Resolution Number PC 2023-0015

County of Mendocino
Ukiah, California

JULY 6, 2023

U_2022-0012 MENDOCINO UNIFIED SCHOOL DISTRICT

RESOLUTION OF THE PLANNING COMMISSION, COUNTY OF MENDOCINO, STATE OF CALIFORNIA, GRANTING A COASTAL DEVELOPMENT USE PERMIT TO INSTALL NEW RECYCLED WATER PIPELINES, IRRIGATION SYSTEMS, FIRE HYDRANTS, AND A NEW RECYCLED WATER STORAGE TANK.

WHEREAS, the applicant, Mendocino Unified School District, filed an application for a Coastal Development Use Permit with the Mendocino County Department of Planning and Building Services to install new recycled water pipelines, irrigation systems, fire hydrants, and a new recycled water storage tank, located in the Coastal Zone, throughout the Town of Mendocino and surrounding environs, within County rights-of-way on Kelly St (CR 407F), Ukiah St (CR 407C), Kasten St (CR 407L), Little Lake St (CR 407A), Lansing St (CR 500), Little Lake Rd (CR 408), School St (CR 407O), within State right-of-way on State Route 1 (SR 1), and at Friendship Park (APN 119-140-19), the Mendocino High School (119-160-06, 119-160-35, 119-140-01, 119-160-41, 119-170-04) and K-8 (119-100-15, 119-100-16) campuses and the MUSD Tank & Well Site (119-100-23, 119-100-03, 119-100-04); (the "Project").

WHEREAS, the Mendocino Unified School District, as California Environmental Quality Act (CEQA) Lead Agency, prepared an Initial Study and adopted a Mitigated Negative Declaration for this project on April 21, 2022, SCH 2022020568, finding that although the proposed project could have a significant effect on the environment, there would not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent; and

WHEREAS, pursuant to section 15096 of the CEQA Guidelines (California Code of Regulations Title 14, Chapter 3), the County, as a Responsible Agency, has considered the environmental effects of the project as shown in the Initial Study/Mitigated Negative Declaration prepared by the Lead Agency for the Project and determined the analysis contained within it and adopted Mitigation Measures to be adequate; and

WHEREAS, in accordance with applicable provisions of law, the Planning Commission held a public hearing on July 6, 2023, at which time the Planning Commission heard and received all relevant testimony and evidence presented orally or in writing regarding the Project. All interested persons were given an opportunity to hear and be heard regarding the Project; and

WHEREAS, the Planning Commission has had an opportunity to review this Resolution and finds that it accurately sets forth the intentions of the Planning Commission regarding the Project.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission, based upon the evidence in the record before it, makes the following findings;

1. Pursuant to MCC Sections 20.532.095(A)(1) and 20.720.035(A)(1), the proposed development is in conformity with the certified Local Coastal Program. The proposed project to install new recycled water pipelines, irrigation systems, fire hydrants, and a new recycled water storage tank is consistent with the intent of all applicable General Plan Designations. Minor impact utilities are allowed with an approved Coastal Development Use Permit, and the project is consistent with all other provisions of the Mendocino Local Coastal Program in regards to groundwater resources, natural resources, grading, sustainability, transportation/circulation and public access; and

2. Pursuant to MCC Sections 20.532.095(A)(2) and 20.720.035(A)(2), the proposed development will be provided with adequate utilities, access roads, drainage and other necessary facilities. Existing roads and driveways are adequate to access and maintain all components of the project. The project will connect to the existing Mendocino City Community Services District Wastewater Treatment Plan at the west end of town; and

3. Pursuant to MCC Sections 20.532.095(A)(3) and 20.720.035(A)(3), the proposed development is consistent with the purpose and intent of all Zoning Districts applicable to the property, as well as all other provisions of Divisions II and III of Title 20 of the Mendocino County Code. Minor Impact Utilities are either permitted by-right or are conditionally permitted uses in all Zoning Districts in the Coastal Zone in Mendocino County, including the Town of Mendocino, and the project is compliant with all development standards of the applicable districts; and

4. Pursuant to MCC Sections 20.532.095(A)(4) and 20.720.035(A)(4), the proposed development, if completed in compliance with the conditions of approval, will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act. The County, as a Responsible Agency, has reviewed and considered the environmental effects of the project as shown in the Initial Study/Mitigated Negative Declaration prepared by the Lead Agency for the Project, determined the analysis contained within it and adopted Mitigation Measures to be adequate and adopts the Mitigation Measures pertaining to the Project activities within the County's legal authority, specifically those Mitigation Measures listed in condition of approval number 9; and

5. Pursuant to MCC Sections 20.532.095(A)(5) and 20.720.035(A)(5), the proposed development would not have any adverse impact on any known archaeological or paleontological resources, provided the conditions of approval are adhered to with regards to tribal monitoring and potential discovery of unrecorded archaeological sites or artifacts; and

6. Pursuant to MCC Sections 20.532.095(A)(6) and 20.720.035(A)(6), other public services, including but not limited to, solid waste, public roadway capacity, and proof of an adequate water supply pursuant to Chapter 20.744 have been considered and are adequate to serve the proposed development. The project will have no long-term effect on public roadway capacity. Short-term effects on road capacity will be limited by only working on individual segments of work in the public right-of-way at a time. The project shall increase the recycled water capacity of the area, lessening demand on groundwater and other water sources; and

7. Pursuant to MCC Section 20.720.035(A)(7), the proposed development, if constructed in compliance with the conditions of approval and Mendocino Historical Review Board criteria, would be in conformance with the design standards of Section 20.760.050; and

8. Pursuant to MCC Section 20.720.035(B)(1), the proposed development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act and the certified Mendocino Town Plan; and

9. Pursuant to MCC Section 20.720.035(C), the proposed development ensures the protection of public health, safety, and welfare if constructed in compliance with the conditions of approval. Increasing the capacity for recycled water storage and use improves the long-term resiliency of the area in the face of increased precipitation variability and aridification. The installation of new fire hydrants poses a clear benefit to the public health, safety, and welfare as a fire prevention measure.

BE IT FURTHER RESOLVED that the Planning Commission hereby grants the requested Coastal Development Use Permit U_2022-0012, subject to the Conditions of Approval in Exhibit "A", attached hereto.

BE IT FURTHER RESOLVED that the Planning Commission designates the Secretary as the custodian of the document and other material which constitutes the record of proceedings upon which

Planning Commission 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 Planning Commission action shall become final on the 11th day following the decision unless an appeal is filed pursuant to Section 20.728.015 of the Mendocino County Code. The permit shall become effective after the ten working day appeal period to the Coastal Commission has expired and no appeal has been filed with the Coastal Commission.

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

ATTEST: JAMES FEENAN
Commission Services Supervisor

By: _____

BY: JULIA KROG
Director

_____

CLIFFORD PAULIN, Vice-Chair
Mendocino County Planning Commission

_____

EXHIBIT A

CONDITIONS OF APPROVAL

U_2022-0012 - MENDOCINO UNIFIED SCHOOL DISTRICT -

JULY 6, 2023

APPROVED PROJECT DESCRIPTION: Coastal Development Use Permit to install new recycled water pipelines, irrigation systems, fire hydrants, and a new recycled water storage tank, located in the Coastal Zone.

CONDITIONS OF APPROVAL:

1. This action shall become final on the 11th day following the decision unless an appeal is filed pursuant to Section 20.728.015 of the Mendocino County Code. The permit shall become effective after the ten (10) working day appeal period to the Coastal Commission has expired and no appeal has been filed with the Coastal Commission. The permit shall expire and become null and void at the expiration of ten years after the effective date except where construction and/or use of the property in reliance on such permit has been initiated prior to its expiration.

2. To remain valid, progress towards completion of the project must be continuous. The Applicants have sole responsibility for renewing this application before the expiration date. The County will not provide a notice prior to the expiration date.

3. The application, along with supplemental exhibits and related material, shall be considered elements of this permit, and that compliance therewith is mandatory, unless an amendment has been approved by the Planning Commission.

4. This permit shall be subject to the securing of all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction, including encroachment permits from CALTRANS and the Mendocino County Department of Transportation for work done in the State and County rights of way, respectively.

5. This permit shall be subject to revocation or modification upon a finding of any one or more of the following:

    a. The permit was obtained or extended by fraud.

    b. One or more of the conditions upon which the permit was granted have been violated.

    c. The use for which the permit was granted is conducted so as to be detrimental to the public health, welfare or safety, or to be a nuisance.

    d. A final judgment of a court of competent jurisdiction has declared one or more conditions to be void or ineffective, or has enjoined or otherwise prohibited the enforcement or operation of one or more such conditions.

6. 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.

7. If any archaeological sites or artifacts are discovered during site excavation or construction activities, the property owner shall cease and desist from all further excavation and disturbances within 100 feet of the discovery, and make notification of the discovery to the Director of the Department of Planning and Building Services. The Director will coordinate further actions for the protection of the archaeological resources in accordance with Section 22.12.090 of the Mendocino County Code.

8. The Director of Planning and Building Services may approve minor modifications to the exterior appearance or placement of structures approved under this Coastal Development Use Permit provided they conform with any issued Mendocino Historical Review Board Permit.

9. All Mitigation Measures prescribed by Mitigated Negative Declaration SCH 2022020568 shall be implemented, including AES-1, AES-2, AQ-1, BIO-1, BIO-2, BIO-3, BIO-4, CR-1, CR-2, CR-3, HAZ-1, HYD-1, TR-1, TR-2, and TCR-1. The reference to "the City" in TCR-1 shall be interpreted as referring to the Mendocino Unified School District.

10. Native American Monitoring. The Applicant shall retain a Native American consultant to conduct monitoring of all project-related ground disturbing activities. Native American monitoring shall be provided by a locally affiliated tribal member. The monitor shall have the authority to halt and redirect work should any archaeological resources be identified during monitoring. If archaeological resources are encountered during ground-disturbing activities, work within 100 feet of the find shall halt and the find shall be evaluated for listing in the California Register of Historical Resources (CRHR) and National Register of Historic Places (NRHP). Native American monitoring may be reduced to spot-checking or eliminated at the discretion of the monitor, in consultation with the Applicant, as warranted by conditions such as encountering bedrock, sediments being excavated are fill, or negative findings during the first 60 percent of rough grading. If monitoring is reduced to spot-checking, spot-checking shall occur when ground-disturbance moves to a new location within the project site and when ground disturbance will extend to depths not previously reached (unless those depths are within bedrock).

11. Overnight, on-street parking of vehicles is prohibited within the Town of Mendocino. Whenever possible, vehicle parking shall be on Mendocino Unified School District property. Alternative parking locations shall be reviewed and approved by the Director of Planning and Building Services.

12. Water line shall be installed in accordance with improvement plans prepared by a Civil Engineer and approved by the Mendocino County Department of Transportation. Current improvement plan checking and inspection fees apply.

13. Trench restoration shall conform to Mendocino County Department of Transportation Standard No. A60A, A60B, and A60C.

14. Saw cuts for the restoration of the trench shall not be within the wheel path. Saw cuts shall either be in the middle of the lane or along the striped centerline.

15. Applicant shall provide compaction and/or other materials tests as directed by the Director of Transportation or his authorized representative, to verify compliance with the backfill requirements. Said tests shall be made under the direct supervision of a Registered Civil Engineer. As a minimum, one compaction test, consisting of at least three readings, shall be made for each trench less than 100 feet. For trenches longer than 100 feet, a compaction test shall be performed every 100 feet of backfilled trench. Tests shall be representative of all levels within the trench above the conduit zone. Copies of all test reports shall be furnished to the Department of Transportation in a timely manner. Prior to paving, all areas with failing test results shall be reworked and retested until passing results are obtained.

16. The applicant can select to use a sand-slurry with maximum two sack cement for backfilling the trench. If sand-slurry backfill method is selected there shall be a minimum of 12 inches of sand bedding/shading separating the sand-slurry from the utility. There must also be sand shading and bedding between utilities and all culverts if encountered.

17. Any and all excavation that exceed five feet in depth require a currently active permit from the Division of Occupational Safety and Health (Cal/OSHA). In accordance with California Health and Safety Code, Section 17922.5, the Department of Transportation will not issue an encroachment permit for any work that is planned to be in excess of five feet in depth without the applicant first providing proof of issuance of a currently active (Cal/OSHA).

18. If County road drainage culverts are damaged in the course of this project, the culverts shall be replaced. The recycled water lines shall be installed below all County culverts. The applicant is responsible for the asphalt and/or aggregate base trench settlement within the County right of way for the following two years, from the date of completion, to repair the excavation to its original condition.

19. The applicant shall repaint all disturbed road markings.

20. The applicant shall post a bond valid for two years from the date of completion for the trench restoration should any settlement occur. This bond amount shall be based on the Engineer's Estimate submitted by the applicant and approved by Mendocino County Department of Transportation for the cost to repair the excavation to its original condition.

21. The applicant shall pay a fee of $50.00 for the filing of the Notice of Determination 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.