

Resolution Number \_\_\_\_\_

County of Mendocino  
Ukiah, California  
June 21, 2018

UM\_2018-0001 - MENDOCINO CITY COMMUNITY SERVICES DISTRICT (MCCSD)

RESOLUTION OF THE PLANNING COMMISSION, COUNTY OF MENDOCINO, STATE OF CALIFORNIA, ADOPTING A CATEGORICAL EXEMPTION AND GRANTING A MODIFICATION TO COASTAL DEVELOPMENT USE U\_1991-0035 AND ALLOWING AN EXPANSION TO AN EXISTING MAJOR IMPACT SERVICES AND UTILITIES USE PERMIT.

WHEREAS, the applicants, MENDOCINO CITY COMMUNITY SERVICES DISTRICT and STATE OF CALIFORNIA DEPARTMENT OF PARKS AND RECREATION, filed an application for a modification to COASTAL DEVELOPMENT USE PERMIT U\_1991-35 with the Mendocino County Department of Planning and Building Services to grant UM\_2018-0001 for the construction of (1) an unground 50,000 gallon water storage tank with connections to on-site and off-site recycled water distribution system, (2) a 1,000 square foot building, and (3) other ancillary site improvements, in the Town of Mendocino at 10500 Kelly St (CR 407F) (APN: 119-211-21); General Plan Public Facilities; Zoning Mendocino Public Facilities; Supervisorial District 5; (the "Project"); and

WHEREAS, a NEGATIVE DECLARATION was adopted by the Mendocino City Community Services District (MCCSD) Board of Directors on September 30, 1991 for the construction of a 46-foot by 24-foot building to enclose a belt filter press, to relocate a garage, and construct additional roadway and on December 19, 1991, the Planning Commission approved Coastal Development Use Permit 1991-35 and found the NEGATIVE DECLARATION adopted by MCCSD adequate; and

WHEREAS, on September 2, 2004, the Planning Commission approved a modification to CDU 1991-35; found the NEGATIVE DECLARATION previously adopted by MCCSD Board of Directors adequate for the County's purposes and that no new environmental issues were raised; and the Planning Commission certified the NEGATIVE DECLARATION adopted by the MCCSD; and

WHEREAS, on February 5, 2018, MCCSD pursuant with State CEQA Guidelines Sections 15301, 2, 3, 4, and 11, filed a categorical exemption with the Secretary for Resources which is available through State Clearing House Number 2018028057; and

WHEREAS, State CEQA Guidelines Section 15162(b) states that the lead agency may determine that no further documentation for a NEGATIVE DECLARATION is to be prepared; and State CEQA Guidelines Sections 15301 and 15303 allow for a Class 1, for the repair and maintenance to existing facilities, and a Class 3, for new construction of small structures in an urban setting, CATEGORICAL EXEMPTION from State CEQA Guidelines; and

WHEREAS, a CATEGORICAL EXEMPTION was prepared by Planning and Building Services for the Project and noticed and made available for agency and public review on June 7, 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 21, 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 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 Categorical Exemption and the Project.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission makes the following findings:

1. Pursuant with MTZC Section 20.720.035(A)(1) and MCCZC Section 20.196.020(A), the proposed development is in conformity with the certified Mendocino Town Local Coastal Program, including Mendocino County General Plan, Coastal Element Chapter 4.13 *Mendocino Town Plan*. The project area is located in the Town of Mendocino. Development will occur on lands classified as Public Facilities; and
  - a. The proposed is consistent with Coastal Element Chapter 4.13 Policy S-1 as repairs to an aging wastewater treatment facility would minimize potential adverse effects of wastewater discharge and entrainment and expand the recycled water distribution system in Town.
  - b. The project supports Mendocino Town Sustainable Policy S-2(c) by providing a connection to reclaimed water that could distribute recycled water from the wastewater treatment facility to other sites in Town, such as fire hydrants, the high school, and a spigot at Mendocino City Community Services District offices. This opportunity could avoid the waste of potable water in uses that do not require it.
  - c. The project supports Mendocino Town Plan Sustainable Action S-2.7(d) by providing access to reclaimed water at convenient locations in Town for public and private non-potable water uses. The proposed spigot near MCCSD offices is one proposed location with access to reclaimed water for public and private non-potable water uses in Town.
2. Pursuant with MTZC Section 20.720.035(A)(3) and MCCZC Section 20.196.020(D), the proposed development is consistent with the purpose and intent of the Mendocino Public Facilities Zoning District as well as the provisions of Division III of Title 20 of Mendocino County Codes, and preserves the integrity of the Mendocino Public Facilities District. The project area is located in the Town of Mendocino Historical Preservation District and Mendocino Public Facilities Zoning District. The proposed development satisfies MTZC development regulations, including its Chapter 20.717 Water Quality Protection; and
3. Pursuant with MTZC Section 20.720.035(A)(2) and MCCZC Section 20.196.020(B), the proposed development will be provided with adequate utilities, access roads, drainage, and other necessary facilities; and
4. Pursuant with MTZC Section 20.720.035(A)(4), the proposed development will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act. In accordance with the Secretary of Resource guidelines, a Class 1 and Class 3 categorical exemption from CEQA is granted for repair and maintenance of existing facilities and construction of small buildings in an urban setting; and
5. Pursuant with MTZC Section 20.720.035(A)(5), the proposed development will not have any adverse impacts on any known archaeological or paleontological resource; and
6. Pursuant with MTZC Section 20.720.035(A)(6), other services, including but not limited to solid waste, public roadway capacity, and proof of an adequate water supply pursuant to Chapter 20.744 have been considered and are adequate to serve the land use and development; and
7. Pursuant with MTZC Section 20.720.035(A)(7), the proposed development is in conformance with the design standards of MTZC Section 20.760.050, as the Review Board considered the project and approved MHRB Permit 2018-02; and

8. Pursuant with MCC Section 20.196.020(C), as conditioned, the proposed development and land uses ensure that they would not constitute a nuisance or be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in or passing through the waste water treatment facility, or be detrimental or injurious to property and improvements in waste water treatment facility or to the general welfare of the county.

BE IT FURTHER RESOLVED that the Planning Commission hereby adopts the Categorical Exemption. In accordance with State CEQA Guidelines Section 15162(b), no further documentation is prepared. The Planning Commission certifies that the Categorical Exemption for new construction and existing facilities 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 a Categorical Exemption reflects the independent judgment and analysis of the Planning Commission.

BE IT FURTHER RESOLVED that the Planning Commission hereby grants the requested COASTAL DEVELOPMENT USE PERMIT MODIFICATION UM 2018-0001, 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 11<sup>th</sup> 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

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**EXHIBIT A****CONDITIONS OF APPROVAL  
JUNE 21, 2018****UM\_2018-0001 - MENDOCINO CITY COMMUNITY SERVICES DISTRICT (MCCSD)**

A Coastal Development Use Permit request to modify U\_1991-35 and to construct an unground 50,000 gallon water storage tank with connections to on-site and off-site recycled water distribution system, a 1,000 sq. ft. building, and other ancillary site improvements.

**CONDITIONS OF APPROVAL:** Pursuant to the provisions of Chapter 20.720 and Chapter 20.760 of the Mendocino Town Zoning Code (MTZC) and pursuant to the provisions of Chapter 20.196 of the Mendocino County Zoning Code - Division I (MCCZC), the Planning Commission approves the proposed project and adopts the following findings and conditions.

**FINDINGS:**

1. Pursuant with MTZC Section 20.720.035(A)(1) and MCCZC Section 20.196.020(A), the proposed development is in conformity with the certified Mendocino Town Local Coastal Program, including Mendocino County General Plan, Coastal Element Chapter 4.13 Mendocino Town Plan. The project area is located in the Town of Mendocino. Development will occur on lands classified as Public Facilities; and
  - a. The proposed is consistent with Coastal Element Chapter 4.13 Policy S-1 as repairs to an aging wastewater treatment facility would minimize adverse effects of wastewater discharge and entrainment and expand the recycled water distribution system in Town.
  - b. The project supports Mendocino Town Sustainable Policy S-2(c) by providing a connection to reclaimed water that could distribute recycled water from the wastewater treatment facility to other sites in Town, such as fire hydrants, the high school, and a spigot at Mendocino City Community Services District offices. This opportunity could avoid the waste of potable water in uses that do not require it.
  - c. The project supports Mendocino Town Plan Sustainable Action S-2.7(d) by providing access to reclaimed water at convenient locations in Town for public and private non-potable water uses. The proposed spigot near MCCSD offices is one proposed location with access to reclaimed water for public and private non-potable water uses in Town.
2. Pursuant with MTZC Section 20.720.035(A)(3) and MCCZC Section 20.196.020(D), the proposed development is consistent with the purpose and intent of the Mendocino Public Facilities Zoning District as well as the provisions of Division III of Title 20 of Mendocino County Codes, and preserves the integrity of the Mendocino Public Facilities District. The project area is located in the Town of Mendocino Historical Preservation District and Mendocino Public Facilities Zoning District. The proposed development satisfies MTZC development regulations, including its Chapter 20.717 Water Quality Protection; and
3. Pursuant with MTZC Section 20.720.035(A)(2) and MCCZC Section 20.196.020(B), the proposed development will be provided with adequate utilities, access roads, drainage, and other necessary facilities; and
4. Pursuant with MTZC Section 20.720.035(A)(4), the proposed development will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act. In accordance with the Secretary of Resource guidelines, a Class 1 and Class 3

categorical exemption from CEQA is granted for repair and maintenance of existing facilities and construction of small buildings in an urban setting; and

5. Pursuant with MTZC Section 20.720.035(A)(5), the proposed development will not have any adverse impacts on any known archaeological or paleontological resource; and
6. Pursuant with MTZC Section 20.720.035(A)(6), other services, including but not limited to solid waste, public roadway capacity, and proof of an adequate water supply pursuant to Chapter 20.744 have been considered and are adequate to serve the land use and development; and
7. Pursuant with MTZC Section 20.720.035(A)(7), the proposed development is in conformance with the design standards of MTZC Section 20.760.050, as the Review Board considered the project and approved MHRB Permit (MHRB\_2018-0002); and
8. Pursuant with MCC Section 20.196.020(C), as conditioned, the proposed development and land uses ensure that they would not constitute a nuisance or be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in or passing through the waste water treatment facility, or be detrimental or injurious to property and improvements in waste water treatment facility or to the general welfare of the county.

#### **CONDITIONS:**

1. This action shall become final on the 11th day following the decision unless an appeal is filed pursuant to Section 20.536.010 of the Mendocino Town Zoning Code. The permit shall become effective after the ten working day appeal period to the Coastal Commission has expired and no appeal has been filed with the Coastal Commission. The permit shall expire and become null and void at the expiration of two years after the effective date except where construction and use of the property in reliance on such permit has been initiated prior to its expiration. To remain valid, progress towards completion of the project must be continuous. The applicant has sole responsibility for renewing this application before the expiration date. The County will not provide a notice prior to the expiration date (June 21, 2020).
2. In the event that the use of the recycled-water distribution system should cease operation for a period exceeding one year or more, the use shall be deemed invalid and a new use permit will be required for the operation as approved by UM\_2018-0001.
3. The use and occupancy of the premises shall be established and maintained in conformance with the provisions of Title 20 of the Mendocino County Code unless modified by conditions of the Coastal Development Use Permit.
4. The application along with supplemental exhibits and related material shall be considered elements of this entitlement and that compliance therewith be mandatory, unless a modification has been approved by the Planning Commission.
5. This permit is subject to the securing of all necessary permits for the proposed development and eventual use from County, State and Federal agencies having jurisdiction. Any requirements imposed by an agency having jurisdiction shall be considered a condition of this permit.
6. This permit shall be subject to revocation or modification by the Planning Commission upon a finding of any one or more of the following grounds:

- a. That such permit was obtained or extended by fraud.
- b. That one or more of the conditions upon which such permit was granted have been violated.
- c. That the use for which the permit was granted is so conducted as to be detrimental to the public health, welfare or safety, or as to be a nuisance.

Any such revocation shall proceed as specified in Title 20 of the Mendocino County Code.

7. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit described boundaries. Should, at any time, a legal determination be made that the number, size or shape of parcels within the permit described boundaries are different than that which is legally required by this permit, this permit shall become null and void.
8. If any archaeological sites or artifacts are discovered during site excavation or construction activities, the applicant shall cease and desist from all further excavation and disturbances within one hundred (100) feet of the discovery, and make notification of the discovery to the Director of the Department of Planning and Building Services. The Director will coordinate further actions for the protection of the archaeological resources in accordance with Section 22.12.090 of the Mendocino County Code.
9. Those recommendations outlined in the Archaeological Report dated February 6, 2017, prepared by Jay Flaherty, a Registered Professional Archaeologist, shall be complied with.
  - a. At the applicant and/or property owner's expense, a Native American Observer and an Archaeologist shall be present during ground disturbing activities, such as trenching along Ukiah Street or Kasten Street.
  - b. 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 are satisfied.
10. It shall be the responsibility of the applicant to ensure that contractors engaged to perform work on the site are aware of the conditions of this permit and MHRB Permit (MHRB\_2018-0002), and that all work performed is in compliance with applicable conditions.
11. The applicant or developer shall acknowledge in writing to the Department of Planning and Building Services that all grading activities and site preparation, at a minimum, shall adhere to MTZC Chapter 20.717 *Water Quality Protection* and the following "Best Management Practices". The applicant shall submit to the Department of Planning and Building Services an acknowledgement of 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 or developer 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 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 area 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:
    - (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 1 ½ units horizontal (66.7%).
    - (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 cubic meters) on any one lot and does not obstruct a drainage.
12. The applicant must secure building permits for the water distribution system. The water distribution system shall be designed by a California licensed engineer. The water distribution system includes connections to water-storage tanks; installation of pipes, tees, and blind flanges; valves; three water-storage tanks; two filling stations; and a PW pressure system (pump and pressure tank). The system may be modified in the future to include fire hydrants and additional filling stations for non-potable water distribution to the general public.
13. Storage of construction materials shall be on site and off street. Alternative locations for storage of construction materials shall be reviewed and approved by the Director of Planning and Building Services.
14. Overnight, on-street parking of vehicles is prohibited. Whenever possible, vehicle parking shall be on site. Alternative parking solutions shall be reviewed and approved by the Director of Planning and Building Services.
15. Any Building Permit request shall include MHRB Permit (MHRB\_2018-0002) (attached to or printed on the plans submitted).

16. Outdoor lighting for doorways shall be shielded. Illumination shall be reflected downward and positioned in a manner that does not allow light glare to extend more than a 15-foot radius.
17. Prior to issuance of a Building Permit, the applicant shall furnish exterior lighting details to the satisfaction of the Director. Exterior lighting shall be kept to the minimum necessary for safety and security purposes and shall be downcast and shielded, and shall be positioned in a manner that will not shine light or allow light glare to extend beyond a 15-foot radius and otherwise comply with Section 20.504.035 of the Mendocino Town Zoning Code.