



**PLANNING COMMISSION
STAFF REPORT- MINOR SUBDIVISION**

**SEPTEMBER 19, 2024
MS_2023-0003**

PROJECT PLANNER CONTACT

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PROJECT SUMMARY

OWNER/APPLICANT:	Linda Rosetti 4123 E Ravenswood Drive Gilbert, AZ 85298
AGENT:	Ron W Franz 2335 Apollinaris Drive Ukiah, CA 95482
REQUEST:	Minor Subdivision of an existing 1.26± acre parcel into two (2) parcels. Parcel 1 would be 0.72± acres and Parcel 2 would be 0.54± acres.
LOCATION:	1± mile east of Hopland, on the southwest side of McDowell Street (CR 115-E) 300± feet northwest of its intersection with State Route 175 (SR 175), located at 13012, 13014, 13016, and 13018 McDowell Street, Hopland; APN: 048-220-22.
TOTAL ACREAGE:	1.26± Acres
GENERAL PLAN:	Suburban Residential, 6,000 Square Foot Minimum Lot Size (SR:6K) General Plan (Chapter 3 – Development Element)
ZONING:	Suburban Residential (S-R) Mendocino County Code Title 20, Division I
CODE REFERENCE:	Minor Subdivision Mendocino County Code (MCC) Title 17, Article V
SUPERVISORIAL DISTRICT:	District 1 (McGourty)
ENVIRONMENTAL DETERMINATION:	Mitigated Negative Declaration

PROJECT RECOMMENDATION

By resolution, the Planning Commission adopts a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the project, and grants MS_2023-0003 as proposed by the applicant, based on the facts and findings and subject to the conditions of approval contained in the attached resolution.

PROJECT BACKGROUND & INFORMATION

PROJECT DESCRIPTION: The project would involve the subdivision of an existing 1.26± acre parcel into two (2) parcels. Parcel 1 would be 0.72± acres gross (0.52± acres net) and Parcel 2 would be 0.54± acres gross (0.53± acres net). This means that Parcel 1 would be approximately thirty-one thousand (31,000) square feet gross and twenty-two thousand five hundred (22,500) square feet net, while Parcel 2 would be twenty-three thousand five hundred (23,500) square feet gross and twenty-three thousand (23,000) square feet net. Both proposed lots contain two (2) single-family dwellings. No development is proposed. A new access easement would be created to connect an existing easement along Parcel 1 to the southernmost dwelling on Parcel 2.

SITE CHARACTERISTICS: The property is located in “Old Hopland”, a community approximately one (1) mile east of Hopland. The property abuts smaller residential lots of one quarter (0.25±) to one half (0.5±) acres and a larger vineyard of 67± acres. The lot contains four (4) permitted single-family dwellings. Each dwelling has individual water and sewer service from the Hopland Public Utility District. The southwestern half of the lot contains a pear orchard. The property abuts McDowell Street (CR 115E) to the northeast, which terminates just beyond the northern corner of the property. The northern corner of the property contains water meters, a fire hydrant, electrical pole, and panel. A forty (40) foot wide easement runs along the northern property boundary approximately one hundred thirty (130) feet.

Public Services:

Access: McDowell Street (CR 115E)
Water District: Hopland Public Utility District
Sewer District: Hopland Public Utility District
Fire District: Hopland Rural Fire Protection District

RELATED APPLICATIONS: The following applications have occurred on the subject parcel or on the surrounding properties and are relevant to the proposed project. All projects listed below have already been approved, unless otherwise stated.

Subject Parcel:

- **SR 5-1991:** Administrative Permit to authorize a Second Residential Unit on the subject parcel. Approved 03/13/1991.
- **U 17-2004:** Use Permit to allow the construction of two (2) additional single-family residence on the subject parcel, for a total of four residences. Approved 10/28/2004.
- **UK 910002999:** Building Permit for a nine hundred sixty (960) square foot single-family residence, two hundred fifty-six (256) square foot garage, and thirty-two (32) square feet of storage space. Finalized 06/04/1991. This structure has the address 13012 McDowell Street.
- **UK 91001547:** Building Permit for a nine hundred sixty (960) square foot single-family residence, two hundred forty (240) square foot carport, and thirty-two (32) square feet of storage space. Finalized 02/27/1992. This structure has the address 13018 McDowell Street.
- **UK 91001549:** Building Permit to demolish an existing cabin. Finalized 02/27/1992.
- **BU_2005-0169.** Building Permit for a 1,066 square foot single-family residence. Finalized 09/02/2005. This structure has the address 13014 McDowell Street.
- **BU_2005-0170:** Building Permit for a 1,066 square foot single-family residence. Finalized 09/02/2005. This structure has the address 13016 McDowell Street.

Neighboring Projects:

- **MS 9-2014:** Minor Subdivision which created two (2) parcels of 0.6± acres each. This created the adjacent APNs 048-220-30 & -31. Approved 01/15/2015.
- **MS 3-2013:** Minor Subdivision which created four (4) parcels between ten thousand (10,000) and eighteen thousand (18,000) square feet. This created the nearby APNs 048-220-26, -27, -28, & -29. Approved 10/31/2013.

AGENCY COMMENTS: On December 1, 2023, project referrals were sent to the following responsible or trustee agencies with jurisdiction over the Project. Their submitted recommended conditions are discussed in this staff report and contained in Conditions of Approval. A summary of the submitted agency comments are listed below.

TABLE 1: Referral Agency Responses	
REFERRAL AGENCIES	COMMENT
Department of Transportation (DOT)	Comments
Environmental Health (DEH)	Comments
Building Inspection	No Comment
Assessor	No Response
Air Quality Management District (AQMD)	No Response
Archaeological Commission	Comments
Sonoma State University	Comments
California Dept. of Fish & Wildlife (CDFW)	No Response
Hopland Municipal Advisory Council	No Response
Cloverdale Rancheria	No Response
Redwood Valley Rancheria	No Response
Sherwood Valley Band of Pomo Indians	No Response
Hopland Rural Fire District	No Comment
Hopland Public Utility District	Comments

DOT: On December 11, 2023, DOT provided a list of recommended conditions of approval for the subdivision. These recommendations were reviewed at the June 13, 2024, Subdivision Committee meeting.

DEH: On March 22, 2024, DEH noted that standard public water and sewer requirements for a subdivision would apply to the project. These requirements were reviewed at the June 13, 2024, Subdivision Committee meeting.

Archaeological Commission & Sonoma State University: These comments are discussed in the “Archaeological/Cultural Resources” section below.

Hopland Public Utility District: On June 14, 2024, the District confirmed that water and sewer service is in place for each of the four (4) dwellings. The District does not require any additional fees or connections to serve the lots.

PROJECT ANALYSIS

GENERAL PLAN AND ZONING DISTRICT CONSISTENCY:

General Plan Consistency: The property is within the Suburban Residential (SR) land use classification. Per Mendocino County General Plan Policy DE-13, the SR classification is intended,

“...to be applied to transitional lands adjacent to cities or towns, including in portions of Community Planning Areas where only residential activities are considered desirable, which lands are appropriate to accommodate future growth. Lands within the Suburban Residential classification should have moderate to light constraints for residential development, be served by the publicly maintained road network, and be located within

public service districts or the logical extensions thereof. Portions of lands within the Suburban Residential Classification will be appropriate for the development of residential subdivisions. Such areas should be developed as major subdivisions, not minor subdivisions, or retained in parcels of sufficient size to be economically developed as subdivisions at some future time.”

Based solely on acreage, the subject lot would qualify for a major subdivision of more than four (4) lots because the subject lot is within a water and sewer district (Hopland Public Utility District). Per Policy DE-13, a SR-classified lot within both a water and sewer district has a minimum lot size of six thousand (6,000) square feet. Therefore, the proposed minor subdivision is not entirely consistent with the intent of the SR classification because “*such areas should be developed as major subdivisions, not minor subdivisions*”. However, the word “*should*” indicates that the preference for major subdivisions is a recommendation rather than a requirement. In this case, a minor subdivision may be appropriate for several reasons, including (1) that further subdivision of the lot(s) would remain possible in the future, (2) that the lot is already developed with four (4) dwellings and the configuration of existing development may limit the feasibility of a major subdivision or disrupt the establishment of an orderly street pattern, and/or (3) that larger alternative SR-classified sites are available in the Old Hopland area within the Hopland Public Utility District boundaries for potential future subdivision.

Other General Plan Policies that apply to the project include the following:

Policy DE-114: *Fully evaluate and protect historical, archaeological, and cultural resources through the development process, including resources of national, state, or local significance.*

Policy DE-115: *Cultural resources evaluations (i.e., archaeological and historical investigations) shall be conducted at the County’s determination for project applications, where it is determined that cultural resources may occur...*

These policies are implemented by Mendocino County Code Chapter 22.12. The proposed development’s impact on historical, archaeological, and cultural resources are discussed in the “CEQA KEY ISSUES” section below and within the associated Mitigated Negative Declaration.

Policy DE-120: *New discretionary development will be required to demonstrate that basic infrastructure is available and has adequate capacity to serve the project (including fire flow capacity) without degrading the existing level of service standards.*

Policy RM-17: *No division of land or Use Permit shall be approved without proof of an adequate (as defined by the County Environmental Health Division) potable water supply for each parcel being created or proposed for special use.*

Policy DE-235: *Developments shall be approved only if sufficient firefighting resources, such as fire stations, equipment, personnel, hydrants, and water supplies, will be available to serve all phases of development and include ongoing operations and maintenance.*

The lot is within the existing service boundary of Hopland Public Utility District. On June 14, 2024, staff received a letter from the District confirming that each dwelling has a connection to the District’s service. The proposed subdivision does not include further development. Conditions of approval are recommended which would require that the Hopland Public Utility District verify that adequate water supply is available to DEH. The lot is also within the Hopland Rural Fire District’s jurisdictional boundary and the Local Responsibility Area designated by CAL FIRE. The Hopland Rural Fire District responded to the project referral on June 17, 2024, with no comments. Therefore, it is assumed that fire flow capacity is adequate to serve the subdivision. A fire hydrant is located in the northern corner of the lot. Nearby poles provide electricity to each dwelling. Therefore, the proposed subdivision is consistent with these policies.

Policy DE-151: *Land divisions and other discretionary projects shall not be approved until access and road improvements adequate for the intended uses, density or intensity are identified and constructed, or funding mechanisms are in place.*

The Department of Transportation (DOT) has recommended several conditions of approval to ensure that the project is consistent with access and road improvement standards. These include land dedication to provide for the ultimate improvement of McDowell Street (CR 115E) and the construction of residential driveway approaches from both parcels onto the county road. These conditions must be satisfied before the Parcel Map may be recorded. Therefore, the proposed subdivision is consistent with this policy.

Policy DE-206: *The creation of lots with no flood-free buildable area will not be allowed.*

The existing lot is entirely within the mapped FEMA flood hazard zone. Though no further development is proposed at this time, future development must adhere to Mendocino County Code Chapter 22.17 – Floodplain Ordinance. Future development is possible if the requirements of this ordinance are met, such as anchoring, the use of flood resistant materials, raising structures above the base flood elevation, and flood-proofing. Therefore, the proposed subdivision is consistent with this policy.

Policy DE-251: *Prior to recordation, new or reconfigured lots in areas zoned for residential, commercial, or industrial use shall demonstrate sufficient areas with an acceptable risk of geologic, seismic, slope, and soil-related hazards to accommodate the proposed land uses, densities, and intensities.*

The lot is mostly flat and is not within an earthquake fault zone. No further development is proposed. Standard building code requirements for future development would ensure that potential soil-related hazards are addressed through the submittal of a geotechnical investigation, if deemed necessary.

Policy RM-112: *Discretionary projects and parcels created by land divisions shall be designed and sized to be compatible with contiguous lands classified as Agricultural Lands or Range Lands...*

The subject lot is adjacent to a parcel in the Agricultural zoning district. The adjacent parcel is subject to a Williamson Act contract. According to this policy, *“residential uses and subdivisions shall maintain a ten (10) acre minimum parcel size adjacent to lands under active Williamson Act contracts which are classified Agricultural or Rangel Lands. Parcels classified with a smaller minimum parcel size...may exceed these densities, provided that the criteria in policies RM-101 to RM-112 are also employed to reduce impacts.”*

The proposed subdivision is not a water development project and does not involve fisheries (RM-101 & RM-102). The existing lot contains both agricultural and residential uses, which are compatible with adjacent agricultural uses (RM-103 and RM-107). The lot is not on land designated as “important farmland” (RM-105) and the proposed subdivision would not impact the existing Williamson Act contract applied to the adjacent property (RM-106). The project is not related to County efforts to coordinate with the UC Cooperative Extension (RM-108). The project would not convert agricultural land to non-agricultural use because no development is proposed, and the lots would both remain within the S-R zoning district (RM-109). The project is unlikely to result in urban encroachment upon the adjacent agricultural land because the resulting lots would contain two (2) single-family dwellings each, which already exceeds the allowable density of the S-R zoning district (RM-111). To minimize conflicts in accordance with RM-110 and RM-112, staff recommends the inclusion of a condition of approval which would require that a disclaimer be placed on the Parcel Map notifying potential buyers of inconveniences or discomfort that may arise due to the proximity of the site to agricultural lands. With this condition of approval in place, the project would conform to this policy and the requested parcel sizes under ten (10) acres are acceptable to staff.

Zoning Consistency: The property is within the Suburban Residential (S-R) zoning district. Per Mendocino County Code (MCC) Section 20.044.005, the S-R district is intended,

“...to create and enhance neighborhoods where a mixture of residential, public facilities and services and community oriented commercial uses are desired. Typically the S-R District would be one in which a few specific types of convenience commercial services would be permitted in a residential area. Commercial uses are to be subordinate to the dominant residential character of the area. Areas designated Suburban Residential should be served by a publicly-maintained road network, and should be located within public service districts or logical extensions thereof.”

No commercial development is proposed as part of this subdivision. Both lots would be accessed either directly from McDowell Street (CR 115E) or from an easement connected to McDowell Street. Both lots would remain within Hopland Public Utility District boundaries. Thus, the proposed subdivision is consistent with the intent of the S-R district.

Per MCC Section 20.044.035 and 20.044.040, staff recommends the inclusion of a condition of approval which would require that the appropriate setback distances of twenty (20) feet and six (6) feet are shown on the Parcel Map.

DIVISION OF LAND REGULATIONS: Per MCC Section 17-48.5(A), the Subdivision Committee met on June 13, 2024, to discuss the project. The Committee voted unanimously to recommend conditional approval of the proposed subdivision to the Planning Commission. The Subdivision Committee's recommended conditions of approval have been incorporated into the attached resolution.

Per MCC Section 17-52(B), both lots are at least six thousand (6,000) square feet in lot area and are both at least seventy (70) feet in width and at least eighty (80) feet in depth.

Per MCC Section 17-52(F), both lots would have a depth greater than three (3) times the average width of the lots. However, the Planning Commission may approve greater width-depth ratios when necessitated by topography or other physical conditions, or where property is to be used for commercial or industrial purposes. In this case, staff recommends that the Planning Commission authorize a greater width-depth ratio due to physical conditions. It is preferable for each lot to connect directly to a publicly maintained road rather than a private easement. Therefore, a configuration that creates a boundary line roughly parallel with the side lot lines of the existing lot is preferable to the creation of a line that runs parallel to the front and rear lot lines. To connect each lot directly to McDowell Street (CR 115E), it is necessary to create lots with greater width-depth ratios. MS 9-2014 created similar conditions for the lots north of the subject property.

Per MCC Section 17-52(G) through (K), the side lines of the resulting lots would be at right angles to McDowell Street (CR 115E) and would not be divided by a City or County boundary line. A condition of approval is recommended that would require building setback lines to be shown on the Parcel Map. The lots would not have double frontage and would be suitable for Suburban Residential uses. Per MCC Section 17-52(S)(2), the net acreage of the lots with easements deducted would remain greater than the minimum lot size of six thousand (6,000) square feet.

Per MCC Section 17-53 through 17-65, the Department of Transportation has recommended conditions of approval to ensure that proper access is available and road development standards are met. The Division of Environmental Health has recommended conditions of approval to verify that adequate water supply and sewage capacity is available from the Hopland Public Utility District. No natural water courses are present on the site, but conditions of approval are nevertheless recommended to require that any water courses be considered as easements and shown on the Parcel Map. Electric service exists to each dwelling involved in the subdivision. No street lighting, alleys, walkways, hazardous areas, fire protection features, or lakes are proposed or required for the subdivision. Therefore, the project is consistent with the General Regulations and Provisions for Minor Subdivisions.

CEQA KEY ISSUES:

Aesthetics: No direct aesthetic impacts would occur because new development is not proposed as part of the project. However, indirect impacts may occur because the creation of a new lot would allow the construction of an additional accessory residential structure on each lot, such as a Guest Cottage or a Detached Bedroom. If exterior lighting is installed as part of these structures, such lighting may cause glare or contribute to light pollution. Therefore, a mitigation measure has been recommended as a condition of approval which would require that a note be placed on the Parcel Map requiring any future external lighting to be downcast or position in a manner to prevent light glare in accordance with General Plan Dark Sky Policies.

Noise: No direct noise impacts would occur because new development is not proposed as part of the project. However, the existing dwellings are considered sensitive receptors and are located adjacent to an agricultural operation which may cause nuisances related to the use of agricultural chemicals, cultivation, plowing, spraying, pruning, harvesting, or other activities. Therefore, to ensure that future owners are aware of potential nuisances, a mitigation measure has been recommended as a condition of approval which would require that a disclosure statement be included as a note on the Parcel Map.

Transportation: The existing driveways serving the proposed lots do not meet County Road and Development Standards for a residential driveway approach. Due to the burden of road maintenance and potential damage to vehicles travelling between the proposed lots and the County road, the Department of Transportation recommends a condition of approval that would require the subdivider to construct a residential driveway approach onto McDowell Street (CR 115E) for each parcel. Additionally, the Department of Transportation recommended that a condition of approval be included requiring the subdivider to dedicate a portion of land, by Parcel Map, to allow for the ultimate improvement of McDowell Street (CR 115E) as a forty (40) foot right-of-way. This would alleviate the burden of potential eminent domain procedures and negotiation with a separate property owner for future widening of the County road. These recommendations are considered mitigation measures to ensure that the proposed subdivision is consistent with local policies and ordinances addressing the circulation system, including MCC Section 17-53.

ENVIRONMENTAL DETERMINATION:

An Initial Study for the proposed project was completed by staff in accordance with the California Environmental Quality Act (CEQA). Based on this initial evaluation, it was found that the Project would not produce any significant environmental impacts with mitigation incorporated. As such, a Mitigated Negative Declaration was prepared. It is noted in the Initial Study that the proposed project could result in some environmental impacts, but these were considered less-than-significant with mitigation incorporated.

8/14/24

DATE



LIAM CROWLEY
PLANNER II

Appeal Period: 10 Days
Appeal Fee: \$2,674.00

ATTACHMENTS:

- | | |
|---|---------------------------------------|
| A. Location | J. Eastern Soil Classifications |
| B. Aerial Imagery (Vicinity) | K. Williamson Act |
| C. Aerial Imagery (Detail) | L. Important Farmlands |
| D. Tentative Map | M. Crop Types |
| E. General Plan | N. Hopland PUD Service Area |
| F. Adjacent Parcels | O. Water Districts |
| G. Fire Hazard Zones & Responsibility Areas | P. Hopland Municipal Advisory Council |
| H. Dam Inundation Zone | Q. Hopland PUD Service Letter |
| I. Estimated Slope | R. CAL FIRE Informational Email |

RESOLUTION AND CONDITIONS OF APPROVAL (EXHIBIT A):

MITIGATED NEGATIVE DECLARATION AND INITIAL STUDY AVAILABLE ONLINE AT:

<https://www.mendocinocounty.gov/departments/planning-building-services/public-hearing-bodies>