the sole responsibility to insure timely compliance with this condition.**

CULTURAL RESOURCES

5. Those "Recommendations" outlined in the Archaeological Report dated June 26, 2017, prepared by Alex DeGeorgey (ALTA Archaeological Consulting), Registered Professional Archaeologist 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. 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.

GEOLOGY/SOILS

7. 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.

HAZARDS/HAZARDOUS MATERIALS

8. The sub-divider shall comply with those recommendations in the California Department of Forestry preliminary clearance form (CalFire# 531-17) or other alternatives as acceptable to the Department of Forestry. Written verification shall be submitted from the Department of Forestry to the Department of Planning and Building Services that this condition has been met to the satisfaction of the Department of Forestry.

9. The sub-divider shall comply with recommendations of the Ukiah Valley Fire District or other alternatives as acceptable to the Ukiah Valley Fire District. Written verification shall be submitted from the Ukiah Valley Fire District to the Department of Planning and Building Services that this condition has been met to the satisfaction of the Ukiah Valley Fire District.

HYDROLOGY AND WATER QUALITY

10. 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.
11. The subject project is within the Ukiah Valley Sanitation District boundaries and shall, upon payment of sewer connection fees, connect to the public sewer at the time of development. Easements for the sanitary sewer main and services shall be provided on the parcel map or by separate instrument at the time of development, to the satisfaction of the Ukiah Valley Sanitation District.
12. All areas within the subdivision subject to flooding shall be clearly identified on the Parcel Map. The information on the parcel map shall be based on a flood hazards report prepared by a Civil Engineer and filed with the Planning and Building Services Department and the Mendocino County Department of Transportation. The flood hazards report, using data developed by the Federal Emergency Management Agency, shall clearly identify the magnitude of the flood potential as such relates to the subdivision. A reference to the report shall be made on the parcel map.

The 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.
13. A note shall appear on the Parcel Map stating: "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."
14. A note shall appear on the Parcel Map stating: "No toxic, hazardous or contaminated materials or waste shall be stored in a designated buffer area or clearly identified flood plain or floodway."

LAND USE AND PLANNING

15. 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.
16. That verification must be received by a licensed civil engineer or surveyor that each parcel created is a minimum of 6,000 square feet net.

NOISE

17. The sub-divider shall record a deed notice on the Parcel Map to alert future property owners of the potential inconvenience, annoyance or discomfort arising from the noise of standard airport operations. The the deed notice shall be reviewed and approved by the Director of Planning and Building Services and shall be in a form and content acceptable to County Counsel. A fee, set by the current fee schedule, shall be made payable to County Counsel for review services. Said deed notice shall appear on and be recorded with the Parcel Map.

POPULATION/HOUSING

18. The sub-divider shall pay into the County Affordable Housing Trust Fund (per County Code Section 20.238.035) an amount equaling 2% 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.

TRANSPORTATION/CIRCULATION

19. There shall be provided an access easement of 60 feet in width from a publicly maintained road to each parcel being created. Where centerline of existing access easement falls on southerly property line, a 30 foot half width easement shall be sufficient. Documentation of access easement(s) shall be provided to the Mendocino County Department of Transportation for their review prior to final approval.
20. Applicant has submitted a request for an exception to the requirement to provide a 60 foot easement where 60 feet cannot be achieved due to width of parcel. Department of Transportation has reviewed and recommends approval of this request. Where a 60 foot easement cannot be achieved due to width of parcel, there shall be provided an access easement of 55 feet in width.
21. 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 10 feet, whichever is greater.
22. All natural drainage and water courses shall be considered as easements. Minimum width shall be 20 feet, or to the high water level plus 5 feet horizontal distance, whichever is greater. If a Parcel Map is filed, such easements shall be shown on the final parcel map.
23. Subdivision road within the access easement shall be improved in accordance with County of Mendocino Road and Development Standards drawing A10H and the following minimum standards:

Road Width	26 feet
Surface Width	20 feet
Minimum Ditch Offset	5 feet
Design Speed	25 miles per hour
Base	12 inch min. Class 2 aggregate base
Surface Type	Double Chip seal

24. A standard residential driveway approach shall be constructed to access Parcel 1 to a minimum width of 10 feet, with improved approach extending 15 feet from the edge of the County road, to be paved with asphalt concrete or comparable surfacing to the adjacent road. Concrete driveways shall not be permitted.
25. A standard private road approach shall be constructed to access Parcel 2 to a minimum width of 18 feet, with improved approach extending 20 feet from the edge of the County road, paved with asphalt concrete or comparable surfacing to the adjacent road. Concrete driveways shall not be permitted.

26. A "Hammerhead-T" turnaround shall be constructed within a 40 foot wide by 80 foot long easement at the terminus of the access easement. Turnaround shall be constructed with 8 inch minimum rock base, 20 feet wide and 60 feet long, with 20 foot radius surfacing returns.
27. 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. When specifically requested by the applicant and approved in advance by the County Engineer, required improvements may be constructed without formal improvement plans. If so approved, all work must be completed under the direct supervision and control of a California Registered Civil Engineer who, upon completion of the improvements, shall file a report with the Mendocino County Department of Transportation verifying the road improvements have been constructed in substantial compliance with the prescribed minimum standards and accepted industry practices.
28. 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.
29. Any proposed work within County rights-of-way requires obtaining an encroachment permit from the Mendocino County Department of Transportation.

SPECIAL CONDITIONS

30. Building/Development Setbacks indicating Front/Rear/Side to all property boundary's (existing and proposed) and roadway/easements shall be designated on the Parcel Map per MCC Sec. 17-52.(I).
31. 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.

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

DELETION OF THESE CONDITIONS MAY AFFECT THE ISSUANCE OF A NEGATIVE DECLARATION.