



COUNTY OF MENDOCINO
DEPARTMENT OF PLANNING AND BUILDING SERVICES

860 NORTH BUSH STREET · UKIAH · CALIFORNIA · 95482
120 WEST FIR STREET · FT. BRAGG · CALIFORNIA · 95437

BRENT SCHULTZ, DIRECTOR
TELEPHONE: 707-234-6650
FAX: 707-463-5709
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pbs@mendocinocounty.org
www.mendocinocounty.org/pbs

JULY 16, 2019

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT the Mendocino County Zoning Administrator at its regular meeting on Thursday, August 8, 2019, at 10:00 a.m., to be held at Planning & Building Services, 860 N Bush Street, Public Conference Room, 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#: V_2019-0003

OWNER/APPLICANT: ELENAH ELSTON

DATE FILED: 5/30/2019

REQUEST: A variance to reduce the minimum front, side and rear setbacks from fifty (50) feet to twenty (20) feet to facilitate the construction of a single family dwelling and appurtenant structures.

ENVIRONMENTAL DETERMINATION: Categorically Exempt

LOCATION: 2.2± miles south of Redwood Valley town center, on the north side of Dusty Road (Private), 0.2± miles southwest of its intersection with Road A (CR 231), located at 1040 Dusty Rd., Redwood Valley (APN: 165-180-32).

SUPERVISORIAL DISTRICT: 1

STAFF PLANNER: JESSE DAVIS

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: <https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas/zoning-administrator>

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 August 7, 2019. Oral comments may be presented to the Zoning Administrator during the public hearing.

The Zoning Administrator's action regarding this item shall be final unless appealed to the Board of Supervisors. The last day to file an appeal of the Zoning Administrator'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 Zoning Administrator'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



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JULY 12, 2019

TO: Ukiah Daily Journal
FROM: James F. Feenan, Commission Services Supervisor
SUBJECT: Publication of Legal Notice.

Please publish the following notice one time on July 21, 2019 in the Legal Notices Section of the Ukiah Daily Journal.

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT the Mendocino County Zoning Administrator at its regular meeting on Thursday, August 8, 2019, at 10:00 a.m., to be held at 860 N Bush Street, Public Conference Room, 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.

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DATE FILED: 5/30/2019

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ENVIRONMENTAL DETERMINATION: Categorically Exempt

LOCATION: 2.2± miles south of Redwood Valley town center, on the north side of Dusty Road (Private), 0.2± miles southwest of its intersection with Road A (CR 231), located at 1040 Dusty Rd., Redwood Valley (APN: 165-180-32).

SUPERVISORIAL DISTRICT: 1

STAFF PLANNER: JESSE DAVIS

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: <https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas/zoning-administrator>

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BRENT SCHULTZ, Director of Planning and Building Services



**ZONING ADMINISTRATOR
STAFF REPORT- ZONING**

**AUGUST 8, 2019
V_2019-0003**

SUMMARY

OWNER/APPLICANT: ELENAH ELSTON
2645 GOOSE ROAD
WILLITS, CA 95490

REQUEST: A variance to reduce the minimum front, side and rear setbacks from fifty (50) feet to twenty (20) feet to facilitate the construction of a single family dwelling and appurtenant structures.

LOCATION: 2.2± miles south of Redwood Valley town center, on the north side of Dusty Road (Private), 0.2± miles southwest of its intersection with Road A (CR 231). located at 1040 Dusty Rd., Redwood Valley (APN: 165-180-32).

TOTAL ACREAGE: 5.37± Acres

GENERAL PLAN: RR: Rural Residential 10 Acre minimum (RR10)

ZONING: Rural Residential: 10 acres minimum, (R-R:L-10)

SUPERVISORIAL DISTRICT: 1st Supervisorial District (Brown)

ENVIRONMENTAL DETERMINATION: Categorically Exempt: Class 5, 15305(a) – Minor variance not resulting in the creation of new parcel.

RECOMMENDATION: Approve With Conditions

STAFF PLANNER: JESSE DAVIS

BACKGROUND

PROJECT DESCRIPTION: The applicant is requesting a 'Variance' to reduce the minimum front, side and rear setbacks from fifty (50) feet to twenty (20) feet to facilitate the construction of a single family dwelling and appurtenant structures.

APPLICANT'S STATEMENT: *"The shape and topography of the property renders the majority of the land useless for building. The property is 5.37 acres, of which, less than one acre is even remotely [flat]. The "flat" part of the property spans the length of the property along Dusty Road, and North about 100 feet. After that, the property drops off fairly drastically. I am trying to build a home on this property, but the setback restrictions are creating practical difficulties in building a house on such a steep incline. When this property was originally subdivided, [it was] recognized that the shape of the parcel would create unnecessary hardships for anyone trying to build a home, hence the reasons that the original parcel map states a 20 foot setback requirement only (See Survey Map). I've done nothing to change or modify its circumstances. My intention to build a home on this property would be stifled without a setback variance allowance due to the natural topography of the property. There are other properties in my area and on my road that have been granted variances due to the same topographical issues. There will be no detriment to the property, the neighborhood, or its surrounding areas."*

RELATED APPLICATIONS: **BU_2019-1116** (New Single Family Dwelling); **BU_2017-0863** (New 100 AMP Service to Well); **MD_301-72** (Minor Division creating three (3) parcels).

SITE CHARACTERISTICS: The 5.37± acre project is located 2.2± miles south of Redwood Valley town center, on the north side of Dusty Road (Private), 0.2± miles southwest of its intersection with Road A (CR 231). located at 1040 Dusty Rd., Redwood Valley (APN: 165-180-32). The parcel is currently vacant, but has been prepared for residential development. Access to the site is provided via Dusty Road (Private), which is a .72± mile loop that connects to Road A (CR231). The topography of the subject property is varied, but features a significant downward slope towards the center resulting in a gulch. The site is primarily forested, but features a clearing near Dusty Road that could facilitate residential development.

The applicant indicates that electricity has been provided by a local utility company (Pacific Gas & Electric) per BU_2017-0863, which supplied power to the previously permitted domestic well. Elevation at the proposed building site is 937± feet above mean sea level (amsl). The area of proposed development is designated as 'Grazing Land' as well as 'Rural Residential & Rural Commercial'.¹ The entirety of the site is within a mapped "Moderate Fire Hazard" area, but is within a State Responsibility Area, which is subject to the jurisdiction of CALFIRE.²

The entire site, as well as adjacent parcels, is within a mapped "Naturally Occurring Asbestos" area.³ The Mendocino County Air Quality Management District enforces state regulations to reduce the effects of development projects involving construction sites and unpaved roads in areas tested and known to contain naturally occurring asbestos.

SURROUNDING LAND USE AND ZONING: As listed on Table 1, the surrounding lands are primarily classified as Residential. The lot is situated facing a private road and the surrounding lots are developed with Single Family Residences.

	GENERAL PLAN	ZONING	LOT SIZES	USES
NORTH	RR10	RR10	5.4± Acres	Residential
EAST	RR10	RR10	5.18± Acres	Residential
SOUTH	RR10	RR10	3.25± Acres, 4.28± Acres	Residential
WEST	RR10	RR10	6.39± Acres	Residential

PUBLIC SERVICES:

Access: DUSTY ROAD (PRIVATE)
 Fire District: CALFIRE (STATE RESPONSIBILITY AREA)
 Water District: N/A
 Sewer District: N/A
 School District: N/A

AGENCY COMMENTS: On June 12, 2019 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	No Comment
Building Inspection (FB)	No Response
CalFire	No Response
Assessor	No Response

¹ Mendocino County Department of Planning & Building Services. 2019. *Important Farmland* [map].

² Mendocino County Department of Planning & Building Services. 2019. *Fire Hazard Zones & Responsibility Area* [map].

³ Mendocino County Department of Planning & Building Services. 2019. *Local Soils* [map].

REFERRAL AGENCIES	COMMENT
County Addresser	No Response
Redwood Valley - Calpella Fire District	No Response
Redwood Valley Water District	No Comment
California Department of Fish and Wildlife	No Response
Sherwood Valley Rancheria	No Comment
Cloverdale Rancheria	No Response
Redwood Valley Rancheria	No Response

ENVIRONMENTAL REVIEW: The proposed project has been determined to be categorically exempt from CEQA per Section 15305, Class 5, for variances that do not result in the creation of any new parcels.

PROJECT FINDINGS: Per MCC Section 20.200.020, before any variance may be granted or modified it shall be shown that the following findings can be made:

A) That there are special circumstances applicable to the property involved, including size, shape, topography, location, or surrounding;

The topography of the subject property is varied, which limits potential building sites. The southern portion of the subject property features a level clearing near the roadway, but the center of the site features a significant downward slope. On the recorded parcel map (See Recorded Map), there is a notation that indicates restricted access onto Road A (CR 231) from the subject property due to "Steep Terrain". Additionally, the recorded parcel map features an indication that the 'Building Setback Line' is twenty (20) feet (See Recorded Map), which given the parcel size and topography would appear more appropriate, as opposed to the fifty (50) foot setback otherwise required for a parcel of this size in the R-R:L-10 zoning district. **Finding (A) can be made.**

B) That such special circumstances or conditions are not due to any actions of the applicant subsequent to the application of the zoning regulations contained in the Division.

The variance is being requested due topographical challenges related to the property and the encumbrances created by the zoning designation. The existence of these obstacles is not due to any action of the applicant. Per Mendocino County Code Section 20.048.04, "Any nonconforming parcel which is less than five (5) acres and which is zoned R-R:L-5 or R-R:L-10 shall observe a minimum front, side and rear yard of twenty (20) feet." The subject property, however, is sized 5.37± Acres/Zoned R-R:L-10, and is therefore subject to the more restrictive setback requirement of fifty (50) feet prescribed by the zoning designation, which limits the potential residential building sites that could otherwise be developed. **Finding (B) can be made.**

C) That such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and zone and denied to the property in question.

The use of this property for a single family residence is considered a substantial property right that is possessed and enjoyed by neighboring properties. Similar variances have been granted to nearby parcels on Dusty Road (Private), as they were developed for residential uses during the past decades, such as V-1990-0012 at 1131 Dusty Road, Redwood Valley, CA. **Finding (C) can be made.**

D) That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such a vicinity and zone in which the property is located.

There would be no impact on the public welfare, as the proposed development would maintain the same setback requirements, as if it were only .37 acres smaller. While a reduction of the setback is requested to a more appropriate standard, the site remains subject to the review and approval of CALFIRE. The applicant must adhere to the conditions associated with (245-19). **Finding (D) can be made.**

E) That the granting of such variance will not adversely affect the General Plan.

The granting of such variance is found to be consistent with the General Plan, and the proposed use is compatible with this designation. The 5.37± Acre subject property is consistent in size with nearby properties. Upon reflection, these properties along Dusty Rd. should be reviewed to identify a more appropriate and aligned General Plan designation. **Finding (E) can be made.**

RECOMMENDATION

By resolution, adopt a Categorical Exemption and grant V_2019-0003 for the Project, as proposed by the applicant, based on the facts and findings and subject to the conditions of approval.

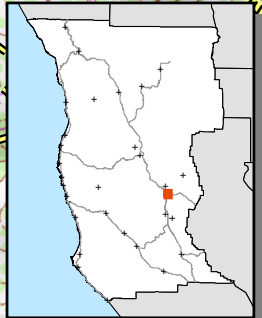
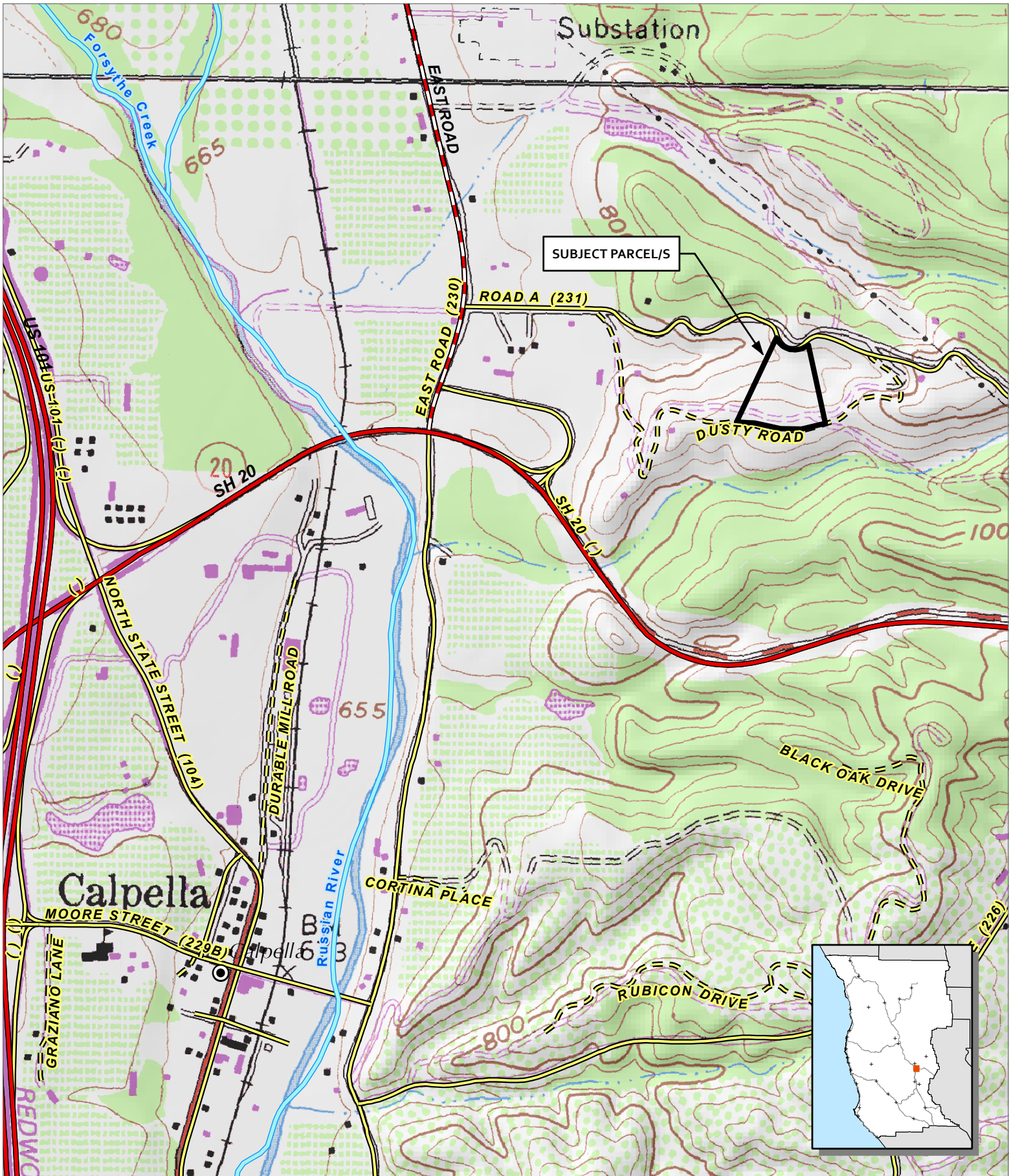
DATE

JESSE DAVIS
SENIOR PLANNER

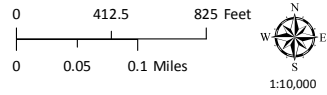
Appeal Period: 10 Days
Appeal Fee: \$1616.00

ATTACHMENTS:

- A. Location Map
- B. Aerial Map
- C. Topographic Map
- D. Site Plan
- E. Fire Defensible Space Plan
- F. Adjacent Owner Map
- G. Zoning Map
- H. General Plan Classifications Map
- I. Fire Hazards Map
- J. Soils Map
- K. Important Farmland Map
- L. Misc. Map
- M. Surveyed Map (C2 D23 P32)
- N. Assessor's Parcel Map (APN 165-18-XX)



CASE: V_2019-0003 (Elston)
 OWNER: ELSTON, Elenah
 APN: 165-180-32
 APLCT: Elenah Elston



ADDRESS: 1040 Dusty Road, Redwood Valley

⊙ Major Towns & Places

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






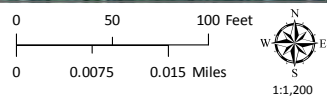
ROAD A (231)

DUSTY ROAD

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

CASE: V_2019-0003 (Elston)
OWNER: ELSTON, Elenah
APN: 165-180-32
APLCT: Elenah Elston

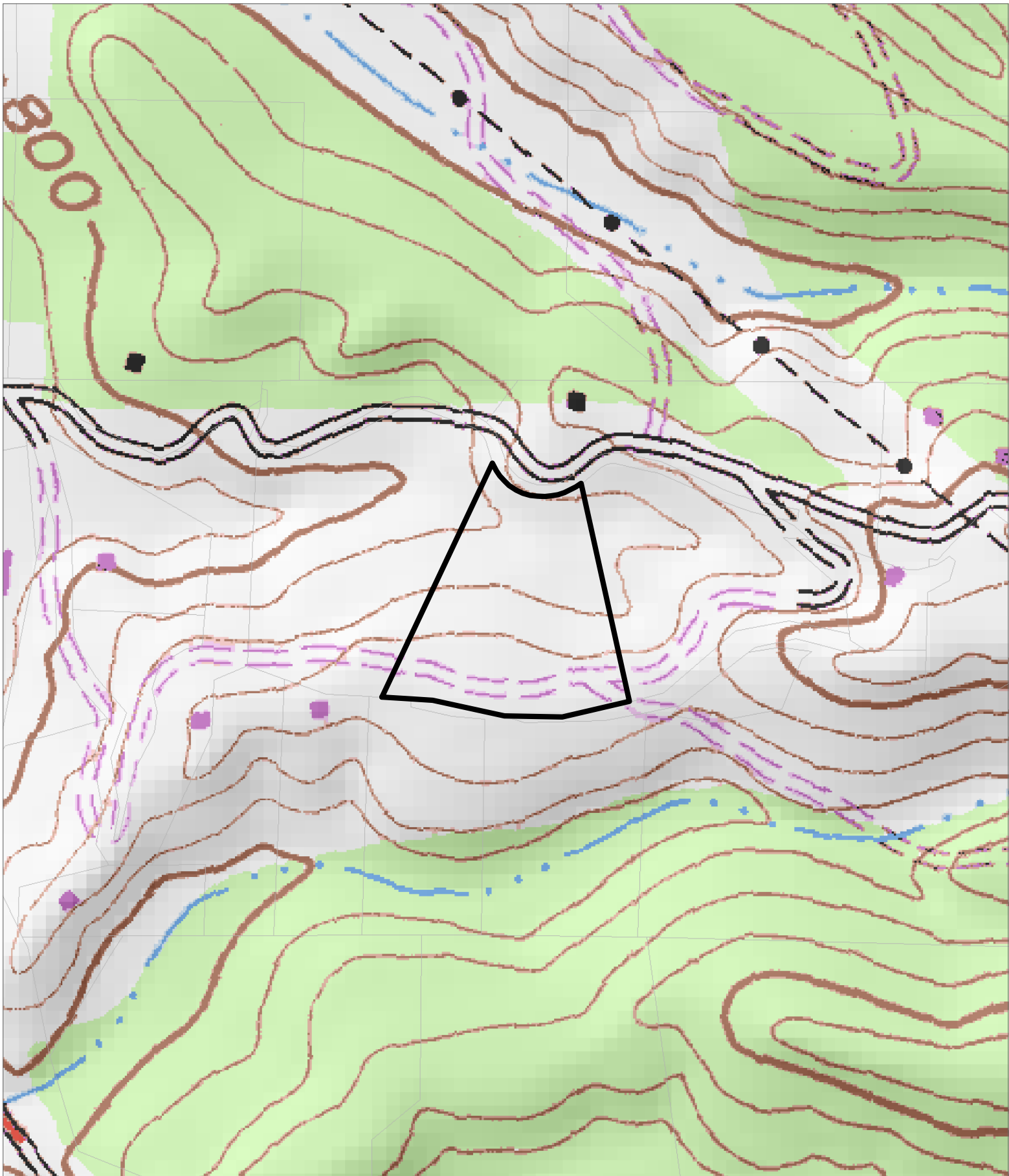
-  Public Roads
-  Private Roads
-  Driveways/Unnamed Roads



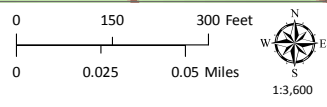
ADDRESS: 1040 Dusty Road, Redwood Valley

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AERIAL IMAGERY
ATTACHMENT B



CASE: V_2019-0003 (Elston)
OWNER: ELSTON, Elenah
APN: 165-180-32
APLCT: Elenah Elston

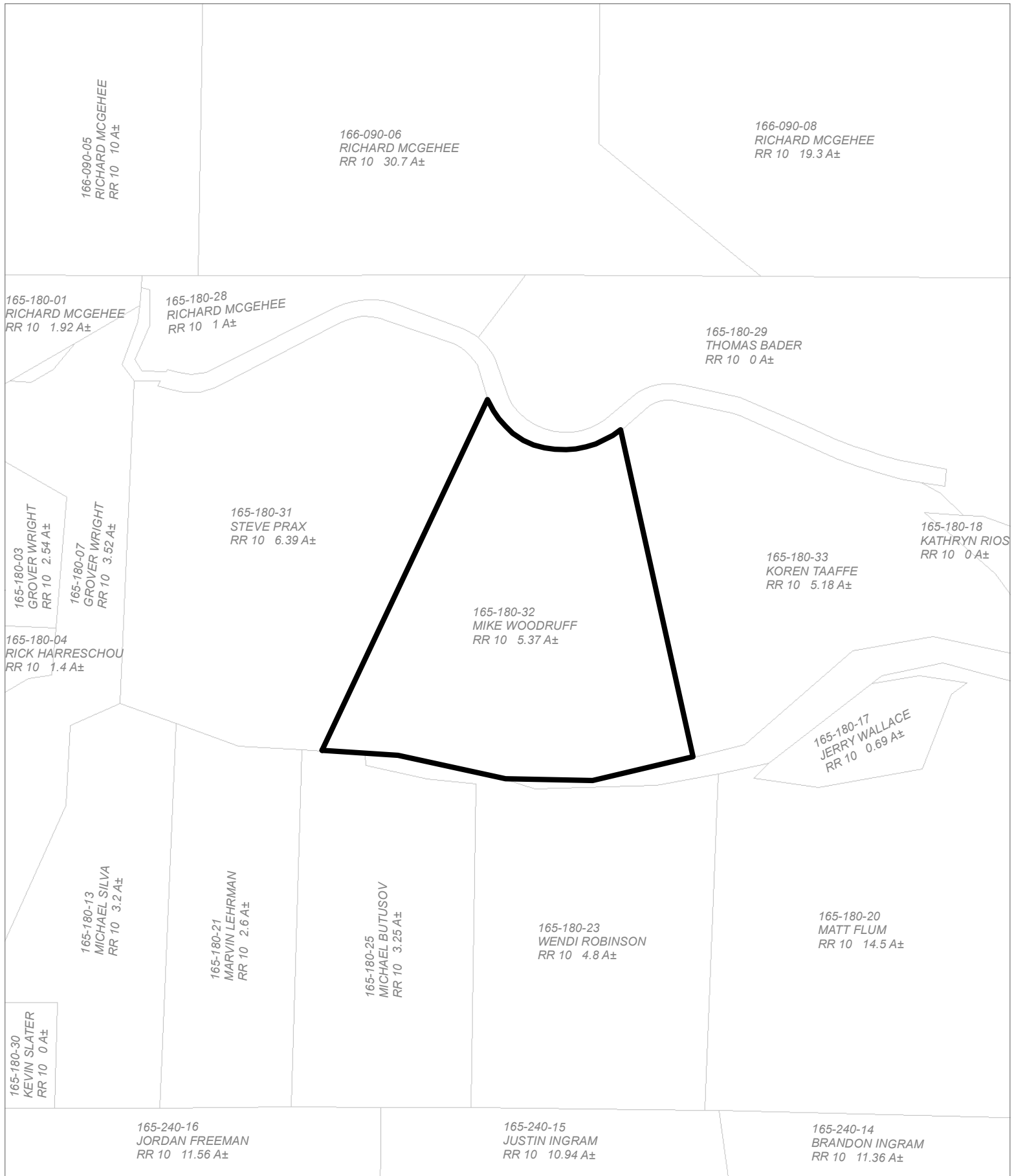


TOPOGRAPHIC MAP
CONTOUR INTERVAL IS 40 FEET

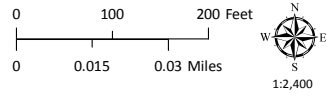
ADDRESS: 1040 Dusty Road, Redwood Valley

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ATTACHMENT C



CASE: V_2019-0003 (Elston)
 OWNER: ELSTON, Elenah
 APN: 165-180-32
 APLCT: Elenah Elston



ADDRESS: 1040 Dusty Road, Redwood Valley

ADJACENT PARCELS

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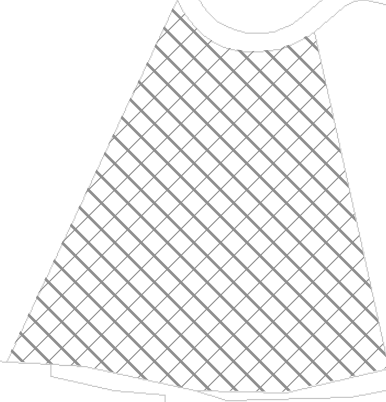
ATTACHMENT F

RR5


RR5

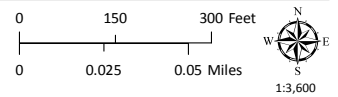
RR10

AG 40



CASE: V_2019-0003 (Elston)
OWNER: ELSTON, Elenah
APN: 165-180-32
APLCT: Elenah Elston

 Zoning Districts

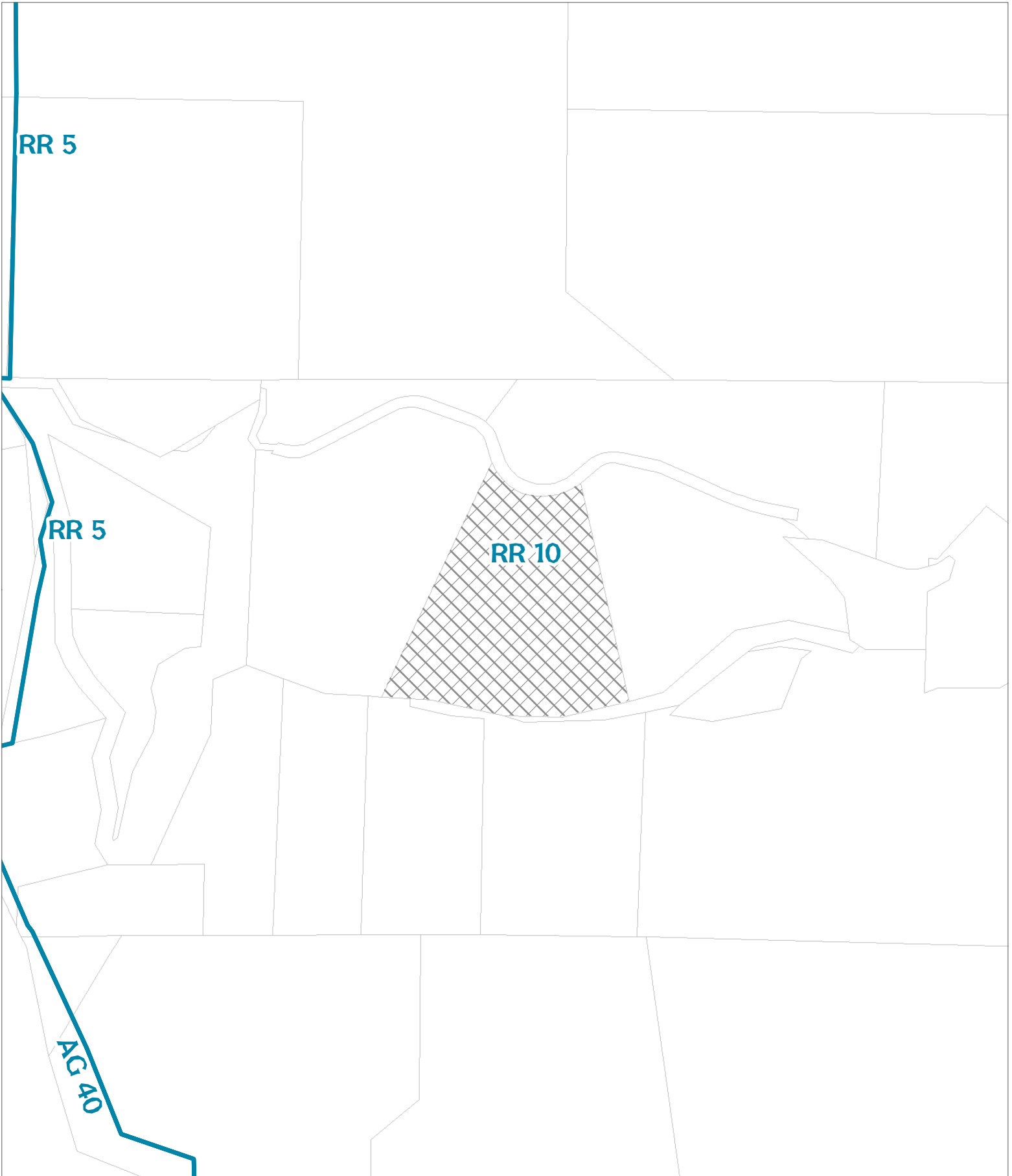


ADDRESS: 1040 Dusty Road, Redwood Valley


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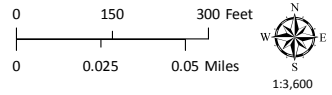
ZONING DISPLAY MAP

ATTACHMENT G



CASE: PP 2017-0011
 OWNER: ELSTON, Elenah
 APN: 165-180-32
 APLCT: Elenah Elston

 General Plan Classes



ADDRESS: 1040 Dusty Road, Redwood Valley



GENERAL PLAN CLASSIFICATIONS

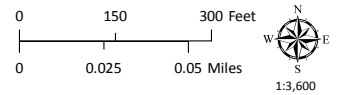
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ATTACHMENT H

REDWOOD VALLEY/CALPELLA FIRE PROTECTION DISTRICT

CASE: V_2019-0003 (Elston)
OWNER: ELSTON, Elenah
APN: 165-180-32
APLCT: Elenah Elston

 County Fire Districts
 Moderate Fire Hazard

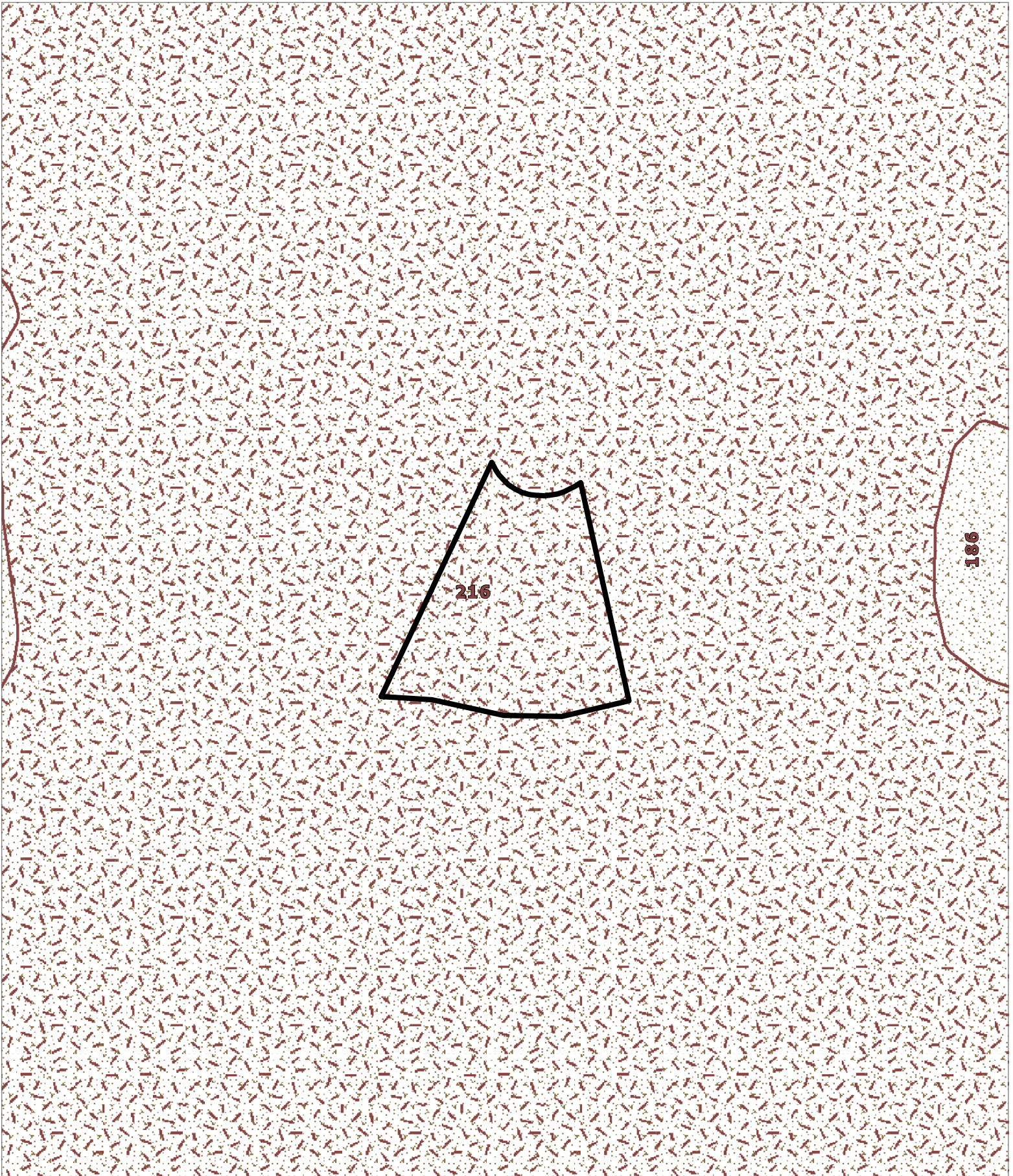


FIRE HAZARD ZONES & RESPONSIBILITY AREAS
STATE RESPONSIBILITY AREA




ADDRESS: 1040 Dusty Road, Redwood Valley

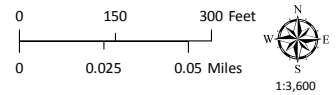
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ATTACHMENT I



CASE: V_2019-0003 (Elston)
 OWNER: ELSTON, Elenah
 APN: 165-180-32
 APLCT: Elenah Elston

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

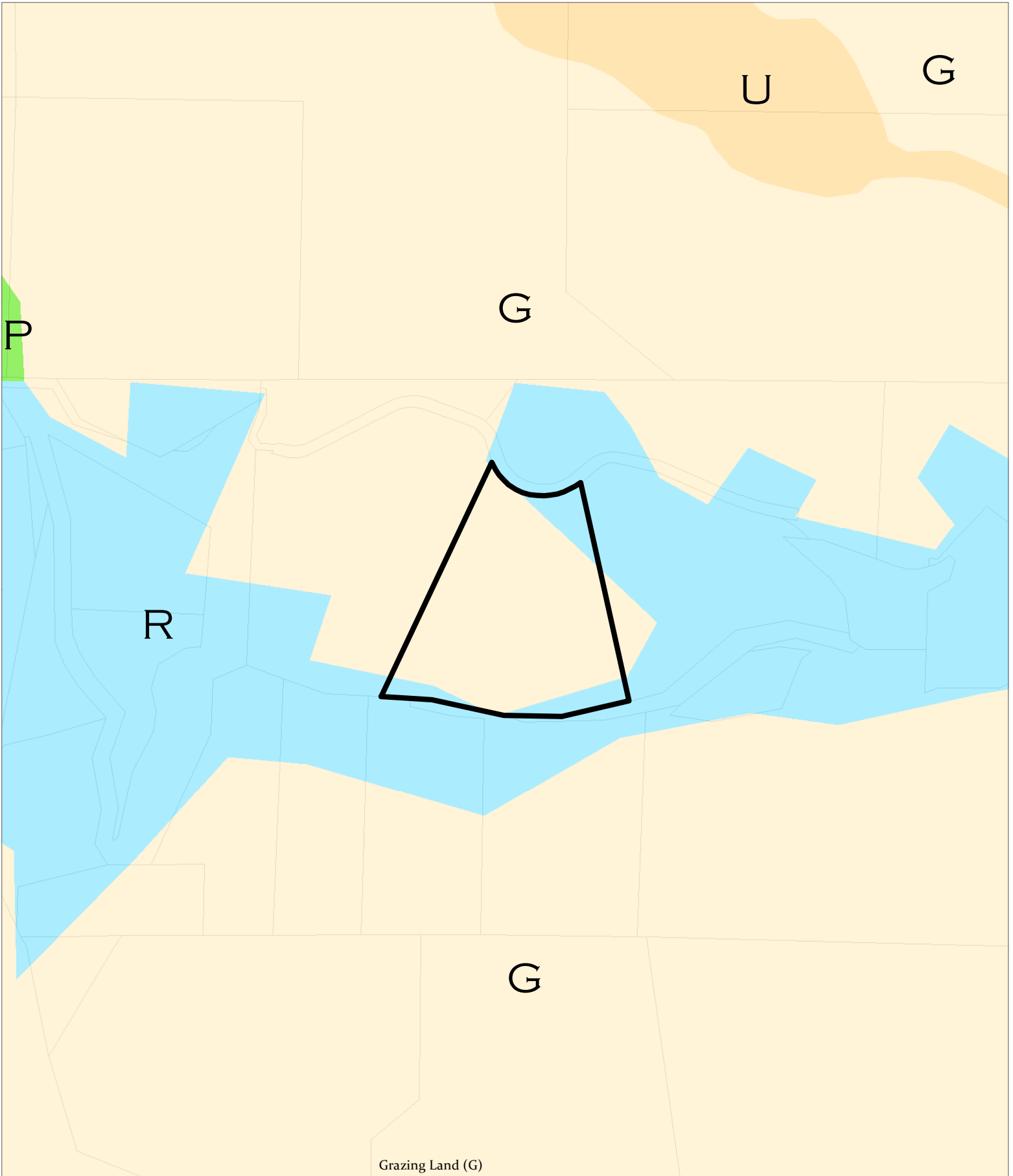


ADDRESS: 1040 Dusty Road, Redwood Valley

LOCAL SOILS

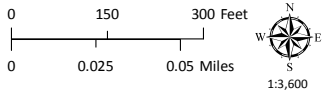
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ATTACHMENT J



CASE: V_2019-0003 (Elston)
 OWNER: ELSTON, Elenah
 APN: 165-180-32
 APLCT: Elenah Elston

- Prime Farmland (P)
- Rural Residential & Rural Commercial (R)
- Unique Farmland (U)

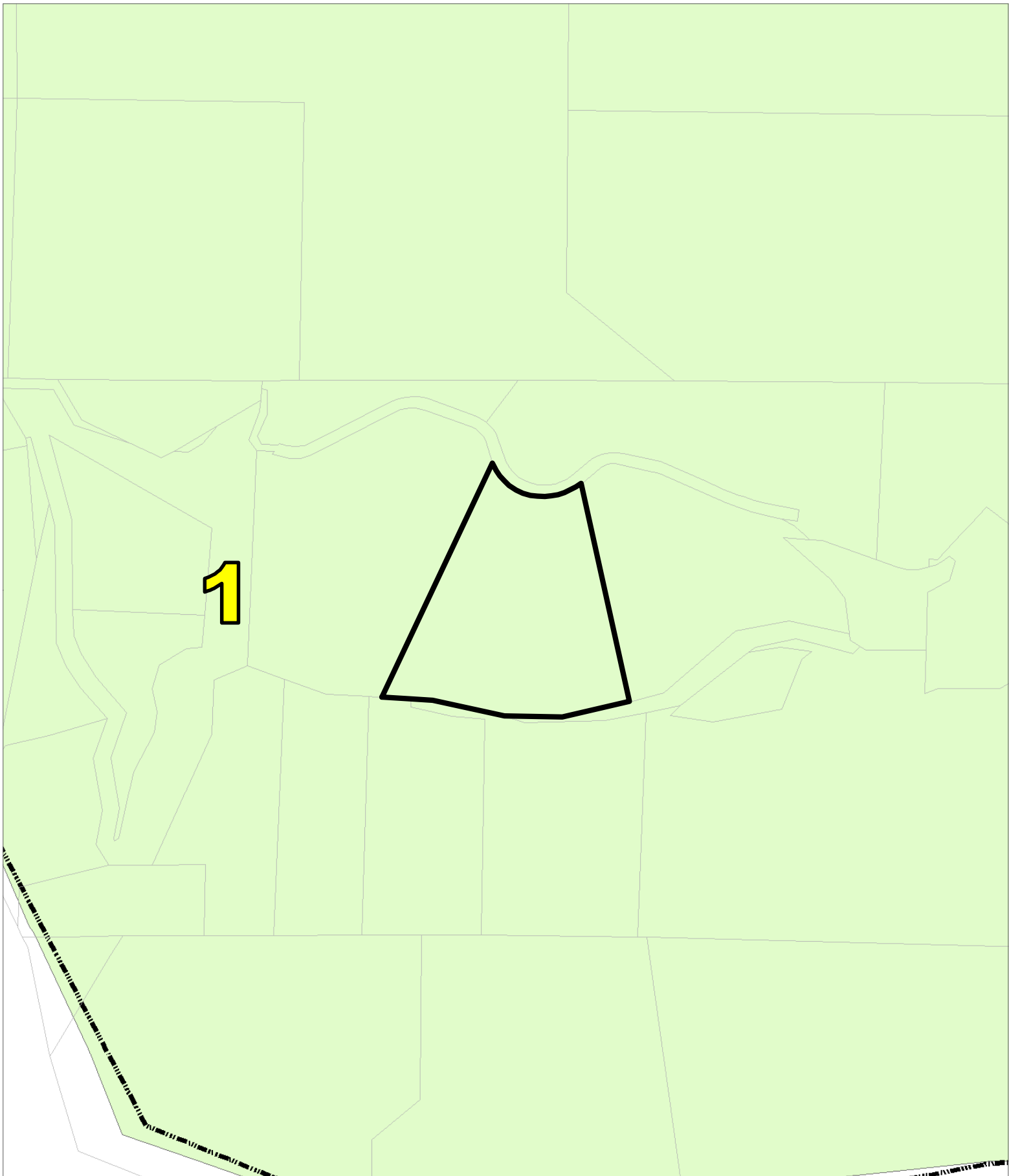


ADDRESS: 1040 Dusty Road, Redwood Valley




IMPORTANT FARMLAND

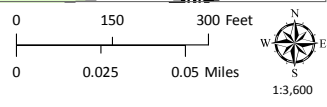
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ATTACHMENT K



CASE: V_2019-0003 (Elston)
 OWNER: ELSTON, Elenah
 APN: 165-180-32
 APLCT: Elenah Elston

-  UVAP Boundary
-  Supervisorial Districts 2010
-  Redwood Valley MAC



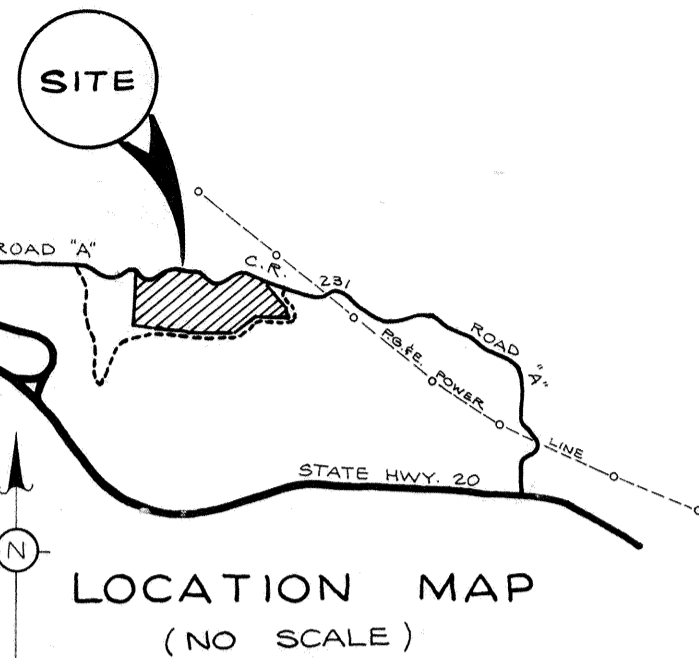
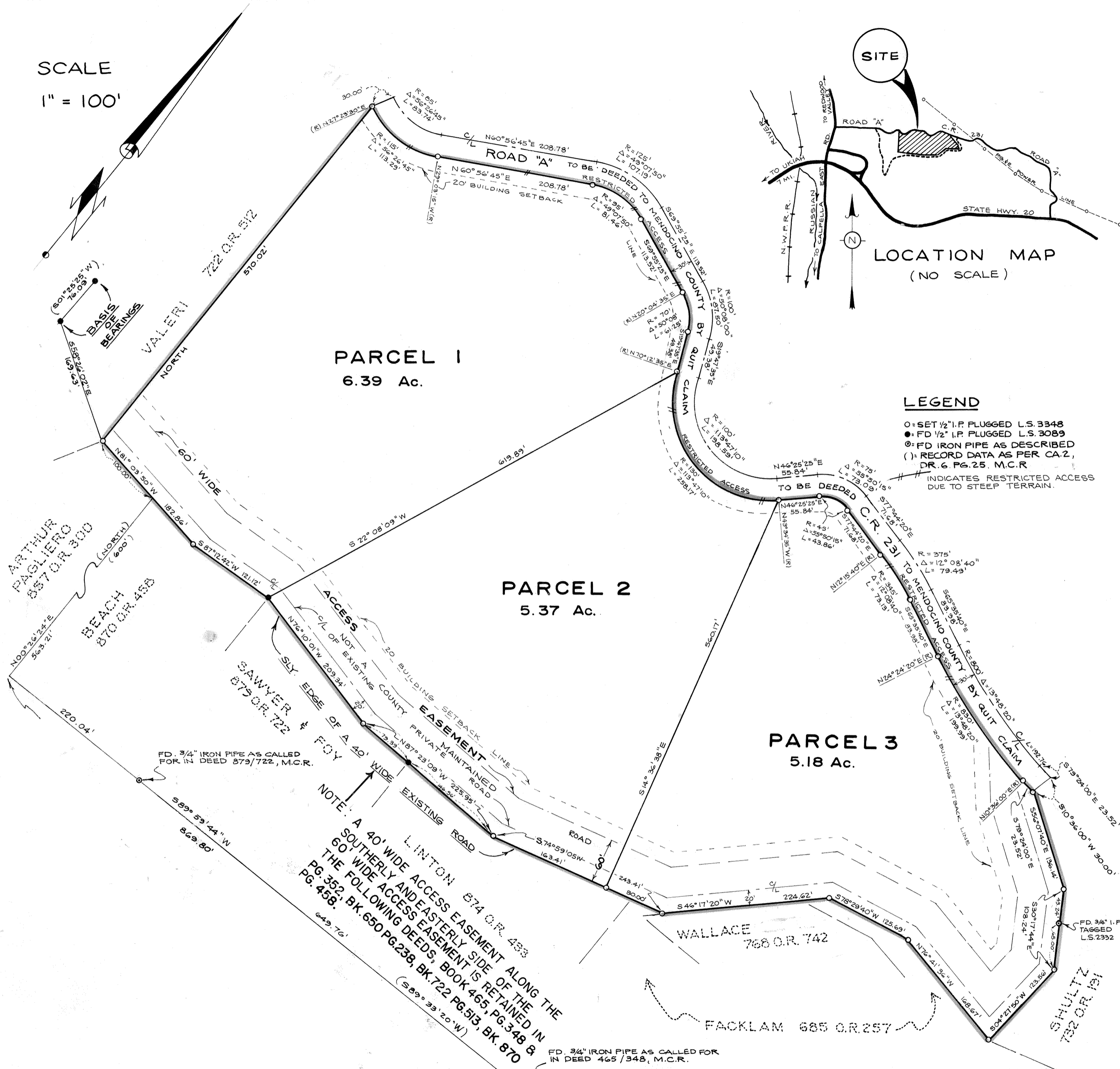
ADDRESS: 1040 Dusty Road, Redwood Valley

MISC

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ATTACHMENT L

SCALE
1" = 100'



LEGEND

- SET 1/2" I.P. PLUGGED L.S. 3348
- FD 1/2" I.P. PLUGGED L.S. 3089
- FD IRON PIPE AS DESCRIBED
- () RECORD DATA AS PER CA.2, DR.6 PG.25, M.C.R.

INDICATES RESTRICTED ACCESS DUE TO STEEP TERRAIN.

301-72

PARCEL MAP

BEING A PORTION OF LOT 182
OF THE YOKAYO RANCHO
MENDOCINO COUNTY, CALIFORNIA

SURVEYOR'S CERTIFICATE

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AT THE REQUEST OF WAYNE THOMPSON IN SEPT. OF 1973. I HEREBY CERTIFY THAT IT CONFORMS TO THE APPROVED TENTATIVE MAP AND THE CONDITIONS OF APPROVAL THEREOF, THAT ALL PROVISIONS OF THE APPLICABLE STATE LAW AND LOCAL ORDINANCES HAVE BEEN COMPLIED WITH.

Gerald A. Wetmore
GERALD A. WETMORE L.S. 3348

COUNTY SURVEYOR'S CERTIFICATE

THIS MAP HAS BEEN EXAMINED THIS 7th DAY OF JANUARY, 1974, FOR CONFORMANCE WITH THE REQUIREMENTS OF SECTION 11575 OF THE SUBDIVISION MAP ACT.

C.F. Campbell
C.F. CAMPBELL R.C.E. 16017
COUNTY SURVEYOR

ACCURACY CERTIFICATE

I, GERALD A. WETMORE, HEREBY CERTIFY THAT ALL SURVEY WORK REQUIRED IN PREPARATION OF THIS MAP AND RELATED MONUMENTATION WAS PERFORMED TO AN ACCURACY OF 1" IN 5,000'

Gerald A. Wetmore
GERALD A. WETMORE L.S. 3348

COUNTY RECORDER'S CERTIFICATE

FILED THIS 7th DAY OF January, 1974, AT 4:17 P.M. IN CASE 2, DRAWER 23, PAGE 32 AT THE REQUEST OF GERALD A. WETMORE BY THE DEPARTMENT OF PUBLIC WORKS.

Viola Richardson
BY: *S. Luttrell* Deputy
VIOLA RICHARDSON COUNTY RECORDER ASSISTANT
FEE \$ 5.00

DIRECTOR OF PLANNING'S CERTIFICATE

I, RONALD F. HALL, DIRECTOR OF PLANNING, HEREBY VERIFY THAT THIS MAP SUBSTANTIALLY CONFORMS TO THE APPROVED TENTATIVE MAP AND THE CONDITIONS OF APPROVAL THEREOF.

Ronald F. Hall
RONALD F. HALL
DIRECTOR OF PLANNING

SHEET 1 OF 1

WETMORE & RICE
CIVIL ENGINEERING & LAND SURVEYING
Ukiah, California 462-8767

MD-50
CASE 2
DRAWER 23
PAGE 32

Resolution Number _____

County of Mendocino
Ukiah, California
August 8, 2019

V_2019-0003 ELENAH ELSTON

RESOLUTION OF THE ZONING ADMINISTRATOR, COUNTY OF MENDOCINO, STATE OF CALIFORNIA, ADOPTING A CATEGORICAL EXEMPTION AND GRANTING A VARIANCE TO ALLOW A GENERAL SETBACK REDUCTION FOR A SINGLE FAMILY DWELLING AND APPURTENANT STRUCTURES

WHEREAS, the applicant, ELENAH ELSTON, filed an application for a Variance with the Mendocino County Department of Planning and Building Services for a variance to reduce the minimum front, side and rear setbacks from fifty (50) feet to twenty (20) feet to facilitate the construction of a single family dwelling and appurtenant structures, 2.2 ± miles south of Redwood Valley town center, on the north side of Dusty Road (Private), 0.2 ± miles southwest of its intersection with Road A (CR 231), located at 1040 Dusty Rd., Redwood Valley (APN: 165-180-32); 1ST Supervisorial District; (the "Project"); and

WHEREAS, in accordance with applicable provisions of law, the Zoning Administrator held a public hearing on, August 8th, 2019, 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 Project.

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

1. *That there are special circumstances applicable to the property involved, including size, shape, topography, location, or surrounding;* The topography of the subject property is varied, which limit the potential building sites. The southern portion of the subject property features a level clearing near the roadway, but the center of the site features a significant downward slope. On the recorded parcel map (See Recorded Map), there is a notation that indicates restricted access onto Road A (CR 231) from the subject property due to "Steep Terrain". Additionally, the recorded parcel map features an indication that the 'Building Setback Line' is twenty (20) feet (See Recorded Map), which given the parcel size and topography would appear more aligned and appropriate, as opposed to the fifty (50) foot setback otherwise required for a parcel of this size in the R-R:L-10 zoning district. **Finding can be made.**

2. *That such special circumstances or conditions are not due to any actions of the applicant subsequent to the application of the zoning regulations contained in the Division;* This variance is being requested due topographical challenges related to the property and the encumbrances created by the property's zoning designation. The existence of these obstacles is not due to any action of the applicant. Per Mendocino County Code Section 20.048.04, "Any nonconforming parcel which is less than five (5) acres and which is zoned R-R:L-5 or R-R:L-10 shall observe a minimum front, side and rear yard of twenty (20) feet." The subject property, however, is sized 5.37 ± Acres/Zoned R-R:L-10, and is therefore subject to the more restrictive setback requirement of fifty (50) feet prescribed by the zoning designation, which limits the potential residential building sites that could otherwise be developed. **Finding can be made.**

3. *That such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and zone and denied to the property in question;* The use of this property for a single family residence is considered a substantial property right that is possessed and enjoyed by neighboring properties. Similar variances have been granted to nearby

parcels on Dusty Road (Private), as they were developed for residential uses during the 1990s. Finding can be made. **Finding can be made.**

4. *That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such a vicinity and zone in which the property is located;* There would be no impact on the public welfare, as the proposed development would maintain the same setback requirements, as if it were only .37 acres smaller. While a reduction of the setback is requested to a more appropriate standard, the site remains subject to the review and approval of CALFIRE. The applicant must adhere to the conditions associated with (245-19). **Finding can be made.**

5. *That the granting of such variance will not adversely affect the General Plan;* The granting of such variance is found to be consistent with the General Plan, and the proposed use is compatible with this designation. The 5.37 ± Acre subject property is consistent in size with nearby properties. Upon reflection, these properties along Dusty Rd. should be reviewed to identify a more appropriate and aligned General Plan designation. **Finding can be made.**

BE IT FURTHER RESOLVED that the Zoning Administrator hereby adopts the Categorical Exemption as set forth in the Conditions of Approval. The Zoning Administrator certifies that the Categorical 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 Categorical Exemption reflects the independent judgment and analysis of the Zoning Administrator.

BE IT FURTHER RESOLVED that the Zoning Administrator hereby grants the requested Variance subject to the Conditions of Approval in Exhibit "A", attached herto.

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: James F. Feenan
Commission Services Supervisor

By: _____

BY: Brent Schultz
Zoning Administrator

EXHIBIT A

CONDITIONS OF APPROVAL V_2019-0003 ELENAH ELSTON August 8, 2019

A variance to reduce the minimum front, side and rear setbacks from fifty (50) feet to twenty (20) feet to facilitate the construction of a single family dwelling and appurtenant structures.

APPROVED PROJECT DESCRIPTION: A variance to reduce the minimum front, side and rear setbacks from fifty (50) feet to twenty (20) feet to facilitate the construction of a single family dwelling and appurtenant structures.

CONDITIONS OF APPROVAL:

1. The use 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 Variance.
2. 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.
3. This permit shall be subject to revocation or modification by the Zoning Administrator upon a finding of any 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.

4. 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.
5. This permit is subject to the securing of all necessary permits for the proposed development and eventual use from County, State and Federal agencies having jurisdiction. Any requirements imposed by an agency having jurisdiction shall be considered a condition of this permit.
6. The Applicant is advised that this variance will expire at the end of 2 years, on August 8th, 2020, unless construction of the Single Family Residence is commenced and diligently pursued in compliance with required building permits prior to that date.
7. The Applicant shall comply with those recommendations in the California Department of Forestry letter of May 23, 2019, (CalFire 245-19) or other alternatives as acceptable to the Department of Forestry. Written verification shall be submitted from the Department of Forestry to the Department of Planning and Building Services that this condition has been met to the satisfaction of the Department of Forestry.
8. To record the Notice of Exemption with the CA State Clearinghouse, the applicant shall pay a fee of \$50.00 for the filing of the Notice of Exemption which shall be made payable to the Mendocino County Clerk and submitted to the Department of Planning and Building Services within 5 days of the end of any project action.