



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
FB PHONE: 707-964-5379
FB FAX: 707-961-2427
pbs@mendocinocounty.org
www.mendocinocounty.org/pbs

September 17, 2019

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT the Mendocino County Zoning Administrator at its regular meeting on Thursday, October 10, 2019 at 10:00 a.m., to be held at Planning & Building Services, 860 N. Bush Street, in the 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_2019-0002

DATE FILED: 5/24/2019

OWNER: BRIAN & CHRISTINA R INGRAM

APPLICANT/AGENT: CHRIS RAU

REQUEST: Variance to reduce the minimum side yard setback from fifty (50) feet to seven (7) feet to legalize an 840 sq. ft. storage building and a 400 sq. ft. hay barn.

ENVIRONMENTAL DETERMINATION: Categorically Exempt

LOCATION: 2± miles southeast of Redwood Valley town center, on the south side of Ponderosa Way (Private), 0.15± miles west of its intersection with Road A (CR 231). Located at 1561 Ponderosa Way, Redwood Valley, (APN: 166-180-09).

SUPERVISORIAL DISTRICT: 1

STAFF PLANNER: MIO MENDEZ

The staff report and notice will be available for public review 10 days prior to the hearing at 860 North Bush Street, Ukiah, California and on the Department of Planning and Building Services website at: <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 October 9, 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



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
FB PHONE: 707-964-5379
FB FAX: 707-961-2427
pbs@mendocinocounty.org
www.mendocinocounty.org/pbs

September 17, 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 September 22, 2019 in the Legal Notices Section of the Ukiah Daily Journal.

NOTICE IS HEREBY GIVEN THAT the Mendocino County Zoning Administrator at its regular meeting on Thursday, October 10, 2019 at 10:00 a.m., to be held at Planning & Building Services, 860 N. Bush Street, in the 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_2019-0002

DATE FILED: 5/24/2019

OWNER: BRIAN & CHRISTINA R INGRAM

APPLICANT/AGENT: CHRIS RAU

REQUEST: Variance to reduce the minimum side yard setback from fifty (50) feet to seven (7) feet to legalize an 840 sq. ft. storage building and a 400 sq. ft. hay barn.

ENVIRONMENTAL DETERMINATION: Categorically Exempt

LOCATION: 2± miles southeast of Redwood Valley town center, on the south side of Ponderosa Way (Private), 0.15± miles west of its intersection with Road A (CR 231). Located at 1561 Ponderosa Way, Redwood Valley, (APN: 166-180-09).

SUPERVISORIAL DISTRICT: 1

STAFF PLANNER: MIO MENDEZ

The staff report and notice will be available for public review 10 days prior to the hearing at 860 North Bush Street, Ukiah, California and on the Department of Planning and Building Services website at: <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 October 9, 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



**ZONING ADMINISTRATOR
STAFF REPORT- VARIANCE**

**OCTOBER 10, 2019
V_2019-0002**

SUMMARY

OWNER: BRIAN & CHRISTINA R INGRAM
PO BOX 546
REDWOOD VALLEY, CA 95470

APPLICANT / AGENT: CHRIS RAU
3194 VANHOUSE DRIVE
UKIAH, CA 95482

REQUEST: A variance to reduce the minimum side yard setback from fifty (50) feet to seven (7) feet to legalize an existing 840 sq ft storage building and an existing 400 sq ft hay barn.

LOCATION: 2± miles southeast of Redwood Valley town center, on the south side of Ponderosa Way (Private), 0.15± miles west of its intersection with Road A (CR 231), Located at 1561 Ponderosa Way, Redwood Valley, (APN: 166-180-09).

TOTAL ACREAGE: 9.9± Acres

GENERAL PLAN: Rural Residential, ten acre minimum parcel size, (RR10)

ZONING: Rural Residential, ten acre minimum parcel size (RR:10)

SUPERVISORIAL DISTRICT: District 1 (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: MIO MENDEZ

BACKGROUND

PROJECT DESCRIPTION: The applicant is requesting a variance reduce the minimum side yard setback from fifty (50) feet to seven (7) feet to legalize an existing 840 ft² storage building and an existing 400 ft² hay barn.

SITE CHARACTERISTICS: The 9.9± Acre parcel is 2± miles southeast of Redwood Valley town center, on the south side of Ponderosa Way (Private), 0.15± miles west of its intersection with Road A (CR 231). Located at 1561 Ponderosa Way, Redwood Valley, (APN: 166-180-09). The parcel takes access from Road A (CR 231) via Ponderosa Way (Private). The topography of the subject parcel is varied, but features a considerable downward slope across the southern portion of the property. Additionally, a significant amount of the parcel has a varying slope between 33° - 72°. ¹ The site is partially forested, and features natural openings towards the southern end of the parcel, which abuts California State Route 20 (SR 20). There are numerous easements and dedications for utility access across the property, including a substantial easement for use of PG&E along the northern end of the parcel, and smaller easements for

¹ Mendocino County Department of Planning & Building Services. 2019. *Estimated Slope [map]*

property access and use of the Redwood Valley Water District along Ponderosa Way (Private).

The applicant indicates that electricity is provided by a local utility company (Pacific Gas & Electric) and sewage is handled by on-site septic and leach fields. The area featuring the existing development is designated as 'Grazing Land' as well as 'Rural Residential & Rural Commercial'.² The entirety of the parcel is mapped as a "Low Density Intermix" Wildland-Urban Interface Zone.³ The site is also classified as "Moderate Fire Hazard" area.⁴

The site, as well as adjacent parcels, are within a mapped "Naturally Occurring Asbestos" and "Eastern Serpentine Inclusions" area.⁵ 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 in the table below, the surrounding lands are primarily classified as Residential. The property to the south of the parcel is California State Route 20 (SR 20).

	GENERAL PLAN	ZONING	LOT SIZES	USES
NORTH	Rural Residential (RR 10)	Rural Residential (RR 10)	10.01± Acres	Residential
EAST	Rural Residential (RR 10)	Rural Residential (RR 10)	7± Acres	Residential
SOUTH	Public Land (PL)	Public Facilities (PF)	17.8± Acres	State Highway
WEST	Rural Residential (RR 10)	Rural Residential (RR 10)	12.25± Acres	Residential

PUBLIC SERVICES:

Access: Ponderosa Way (Private)
 Fire District: Calfire – Redwood Valley / Calpella Fire Protection District
 Water District: Russian River Water District
 Sewer District: None
 School District: Ukiah Unified School District

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
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

² Mendocino County Department of Planning & Building Services. 2019. *Important Farmland* [map]

³ Mendocino County Department of Planning & Building Services. 2019. *Wildland – Urban Interface Zones* [map]

⁴ Mendocino County Department of Planning & Building Services. 2019. *Fire Hazard Zones & Responsibility Area* [map].

⁵ Mendocino County Department of Planning & Building Services. 2019. *Local Soils* [map].

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, limiting potential building sites. A significant portion of the property features slopes greater than 33°. Additionally, Pacific Gas & Electric maintains a significant 260 foot easement along the northern property line, a majority of it within the subject property. Furthermore, a 60 foot public access easement (Ponderosa Way) provides access to an adjacent parcel along the southern portion of the parcel. **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 because of topographical challenges and preexisting development restrictions related to utility and access easements. The existence of these obstacles is not due to any action of the applicant. **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.

Use of accessory structures, as requested by the Applicant, would be considered a substantial property right possessed and enjoyed by similar properties across Mendocino County. Neighboring properties feature varying topography, and would appear similarly developed with detached accessory storage and agricultural structures. **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 variance is for existing structures that have not otherwise been identified as a nuisance via an 'Incoming Complaint'. The project was referred to Redwood Valley/Capella Fire District and CalFire, both of which had no response. Additionally, due to the structures limited agricultural and residential uses requested (e.g. storage), opportunities for this variance to become detrimental to the public welfare are minimal. **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 of the structures is compatible with this zoning and general plan designation. The approval of these structures will not otherwise disrupt or contradict the intent of land use category. **Finding (E) can be made.**

RECOMMENDATION

By resolution, adopt a Categorical Exemption and grant V_2019-0002 for the Project, as proposed by the applicant, based on the facts and findings and subject to the conditions of approval.

9/10/2019

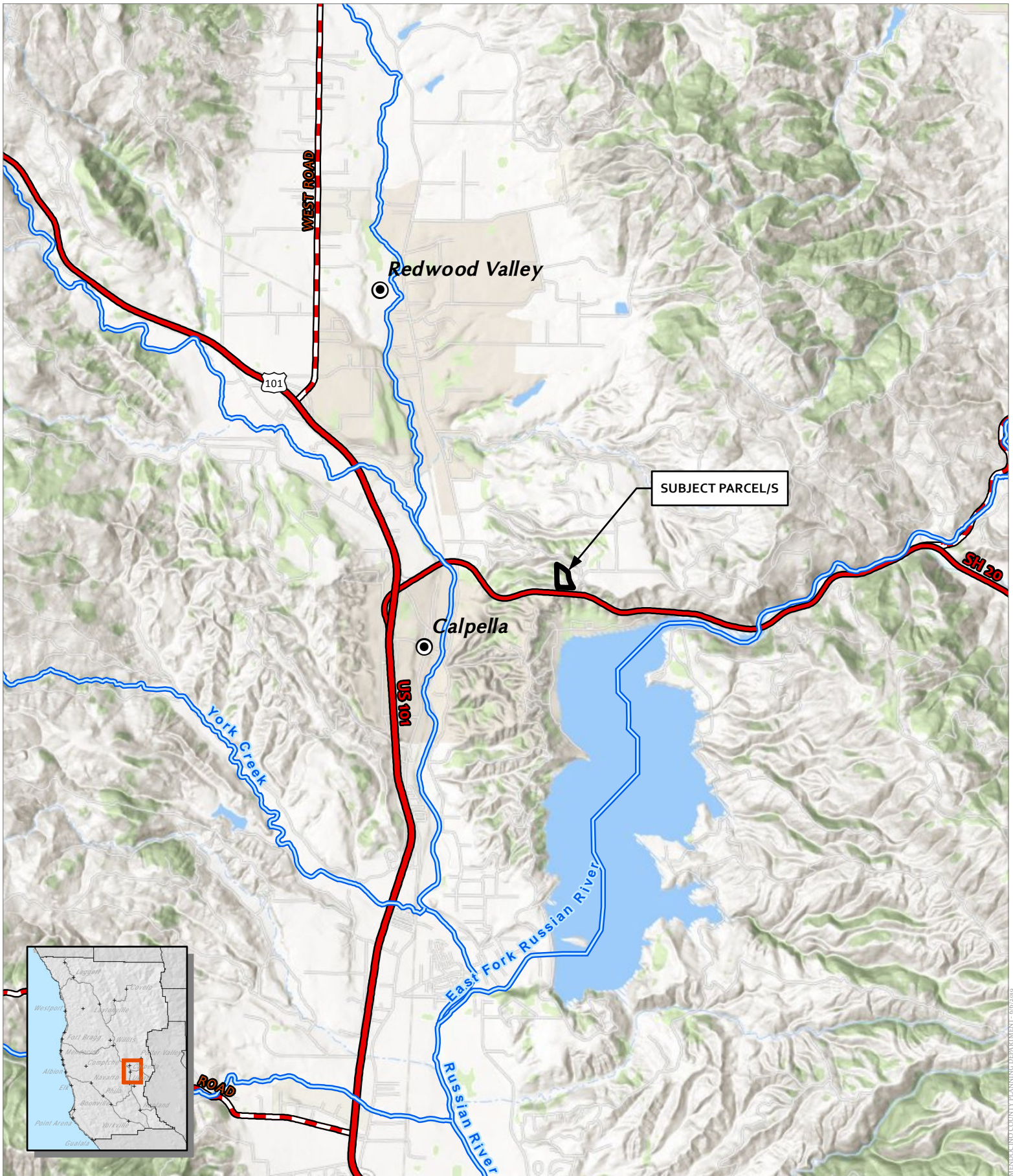
DATE

MIO MENDEZ
PLANNER I

Appeal Fee: \$1616.00

ATTACHMENTS:

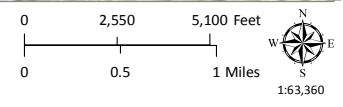
- A. Location Map
- B. Aerial Map
- C. Topographic Map
- D. Slope Map
- E. Site Plan
- F. Zoning Map
- G. General Plan Classifications Map
- H. Adjacent Owner Map
- I. Fire Hazards Map
- J. Wildland Urban Interface Map
- K. Soils Map
- L. Important Farmland Map
- M. Elevations
- N. Misc. Map
- O. Surveyed Map (C2 D44 P74)



MENDOCINO COUNTY PLANNING DEPARTMENT - 6/7/2019

CASE: V 2019-0002
 OWNER: INGRAM, Brian & Christina
 APN: 166-180-09
 APLCT: Brian & Christina Ingram
 AGENT: Chris Rau
 ADDRESS: 1561 Ponderosa Way, Redwood Valley




- Major Towns & Places
- Major Roads
- Major Rivers
- Highways

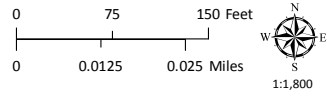


LOCATION MAP
ATTACHMENT A

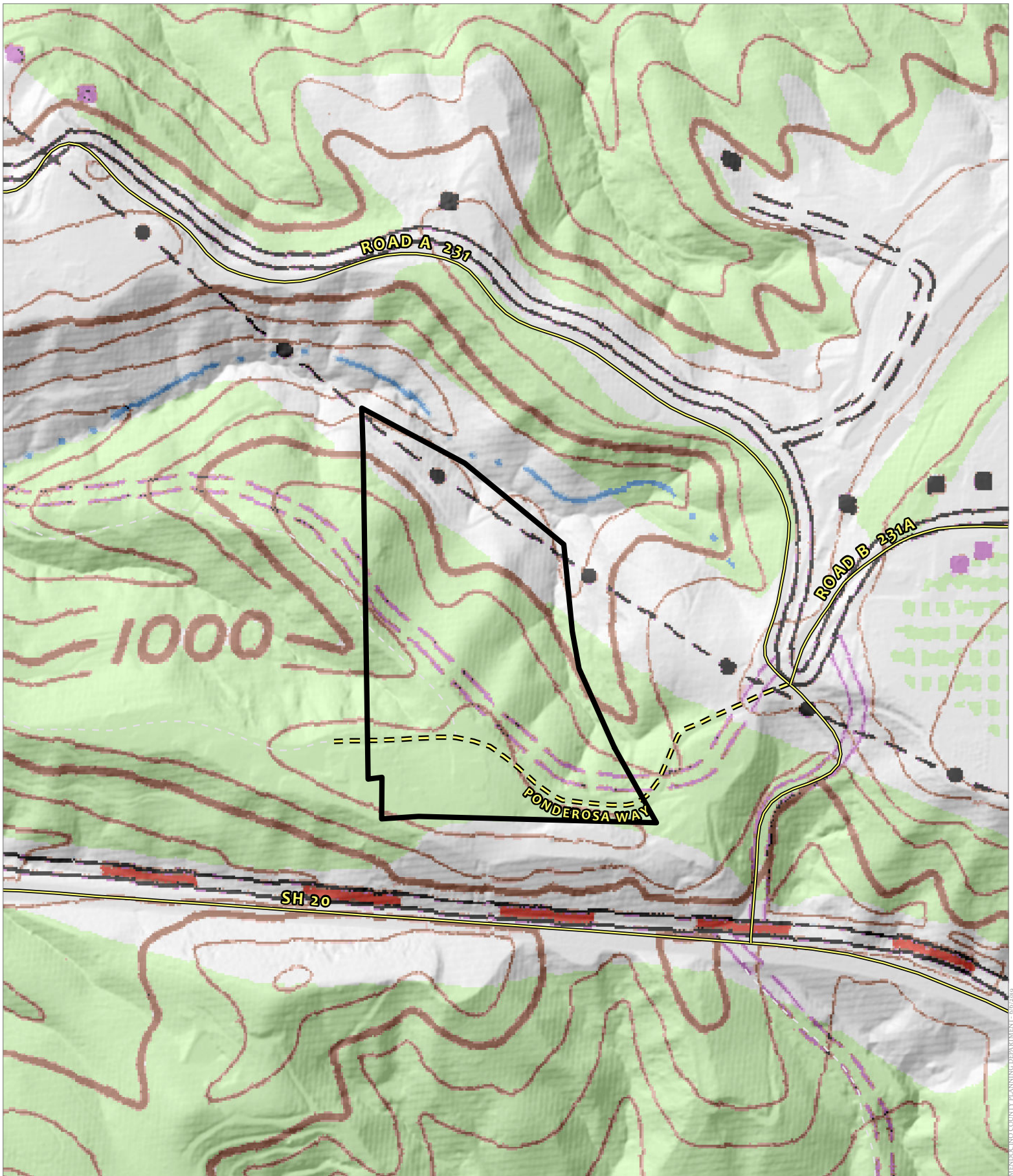


CASE: V 2019-0002
OWNER: INGRAM, Brian & Christina
APN: 166-180-09
APLCT: Brian & Christina Ingram
AGENT: Chris Rau
ADDRESS: 1561 Ponderosa Way, Redwood Valley

-  Public Roads
-  Private Roads
-  Driveways/Unnamed Roads

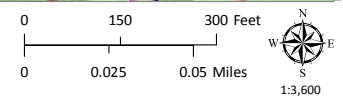


REDCWOOD COUNTY PLANNING DEPARTMENT - 4/10/2019



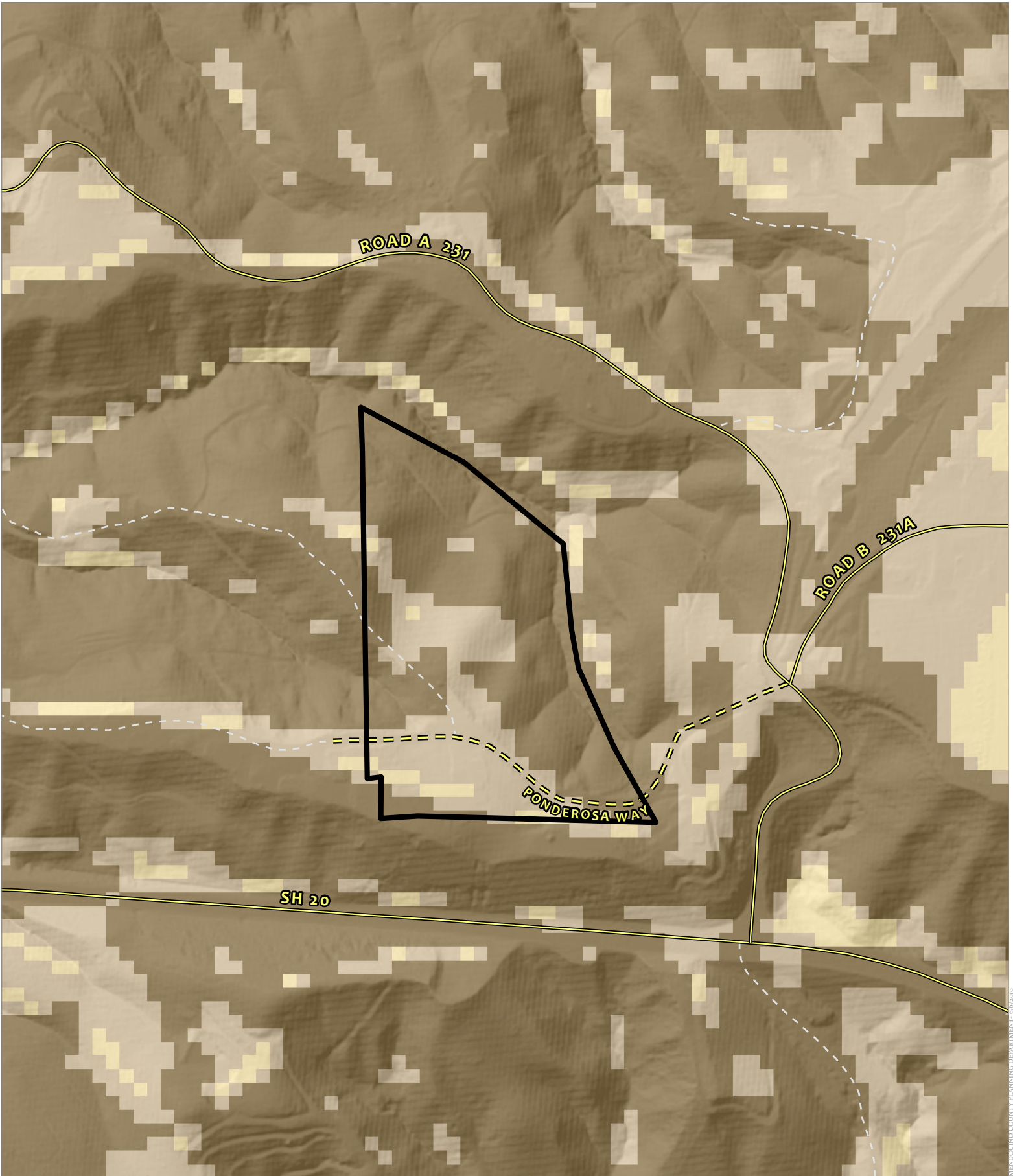
CASE: V 2019-0002
 OWNER: INGRAM, Brian & Christina
 APN: 166-180-09
 APLCT: Brian & Christina Ingram
 AGENT: Chris Rau
 ADDRESS: 1561 Ponderosa Way, Redwood Valley

- Public Roads
- - - - Private Roads
- Driveways/Unnamed Roads









TOPOGRAPHIC MAP
 CONTOUR INTERVAL IS 40 FEET
ATTACHMENT C

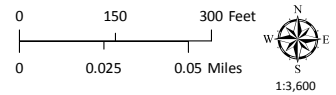
MENDOCINO COUNTY PLANNING DEPARTMENT - 10/2019



CASE: V 2019-0002
 OWNER: INGRAM, Brian & Christina
 APN: 166-180-09
 APLCT: Brian & Christina Ingram
 AGENT: Chris Rau
 ADDRESS: 1561 Ponderosa Way, Redwood Valley

-  Public Roads
-  Private Roads
-  Driveways/Unnamed Roads

-  0° - 14°
-  15° - 32°
-  33° - 72°



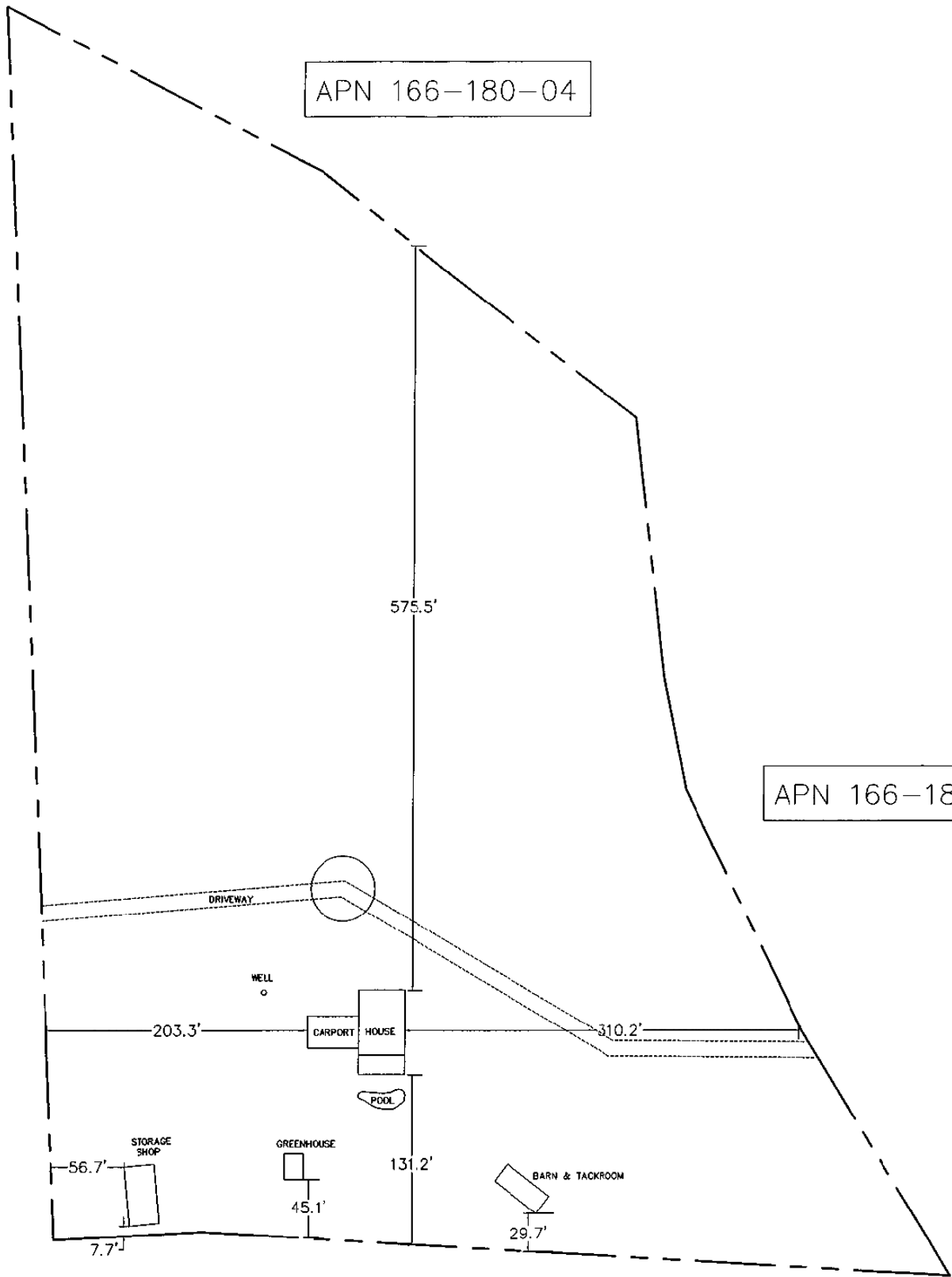
ESTIMATED SLOPE
 ATTACHMENT D

REDWOOD COUNTY PLANNING DEPARTMENT 12/12/09

APN 166-180-04

240-13

APN 166-180-05

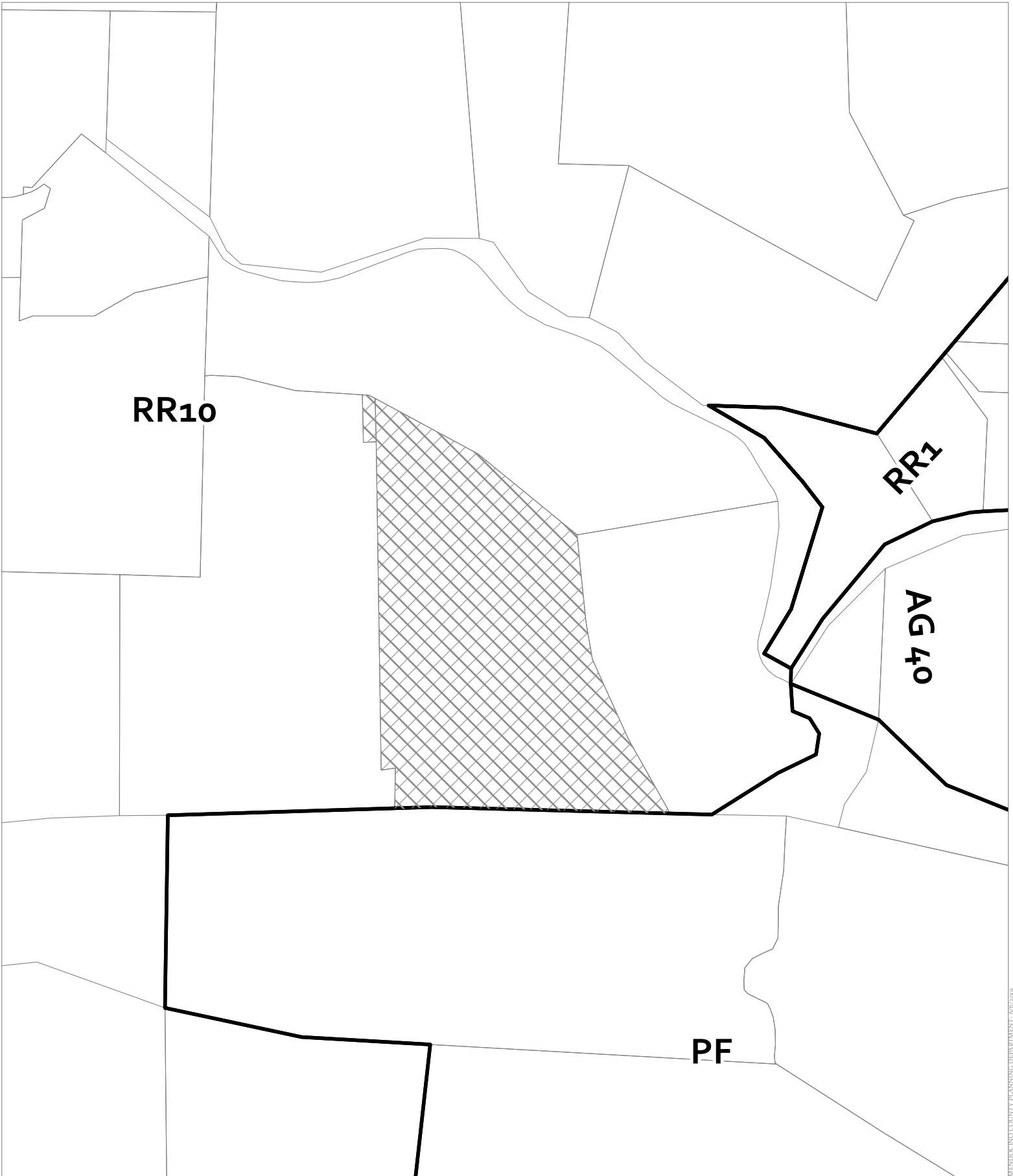


SR HWY. 20 RIGHT-OF-WAY

MENDOCINO COUNTY PLANNING DEPARTMENT - 6/6/2019


CASE: V 2019-0002
 OWNER: INGRAM, Brian & Christina
 APN: 166-180-09
 APLCT: Brian & Christina Ingram
 AGENT: Chris Rau
 ADDRESS: 1561 Ponderosa Way, Redwood Valley

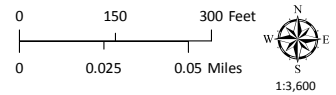
NO SCALE



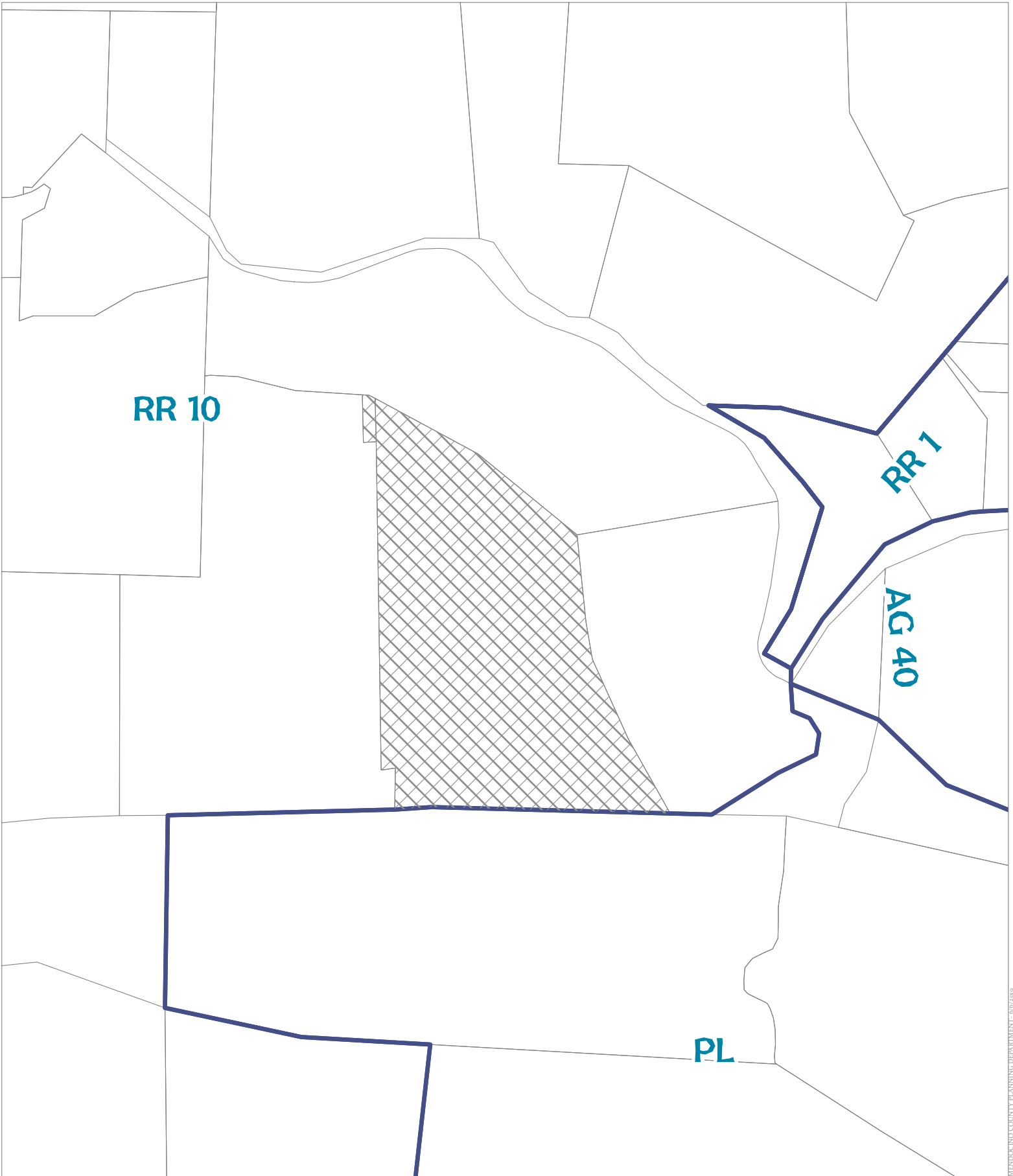
MENDOCINO COUNTY PLANNING DEPARTMENT - 6/6/2019

CASE: V 2019-0002
 OWNER: INGRAM, Brian & Christina
 APN: 166-180-09
 APLCT: Brian & Christina Ingram
 AGENT: Chris Rau
 ADDRESS: 1561 Ponderosa Way, Redwood Valley

 Zoning Districts




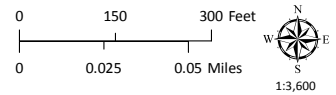
ZONING DISPLAY MAP
 ATTACHMENT F

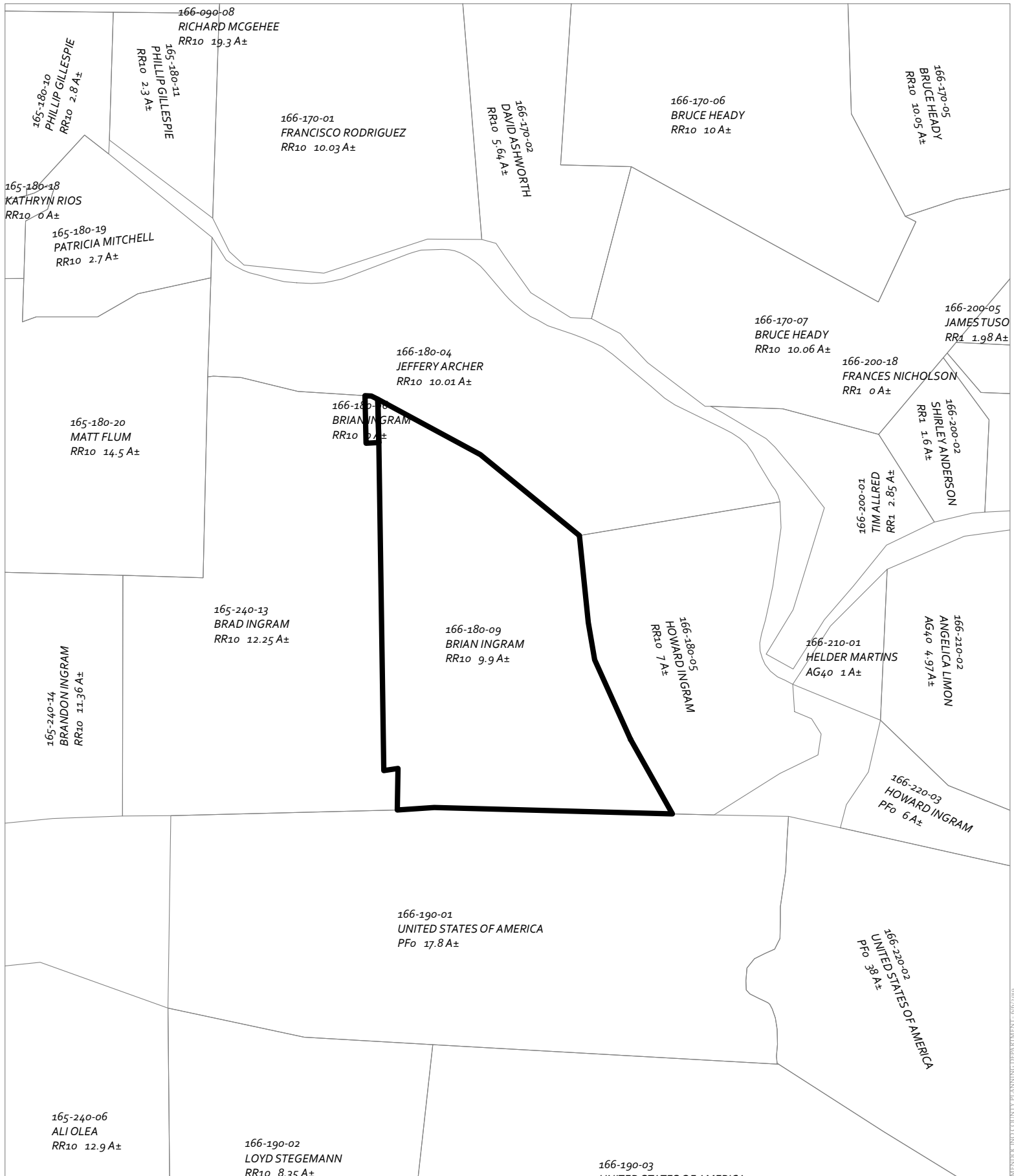


MENDOCINO COUNTY PLANNING DEPARTMENT - 6/6/2019

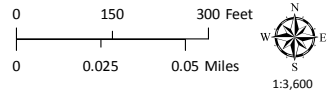
CASE: V 2019-0002
 OWNER: INGRAM, Brian & Christina
 APN: 166-180-09
 APLCT: Brian & Christina Ingram
 AGENT: Chris Rau
 ADDRESS: 1561 Ponderosa Way, Redwood Valley

 General Plan Classes





CASE: V 2019-0002
 OWNER: INGRAM, Brian & Christina
 APN: 166-180-09
 APLCT: Brian & Christina Ingram
 AGENT: Chris Rau
 ADDRESS: 1561 Ponderosa Way, Redwood Valley





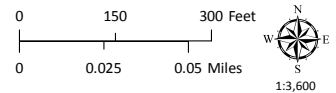
MENDOCINO COUNTY PLANNING DEPARTMENT - 6/27/2019

REDWOOD VALLEY/CALPELLA FIRE PROTECTION DISTRICT

US FOREST SERVICE

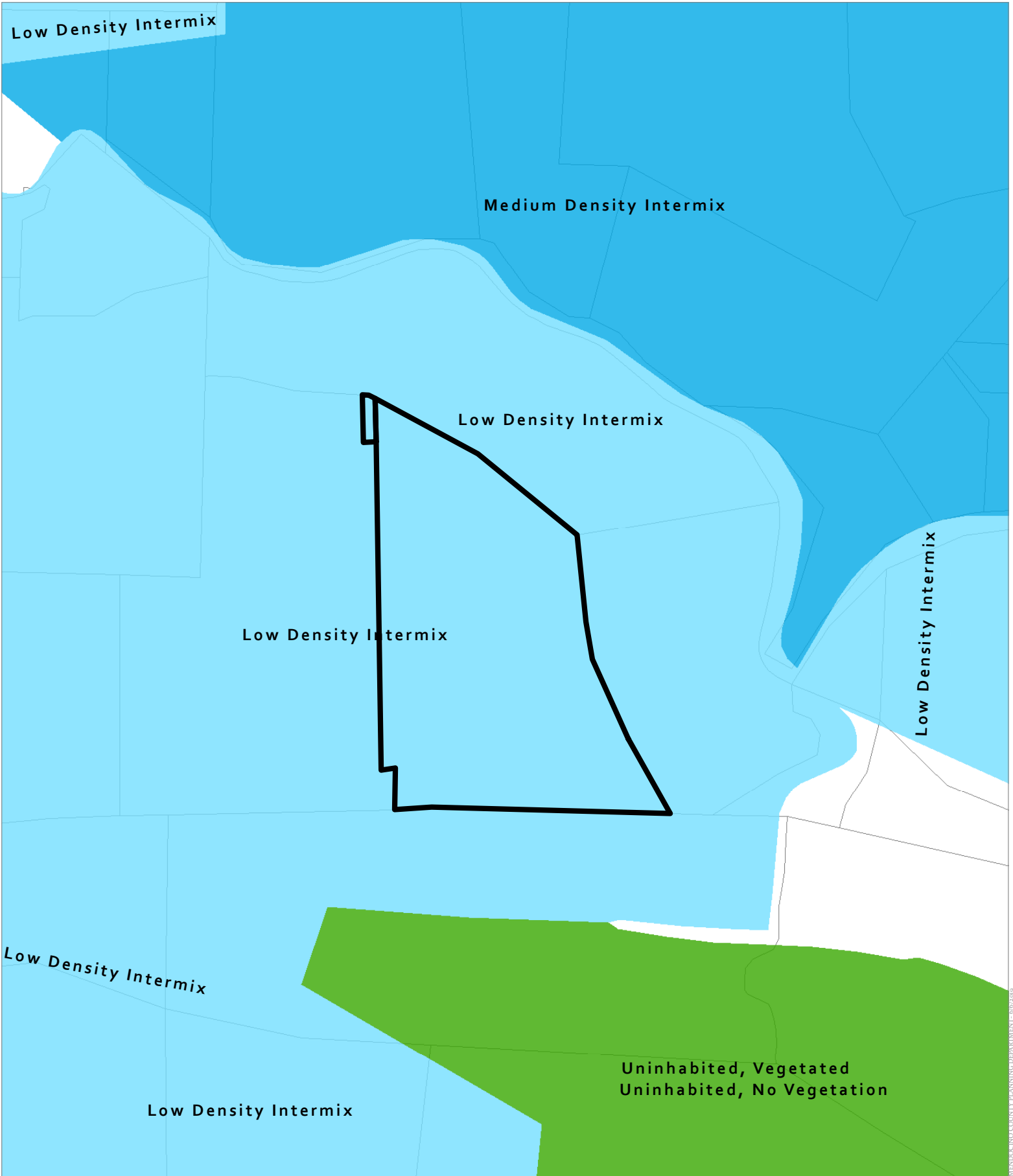
CASE: V 2019-0002
OWNER: INGRAM, Brian & Christina
APN: 166-180-09
APLCT: Brian & Christina Ingram
AGENT: Chris Rau
ADDRESS: 1561 Ponderosa Way, Redwood Valley

-  Moderate Fire Hazard
-  County Fire Districts

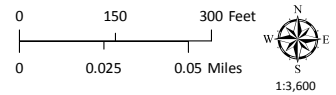


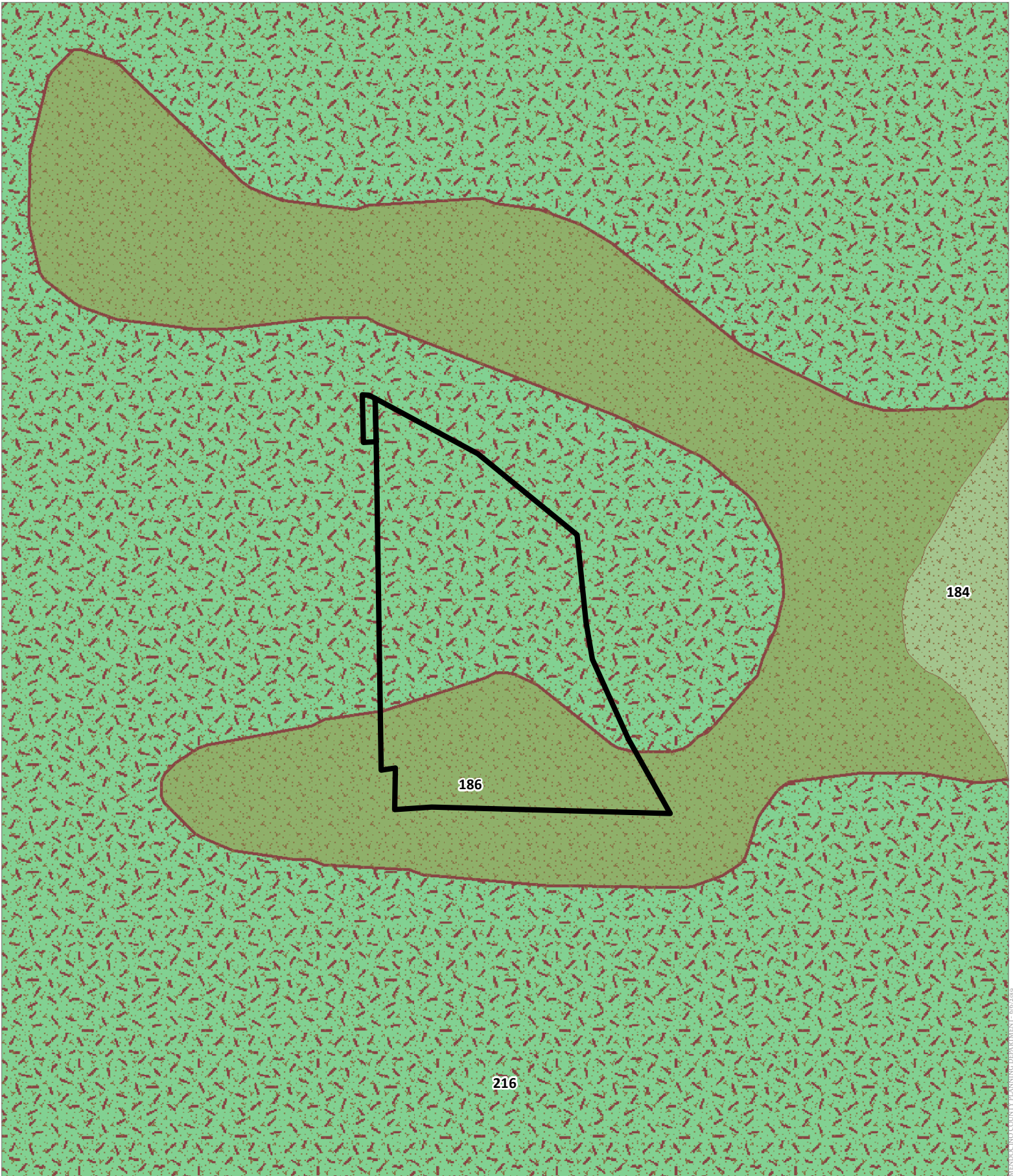
FIRE HAZARD ZONES & RESPONSIBILITY AREAS
STATE RESPONSIBILITY AREA

RENDERING BY TOWNING DEPARTMENT - 4/12/19






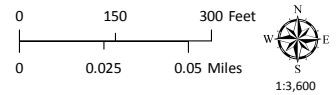
CASE: V 2019-0002
 OWNER: INGRAM, Brian & Christina
 APN: 166-180-09
 APLCT: Brian & Christina Ingram
 AGENT: Chris Rau
 ADDRESS: 1561 Ponderosa Way, Redwood Valley





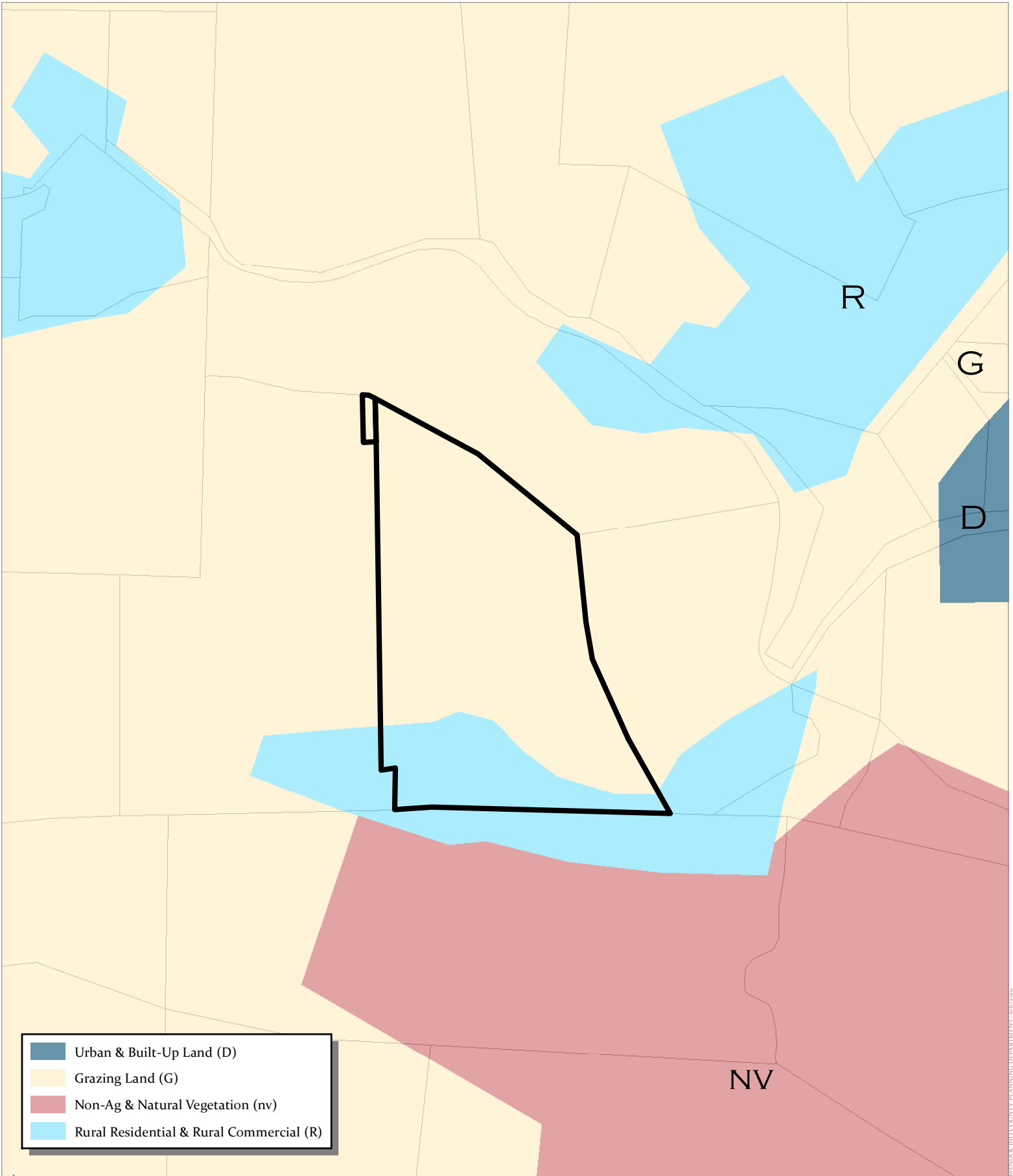
CASE: V 2019-0002
 OWNER: INGRAM, Brian & Christina
 APN: 166-180-09
 APLCT: Brian & Christina Ingram
 AGENT: Chris Rau
 ADDRESS: 1561 Ponderosa Way, Redwood Valley

-  Naturally Occurring Asbestos
-  Eastern Serpentine Inclusions
-  Eastern Study Soil Types



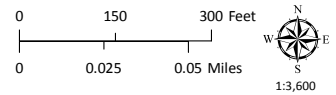
LOCAL SOILS

ATTACHMENT K

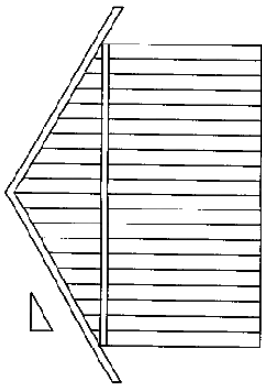


- Urban & Built-Up Land (D)
- Grazing Land (G)
- Non-Ag & Natural Vegetation (nv)
- Rural Residential & Rural Commercial (R)

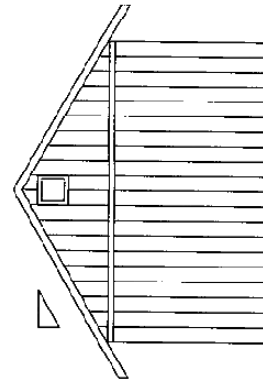
CASE: V 2019-0002
 OWNER: INGRAM, Brian & Christina
 APN: 166-180-09
 APLCT: Brian & Christina Ingram
 AGENT: Chris Rau
 ADDRESS: 1561 Ponderosa Way, Redwood Valley



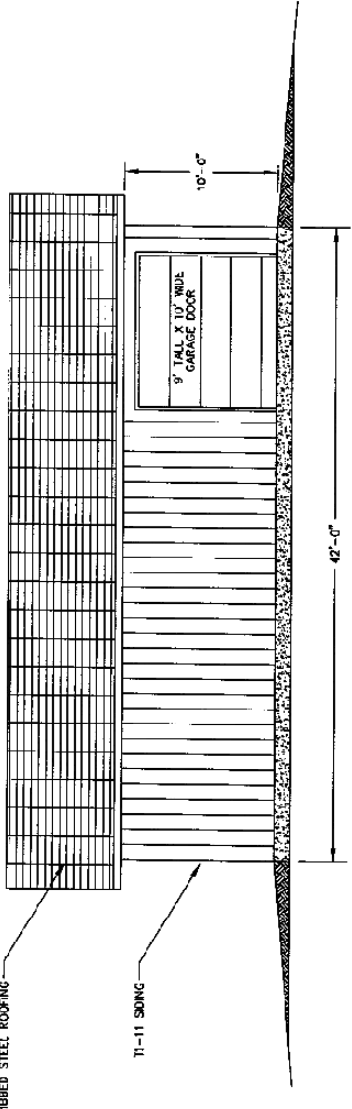
MENDOCINO COUNTY PLANNING DEPARTMENT - 6/7/2019



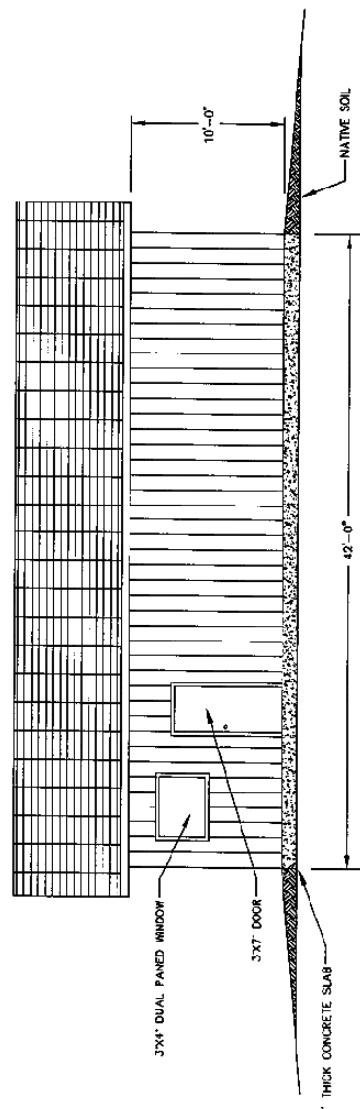
SOUTH VIEW



NORTH VIEW



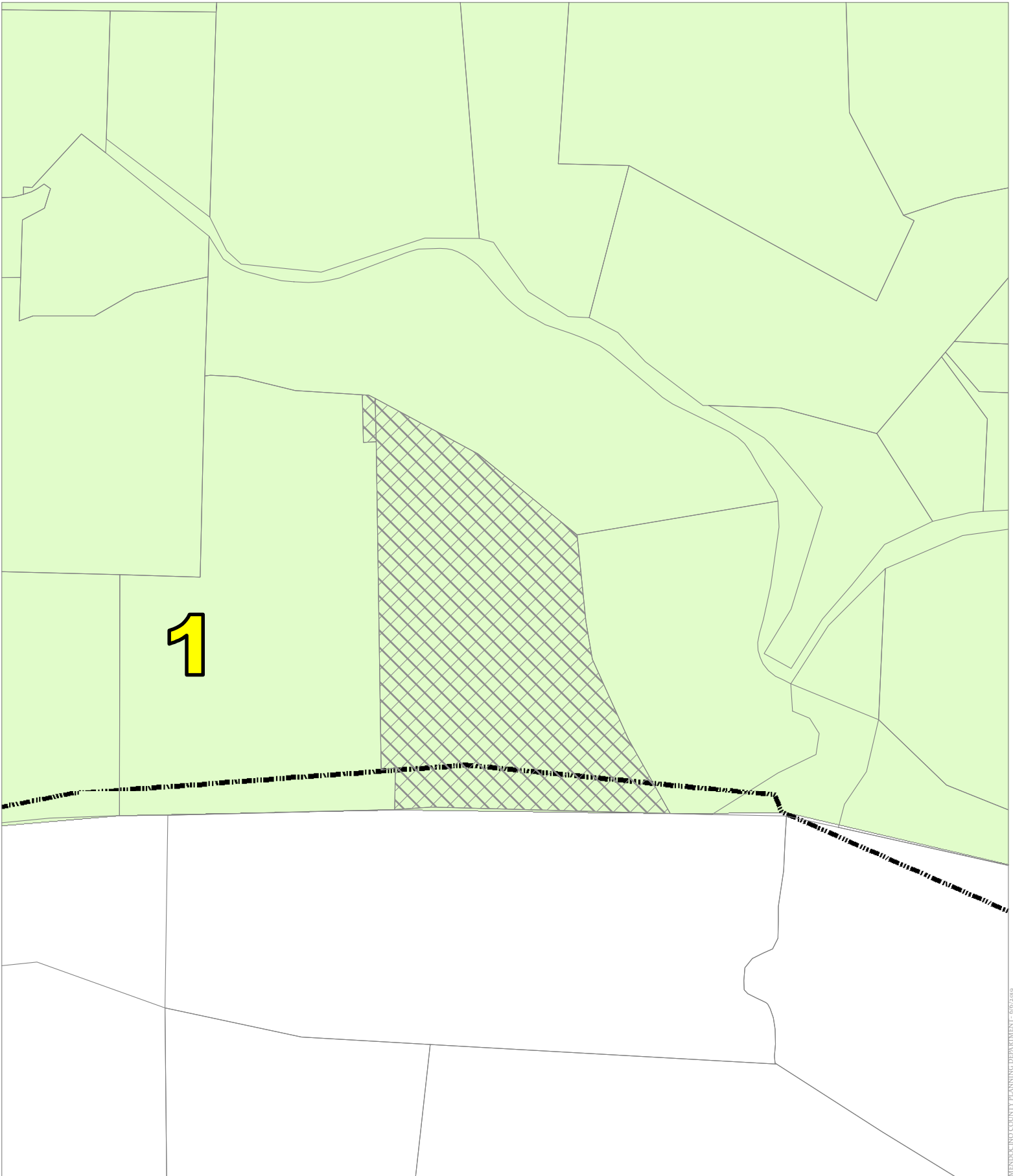
WEST VIEW



EAST VIEW




CASE: V 2019-0002
 OWNER: INGRAM, Brian & Christina
 APN: 166-180-09
 APLCT: Brian & Christina Ingram
 AGENT: Chris Rau
 ADDRESS: 1561 Ponderosa Way, Redwood Valley

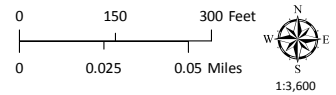
NO SCALE



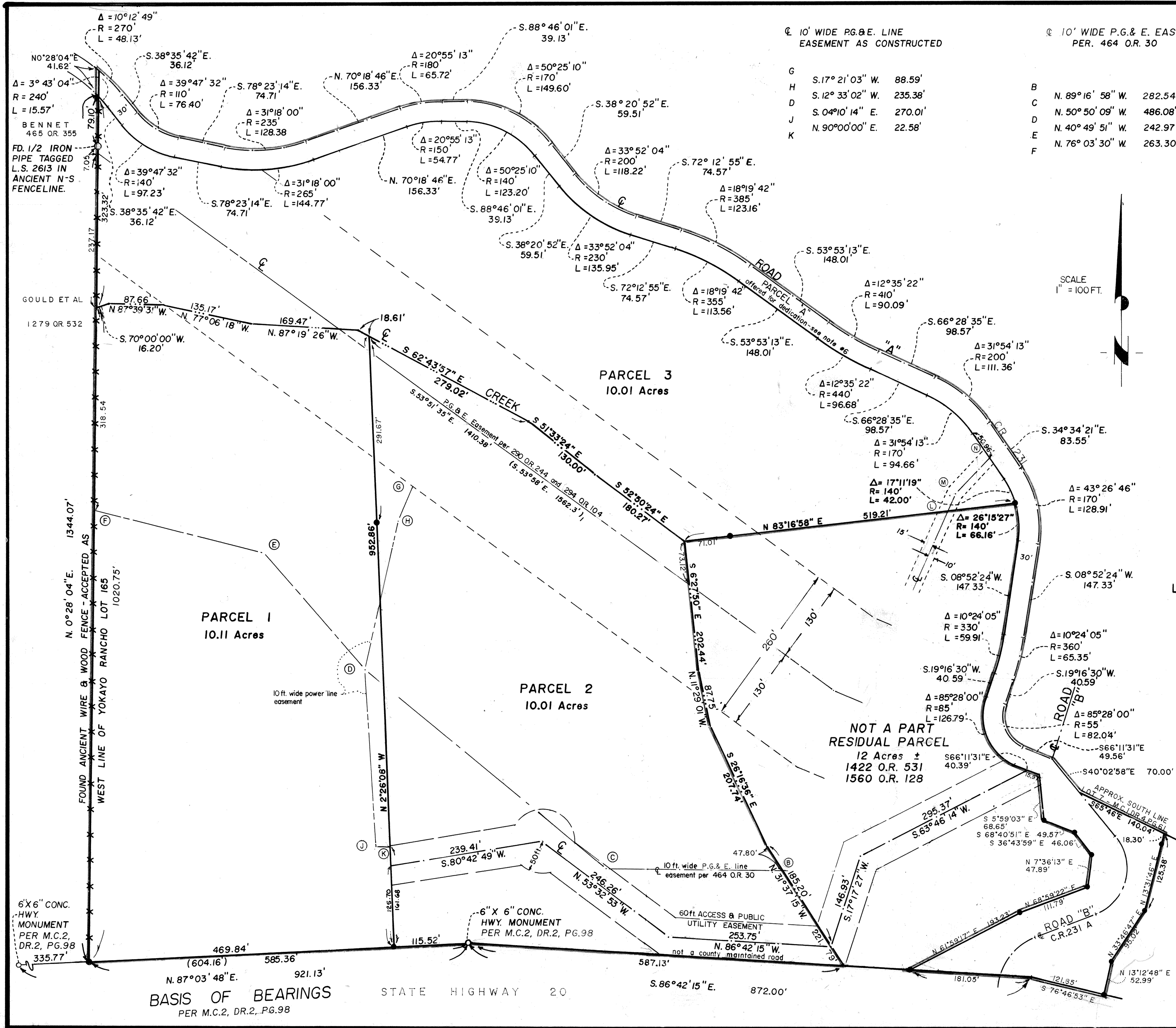
MENDOCINO COUNTY PLANNING DEPARTMENT - 6/6/2019

CASE: V 2019-0002
 OWNER: INGRAM, Brian & Christina
 APN: 166-180-09
 APLCT: Brian & Christina Ingram
 AGENT: Chris Rau
 ADDRESS: 1561 Ponderosa Way, Redwood Valley

-  UVAP Boundary
-  Supervisorial Districts 2010
-  Redwood Valley MAC



MISC



REDWOOD VALLEY COUNTY WATER DISTRICT
EASEMENT PER. 1186 O.R. 123. - SEE ALSO
M.C.2, DR. 35, PG. 81, SHEET 3.

10' WIDE P.G.&E. LINE
EASEMENT AS CONSTRUCTED

10' WIDE P.G.&E. EASEMENT
PER. 464 O.R. 30

G S.17°21'03" W. 88.59'
H S.12°33'02" W. 235.38'
D S.04°10'14" E. 270.01'
J N.90°00'00" E. 22.58'
K

B N.89°16'58" W. 282.54'
C N.50°50'09" W. 486.08'
D N.40°49'51" W. 242.97'
E N.76°03'30" W. 263.30'
F

NOTES

1. ALL BEARINGS & DISTANCES AGREE WITH RECORD UNLESS SHOWN OTHERWISE.
2. ANY OR ALL PARCELS SHOWN HEREON MAY BE SUBJECT TO RIGHTS-OF-WAY, EASEMENTS, OR OTHER ENCROACHMENT PURPOSES WHICH MAY NOT BE DESIGNATED ON THIS MAP.
3. EASEMENT LOCATIONS PER BOOK 151 OF DEEDS PAGE 104 AND BOOK 153 OF DEEDS PAGE 103 ARE INDEFINITE.
4. THE DIVISION OF ENVIRONMENTAL HEALTH HAS DETERMINED THAT ONLY LIMITED AMOUNTS OF WATER FOR DOMESTIC USE ONLY MAY EXIST ON THIS PROPERTY, AND ADVISES THAT 1500 GALLONS OF STORAGE MAY BE NEEDED TO AUGMENT THE SUPPLY.
5. THE DIVISION OF ENVIRONMENTAL HEALTH HAS DETERMINED THAT EXCESSIVE IRON, MANGANESE AND TURBIDITY MAY EXIST IN GROUND WATER FROM THIS PROPERTY AND MAY REQUIRE TREATMENT FOR DOMESTIC USE.
6. THE PRECISE LOCATION OF THE NORTHERLY AND EASTERLY BOUNDARY OF THIS DIVISION, WHICH FOLLOWS THE SOUTHERLY EDGE OF A 30' RIGHT OF WAY OVER THE EXISTING ROAD "A" AND IS DESCRIBED IN 1422 O.R. 531, IS INDEFINITE. THEREFORE IT IS THE SUBDIVIDERS INTENT TO DEDICATE TO THE COUNTY OF MENDOCINO ALL THAT PORTION OF ROAD "A" LOCATED OUTSIDE THE BOUNDARIES OF PARCEL 3 AND THE RESIDUAL PARCEL AS SHOWN HEREON.
7. THE EASEMENT LOCATION PER BOOK 290, OFFICIAL RECORDS, PAGE 268 LIES WITHIN THE RESIDUAL PARCEL.

LEGEND

- SET 3/4" REBAR TAGGED L.S. 4518
- MONUMENT AS DESCRIBED
- () RECORD DATA PER 1422 O.R. 531
- () RECORD DATA PER 290 O.R. 244 & 294 O.R. 104

MINOR SUBDIVISION # 7-84
PARCEL MAP
BEING A PORTION OF LOT 165
OF THE YOKAYO RANCHO
MENDOCINO COUNTY, CALIFORNIA
MAY 1986

BASIS OF BEARINGS
PER M.C.2, DR.2, PG.98

STATE HIGHWAY 20

11852
SHEET 2 OF 2
Case 2
Drawer 44
Page 74

Resolution Number _____

County of Mendocino
Ukiah, California

October 10, 2019

V_2019-0002 BRIAN & CHRISTINA INGRAM

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 ACCESSORY STRUCTURES.

WHEREAS, the applicant, CHRIS RAU, filed an application for Variance with the Mendocino County Department of Planning and Building Services for a variance to reduce the minimum side yard setback from fifty (50) feet to seven (7) feet to facilitate after the fact building permits for accessory residential and agricultural storage structures, 2± miles southeast of Redwood Valley town center, on the south side of Ponderosa Way (Private), 0.15± miles west of its intersection with Road A (CR 231), Located at 1561 Ponderosa Way, Redwood Valley, (APN: 166-180-09); 1st Supervisorial District; (the "Project"); and

WHEREAS, in accordance with applicable provisions of law, the Zoning Administrator held a public hearing on October 10, 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, limiting potential building sites. A significant portion of the property features slopes slope greater than 33°. Additionally, Pacific Gas & Electric maintains a significant 260 foot easement along the northern property line, a majority of it within the subject property. Furthermore, a 60 foot public access easement (Ponderosa Way) provides access to an adjacent parcel. along the southern portion of the parcel. **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;* The variance is being requested because of topographical challenges and preexisting development restrictions related to utility and access easements. The existence of these obstacles is not due to any action of the applicant. **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;* Use of accessory structures, as requested by the Applicant, would be considered a substantial property right possessed and enjoyed by similar properties across Mendocino County. Neighboring properties feature varying topography, and would appear similarly developed with detached accessory storage and agricultural structures. **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 variance is for existing structures that have not otherwise been identified as a nuisance via an 'Incoming Complaint'. The project was referred to Redwood Valley/Capella Fire District and CalFire, both of which had no response. Additionally, due to the structures limited agricultural and residential uses requested (e.g. storage), opportunities for this variance to become detrimental to the public welfare are minimal. **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 of the structures is compatible with this zoning and general plan designation. The approval of these structures will not otherwise disrupt or contradict the intent of land use category. **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 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: JAMES F. FEENAN
Commission Services Supervisor

By: _____

BY: BRENT SCHULTZ
Zoning Administrator

EXHIBIT A
CONDITIONS OF APPROVAL
V_2019-0002 BRIAN & CHRISTINA INGRAM

OCTOBER 10, 2019

A variance to reduce the minimum side yard setback from fifty (50) feet to seven (7) feet to legalize a 840 sqft storage building and a 400 sq. ft. hay barn.

APPROVED PROJECT DESCRIPTION: A variance to reduce the minimum side yard setback from fifty (50) feet to seven (7) feet to legalize a 840 sq. ft. storage building and a 400 sq. ft. hay barn.

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 existing 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. The Applicant shall secure all required building permits for the accessory structures as required by the Division of Building Inspection and the Department of Environmental Health.
6. A complete CalFire Fire Safety Regulations Application package shall be submitted by the Applicant to the Howard Forest CalFire Headquarters in Willits for processing if there are any structures (new or existing) to be permitted. The Applicant shall call CalFire for final inspection at (707) 459-7414 once all standards outlined by CalFire for the project have been met.
7. The Applicant is advised that V_2019-0002 will expire on October 10, 2021, unless the building permitting process for these accessory structures are commenced and diligently pursued.

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.