

RESOLUTION NO. 18-172

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MENDOCINO APPROVING A MINOR SUBDIVISION (MS_2017-0005) FOR CERTAIN REAL PROPERTY IN MENDOCINO COUNTY

WHEREAS, the applicant, John Boardman, filed an application for a property rezoning from Rural Residential (RR-1) to Suburban Residential (SR) ("Rezone") and Minor Subdivision to split the property into two (2) parcels of 1.01± and 0.73± acres, located at 3571 Tollini Lane, Ukiah (APN: 169-071-23), General Plan SR; Zoning RR-1, Supervisorial District 5, (the "Project"); and

WHEREAS, an Initial Study was prepared for the Project and noticed and made available for agency and public review on August 29, 2018 in accordance with the California Environmental Quality Act (Public Resources Code section 21000 *et seq.*; "CEQA") and the State and County CEQA Guidelines, which Initial Study recommended the adoption of a Negative Declaration; and

WHEREAS, in accordance with applicable provisions of law, the Planning Commission held a public meeting on September 20, 2018, to solicit public comments on the proposed Initial Study/Negative Declaration and the Project, at which time the Planning Commission heard and received all relevant testimony and evidence presented orally or in writing regarding the Initial Study/Negative Declaration and the Project. All interested persons were given an opportunity to hear and be heard regarding the Initial Study/Negative Declaration and the Project; and

WHEREAS, on September 20, 2018 the Planning Commission adopted Resolution No. PC_2018-0033, making its report and recommendation to the Board of Supervisors on the Initial Study/Negative Declaration for the Project; and

WHEREAS, on November 13, 2018, the Board of Supervisors held a duly noticed public hearing on the Initial Study/Negative Declaration and the Project, at which time the Board of Supervisors heard and received all relevant testimony and evidence presented orally or in writing regarding the Initial Study/Negative Declaration and the Project; all interested persons were given an opportunity to hear and be heard; and

WHEREAS, on November 13, 2018, the Board of Supervisors adopted a resolution adopting the Initial Study/ Negative Declaration for the Project; and

WHEREAS, on November 13, 2018, the Board of Supervisors adopted an ordinance changing the zoning of the real property of the Project from RR-1 (Rural Residential) to SR (Suburban Residential); and

NOW, THEREFORE BE IT RESOLVED, based on the evidence in the record before it, that the Board of Supervisors makes the following determinations and findings:

- 1. General Plan and Zoning Consistency:** The subject property is classified Suburban Residential (SR) under the General Plan and the Ukiah Valley Area Plan, and the Project is consistent with the General Plan per Policy DE-13. The property is designated Suburban Residential (SR), and the Project is consistent with the development standards for the SR zoning district, as provided in Mendocino County Code §20.044.
- 2. Division of Land Regulations:** The Board of Supervisors finds the Project to be consistent with Chapter 17 of the Mendocino County Code, Division of Land Regulations.

BE IT FURTHER RESOLVED, that the Board of Supervisors approves the requested Minor Subdivision, as of the effective date of the ordinance which adopted the zoning change from RR-1 (Rural Residential) to SR (Suburban Residential), as described in the staff report and attachments subject to the Conditions of Approval in Exhibit A attached hereto.

The foregoing Resolution introduced by Supervisor Brown, seconded by Supervisor McCowen, and carried this 13th day of November, 2018, by the following vote:

AYES: Supervisors Brown, McCowen, Croskey, and Gjerde
NOES: None
ABSENT: Supervisor Hamburg

WHEREUPON, the Chair declared said Resolution adopted and SO ORDERED.

ATTEST: CARMEL J. ANGELO
Clerk of the Board

GEORGEANNE CROSKEY, Chair
Mendocino County Board of Supervisors

Deputy

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

APPROVED AS TO FORM:
KATHARINE L. ELLIOTT,
County Counsel

BY: CARMEL J. ANGELO
Clerk of the Board

Deputy

EXHIBIT A

CONDITIONS OF APPROVAL MS_2017-0005 – SHASTA and JOHN BOARDMAN NOVEMBER 13, 2018

APPROVED PROJECT DESCRIPTION: Subdivision of a 1.74± acre parcel zoned Suburban Residential (SR) into two parcels of 1.01± and 0.73± 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 filling 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:

1. A notation shall appear on the Parcel Map stating 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.

Agricultural/Forestry:

2. Pursuant to Mendocino County Code Chapter 10A.13 (Nuisance and Consumer Disclosure), a notation shall appear on the Parcel Map stating that “the property is adjacent to Agricultural Lands and residents of the property may be subject to inconvenience or discomfort arising from use of agricultural chemicals, and from the pursuit of agricultural operations including, but not limited to, cultivation, plowing, spraying, pruning, harvesting, crop protection, which occasionally generate dust, smoke, noise and odor, and protecting animal husbandry from depredation, and should be prepared to accept such inconvenience or discomfort as normal and necessary to farming operations.”

Air Quality:

3. 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.”
4. A note shall appear on the Parcel Map stating that “prior to the development phase of the project, the subdivider shall contact the Mendocino County Air Quality Management District for a determination as to the need for an Asbestos Dust Mitigation Plan and/or Geologic Survey to comply with CCR section 93105 and 93106 relating to naturally occurring asbestos. 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 State and Local regulations relating to naturally occurring.”

Biological Resources:

5. 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 (effective January 1, 2018) 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 Board of Supervisors approval.** 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:

6. Those "Recommendations" outlined in the Archaeological Report dated January 23, 2018, prepared by Thad M. Van Bueren, Registered Professional Archaeologist shall be complied with. Per the Archaeological Commission recommendation, a professional archaeologist shall be present on-site during any ground disturbance. In the event that any 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 Mendocino County Code §22.12 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.
 - b. The applicant shall endeavor to protect and maintain as much vegetation on the site as possible, removing only as much as required to conduct the operation.
 - c. All concentrated water flows, shall be discharged into a functioning storm drain system or into a natural drainage area well away from the top of banks.
 - d. Temporary erosion and sediment control measures shall be established and maintained until permanent protection is established.
 - e. Erosion control measures shall include, but are not limited to, seeding and mulching exposed soil on hill slopes, strategic placement of hay bales below areas subject to sheet and rill erosion, and installation of bioengineering materials where necessary. Erosion control measures shall be in place prior to October 1st.
 - f. All earth moving activities shall be conducted between May 15th and October 15th of any given calendar year unless wet weather grading protocols are approved by the Department of Planning and Building Services or other agencies having jurisdiction.
 - g. Pursuant to the California Building Code and Mendocino County Building Regulations a grading permit will be required unless exempted by the Building Official or exempt by one of the following:
 - 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 any recommendations of the Ukiah Valley Fire Protection District to prevent or minimize safety hazards from the project. 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.

Land Use & Planning:

9. That verification be received by a licensed civil engineer or surveyor that each parcel created is a minimum of 12,000 square feet net.
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.

Transportation:

11. The sub-divider shall comply with the Transportation conditions noted below; or other alternatives as acceptable to the Mendocino County Department of Transportation.

12. EASEMENTS & DEDICATIONS

- a. 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 10 feet, whichever is greater.
- b. This subdivision is located on or near a State Highway. For dedications along the State Highway, Mendocino County Department of Transportation defers to the recommendations of California Department of Transportation (Caltrans).

13. ROAD IMPROVEMENT REQUIREMENTS

- a. **A standard private road approach** shall be constructed to each parcel with a minimum width of 10 feet, with improved approach extending 15 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.
- b. 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.
- c. Any proposed work within County rights-of-way requires obtaining an encroachment permit from the Mendocino County Department of Transportation.

Additional Conditions:

14. All building/development setbacks indicating front/rear/side to all property boundaries (existing and proposed) and roadway/easements shall be designated on the Parcel Map.
15. 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.