



COUNTY OF MENDOCINO
DEPARTMENT OF PLANNING AND BUILDING SERVICES
860 NORTH BUSH STREET • UKIAH • CALIFORNIA • 95482
120 WEST FIR STREET • FORT BRAGG • CALIFORNIA • 95437

BRENT SCHULTZ, DIRECTOR
TELEPHONE: 707-234-6650
FAX: 707-463-5709
FB PHONE: 707-964-5379
FB FAX: 707-961-2427
pbs@mendocinocounty.org
www.mendocinocounty.org/pbs

August 9, 2019

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT the Mendocino County Planning Commission at its regular meeting on Thursday, September 5, at 9:00 a.m., to be held in the Board of Supervisors Chambers, 501 Low Gap Road, Ukiah, California, will conduct a public hearing on the following project at the time listed or as soon thereafter as the item(s) may be heard.

CASE#: U_2018-0026

DATE FILED: 10/29/2018

OWNER/APPLICANT: DAVID & LINDA GATES

REQUEST: Major Use Permit to facilitate 'Transient Habitation - Resort and Recreational Facilities'

ENVIRONMENTAL DETERMINATION: Categorically Exempt

LOCATION: 8.1± miles north of Cloverdale town center, on the east side of State Route 128 (SR 128), 7.1± miles north of its intersection with North Cloverdale Boulevard, located at 33680 Hwy 128, Yorkville (APN: 049-380-72).

SUPERVISORIAL DISTRICT: 5

STAFF PLANNER: MIO MENDEZ

The staff report and notice will be available for public review 10 days prior to the hearing at 860 North Bush Street, Ukiah, California and on the Department of Planning and Building Services website at www.mendocinocounty.org/pbs.

Your comments regarding the above project(s) are invited. Written comments should be submitted to the Department of Planning and Building Services Commission Staff, at 860 North Bush Street, Ukiah, California, 95482, no later than Wednesday, September 4, 2019. Oral comments may be presented to the Planning Commission during the public hearing.

The Planning Commission's action regarding this item shall be final unless appealed to the Board of Supervisors. The last day to file an appeal of the Planning Commission's decision is the 10th day after the hearing. To file an appeal, a written statement must be filed with the Clerk of the Board with a filing fee prior to the expiration of the above noted appeal period. If you challenge the project in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Department of Planning and Building Services at, or prior to, the public hearing. All persons are invited to appear and present testimony in this matter.

Additional information regarding the above noted item(s) may be obtained by calling the Department of Planning and Building Services at 234-6650, Monday through Friday, 8:00 a.m. through 5:00 p.m. Should you desire notification of the Planning Commission's decision you may do so by requesting notification in writing and providing a self-addressed stamped envelope to the Department of Planning and Building Services.

BRENT SCHULTZ, Director of Planning and Building Services



COUNTY OF MENDOCINO
DEPARTMENT OF PLANNING AND BUILDING SERVICES
860 NORTH BUSH STREET • UKIAH • CALIFORNIA • 95482
120 WEST FIR STREET • FORT BRAGG • CALIFORNIA • 95437

BRENT SCHULTZ, DIRECTOR
TELEPHONE: 707-234-6650
FAX: 707-463-5709
FB PHONE: 707-964-5379
FB FAX: 707-961-2427
pbs@mendocinocounty.org
www.mendocinocounty.org/pbs

August 9, 2019

TO: Anderson Valley Advertiser
FROM: James F. Feenan, Commission Services Supervisor
SUBJECT: Publication of Legal Notice.

Please publish the following notice one time on August 14, 2019 in the Legal Notices Section of the Anderson Valley Advertiser.

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT the Mendocino County Planning Commission at its regular meeting on Thursday, September 5, 2019, at 9:00 a.m., to be held in the Board of Supervisors Chambers, 501 Low Gap Road, Ukiah, California, will conduct a public hearing on the following project at the time listed or as soon thereafter as the item(s) may be heard.

CASE#: U_2018-0026

DATE FILED: 10/29/2018

OWNER/APPLICANT: DAVID & LINDA GATES

REQUEST: Major Use Permit to facilitate 'Transient Habitation - Resort and Recreational Facilities'

ENVIRONMENTAL DETERMINATION: Categorically Exempt, Section 15301 (Existing Facilities) and Section 15303 (Conversion of Small Structures)

LOCATION: 8.1± miles north of Cloverdale town center, on the east side of State Route 128 (SR 128), 7.1± miles north of its intersection with North Cloverdale Boulevard, located at 33680 Hwy 128, Yorkville (APN: 049-380-72).

STAFF PLANNER: MIO MENDEZ

The staff report and notice will be available for public review 10 days prior to the hearing at 860 North Bush Street, Ukiah, California and on the Department of Planning and Building Services website at www.mendocinocounty.org/pbs.

Your comments regarding the above project(s) are invited. Written comments should be submitted to the Department of Planning and Building Services Commission Staff, at 860 North Bush Street, Ukiah,

California, 95482, no later than Wednesday, September 4, 2019. Oral comments may be presented to the Planning Commission during the public hearing.

The Planning Commission's action regarding this item shall be final unless appealed to the Board of Supervisors. The last day to file an appeal of the Planning Commission's decision is the 10th day after the hearing. To file an appeal, a written statement must be filed with the Clerk of the Board with a filing fee prior to the expiration of the above noted appeal period. If you challenge the project in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Department of Planning and Building Services at, or prior to, the public hearing. All persons are invited to appear and present testimony in this matter.

Additional information regarding the above noted item(s) may be obtained by calling the Department of Planning and Building Services at 234-6650, Monday through Friday, 8:00 a.m. through 5:00 p.m. Should you desire notification of the Planning Commission's decision you may do so by requesting notification in writing and providing a self-addressed stamped envelope to the Department of Planning and Building Services.

BRENT SCHULTZ, Director of Planning and Building Services



**PLANNING COMMISSION
STAFF REPORT- MAJOR USE PERMIT**

**SEPTEMBER 5, 2019
U_2018-0026**

SUMMARY

OWNER/APPLICANT: DAVID & LINDA GATES
2671 CROW CANYON ROAD
SAN RAMON, CA, 94583

REQUEST: Major Use Permit to facilitate 'Transient Habitation - Resort and Recreational Facilities'

LOCATION: 8.1± miles north of Cloverdale town center, on the east side of State Route 128 (SR 128), 7.1± miles north of its intersection with North Cloverdale Boulevard, located at 33680 Hwy 128, Yorkville (APN: 049-380-72).

TOTAL ACREAGE: 40.74± Acres

GENERAL PLAN: Remote Residential: 40 Acre Minimum (RMR40)

ZONING: Upland Residential: 40 Acre minimum (UR40)

SUPERVISORIAL DISTRICT: 5th District (Williams)

ENVIRONMENTAL DETERMINATION: Categorically Exempt, Section 15301 (Existing Facilities) and Section 15303 (New Construction or Conversion of Small Structures)

RECOMMENDATION: APPROVE WITH CONDITIONS

STAFF PLANNER: MIO MENDEZ

BACKGROUND

PROJECT DESCRIPTION: The applicant requests a Major Use Permit to facilitate a resort and recreational facility on a parcel with ten (10) existing structures. Proposed road grading and vegetation removal, if required, is to be determined at a later date. Transient habitation is to occur within multiple detached structures. The first structure is a two thousand seven hundred and thirty six (2,736) ft², multiple story structure labeled "Main Residence". Additionally, there is a one thousand and two hundred (1,200) ft² structure labeled "Guest House" that is to be utilized.

There are four residential facilities labeled "Cottage" that are proposed for use. "Cottage" number one (1) is a nine hundred (900) ft² one (1) bedroom facility, "Cottage" number two (2) is an eight hundred and fifty (850) ft² one (1) bedroom facility, "Cottage" number three (3) is an eight hundred (800) ft² two (2) bedroom facility, and "Cottage" number four (4) is a five hundred and sixty (560) ft² one (1) bedroom facility. The applicant indicates that they will provide fourteen (14) parking spaces. Lastly, there are two (2) barns and two (2) sheds on the parcel.

RELATED APPLICATIONS:

- MS_1994-0008 & U_1994-0005 Minor Subdivision and Use Permit for the establishment of Transient Habitation – Resort and Recreational Facility. The subdivision created two (2) forty (40) acre parcels.
- U_1994-0005) Use Permit was to permit fourteen (14) cottages, administrative office, and conference room.

- U_1994-0006 Use Permit was to permit a lodge, wedding and conference facilities, a winery, a vineyard, and tasting room.
- UR_2014-0006 was a Use Permit Renewal of U_1994-0006.

SITE CHARACTERISTICS: The subject property is located 8.1± miles north of Cloverdale town center, located on the east side of State Highway 128 (SR 128), 7.1± miles north of its intersection with North Cloverdale Boulevard, located at 33680 Hwy 128, Yorkville. The subject property is 40.74 ± acres in total size and zoned Upland Residential (UR). It is surrounded by similarly zoned parcels. There are no plans to alter existing agricultural uses on the subject property.

The site does contain important and unique farmland, but it will not be affected by this proposal. The majority of the subject property has been determined to be "Grazing Land (G)" with the developed portion of the parcel falling under the designation of "Rural Residential (R)". Additionally, the site abuts a Williamson Act contract land.

Review of the United States Fish and Wildlife Service (USFWS) National Wetlands Inventory shows that there is a "Freshwater Pond" on the north end of the parcel. A review of California Natural Diversity Database indicates occurrences of special status species on the subject property. There may be additional occurrences or additional species within this area which have not yet been surveyed and/or mapped; however, they would appear to be outside the designated project site.

The entirety of the site is designated within a high fire hazard severity zone. It is located within the service boundaries of both CalFire and Anderson Valley Community Services District.

SURROUNDING LAND USE AND ZONING:

	ADJACENT GENERAL PLAN	ADJACENT ZONING	ADJACENT LOT SIZES	ADJACENT USES
NORTH:	Rangeland (RL)	Upland Residential (UR 40)	22.7, 26.7 ± Acres	Residential / Agricultural
EAST:	Remote Residential (RMR)	Upland Residential (UR 40)	436 ± Acres	Commercial
SOUTH:	Rangeland (RL)	Rangeland (RL 160)	120 ± Acres	Residential / Agricultural
WEST:	Remote Residential (RMR)	Upland Residential (UR 40)	39.43 ± Acres	Residential / Agricultural

PUBLIC SERVICES:

Access: State Highway 128 (SR 128)
Fire District: CalFire (State Responsibility Area)
Water District: None
Sewer District: None
School District: Anderson Valley Unified School District

AGENCY COMMENTS: On December 27, 2018, project referrals were sent to the following responsible or trustee agencies with jurisdiction over the Project. A summary of the submitted agency comments are listed below;

REFERRAL AGENCIES	COMMENT
Department of Transportation	No Comment
Environmental Health-Ukiah	Comment
Building Services-Ukiah PBS	Comment
Emergency Services	No Response

Assessor	No Comment
Agricultural Commissioner	Comment
Air Quality Management District	Comment
Sonoma State University-NWIC	Comment
Native Plant Society	No Response
Caltrans	Comment
California Highway Patrol	No Response
Department of Forestry/CalFire	No Comment
Dept. of Fish & Wildlife	Comment
Dept. of Conservation – Land Protection	No Response
RWQCB	No Response
Army Corps of Engineers	No Response
US Fish & Wildlife Services	No Response
County Addresser – Russ Ford	Comment
Mendocino County Sheriff's Office	No Response
Anderson Valley Community Services District	No Response
Anderson Valley Fire District	No Response
Cloverdale Rancheria	No Response
Redwood Valley Rancheria	No Response
Sherwood Valley Rancheria	No Response

KEY ISSUES

- 1. General Plan & Zoning:** The 40.74± acre subject project site classified as Remote Residential (RMR), with a 40 acre minimum parcel size. As provided in Section 20.056.020 of the Mendocino County Inland Zoning Code, Transient Habitation—Resort and Recreational Facilities, is permitted in Upland Residential District with a Major Use Permit.

Additionally, according to the Mendocino County General Plan (MCGP); Planning Principles, Principle 2-2c: *"Promote and enhance the county's tourism and recreational sectors, including tourism tied to historic resources"*.¹ The proposed Transient Habitation—Resort and Recreational Facility would directly satisfy said principle.

Existing development on the subject parcel consists of a: 'Main Residence', 'Guest House', four (4) smaller residential units, and four (4) accessory buildings, as previously noted in "Project Description". According to MCGP, Development Element, Policy DE-15 (Remote Residential) General Uses: *"Residential uses, agricultural uses, cottage industries, residential clustering, conservation and development of natural resources, and recreation, utility installation"*², the subject parcel is found to be consistent with the MCGP Development Element.

Within the Upland Residential zoning district, a Major Use Permit is required to allow Transient Habitation—Resort and Recreational Facilities. A Transient Habitation—Resort and Recreational Facility is defined as: *"Resort services including the provision of extensive outdoor recreation and entertainment services especially for vacationers. Typical uses include resort and recreational facilities, health spas, resort hotels and motels, guest ranch, inns or organized camp"*.³ The proposed project is found to be in compliance with the definition of a Transient Habitation—Resort and Recreational Facility. The proposed Transient Habitation—Resort and Recreational Facility is in conformance with the zoning code.

- 2. Anderson Valley Community Plan:** The subject site is located within the Anderson Valley Community Planning Area (AVCPA). Therefore, findings must be made that demonstrate the proposed project's compliance with and adherence to the development standards of that plan. A brief discussion of compliance can be identified by the following goals and policies:

¹ MCGP Chapter 2 *Planning Principles*.

² MCGP Chapter 3 *Development Element*.

³ MCC Section 20.024.0135.

Goal CP-AV-2: *Expand economic and housing opportunities in Anderson Valley consistent with the desired rural agrarian character of the valley.*

Goal CP-AV-3: *Focus development and community services in and around the four (4) existing communities – Yorkville, Boonville, Philo, and Navarro – in a manner compatible with physical features and natural resources.*

Policy CP-AV-10: *Establish and expand commercial uses suitable to meet the needs of residents and visitors*

The proposed project provides the economic opportunity desired by the AVCPA by providing over-night accommodations to individuals. This project provides economic opportunities that stimulate the local economy. By legalizing this existing development near the town of Yorkville, visitors and locals alike will have additional opportunities for temporary lodging. The proposed project is therefore consistent with the AVCPA.

- 3. Habitats and Natural Resources:** Review of the California Natural Diversity Data Base (CNDDB) for this revealed the potential for a special-status plant species to occur within the vicinity of the project, the: Hoffman's Bristly Jewelflower (*Streptanthus Glandulosus SSP. Hoffmannii*). There may be additional occurrences or additional species within this area which have not yet been surveyed and/or mapped; however, they would appear to be outside the designated project site.

Policy RM-29 of the Mendocino County General Plan states:

"All public and private discretionary projects shall avoid impacts to wetlands if feasible. If avoidance is not feasible, projects shall achieve no net loss of wetlands, consistent with state and federal regulations."

Policy RM-83 of the Mendocino County General Plan states:

"In rural areas, promote vegetation and landscape management programs that protect wildlife and livestock habitat, discourage pest species and non-native species, reduce wildfire risk and conserve water resources."

The federal inventoried freshwater pond found on the site is primarily used by CalFire for combating wildfires and wildfire prevention. This water source is an important aspect to the health and safety of all Mendocino County. When taken into consideration with the identified sensitive plant species, the subject parcel is in a situation that allows visiting individuals to interact with a unique environment, vital to Mendocino County. The project was referred to the Regional Water Quality Control Board RWQCB), California Department of Fish and Wildlife (CDFW), and the US Fish and Wildlife Services for review and comment. Per referral responses received from CDFW, no potential impacts to habitats or natural resources are anticipated, as no development is proposed; therefore standard conditions and BMP's are applicable.

- 4. Cultural and Tribal Resources:** A referral was sent to the California Historical Resources Information System. Subsequently, the applicant submitted an Archeological Survey to the Mendocino County Archeological Commission for review. The submitted Archeological Survey was rejected by the Archeological Commission. With there being no proposed ground disturbance, the Archeological Commission would allow the use permit to move forward conditionally. Any ground disturbance that would require a permit of Mendocino County Planning and Building Services, would require a new Archeological Survey (Condition 16) that met the approval of the Commission.

- 5. Use Permit Findings:** The proposed use permit is required to meet the use permit findings set forth in the Mendocino County Code (MCC Section 20.196.020). Following, is the discussion of each finding and how the use permit appropriately meets those requirements:

(A) *That the establishment, maintenance or operation of a use or building applied for is in conformity to*

the General Plan;

Existing development on the subject parcel consists of a: 'Main Residence', 'Guest House', four (4) smaller residential units, and four (4) accessory buildings, as previously noted in 'Project Description'. Use of these structures is allowed for transient occupancy with a major use permit. Therefore, the project would be in conformance with the Mendocino County General Plan.

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

The project site is accessed via a private internal roadway network from State Highway 128 (SR 128). The Mendocino County Department of Transportation (MCDOT), CalFire and CalTrans reviewed the project and provided conditions to ensure appropriate site improvements are installed. CalTrans indicated that the applicant will need to submit an encroachment permit but indicated no further concerns. Standard conditions have been recommended by the Mendocino County Division of Environmental Health relating to water availability and septic capacity. All the above agency conditions have been incorporated into the project Conditions of Approval. With the incorporation of these conditions, this finding can be made.

(C) That such use will not, under the circumstances of that particular case, constitute a nuisance or be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in or passing through the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the county; provided, that if any proposed building or use is necessary for the public health, safety or general welfare, the finding shall be to that effect;

The project site is located in a rural area between the towns of Yorkville and Cloverdale, directly accessed via State Highway 128 (SR 128). The nearest residences are 600± feet to the north and 1,300± feet to the west, and the applicant is not proposing any activities other than overnight accommodations, further minimizing potential nuisances. No public events are authorized by this permit (Condition 20). Due to the current high rates of travel, speed, and access along State Highway 128 (SR 128), the proposed project's foreseeable contribution to vehicular traffic would minimally increase vehicle, noise, and safety related nuisances. Road re-graveling and vegetation removal are proposed, however, standard conditions have been recommended by Mendocino County's Building Department and Air Quality Management District.

(D) That such use preserves the integrity of the zoning district.

Through granting a major Use Permit, to authorize the proposed use of Transient Habitation—Resort and Recreational Facilities per Section 20.056.020(C) of the Mendocino County Code, and as conditioned, the project would be in conformance with the Upland Residential (UR) zoning district and would not undermine the integrity of the zone.

- 6. Environmental Protection:** The project is exempt from environmental review pursuant to California Code of Regulations (CCR) Section 15301 (Existing Facilities) and Section 15303 (New Construction or Conversion of Small Structures)

RECOMMENDATION

Staff recommends approval of the project as proposed by the applicant, based on the facts and findings and subject to the Conditions of Approval.

7/29/2019

DATE



MIO MENDEZ
PLANNER I

Appeal Period: 10 Days
Appeal Fee: \$1616.00

ATTACHMENTS:

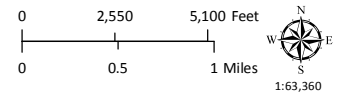
- A. Location Map
- B. Aerial Map
- C. Topographic Map
- D. Zoning Map
- E. General Plan Map
- F. Adjacent Owner Map
- G. Fire Hazards Map
- H. Wetlands Map
- I. Soils Map
- J. Williamson Act Map
- K. Import Farmland Map

RESOLUTION AND CONDITIONS OF APPROVAL (Exhibit A)



CASE: U 2018-0026
 OWNER: GATES, David & Linda
 APN: 049-380-72
 APLCT: David & Linda Gates
 AGENT:
 ADDRESS: 33680 Hwy. 128, Yorkville

California Counties
 Major Rivers
 Highways





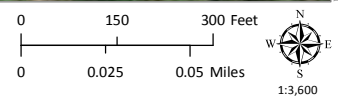
LOCATION MAP
 ATTACHMENT A

THIS MAP AND DATA ARE PROVIDED WITHOUT WARRANTY OF ANY KIND.
 DO NOT USE THIS MAP TO DETERMINE LEGAL PROPERTY BOUNDARIES



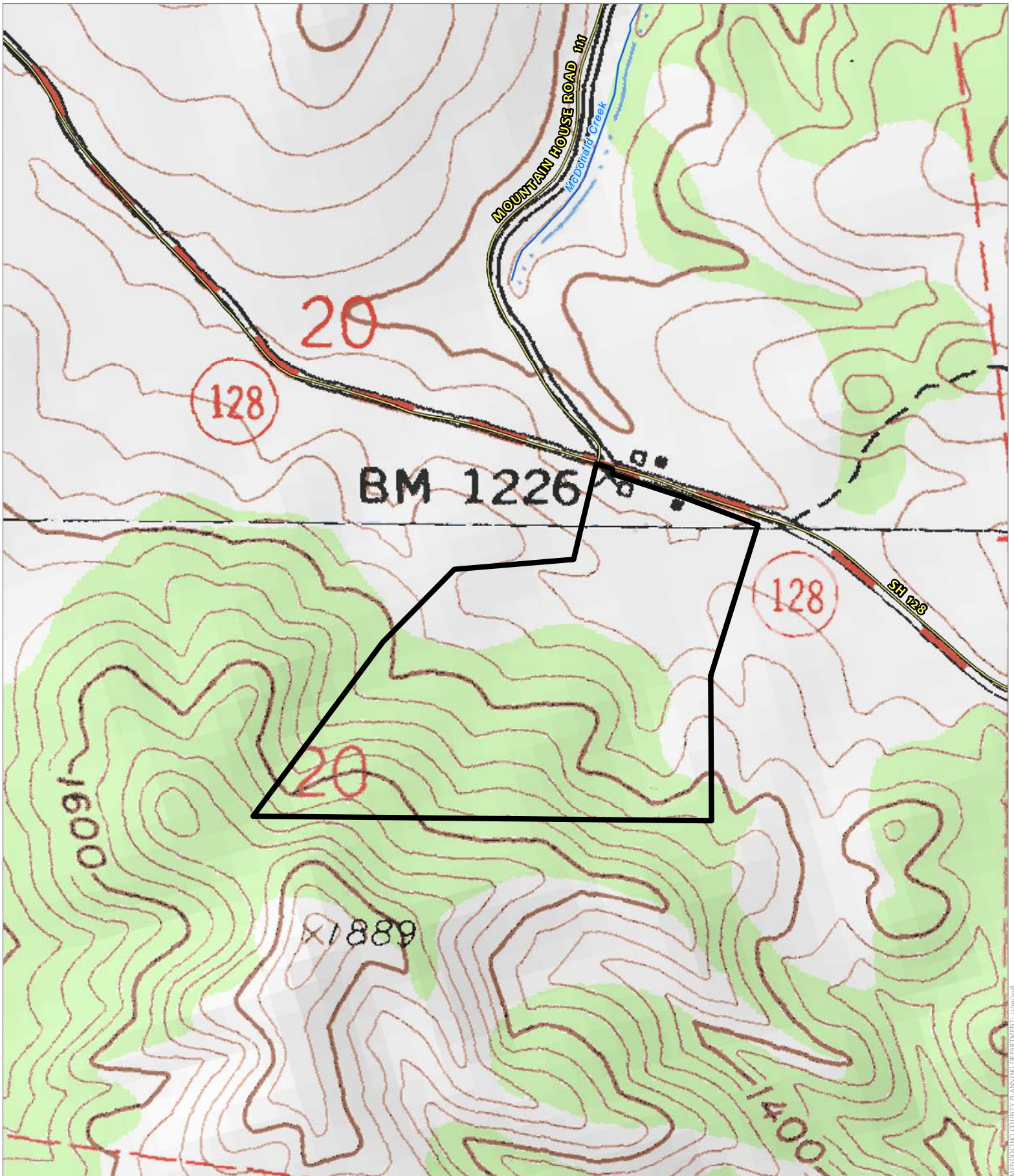
CASE: U 2018-0026
OWNER: GATES, David & Linda
APN: 049-380-72
APLCT: David & Linda Gates
AGENT:
ADDRESS: 33680 Hwy. 128, Yorkville

 Named Rivers
 Public Roads





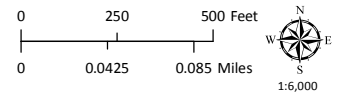
AERIAL IMAGERY
ATTACHMENT B

THIS MAP AND DATA ARE PROVIDED WITHOUT WARRANTY OF ANY KIND.
DO NOT USE THIS MAP TO DETERMINE LEGAL PROPERTY BOUNDARIES



CASE: U 2018-0026
OWNER: GATES, David & Linda
APN: 049-380-72
APLCT: David & Linda Gates
AGENT:
ADDRESS: 33680 Hwy. 128, Yorkville

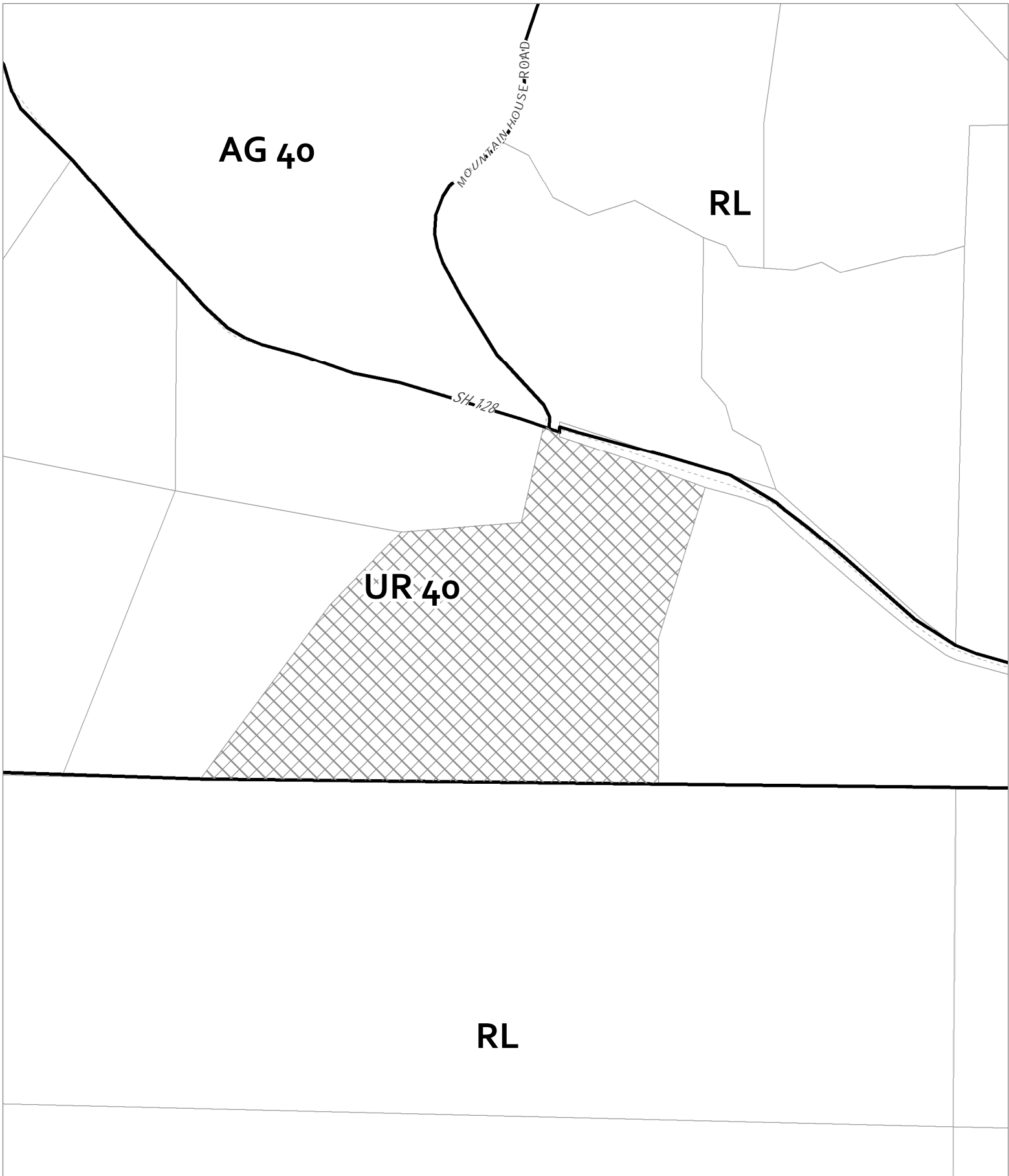
 Named Rivers
 Public Roads



TOPOGRAPHIC MAP
CONTOUR INTERVAL IS 40 FEET



THIS MAP AND DATA ARE PROVIDED WITHOUT WARRANTY OF ANY KIND.
DO NOT USE THIS MAP TO DETERMINE LEGAL PROPERTY BOUNDARIES

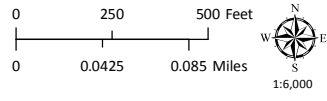
ATTACHMENT C



MENDOCINO COUNTY PLANNING DEPARTMENT 12/09/2008

CASE: U 2018-0026
OWNER: GATES, David & Linda
APN: 049-380-72
APLCT: David & Linda Gates
AGENT:
ADDRESS: 33680 Hwy. 128, Yorkville

 Zoning Districts
 Public Roads




ZONING DISPLAY MAP
ATTACHMENT D

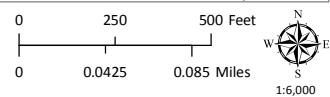
THIS MAP AND DATA ARE PROVIDED WITHOUT WARRANTY OF ANY KIND.
DO NOT USE THIS MAP TO DETERMINE LEGAL PROPERTY BOUNDARIES



MENDOCINO COUNTY PLANNING DEPARTMENT - 12/09/2008

CASE: U 2018-0026
OWNER: GATES, David & Linda
APN: 049-380-72
APLCT: David & Linda Gates
AGENT:
ADDRESS: 33680 Hwy. 128, Yorkville

 General Plan Classes



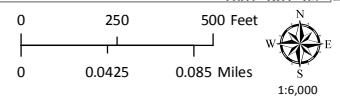
GENERAL PLAN CLASSIFICATIONS

THIS MAP AND DATA ARE PROVIDED WITHOUT WARRANTY OF ANY KIND.
DO NOT USE THIS MAP TO DETERMINE LEGAL PROPERTY BOUNDARIES

ATTACHMENT E

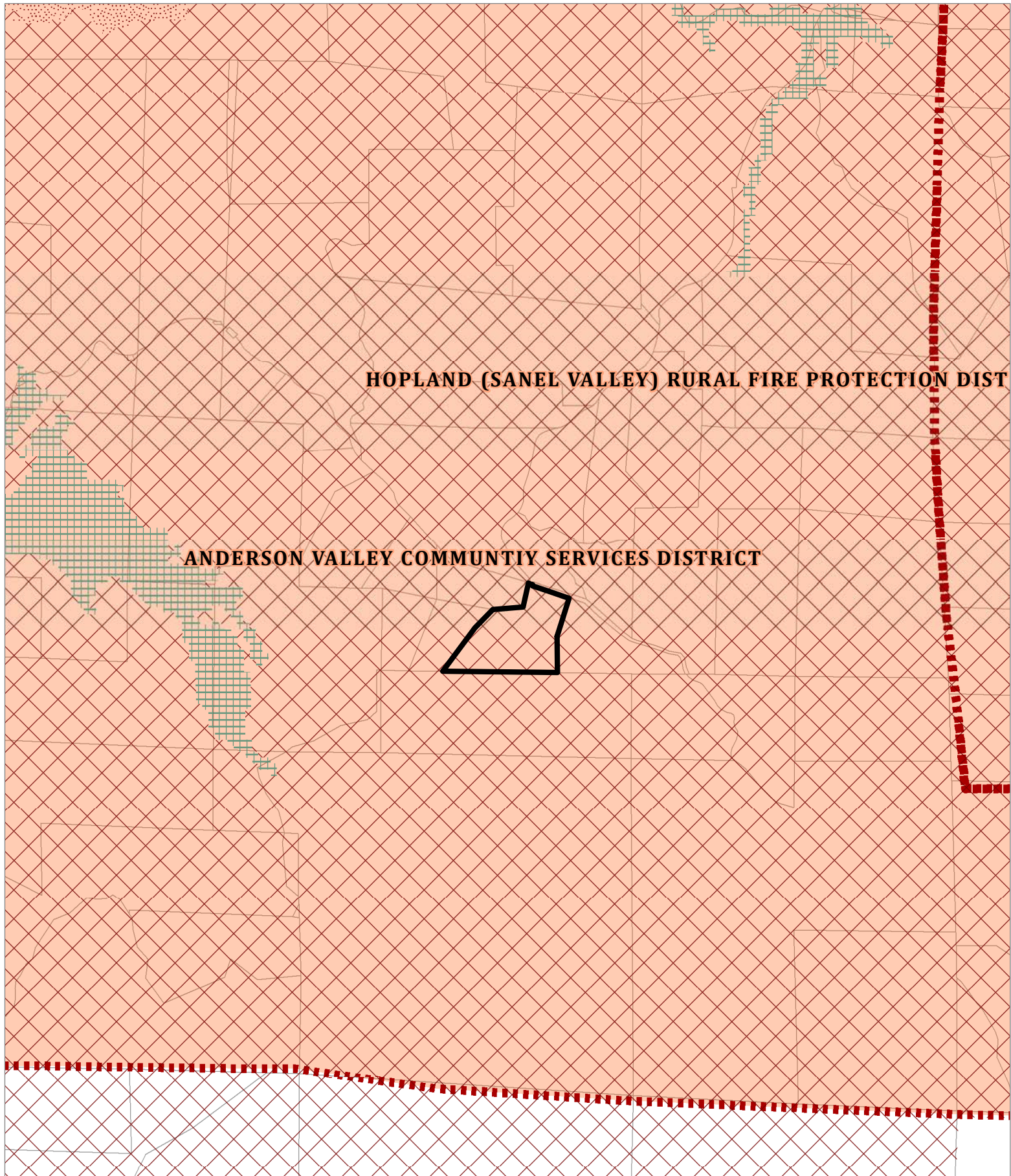


CASE: U 2018-0026
OWNER: GATES, David & Linda
APN: 049-380-72
APLCT: David & Linda Gates
AGENT:
ADDRESS: 33680 Hwy. 128, Yorkville







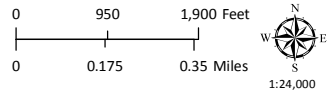
THIS MAP AND DATA ARE PROVIDED WITHOUT WARRANTY OF ANY KIND.
DO NOT USE THIS MAP TO DETERMINE LEGAL PROPERTY BOUNDARIES

ADJACENT PARCELS
ATTACHMENT F



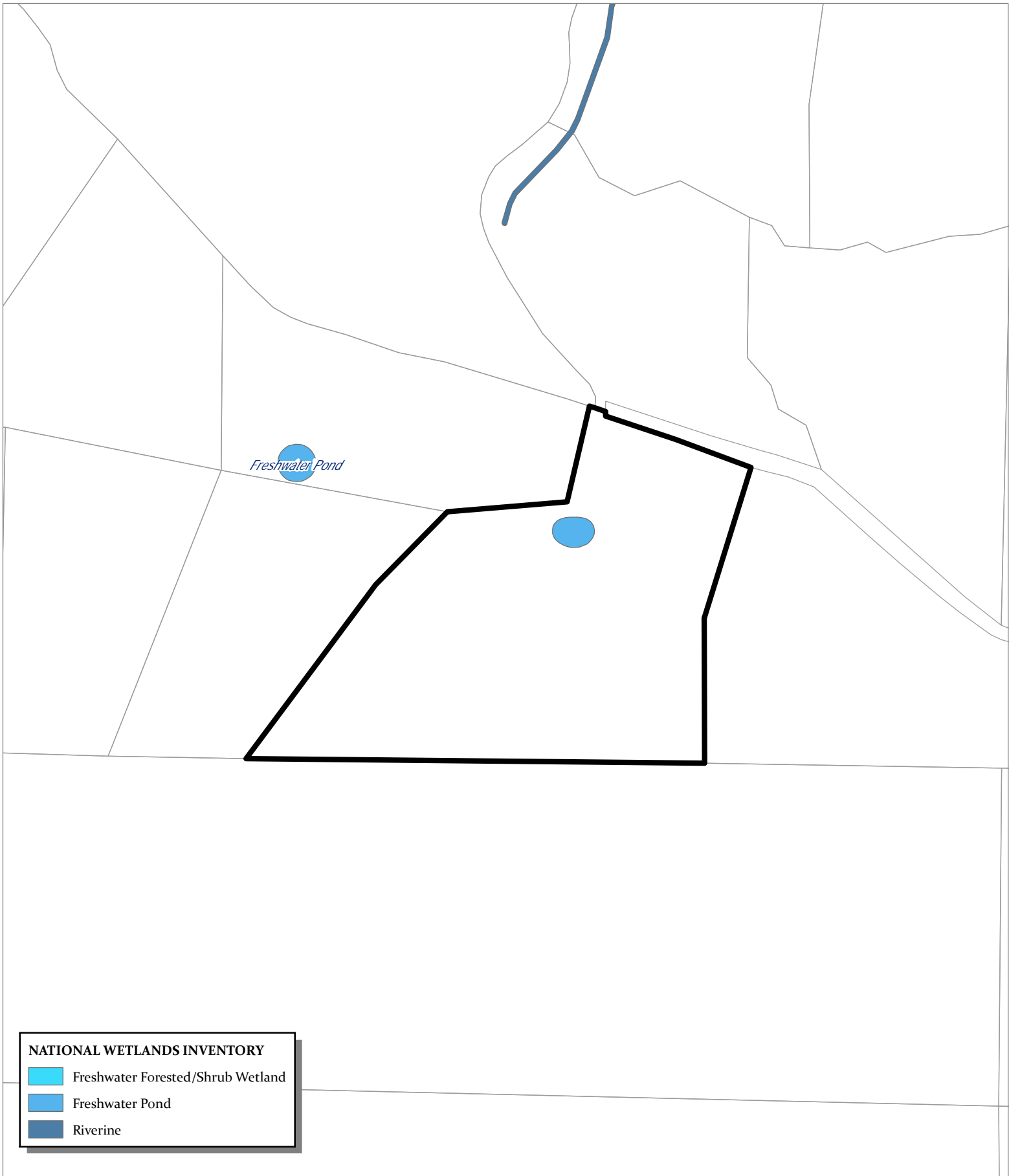
CASE: U 2018-0026
OWNER: GATES, David & Linda
APN: 049-380-72
APLCT: David & Linda Gates
AGENT:
ADDRESS: 33680 Hwy. 128, Yorkville

-  Very High Fire Hazard
-  Moderate Fire Hazard
-  County Fire Districts
-  High Fire Hazard



FIRE HAZARD ZONES & RESPONSIBILITY AREAS
STATE RESPONSIBILITY AREA

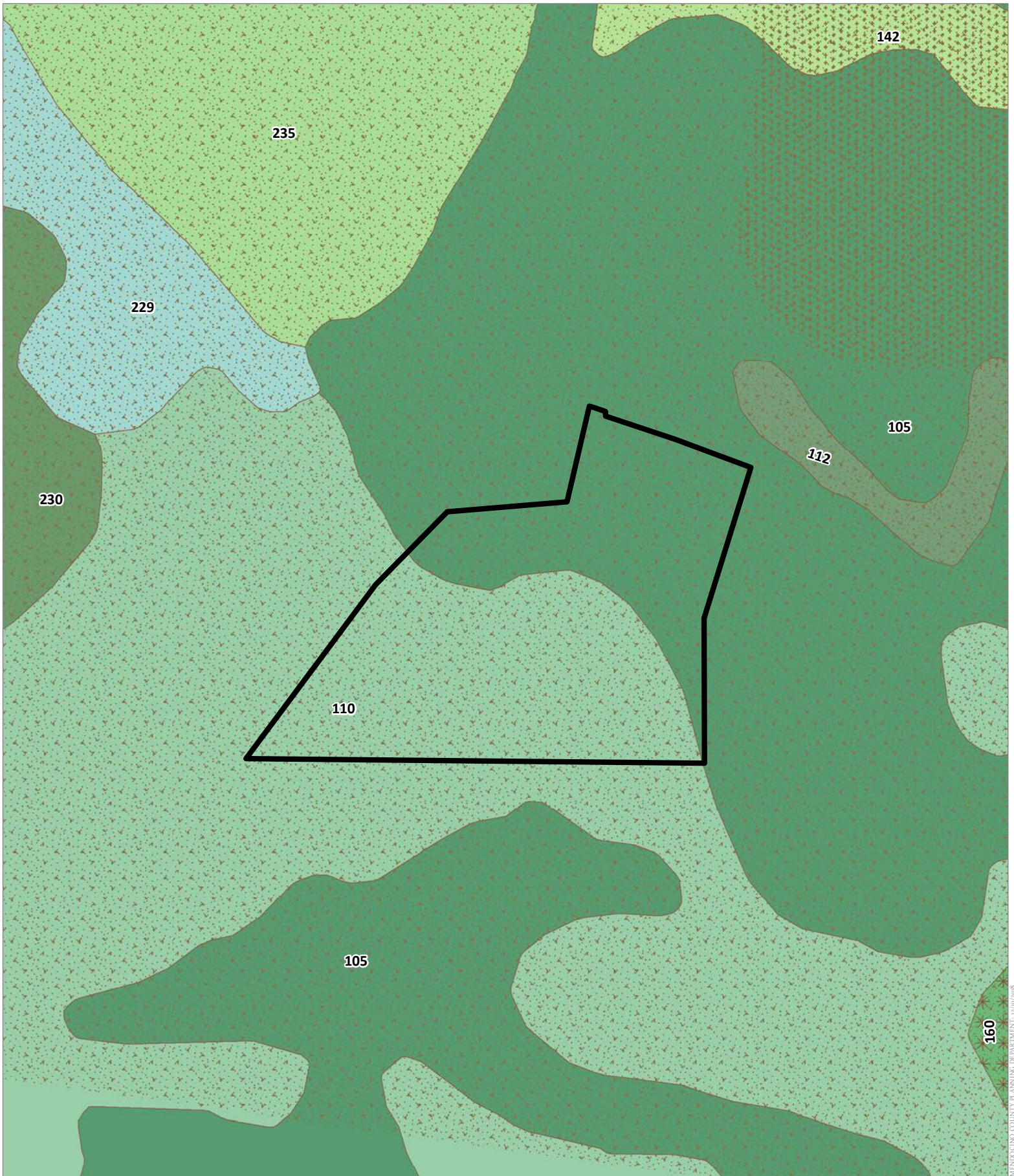
THIS MAP AND DATA ARE PROVIDED WITHOUT WARRANTY OF ANY KIND.
DO NOT USE THIS MAP TO DETERMINE LEGAL PROPERTY BOUNDARIES



CASE: U 2018-0026
 OWNER: GATES, David & Linda
 APN: 049-380-72
 APLCT: David & Linda Gates
 AGENT:
 ADDRESS: 33680 Hwy. 128, Yorkville

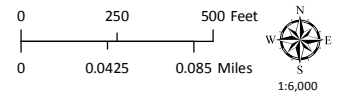
THIS MAP AND DATA ARE PROVIDED WITHOUT WARRANTY OF ANY KIND.
 DO NOT USE THIS MAP TO DETERMINE LEGAL PROPERTY BOUNDARIES

MENDOCINO COUNTY PLANNING DEPARTMENT 12/09/2008



CASE: U 2018-0026
 OWNER: GATES, David & Linda
 APN: 049-380-72
 APLCT: David & Linda Gates
 AGENT:
 ADDRESS: 33680 Hwy. 128, Yorkville

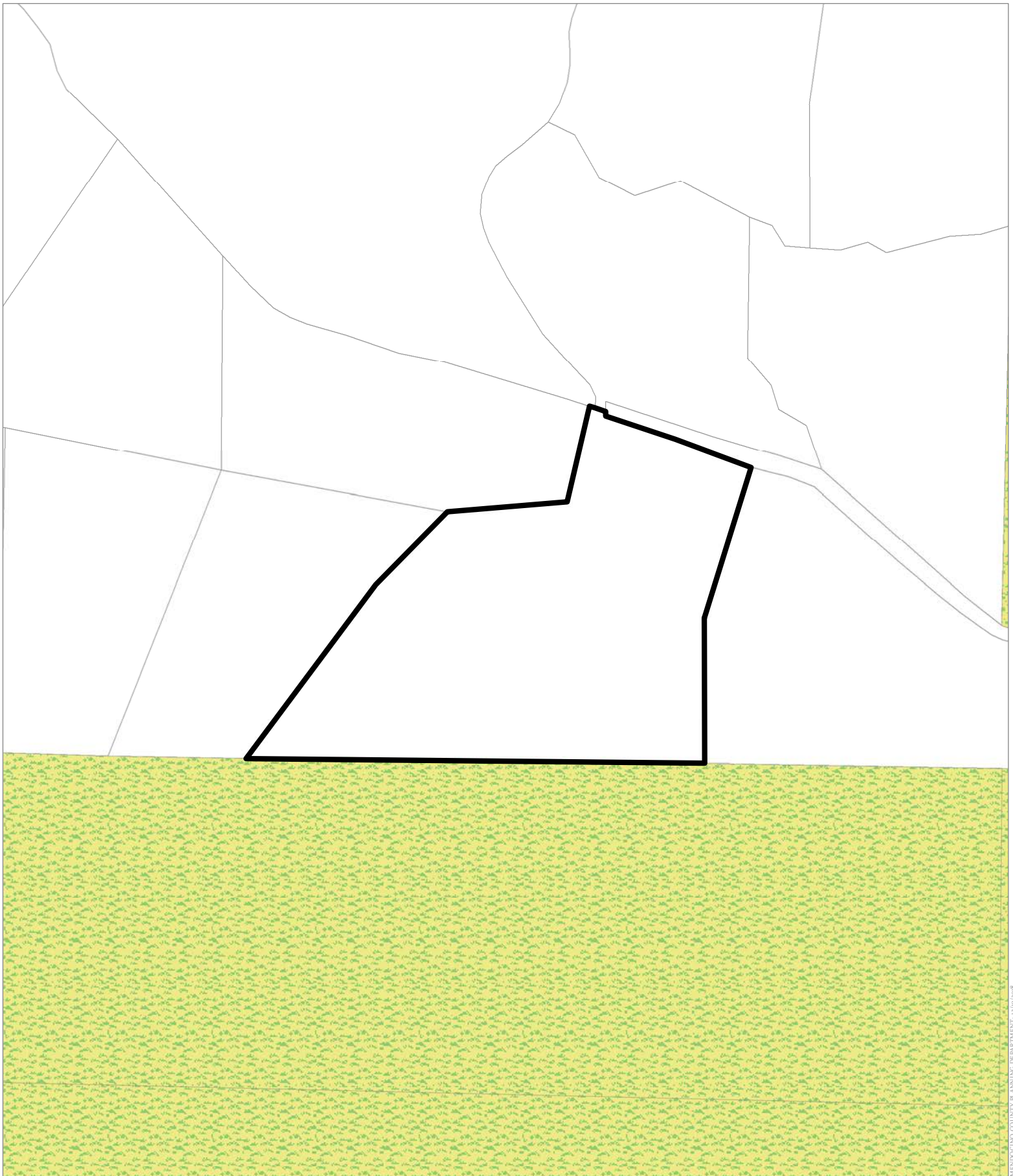
- Naturally Occurring Asbestos
- Eastern Study Soil Types
- Ultramafic Rock
- Eastern Rock Inclusions



LOCAL SOILS

ATTACHMENT I

THIS MAP AND DATA ARE PROVIDED WITHOUT WARRANTY OF ANY KIND.
 DO NOT USE THIS MAP TO DETERMINE LEGAL PROPERTY BOUNDARIES



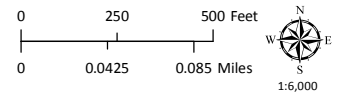
CASE: U 2018-0026
 OWNER: GATES, David & Linda
 APN: 049-380-72
 APLCT: David & Linda Gates
 AGENT:
 ADDRESS: 33680 Hwy. 128, Yorkville



Williamson Act 2017



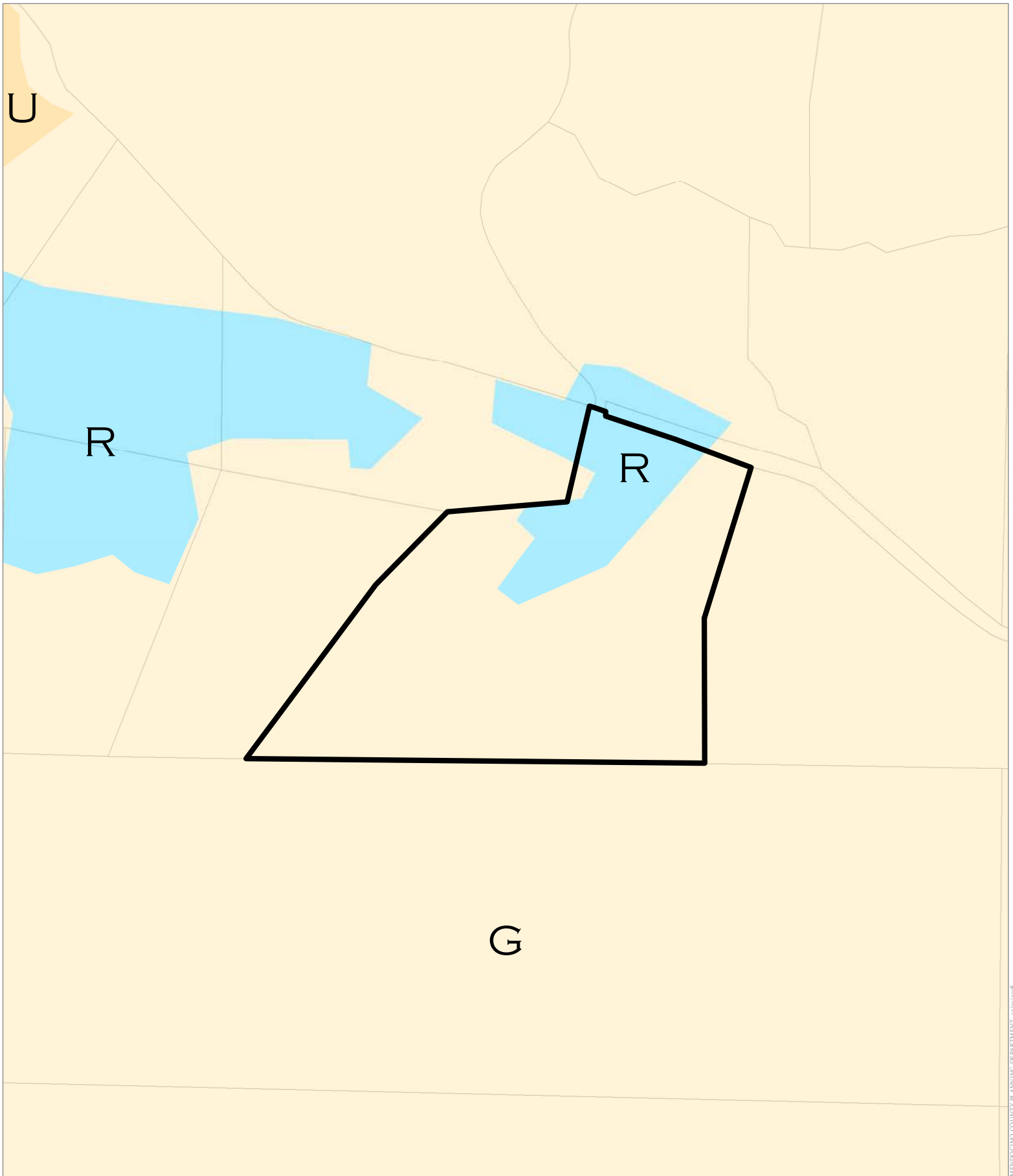
Non-Prime Ag 2017



LANDS IN WILLIAMSON ACT CONTRACTS

THIS MAP AND DATA ARE PROVIDED WITHOUT WARRANTY OF ANY KIND.
 DO NOT USE THIS MAP TO DETERMINE LEGAL PROPERTY BOUNDARIES

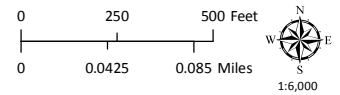
ATTACHMENT J



MENDOCINO COUNTY PLANNING DEPARTMENT - 12/09/2008

CASE: U 2018-0026
 OWNER: GATES, David & Linda
 APN: 049-380-72
 APLCT: David & Linda Gates
 AGENT:
 ADDRESS: 33680 Hwy. 128, Yorkville

- Grazing Land (G)
- Rural Residential & Rural Commercial (R)
- Unique Farmland (U)



IMPORTANT FARMLAND ATTACHMENT K

THIS MAP AND DATA ARE PROVIDED WITHOUT WARRANTY OF ANY KIND.
 DO NOT USE THIS MAP TO DETERMINE LEGAL PROPERTY BOUNDARIES

Resolution Number _____

County of Mendocino
Ukiah, California

SEPTEMBER 5, 2019

U_2018-0026 DAVID & LINDA GATES

RESOLUTION OF THE PLANNING COMMISSION, COUNTY OF MENDOCINO, STATE OF CALIFORNIA, ADOPTING A CATEGORICALLY EXEMPT, SECTION 15301 (EXISTING FACILITIES) AND SECTION 15303 (CONVERSION OF SMALL STRUCTURES) AND GRANTING A MAJOR USE PERMIT FOR A RESORT AND RECREATIONAL FACILITY.

WHEREAS, the applicant, DAVID L & LINDA GATES, filed an application for a Major Use Permit with the Mendocino County Department of Planning and Building Services to legalize an existing Resort and Recreational Facility , 8.1± miles north of Cloverdale town center, on the east side of State Route 128 (SR 128), 7.1± miles north of its intersection with North Cloverdale Boulevard, located at 33680 Hwy 128, Yorkville (APN: 049-380-72). Supervisorial District 5; hereafter referred to as “the Project”; and

WHEREAS, the project is CATEGORICALLY EXEMPT pursuant to California Environmental Quality Act (CEQA) Section 15301 (Existing Facilities) and Section 15303(a), conversion of small structures, determined in accordance with the State And County CEQA guidelines; and

WHEREAS, in accordance with applicable provisions of law, the Planning Commission held a public hearing on, September 5, 2019 , at which time the Planning Commission heard and received all relevant testimony and evidence presented orally or in writing regarding the Categorically Exempt, Section 15301 (Existing Facilities) and Section 15303 (New Construction or Conversion of Small Structures) and the Project. All interested persons were given an opportunity to hear and be heard regarding the Categorically Exempt, Section 15301 (Existing Facilities) and Section 15303 (New Construction or Conversion of Small Structures) and the Project; and

WHEREAS, the Planning Commission has had an opportunity to review this Resolution and finds that it accurately sets for the intentions of the Planning Commission regarding the Categorically Exempt, Section 15301 (Existing Facilities) and Section 15303 (New Construction or Conversion of Small Structures) and the Project.

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

1. General Plan Findings: The subject property is classified as Remote Residential (RMR) under the General Plan. Transient Occupancy – Resort and Recreational Facility is an allowed use consistent with the intent of the General Plan.
2. Zoning Findings: The subject property is Zoned Upland Residential (40 Acre minimum parcel size) (UR 40). The project is consistent with Upland Residential District provisions of Section 20.056.010 and the Nonconforming Uses and Structures Section 20.204.025 of the Mendocino County Code.
3. Project Findings: The Planning Commission approves U_2018-0026 subject to the conditions of approval recommended by staff, and further finding:

- A. Those adequate utilities, access roads, drainage and other necessary facilities have been or are being provided. The Project is located on an existing residential parcel that is well served by local utilities, is located on a county maintained road with an established access point and will create no additional building footprint.
- B. That such use will not, under the circumstances of that particular case, constitute a nuisance or be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in or passing through the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the county; provided, that if any proposed building or use is necessary for the public health, safety or general welfare, the finding shall be to that effect. The Project, as proposed, is allowable pursuant to the County Code, and proposes to serve a need in the community utilizing an existing building with a compatible use type.
- C. That such use preserves the integrity of the Zoning District. The Upland Residential zoning designation allows for additional dwelling units.

BE IT FURTHER RESOLVED that the Planning Commission hereby adopts the Categorically Exempt, Section 15301 (Existing Facilities) and Section 15303 (New Construction or Conversion of Small Structures) Categorically Exempt and the Major 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: JAMES F. FEENAN
Commission Services Supervisor

By:_____

BY: BRENT SCHULTZ
Planning and Building Director

Marilyn Ogle, Chair
Mendocino County Planning Commission

EXHIBIT A

CONDITIONS OF APPROVAL U_2018-0026 – GATES RESORT AND RECREATIONAL FACILITY

SEPTEMBER 5, 2019

APPROVED PROJECT DESCRIPTION: Major Use Permit to facilitate 'Transient Habitation - Resort and Recreational Facilities'

CONDITIONS OF APPROVAL:

1. This action shall become final on the 11th day following the decision unless an appeal is filed pursuant to Section 20.208.015 of the Mendocino County Code.
2. This permit shall become effective after all applicable appeal periods have been expired or appeal processes exhausted. Failure of the applicant to make use of this permit within one (1) year or failure to comply with payment of any fees within specified time periods shall result in the automatic expiration of this permit.
3. To remain valid, progress towards completion of the project must be continuous. The Applicants have sole responsibility for renewing this application before the expiration date. The County will not provide a notice prior to the expiration date.
4. In the event that the use of the property should cease operation for a period exceeding one (1) year or more, the use shall be deemed invalid and a new use permit will be required for the operation as approved by U_2018-0026.
5. 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 use permit.
6. The application along with supplemental exhibits and related material shall be considered elements of this entitlement and that compliance therewith is mandatory, unless a modification has been approved by the Planning Commission.
7. The applicant shall secure all required permits from the Building Inspection Division of the Department of Planning and Building Services for all construction, structural modifications, establishment of signs and compliance with handicapped accessibility for the facility if required.
8. This permit shall be subject to the securing of all necessary permits for the proposed development from County, State, and Federal agencies having jurisdiction.
9. This permit shall be subject to revocation or modification by the Planning Commission upon a finding of any one (1) or more of the following grounds:
 - a. That such permit was obtained or extended by fraud.
 - b. That one or more of the conditions upon which such permit was granted have been violated.
 - c. That the use for which the permit was granted is so conducted as to be detrimental to the public health, welfare or safety, or as to be a nuisance.

10. 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.
11. 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 that all work performed is in compliance with applicable conditions.

Aesthetics

12. All external lighting shall be shielded and downcast to prohibit light from being cast beyond the property boundaries.

Air Quality

13. The applicant shall secure all required permits from the Air Quality Management District for any development or use for which the District has jurisdiction.
14. The unpaved access roads and interior circulation routes shall be maintained in such a manner as to ensure minimum dust generation and shall be subject to pertinent Air Quality Management District regulations.
15. Any stationary onsite internal combustion engines over 50 horsepower (i.e. large power generator or pumps) may require a permit from the District, depending on fuel source and level of operation. Written verification from the Air Quality Management District shall be submitted to the Department of Planning and Building Services stating that the project is in compliance with all requirements of the Air Quality Management District.

Cultural Resources

16. Any ground disturbing activities which require a permit from Planning and Building Services will require an Archaeological Study. This would include: Grading, Expansion of Building Footprints, or the construction of new structures.

Hazards and Hazardous Materials

17. The applicant shall develop an acceptable emergency plan in conjunction with emergency providers to include fire, medical, law enforcement, and evacuation procedures. The plan shall contain checklists and telephone numbers for use operating staff. A copy of the emergency plan shall be provided to the Department of Planning and Building Services to be included within this Use Permit.

Noise

18. Noise levels shall remain within the applicable exterior noise limit standards found in Appendix C of the Inland Zoning Code (Title 20 – Division 1 of the Mendocino County Code).
19. Any construction activity shall be limited to the hours of 8:00 a.m. to 6:00 p.m.
20. No public events are authorized by this permit. Any public event shall require either an Administrative Permit for events that have 100 – 1000 attendees, or a Use Permit for any event larger than 1000 attendees.

Additional Conditions

21. A valid Mendocino County Business License for the subject property shall be issued and kept current by the Mendocino County Tax Collector, and a copy of said license shall be submitted to the Department of Planning and Building Services prior to the operation of the business.
22. Prior to commencement of operations, all surplus construction materials and debris, including cleared vegetation, shall be removed from the site to a proper disposal facility. Thereafter the site shall be kept free of refuse.