
MENDOCINO COUNTY MEMORANDUM

TO: BOARD OF SUPERVISORS

FROM: NASH GONZALEZ – PLANNING & BUILDING DIRECTOR

SUBJECT: DIRECTOR'S REPORT

DATE: DECEMBER 6, 2011

DEPARTMENTAL MATTERS:

1. The Department of Planning and Building Services continues to work with the Executive Office and the Division of Environmental Health and General Services on the relocation and co-location of Planning and Building Services along with Environmental Health into the vacated Mental Health wing of the Administration Building. Currently, it is anticipated that Planning and Building, Water Agency and Environmental Health will be moving the second week in January 2012 into the new facility.
2. **Raley's Supermarket Interior and Façade Upgrade :** Planning and Building Services is in receipt of two separate building permit applications for the Raley's Supermarket on North State Street. These applications include a comprehensive interior remodel and renovation of the grocery store's interior. The second permit is for exterior façade improvements to the store, which include exterior finish, colors and signage. Staff is currently working on performing the required plan reviews.
3. **Surface Mining and Reclamation Act (SMAR):** Two new Senate Bills were recently signed by the Governor that affect surface mining operations in California

SB 108, Rubio amends and redefines how idle mines will be considered abandoned. The Surface Mining and Reclamation Act (SMARA) prohibits a person from conducting a surface mining operation unless, among other things, a reclamation plan has been submitted to and approved by the lead agency from the operator. The Act further requires an operator, within 90 days of a surface mining operation becoming idle, to submit to the lead agency (County) for review and approval, an Interim Management Plan (IMP). SMARA defines idle to mean a curtailment for a period of one year or more of surface mining operations by more than 90% of the operation's previous maximum annual production, with the intent to resume those surface mining operations at a future date.

The Bill would instead define idle to mean that an operator of a surface mining operation has curtailed production at the surface mining operation, with the intent to resume the surface mining operation at a future date, for a period of one year or more by more than 90% of its maximum annual mineral production within any of the last 5 years during which an interim management plan has not been approved. The bill would also authorize a mine to return to idle status after being considered abandoned prior to January 1, 2013, if an interim management plan is approved by July 1, 2013, and upon lead agency verification of compliance with the above provisions.

SB 110, Rubio, Real Property Disclosures for Mining Operations provides that existing law limits the liability of a transferor or listing or selling agent under certain conditions for failing to disclose natural hazards or to make other disclosures in specified property transactions. This Bill would in essence require disclosure when a mining operation is presently located within one mile of a parcel of real property subject to mining operations. The State of California (Office of Mine Reclamation) will be required to produce maps of all surface mining operations for public disclosure.

4. **City of Ukiah COSTCO EIR:** On November 28, 2011, Planning and Building Services staff attended a Scoping Meeting, at the City of Ukiah for the Costco EIR project. This is the first public process in the environmental review process for the preparation of an EIR for the Costco retail facility to be located in the Airport Industrial Park. Planning staff has prepared a comment letter outlining concerns that should be addressed in the EIR. Attached for the Board's information is a copy of the letter that was transmitted to the City of Ukiah for their consideration. Planning and Building Services will continue to monitor this project and expects to fully comment on the Draft EIR, once it is released for public review in the near future. Additionally, staff has advised the County's Planning Commission of the Costco EIR, and it is the desire of the Planning Commission to comment on the EIR as well. Staff will continue to monitor the project and will provide regular updates to the Board.
5. **Upcoming Projects:**
 - a. ***Harris Quarry Use Permit and Reclamation Plan/EIR:*** In late September of this year, staff reported that the public comment period on the Draft EIR closed on September 6, 2011. The EIR consultant is currently preparing a response to comments and will be preparing the Final EIR for publication and distribution. It was anticipated that the Final EIR (FEIR) would be released in November of this year. However, the County's environmental consultant has not yet received information from the applicants regarding the response to comments as requested. Additionally, the applicants have been advised of timelines and staff will be meeting with the applicants regarding the necessary information needed in order for the County's consultant to complete the Final EIR.
 - b. ***Land Use and Development Code:*** As previously reported, one of the first steps in the development of the Land Use and Development Code is to conduct public outreach and stakeholder meetings. Staff will be scheduling these for after the first of the new year in early 2012. It was determined that scheduling any meetings during the holidays would not be productive and thus staff is currently working on securing venue locations throughout the County and identifying stakeholders at this point. It is anticipated that in January staff will provide a report to the Board on the location of the public outreach meetings.
 - c. ***Mendocino Town Plan Update:*** On October 27, 2011, staff conducted the first in a series of public outreach meetings in the Town of Mendocino, which proved to be successful in bringing members of the public and stakeholders together, which provided staff with meaningful comments. The process involved engaging the public to work together in formulating comments and expressing concerns that would be utilized in preparing the update to the plan. Staff has been meeting with community stakeholders and will report to the Board in January 2012 when the next public meeting is scheduled.

6. **Personnel Matters:** On November 10, 2011, the Department received a resignation from Teresa Spade, Coastal Planner, who was recently hired by the City of Fort Bragg. This resignation leaves only one planner in our Fort Bragg office and work will be re-assigned accordingly. The vacancy will result in limited availability of coastal staff in the interim. Additionally, on November 29, 2011, Mr. James McCleary, Code Enforcement Officer submitted his resignation with intent to retire. Jim has served the County for ten years responsible for abating many violations throughout the County, and will be missed. Jim is scheduled to retire in February 2012.

RECENT HEARINGS: See attached Planning Commission and Coastal Permit Administrator agendas.

Attachments:

- A. Final Action Agendas
- B. Costco Comment Letter & Diagram