



COUNTY OF MENDOCINO
DEPARTMENT OF PLANNING AND BUILDING SERVICES

860 NORTH BUSH STREET • UKIAH • CALIFORNIA • 95482
120 WEST FIR STREET • FORT BRAGG • CALIFORNIA • 95437

www.mendocinocounty.org/government/planning-building-services

IGNACIO GONZALEZ, INTERIM DIRECTOR
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pbs@mendocinocounty.org

MEMORANDUM

Date: 03/26/2018

To: Zoning Administrator

From: Jesse Davis, Planner III

Subject: U_2017-0028 (Farm Labor Housing)

U_2017-0028 was referred to the Archaeological Commission for comment on December 19, 2017. The applicant provided the Archaeological Commission with a Cultural Resource Reconnaissance undertaken by Jay M. Flaherty dated June 12, 1998. On January 10, 2018, the Archeological Commission reviewed the provided materials and required that a new survey be prepared. Upon close review, the previously provided survey did not cover the specific project site identified in the application materials (U_2017-0028).

As a result, an additional archaeological survey was prepared for the site by Thad M. Van Bueren, M.A., dated February 9, 2018. Complementing the report prepared by J. Flaherty (1998), this archeological review evaluated the project site for any archaeological, historical, or cultural resource. The archaeologist utilized an intensive pedestrian examination of the accessible areas, but did not identify any archaeological or other historical resources within the subject property. The survey's only recommendation was to include a standard discovery clause as required in the County's archaeological ordinance.

On March 14, 2018, the Archaeological Commission reviewed and accepted the submitted survey. A standard condition was recommended that advises the Applicant of the County's "Discovery Clause," which establishes procedures to follow in the event that archaeological or cultural materials are unearthed during site preparation or excavation activities, in accordance with County Code Sections 22.12.090 and 22.12.100.

Furthermore, the Archeological Commission requested an additional condition that *"Any future ground disturbance 2 feet or more below the surface shall require an archaeological monitor due to historically high population density in the area."*

Staff requests that the Zoning Administrator reject this additional condition of the Archeological Commission, requiring that an archeological monitor be present for activities related to U_2017-0028, given the results of previous archeological surveys, the sufficiency of the 'Discover Clause', and the burdensome financial and chronological constraints this condition creates.



**ZONING ADMINISTRATOR
STAFF REPORT FOR USE PERMIT**

**U_2017-0028
APRIL 12, 2018**

SUMMARY

OWNER/APPLICANT: NELSON & SONS INCORPORATED
550 NELSON RANCH RD
UKIAH, CA 95482

AGENT: CHRIS NELSON
550 NELSON RANCH RD
UKIAH, CA 95482

REQUEST: Use permit to establish three (3) Single Family Residential Units as 'Farm Labor Housing'

LOCATION: 8.6± miles south of Ukiah City center, lying on the west side of Nelson Ranch Road, 0.8± miles west of its intersection with HWY 101 (SH 101), located at 711 Nelson Ranch Road, (APN: 047-130-06).

TOTAL ACREAGE: 107.55 ACRES

GENERAL PLAN: Agriculture – 40 acre Minimum (AG:40)

ZONING: Agriculture – 40 acre Minimum (AG:40)

SUPERVISORIAL DISTRICT: 5

ENVIRONMENTAL DETERMINATION: Categorically Exempt Section 21159.22(a) Exemption for Agricultural Employee Housing

RECOMMENDATION: Approve with Conditions

STAFF PLANNER: Jesse Davis

BACKGROUND

PROJECT DESCRIPTION: Use permit to establish three (3) Single Family Residential Units as 'Farm Labor Housing'. This Use Permit supersedes Administrative Permit AP_2017-0061 (Farm Employee Housing). Over the next two (2) years, the applicant intends to install two (2) additional Single Family Residential units to compliment an existing 'Farm Employee Housing' unit already on site.

RELATED APPLICATIONS:

RELATED CASES ON SITE:

- **AP_2017-0061** Farm Employee Housing: One (1) Single Family Residence
 - SUPERCEDED via **U_2017-0028** Farm Labor Housing: Three (3) Single Family Residences
- **BU_2017-0775** 1440 sq. ft. manufactured home / Farm Employee Housing
- **BU_2018-0023** Farm Labor Housing

RELATED CASES IN VICINITY: N/A

SITE CHARACTERISTICS: Adopt the resolution and recommend that the Board of Supervisors approve Ordinance Amendment No. OA_2018-0004 which will modify the inland zoning ordinance of Chapter 20.242 of the Mendocino County Code, and Chapter 10A.17 Medical Cannabis Cultivation of the Agricultural Code finding the Addendum to the Adopted Mitigated Negative Declaration is appropriate to address the requirements under CEQA for the proposed ordinance changes and that no subsequent environmental review is needed.

The subject property has been actively undertaking agricultural activities for approximately 60 years. It has evolved from mature plum orchards to include sustainable grape vineyards, Bartlett pears, olive gardens, and live Christmas trees. The ranch actively produces grapes for wine that require the property to be managed by individuals who live in close proximity to the operation. The 'Farm Labor' housing will allow on-site employees and their families to occupy these residences. The intended location of the new modular units is within an area of the ranch currently being used for 'Farm Employee Housing' (AP_2017-0061). Natural gas service exists to the site, and it currently utilizes a natural spring as the domestic water source. In addition to the Farm Employee Housing there are two additional existing dwelling units.

SURROUNDING LAND USE AND ZONING:

	GENERAL PLAN	ZONING	LOT SIZES	USES
NORTH	AG 40, RL160	AG40, RL160	9± acres, 83.42± acres, .18± a	Vineyard
EAST	AG40	AG40	25± acres	Vineyard
SOUTH	AG40	AG40	69.57± acres	Vineyard
WEST	AG40	AG40	46.6± acres	Vineyard

PUBLIC SERVICES:

Access: Nelson Ranch Road (Private)
 Fire District: Sanel Valley (Local Response Agency)
 Water District: NONE
 Sewer District: NONE
 School District: NONE

AGENCY COMMENTS:

On December 19, 2017 project referrals were sent to the following responsible or trustee agencies with jurisdiction over the Project. Their submitted recommended conditions of approval are contained in Exhibit A of the attached resolution. A summary of the submitted agency comments are listed below. Any comment that would trigger a project modification or denial is discussed in full as key issues in the following section:

REFERRAL AGENCIES	COMMENT
Department of Transportation	No Comment
Environmental Health	Response
Building Inspection	No Response
Assessor	No Response
Farm Advisor	No Response
Archeological Commission	Response
CalFire	No Comment
Sanel Fire District	No Response
Soil Conservation Service	No Response
California Department of Fish and Wildlife	No Comment
County Addresser	No Response
Potter Valley Rancheria	No Response

Sherwood Valley Rancheria	No Response
Hopland Municipal Advisory Council	No Response
Redwood Valley Little River Band of Pomo Indians	Response
Cloverdale Rancheria	No Response

KEY ISSUES

1. General Plan and Zoning Consistency: The subject parcel has a General Plan Land Use Designation of AG40 (Agricultural Lands) with a corresponding zoning of AG:40 (Agricultural District, 40-acre). Farm Labor Housing is permissible upon securing a Minor Use Permit in the AG:40 zoning district per Mendocino County Code (MCC) Section 20.052.020(A).

Farm Labor Housing is defined as occupancy on a parcel in one (1) or more dwelling units or trailer coaches by more than one (1) farm employee and his/her families which occur exclusively in association with the performance of agricultural labor. Farm labor housing shall not be required to meet density requirements.

For administrative consistency, this Use Permit will supersede the existing Administrative Permit AP_2017-0061 (Farm Labor Housing) thereby removing the annual fee requirement and associated expiration date.

2. Agriculture and Forestry: The subject parcel is classified and zoned as AG:40 (Agricultural District, 40-acre), and bound by an active Williamson Act Agricultural Preserve contract. The project site is primarily designated as "Prime Ag" under the Farmland Mapping and Monitoring Program (FMMP) of the California Department of Conservation, Division of Land Resource Protection. Farm Employee housing (County Code Section 20.016.015) is considered compatible and a qualifying agricultural use for property under Williamson Act (Section 8.2(A)).

3. Cultural and Tribal Resources: The project was referred to the Archaeological Commission for comment on December 19, 2017. The applicant provided the Archaeological Commission with a Cultural Resource Reconnaissance undertaken by Jay M. Flaherty dated June 12, 1998. On January 10, 2018, the Archeological Commission reviewed the provided materials and required that a new survey be prepared. Upon close review, the previously provided survey did not cover the specific project site identified in the application materials (U_2017-0028).

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4. Confirmation of Agricultural Uses/Farm Employment on the Property: The request involves the use of residential structures on the property for Farm Labor Housing. To ensure the continued use of the authorized dwelling units for farm labor only, **Condition 1** is recommended to require the annual submission of W-2 Forms or other acceptable type of documentation verifying the necessity of agricultural employment on the property.

5. Environmental Protection: The project is exempt from environmental review pursuant to California Code of Regulations (CCR) Section 15193 (Agricultural Housing Exemption). The project involves the designation of two residential dwelling units to be used as Farm Labor Housing in addition to a previously existing Farm Employee Housing unit, now part of the farm labor housing use.

RECOMMENDATION

The Zoning Administrator, by resolution, accept the Categorical Exemption and grant approval of Use Permit U_2017-0028, as conditioned, based on the facts and findings and subject to the conditions of approval.

DATE

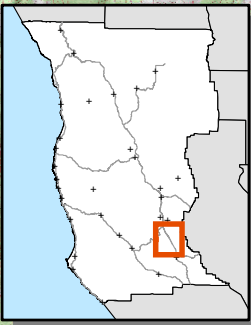
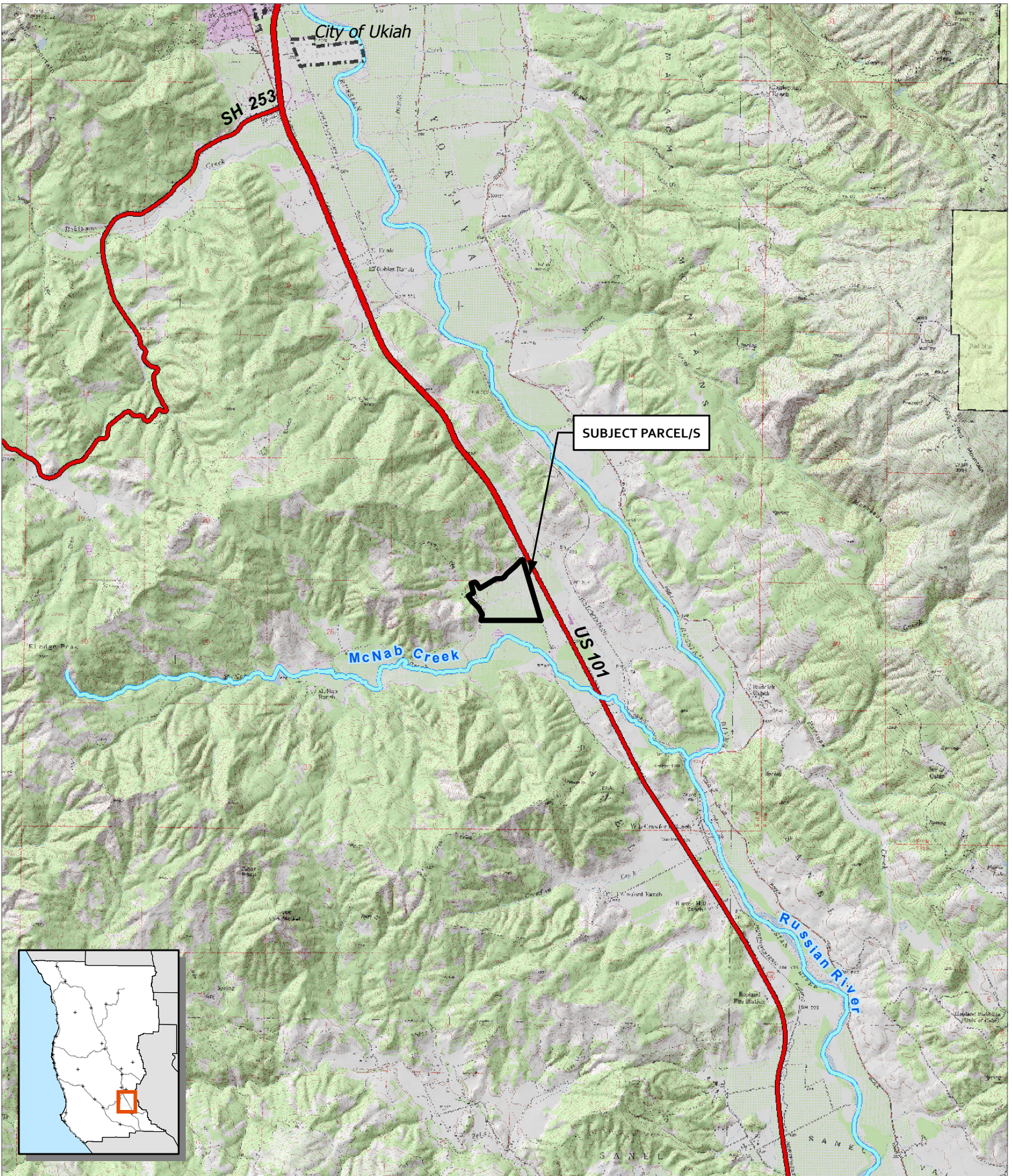
JESSE DAVIS
PLANNER III

Appeal Period: 10 Days
Appeal Fee: \$1,616.00

ATTACHMENTS:

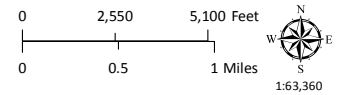
- A. Location Map
- B. Topographical Map
- C. Aerial Map
- D. Site/Tentative Map
- E. Zoning Map
- F. General Plan
- G. Misc. Map/Supervisory Map
- H. Adjacent Owner Map
- I. Fire Hazards Map
- J. Wildland-Urban Interface Map
- K. Flood Zone
- L. Soils Map
- M. Agricultural Preserve/Williamson Act Map
- N. Important Farmland Map

RESOLUTION AND CONDITIONS OF APPROVAL (Exhibit A):



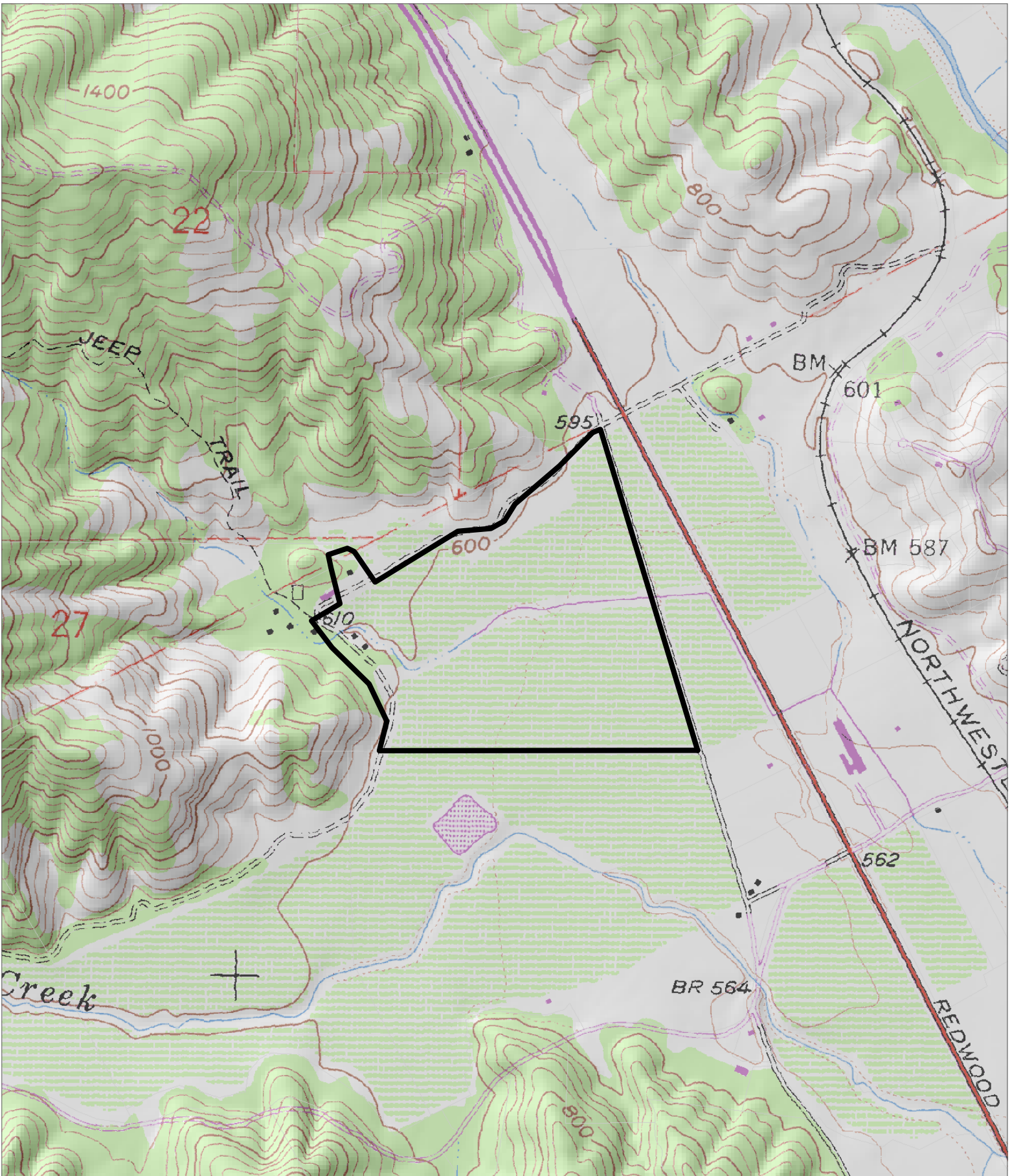
CASE: U 2017-0028
 OWNER: Nelson & Sons, Inc.
 APN: 047-130-06
 APLCT: Nelson & Sons, Inc.
 AGENT: Chris Nelson
 ADDRESS: 711 Nelson Ranch Road, Ukiah

- Incorporated City Limits
- Highways
- California Counties
- Major Rivers

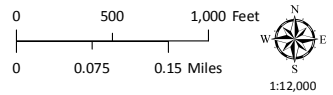


LOCATION MAP

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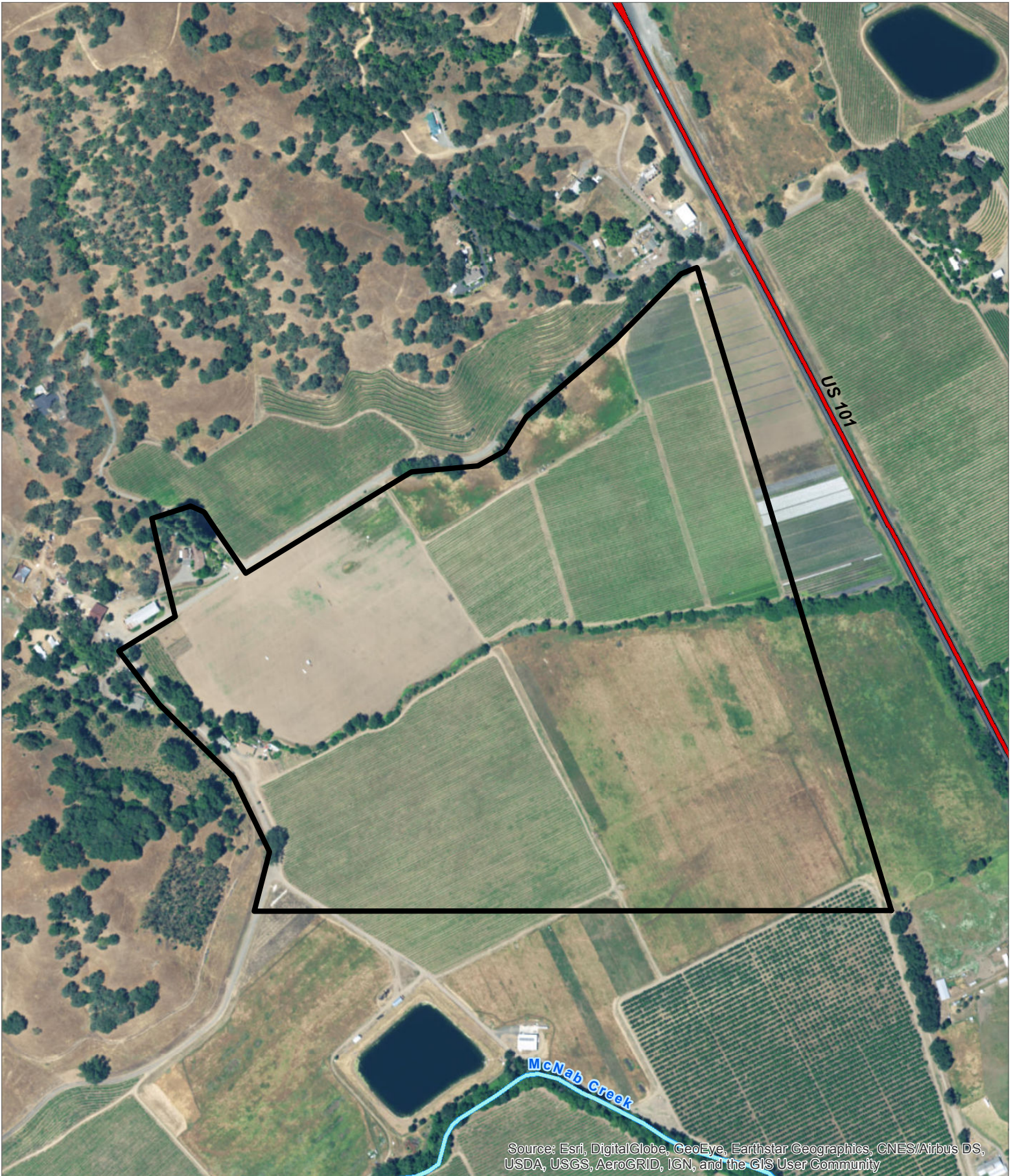


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TOPOGRAPHIC MAP
 CONTOUR INTERVAL IS 40 FEET

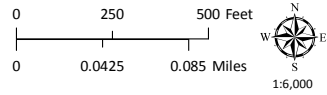
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Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

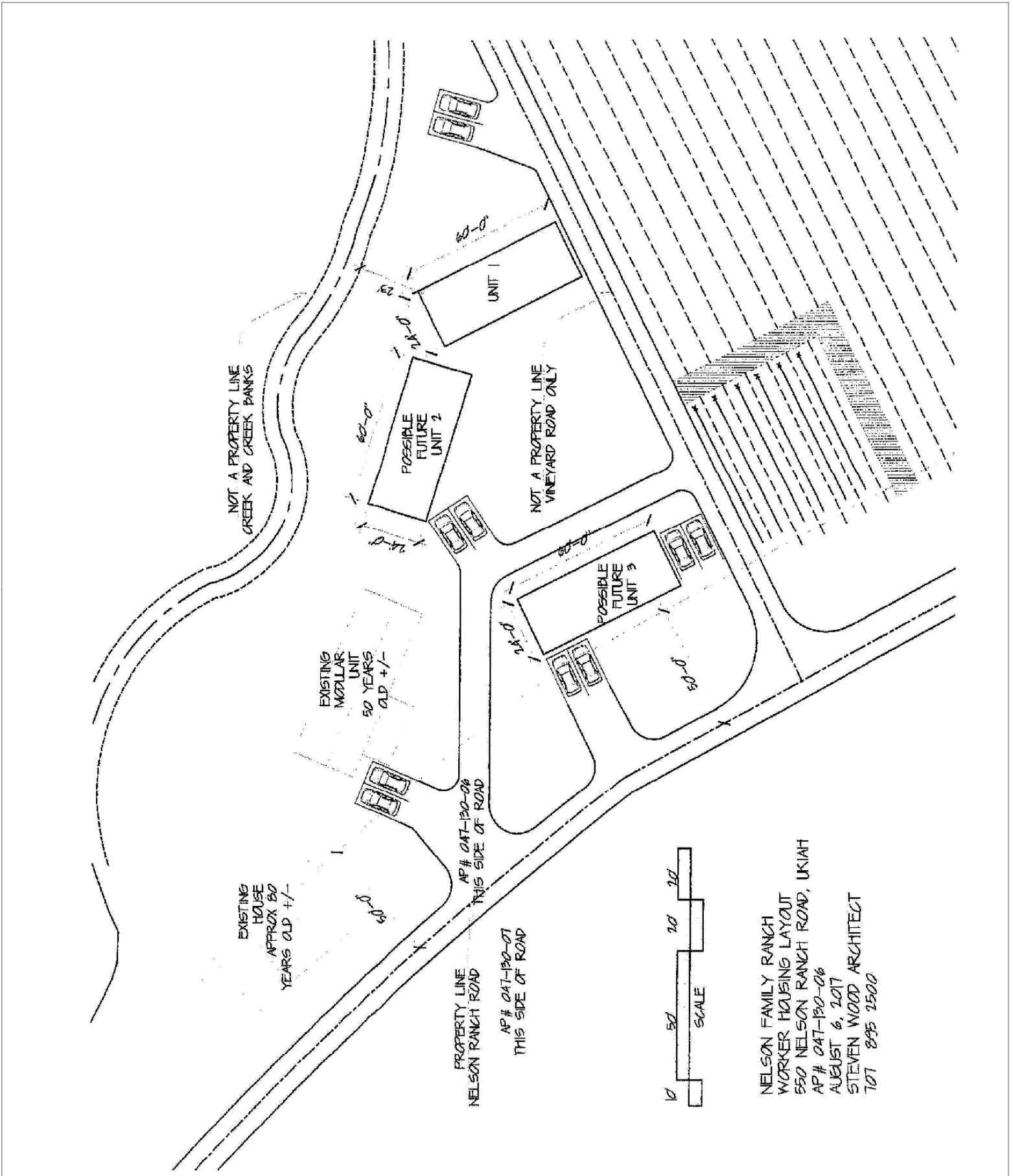
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 Major Rivers
 Highways



AERIAL IMAGERY

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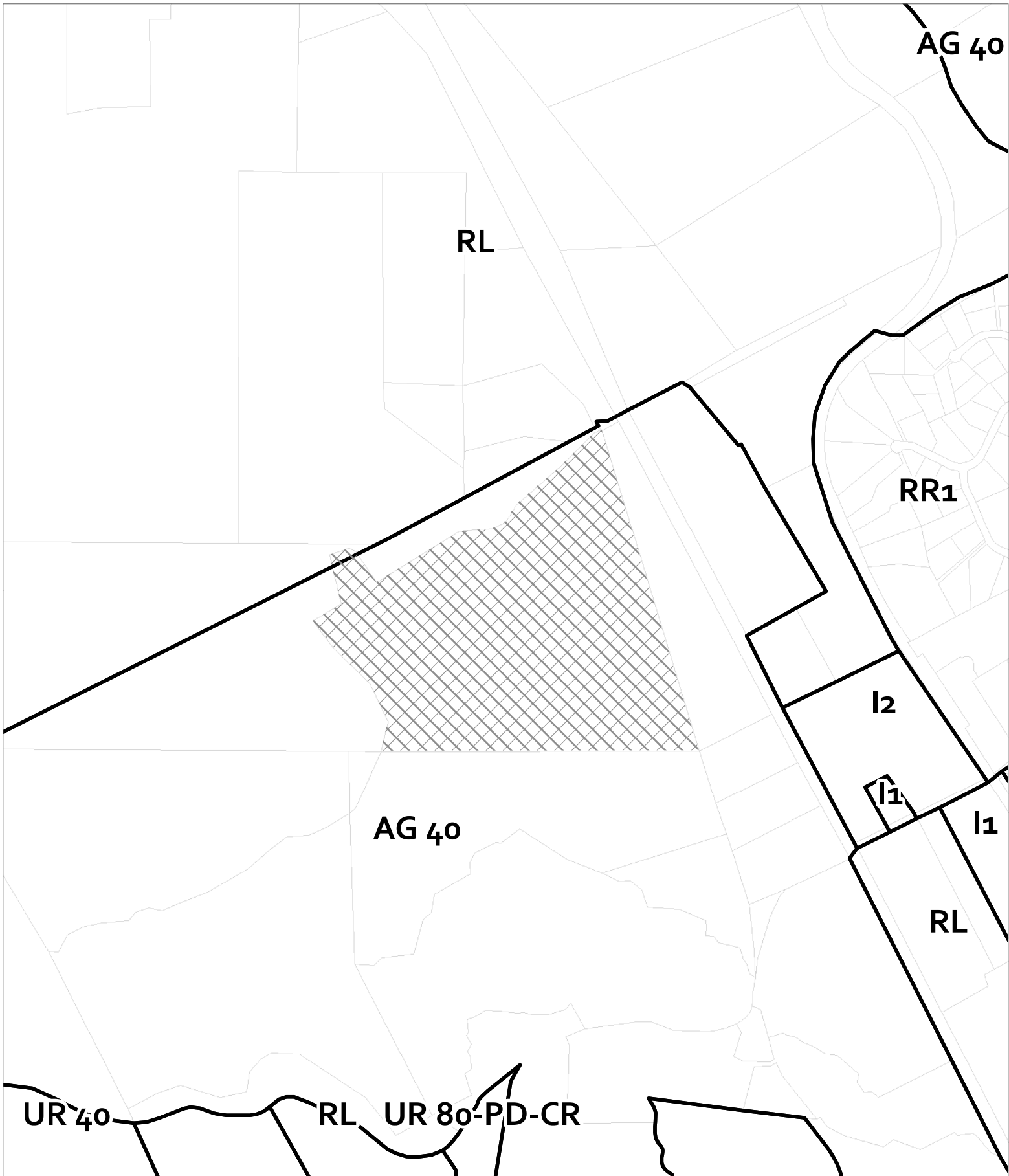


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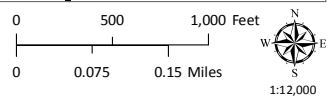
NO SCALE


SITE PLAN

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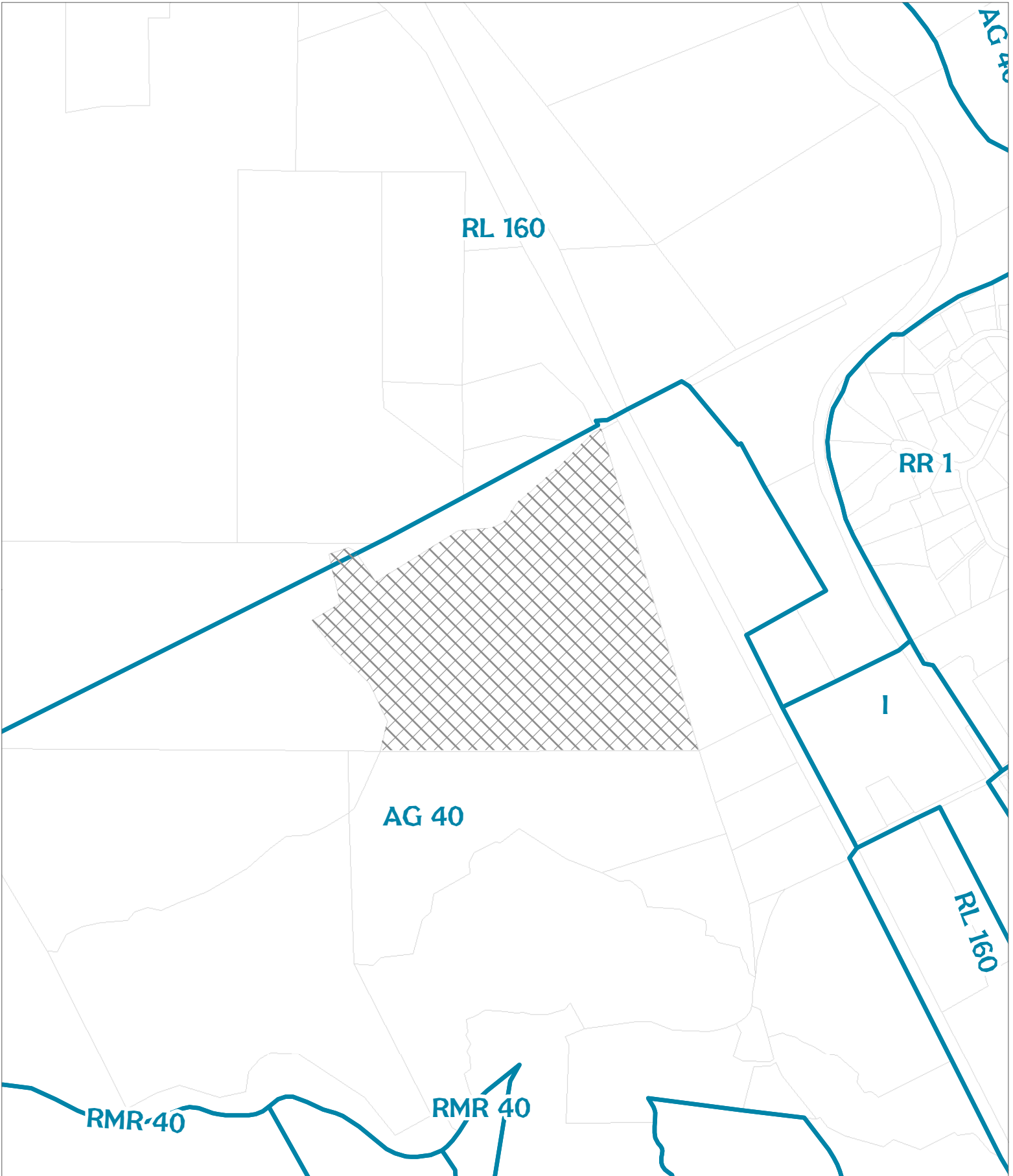
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 Zoning Districts

ZONING DISPLAY MAP

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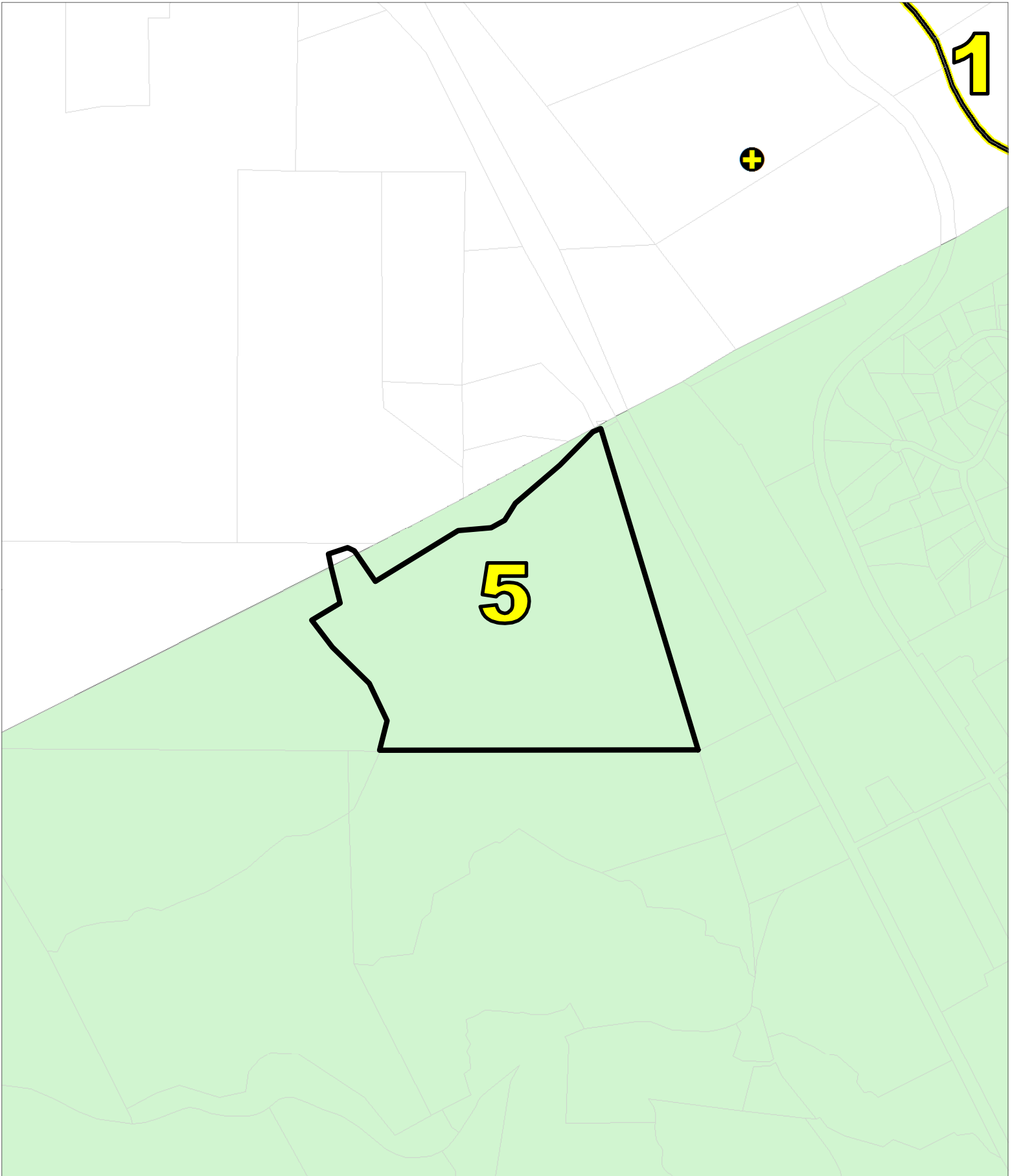


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
 General Plan Classes

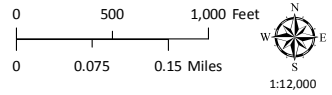
0 500 1,000 Feet
 0 0.075 0.15 Miles
 N
 W E S
 1:12,000
GENERAL PLAN CLASSIFICATIONS

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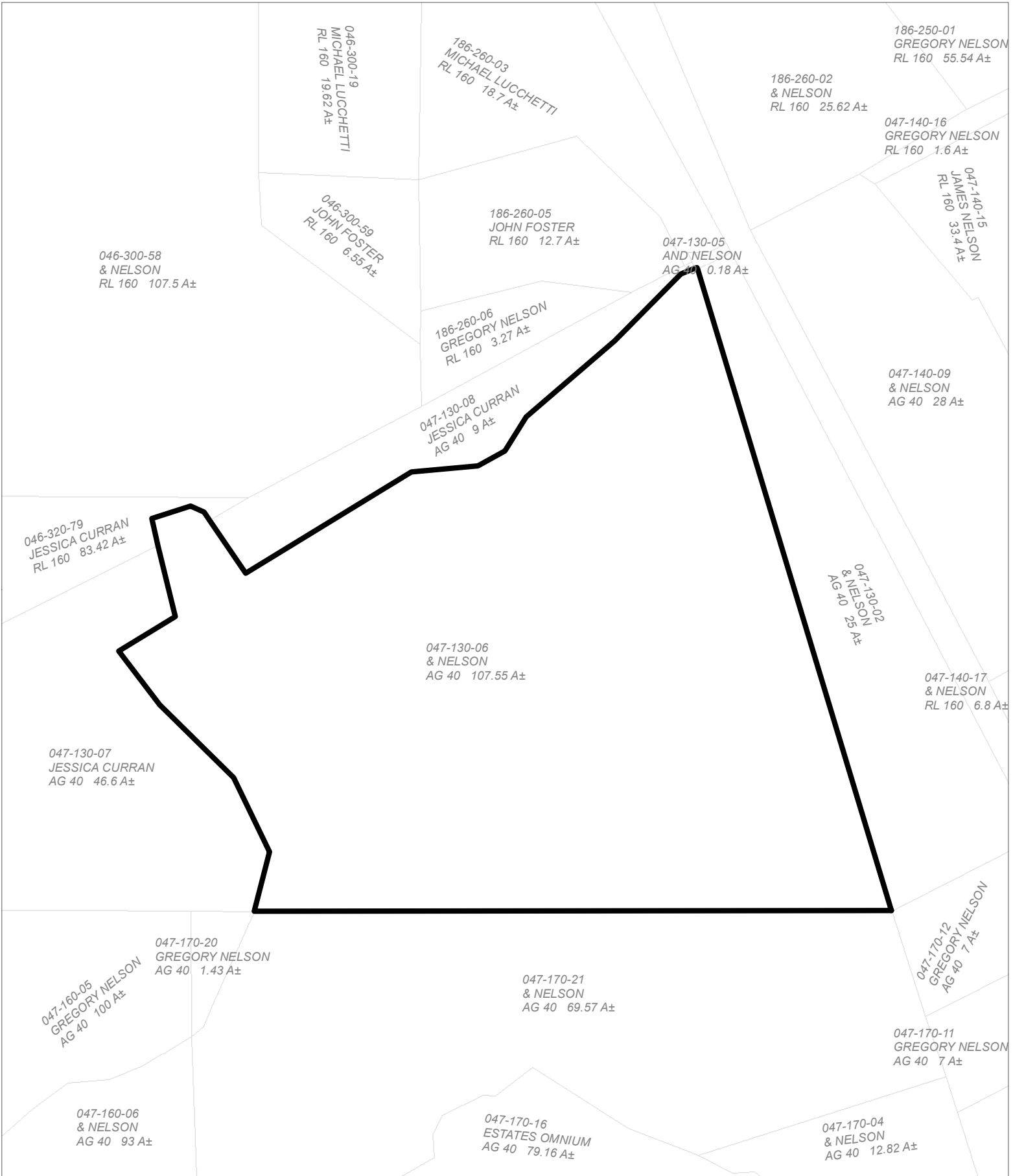
CASE: U 2017-0028
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APN: 047-130-06
APLCT: Nelson & Sons, Inc.
AGENT: Chris Nelson
ADDRESS: 711 Nelson Ranch Road, Ukiah

-  Supervisorial Districts 2010
-  Existing Wireless Sites
-  Hopland MAC

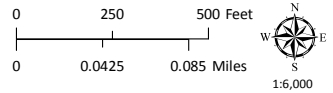


MISC

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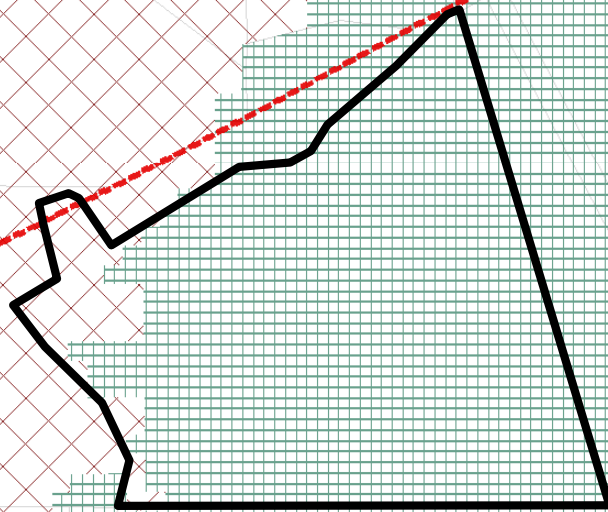


ADJACENT PARCELS




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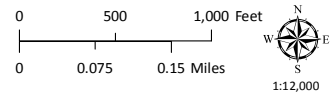
UKIAH VALLEY FIRE PROTECTION DISTRICT

HOPLAND-SANEL VALLEY RURAL FIRE PROTECTION DIST



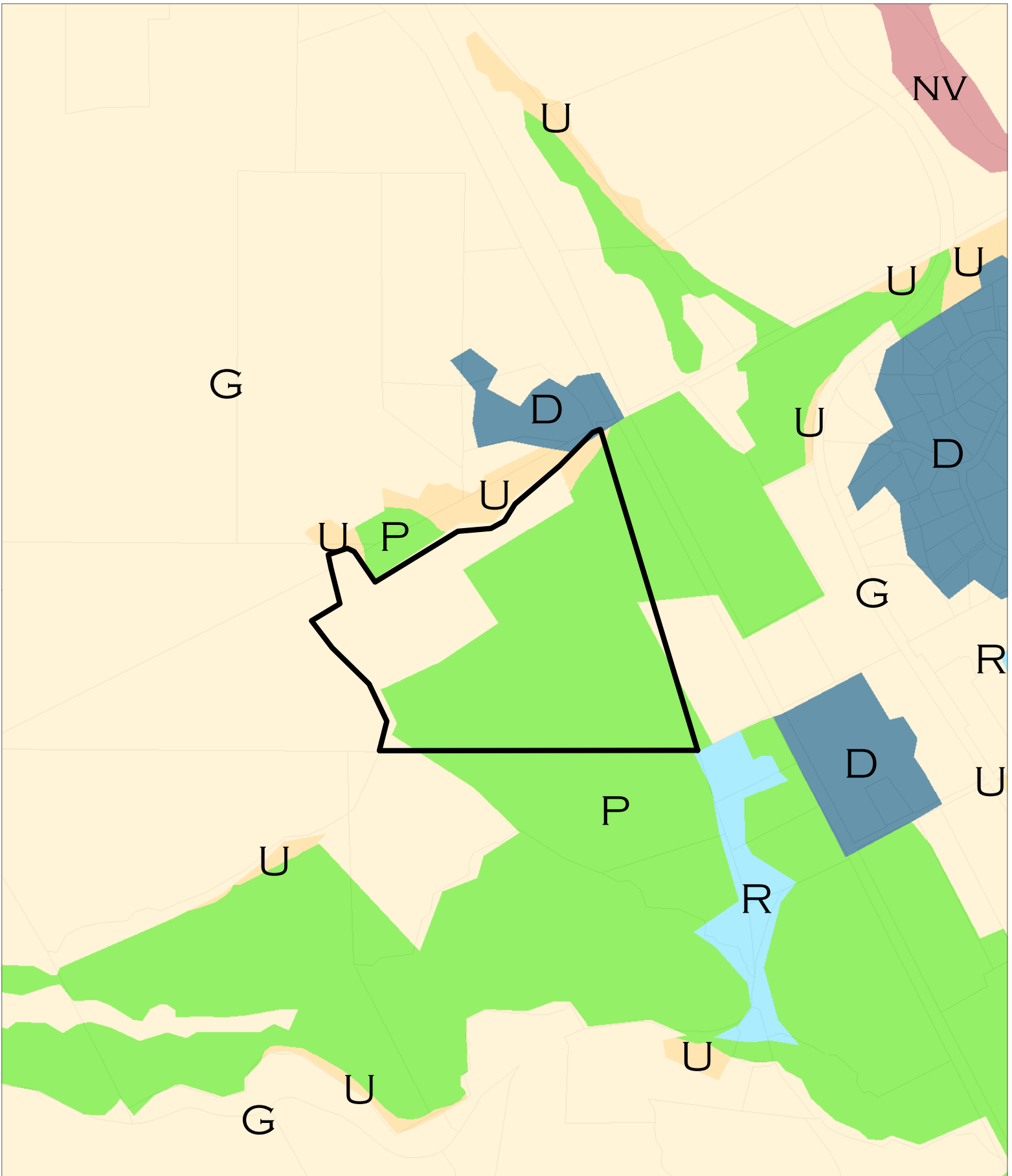
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-  County Fire Districts
-  High Fire Hazard
-  Moderate Fire Hazard



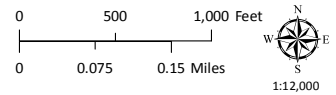
FIRE HAZARD ZONES & RESPONSIBILITY AREAS
STATE RESPONSIBILITY AREA

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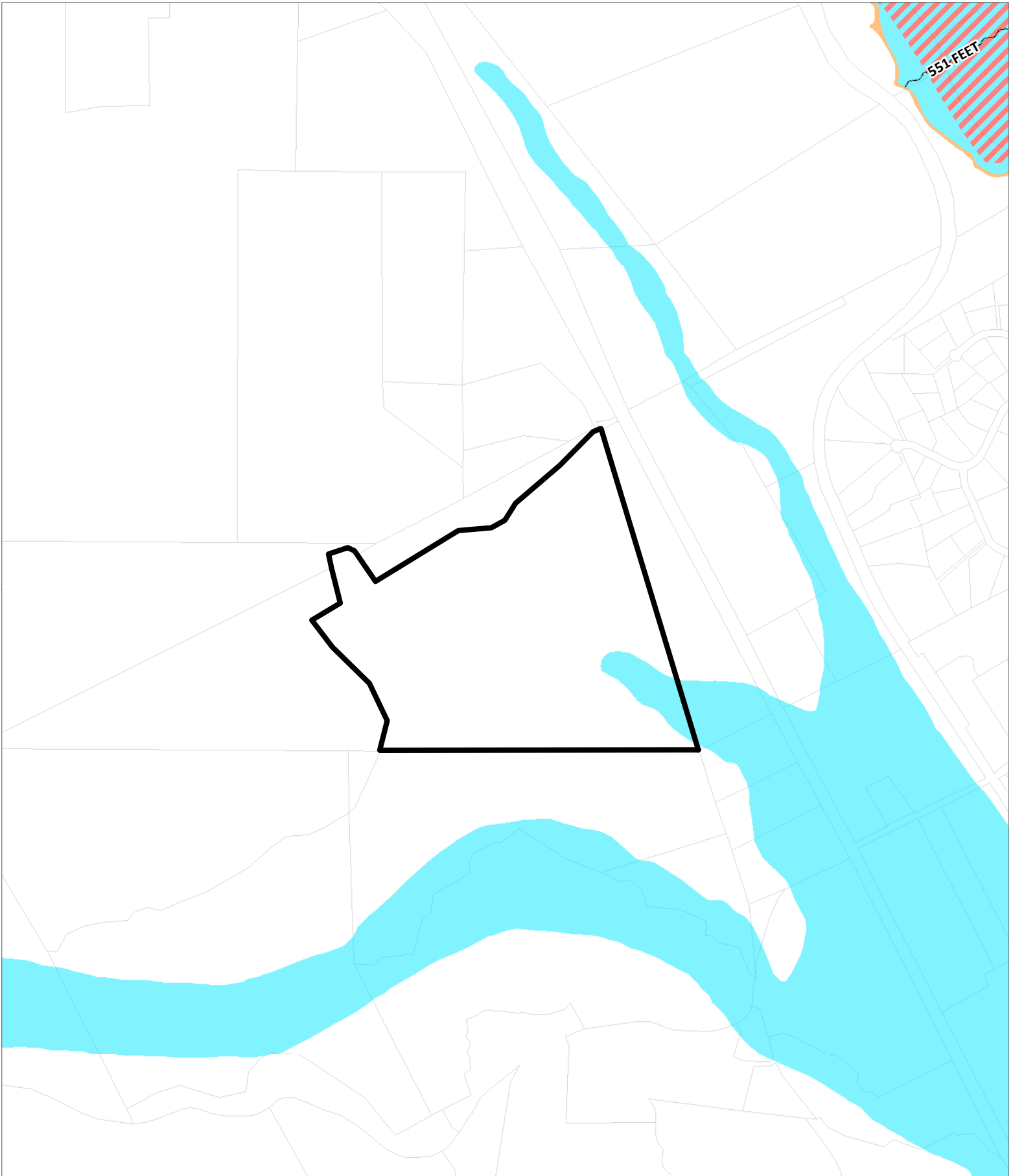
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Urban & Built-Up Land (D)
 Grazing Land (G)

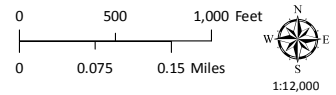


IMPORTANT FARMLAND

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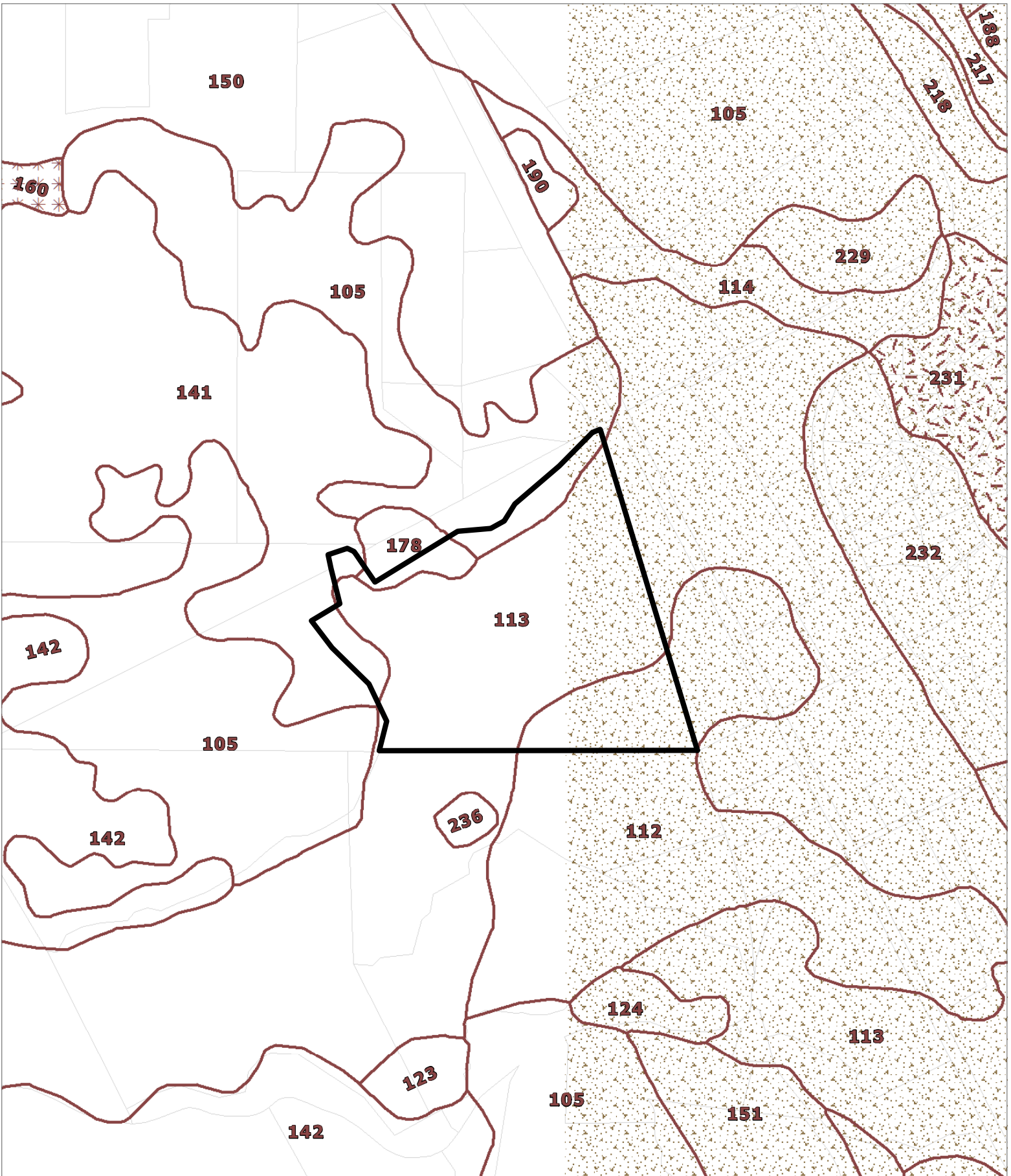


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FLOOD ZONES

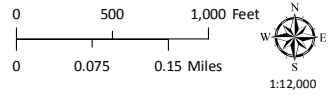
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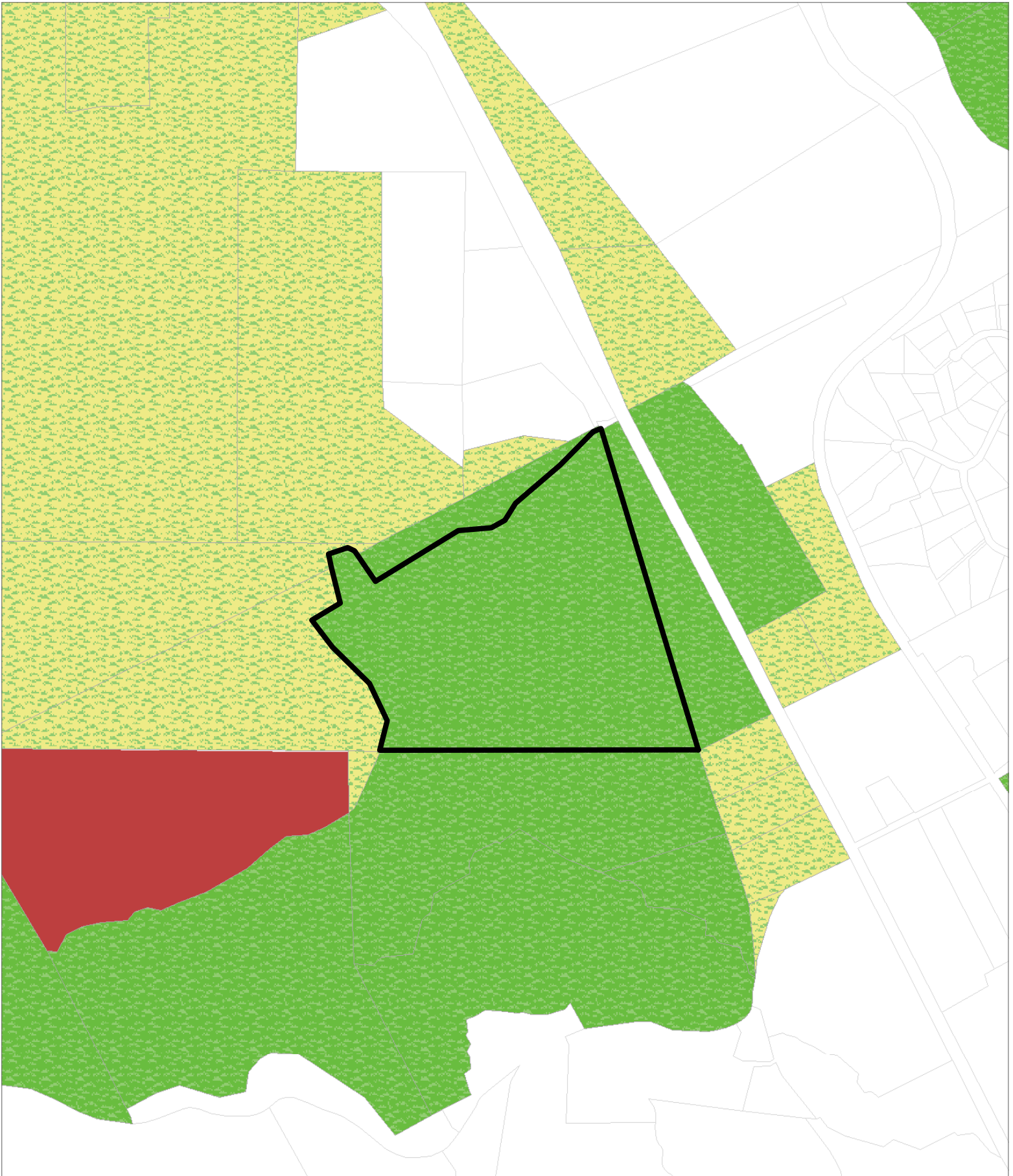
-  Eastern Soil Classes
-  Naturally Occurring Asbestos
-  Eastern Serpentine Inclusions

 Eastern Rock Inclusions







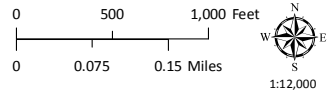
LOCAL SOILS

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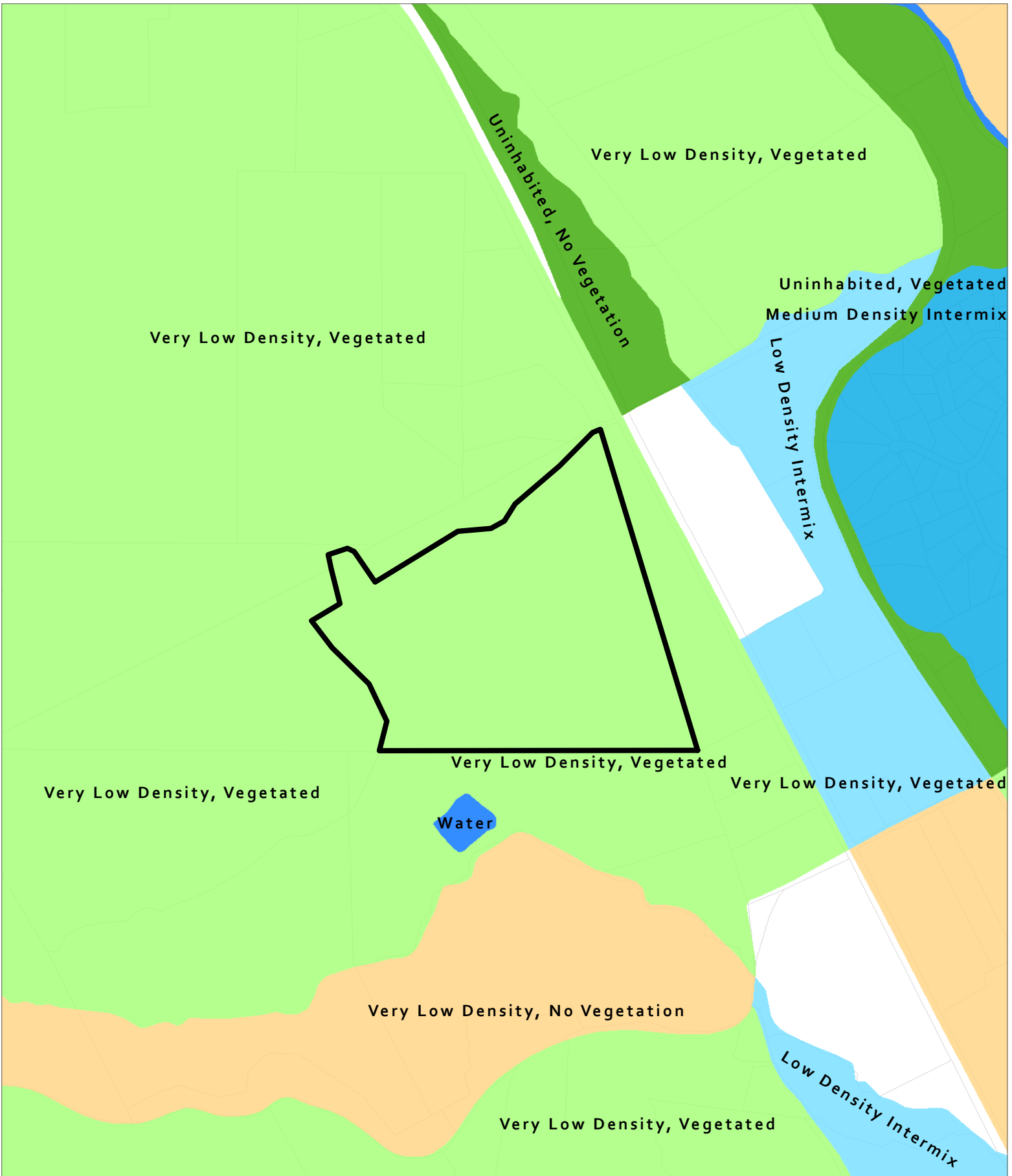
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	Williamson Act 2016		Non-Renewal Ag 2015
	Prime Ag 2016		
	Non-Prime Ag 2016		



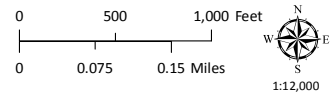
LANDS IN WILLIAMSON ACT CONTRACTS

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 Water



WILDLAND-URBAN INTERFACE ZONES

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Resolution Number _____

County of Mendocino
Ukiah, California
April 12, 2018

U_2017-0028 NELSON & SONS INCORPORATED

RESOLUTION OF THE ZONING ADMINISTRATOR, COUNTY OF MENDOCINO, STATE OF CALIFORNIA, ADOPTING A CATEGORICAL EXEMPTION AND GRANTING A USE PERMIT TO ESTABLISH THREE (3) SINGLE FAMILY RESIDENTIAL UNITS AS 'FARM LABOR HOUSING'. THE APPLICANT INTENDS TO INSTALL TWO (2) ADDITIONAL SINGLE FAMILY RESIDENTIAL UNITS TO COMPLIMENT AN EXISTING 'FARM EMPLOYEE HOUSING' UNIT ALREADY ON SITE

WHEREAS, the applicant, NELSON & SONS INCORPORATED filed an application for a USE PERMIT with the Mendocino County Department of Planning and Building Services to authorize FARM LABOR HOUSING, 8.6± miles south of Ukiah City center, lying on the west side of Nelson Ranch Road, 0.8± miles west of its intersection with Hwy 101 (SH 101), located at 711 Nelson Ranch Road, (APN: 047-130-06); General Plan AG40-*; Zoning AG:40/; Supervisorial District 5; (the "Project"); and

WHEREAS, the Secretary for Resources has found that certain classes of projects have been determined not to have a significant effect on the environment and are therefore exempt from the requirement for the preparation of environmental documents, and the Project was determined to meet the criteria for a CATEGORICAL EXEMPTION from the California Environmental Quality Act (CEQA) under Class 1; and

WHEREAS, in accordance with applicable provisions of law, the Zoning Administrator held a public hearing on, April 12, 2018, at which time the Zoning Administrator 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 Zoning Administrator has had an opportunity to review this Resolution and finds that it accurately sets for the intentions of the Zoning Administrator regarding the CATEGORICAL EXEMPTION and the Project.

NOW, THEREFORE, BE IT RESOLVED, that the Zoning Administrator makes the following findings;

NOW, THEREFORE, BE IT RESOLVED, that the Zoning Administrator makes the following findings;

1. General Plan Findings: The subject property is classified Agriculture (AG40) under the General Plan. Farm Labor Housing to support the agricultural use of the property is consistent with the General Plan.
2. Zoning Findings: The subject property is zoned Agriculture, 40-Acre Minimum (AG40). The project is consistent with the Agricultural District provisions of Chapter 20.052 of the County Code.
3. Project Findings: The Zoning Administrator approves U_2017-0028 subject to the conditions of approval recommended by staff, and further finding:
 - a. That adequate utility, access roads, drainage, and other necessary facilities have been or are being provided.

The site is developed with multiple residential units in which requisite services are or would be provided. Standard septic system requirements will apply. Documentation of an adequate water source to support these residential structures will be needed.

- b. That the proposed use will 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 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.
- c. The project would authorize the use of two additional residential dwelling units as Farm Labor Housing (FLH). The property is actively used for a variety of agricultural operations and the proposed FLH units would support the viability of this use on the property. The project has been conditioned to minimize potential nuisances and will ensure compatibility with surrounding land uses.
- d. That such use preserves the integrity of the zoning district. Given that the property is zoned Agriculture (AG). The project is intended to support the existing operations thereby preserving the integrity of the zone district.

BE IT FURTHER RESOLVED that the Zoning Administrator hereby adopts the Section 15193 exemption and the Conditions of Approval. The Zoning Administrator certifies that the exemption has been completed, reviewed, and considered, together with the comments received during the public review process, in compliance with CEQA and State and County CEQA Guidelines, and finds that the exemption reflects the independent judgment and analysis of the Zoning Administrator.

BE IT FURTHER RESOLVED that the Zoning Administrator hereby grants the requested MINOR USE PERMIT, subject to the Conditions of Approval in Exhibit "A", attached hereto.

BE IT FURTHER RESOLVED that the Zoning Administrator designates the Secretary as the custodian of the document and other material which constitutes the record of proceedings upon which the Zoning Administrator 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 Zoning Administrator action shall be final on the 11th day after the date of the Resolution unless an appeal is taken.

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

ATTEST: Victoria Davis
Commission Services Supervisor

By: _____

BY: IGNACIO 'NASH' GONZALEZ
Zoning Administrator

EXHIBIT A

CONDITIONS OF APPROVAL U_2017-0028 – NELSON & SONS INCORPORATED APRIL 12, 2018

APPROVED PROJECT DESCRIPTION: Use Permit to establish three (3) Single Family Residential Units as 'Farm Labor Housing'. The applicant intends to install two (2) additional Single Family Residential units to compliment an existing 'Farm Employee Housing' unit already on site

CONDITIONS OF APPROVAL:

1. Prior to issuance of Building Permits on the property, the applicant shall provide proof of farm labor employment by furnishing copies of W-2 Forms, 1099 Forms, legal commitments or contract(s) establishing status as farm labor to the Department of Planning and Building Services for residents of the subject housing units. Copies shall be provided on an annual basis thereafter to verify continued farm labor uses of the said units. The expiration date and annual fee requirement of AP_2017-0061 is superseded.
2. Prior to the issuance of Building Permits, standard septic system requirements will apply, and documentation of an adequate water source to support these residential structures will be provided to the Department of Environmental Health for review and approval.
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 use permit.
4. That this permit be 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.
5. In the event that archaeological resources are encountered during construction on the property, work in the immediate vicinity of the find shall be halted until all requirements of Chapter 22.12 of the Mendocino County Code relating to archaeological discoveries have been satisfied.
6. Prior to issuance of Building Permits, written verification of compliance with any applicable fire safe regulations shall be provided from the Sanel Valley Fire District to the Department of Planning and Building Services.
7. This permit shall become effective after all applicable appeal periods have been expired or appeal processes exhausted. Failure of the permitted to make use of this permit within two years or failure to comply with payment of any fees within specified time periods shall result in the automatic expiration of this permit.
8. 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 Zoning Administrator.
9. This permit shall be subject to revocation or modification by the Zoning Administrator 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.

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

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. Three (3) dwelling units are hereby authorized for use as Farm Labor Housing only. Occupancy of these units shall be restricted to farm employees and his/her families. Rental of the dwelling units to persons other than farm employees and his/her families shall be prohibited. At such time the need for Farm Labor Housing on the property discontinues and/or the use is discontinued for over a year, the dwelling units shall be removed and/or converted to a permissible accessory use.
12. 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.