

MENDOCINO COUNTY PLANNING COMMISSION

MINUTES

SEPTEMBER 19, 2002

LOCATION: Mendocino County Board of Supervisors
Chambers, 501 Low Gap Road, Ukiah,
California

COMMISSIONERS PRESENT: McCowen, Barth, Nelson, Calvert, Little,
Berry, Lipmanson

COMMISSIONERS ABSENT: None

PLANNING & BLDG SVC STAFF PRESENT: Sandi Butterfield, Staff Assistant IV
Raymond Hall, Director
Frank Lynch, Chief Planner

OTHER COUNTY DEPARTMENTS PRESENT: Frank Zotter, Deputy County Counsel
Ben Kageyama, Dept of Transportation

1. Roll Call.

The meeting was called to order at 9:04 a.m. Commissioner Berry arrived at 9:06 a.m. and Commissioner Lipmanson arrived at 9:09 a.m.

2. Determination of Legal Notice.

Mr. Lynch advised the Commission that all items have been properly noticed.

3. Director's Report and Miscellaneous.

Mr. Hall reviewed the written Director's Report submitted into the record. He noted that the U.S. Cellular tower on Spanish Mountain in Ukiah has been removed.

4. Regular Calendar.

4A. U 4-2002 – ASHURST – Southeast of Hopland

Request: Construction of a 90-foot antenna tower on a 2,500 square foot leased site surrounded by an 8-foot chain link fence for lease to wireless communications providers. At full occupancy, the site will accommodate up to three providers, with antennas and equipment shelters for each. The facility is located in a floodway and will be elevated above the 100-year flood elevation on concrete piers, approximately 6 feet above ground level, for protection from flooding and to avoid obstruction of the floodway.

Mr. Lynch updated the Commission since the last hearing and summarized new correspondence received.

Ms. Doina Frentescu, representing the application, discussed the history of this project especially how they moved the proposed tower away from property lines. She also stated that the Alaris Group mailed 150 to 200 notices for a community meeting that was held on September 12. She noted that only 11 residents attended the meeting. The community meeting addressed issues on aesthetics and health issues.

Ms. Frentescu handed out pictures that showed a simulation of how the tower would look. She felt that this tower would be good for the community and maybe one day this tower could be used by fire and police departments. She noted that this tower could hold up to three carriers. She also stated that there are sites in Hopland that do not receive good cell phone coverage.

Commissioner Nelson questioned the height of the telephone poles in the pictures in comparison with the tower.

Commissioner Lipmanson questioned the need for this tower to be located in town versus on a hill. Ms. Frentescu responded that the signal would be stronger on the valley floor. Commissioner Lipmanson explained what he has good cell phone reception in Hopland.

Commissioner Berry felt that a tower on a hill would have a better line of sight. Ms. Frentescu noted that the Alaris Group is not building a network.

The public hearing was declared open.

Ms. Wendy Fetzer spoke in opposition to the tower. She noted that there are thousands of abandoned towers across the United States. She noted that there are two local carriers, AT&T and Edge Wireless that have good coverage in Hopland. She noted that Verizon does not provide good coverage in Hopland. She questioned why the balloon test was not publicly noticed.

Ms. Sharon Lesser noted that she has lived in Hopland for 16 years. She questioned the need for an additional tower because she felt the coverage in Hopland was adequate.

Ms. John Schafer, President of Real Goods and Solar Living Institute, noted that this tower would be adjacent to his business, which is one of the largest tourist attractions in the area. He felt that the tower could lower his property value. He noted that the Edge Wireless and U.S. Cellular provide good service to the area.

Ms. Beverly Malone spoke in opposition to the proposed tower. She noted that there is one small section in Hopland that receives bad reception.

Mr. Richard Ruff stated that he is an architect who lives in Hopland and noted that it is difficult to build structures in the floodplain. He also felt that the tower would be too big for downtown Hopland.

Mr. Tom Ashurst stated that he is the property owner on which the proposed tower would be located. He handed out aerial photographs that illustrate where the tower would be located. He noted that the aerial photographs were old and shows where Real Goods was starting construction. He described properties in the vicinity of the proposed tower. He stated that once the Hopland bypass was constructed, you probably would not be able to see the tower. He stated that there are 9 large advertising signs when you enter Hopland from the south. He noted that Highway 101 would be approximately 700 feet from the tower and it would be approximately 500 feet further to the Hopland Elementary School. He stated that there are several residences, a lumber mill and Feliz Creek between the proposed tower and school.

The public hearing was declared closed.

Ms. Frentescu stated that the Alaris Group tried their best to inform the public. She noted that the Alaris Group would not invest money in a project that they did not feel was worthy.

In response to Commissioner Barth, Ms. Frentescu noted that the tower needed to be 90 feet tall to be able to house three separate carriers.

Commissioner Nelson felt that the tower would be too close to town.

Commissioner Lipmanson noted that the Commission worked hard on the wireless communication guidelines and felt that this project does not comply with those guidelines.

Commissioners Berry and Barth also felt that there was not a need for an additional tower. Commissioner Barth felt that the tower would be too tall for the center of town.

Chairman McCowen concurred that the tower was not needed and suggested that the carrier with poor coverage could co-locate on an existing tower.

Commissioner Calvert noted that Condition Number 13 provides that the applicant be responsible for the removal of the tower if it is abandoned.

Upon motion by Commissioner Lipmanson, seconded by Commissioner Calvert and carried by the following roll call vote, IT IS ORDERED that the Planning Commission denies #U 4-2002 for the following reasons:

1. The proposed tower and antennas will be highly visible from locations in Hopland, from Highway 101, and from Highway 175.
2. The tower does not meet the 110% setback from property lines called for in the Guidelines.
3. The facility will be located within the 100-year flood plain and the floodway.

AYES: Nelson, Barth, Berry, Little, Calvert, Lipmanson, McCowen

NOES: None

ABSENT: None

In response to Commissioner Berry, Ms. Frentescu noted that towers that look like a tree are a single carrier pole. She also noted that it is hard to camouflage a 90-foot tower to look like a tree.

4B. MS 25-2001 – ISLAND – East of Fort Bragg

Request: Minor Subdivision of a 6.4+- acre parcel into four parcels ranging in size from 1.1 acres to 1.7+- acres, with access from an existing gravel road off of Fort Bragg Sherwood Road. Also requested is an exception to code standards regarding access easement width.

Mr. Lynch updated the Commission since the last hearing and a Memorandum dated September 4, 2002.

Mr. Jason Island, agent for the application, handed out a revised map and noted that they have addressed the neighbors concerns. He noted that the exception was for the easement and not the road width and requested that second residential units be allowed.

In response to Commissioner Barth, Mr. Lynch discussed the requirements for second residential units, which include the proof of water and septic. He also noted that the property has some constraints, which would make it hard to accommodate a second residential unit.

Mr. Island felt that the easement exception should not limit the possibility of second residential units.

In response to Commissioner Nelson, Mr. Lynch noted that easements are larger than the roadway to allow for underground utilities and drainage.

Mr. Ben Kageyama, Department of Transportation, noted that he did not recommend the second-generation road standards because there is not potential for additional subdivisions.

The public hearing was declared open and subsequently closed when no one came forward to address the Commission.

Commissioner Lipmanson noted that he no longer has a potential conflict of interest in the property and felt that he could participate in the decision.

Upon motion by Commissioner Barth, seconded by Commissioner Little and carried by the following roll call vote, IT IS ORDERED that the Planning Commission adopts a Negative Declaration and approves #MS 25-2001 making the following findings and subject to the following conditions of approval:

Environmental Findings: The Planning Commission finds that the environmental impacts identified for the project can be adequately mitigated through the conditions of approval or features of the project design so that no significant adverse environmental impacts will result from this project; therefore, a Negative Declaration is adopted.

Department of Fish & Game Finding: The Planning Commission finds that, because this division would create additional density and intensity of land use and would contribute to the overall reduction in wildlife populations and habitat from a cumulative standpoint, the de minimis finding can not be made for this project. The project is, therefore, subject to the Fish and Game fee of \$1,275.00.

General Plan Findings: Pursuant to Section 66473.5 of the California Government Code, the Planning Commission finds the proposed subdivision, together with the provisions for its design and improvement is consistent with the applicable goals and policies of the General Plan.

Exception Findings: The Planning Commission grants the request for an exception to Mendocino County Code Section 17.48.5(A)(1)(e)(i) finding that:

- A. There are special circumstances or conditions affecting the proposed division of land.
- B. The granting of the exception will not be detrimental to the public welfare or injurious to surrounding property.

Project Findings: The Planning Commission, making the above findings, approves #MS 25-2001, subject to the following conditions of approval, further finding, pursuant to California Government Code Section 66445(e), that division and development of the property in the manner set forth on the approved or conditionally approved tentative map will not unreasonably interfere with the free and complete exercise of the public entity or public utility right-of-way or easement. Further, the Planning Commission finds that the lot design is warranted topography and other physical conditions.

STANDARD CONDITIONS OF APPROVAL:

For a Subdivision that has been approved according to the Mendocino County Code, the following "Conditions of Approval" shall be completed prior to filing Parcel Map.

1. The access road, driveway and interior circulation routes be maintained in such a manner to insure minimum dust generation subject to Air Quality Management District Regulation 1 Rule 430. Any rock material, including rock from the property, used for surfacing must comply with Air Quality Management District regulations regarding asbestos content.
2. All areas within the subdivision subject to flooding shall be clearly identified on the Parcel Map. The information on the parcel map shall be based on the Flood Insurance Rate Maps published by the Federal Emergency Management Agency, which are on file the Mendocino County Department of Planning and Building Services. The flood hazards report, using data developed by the Federal Emergency Management Agency, shall clearly identify the magnitude of the flood potential as such relates to the subdivision. A reference to the report shall be made on the parcel map.

The area of the subdivision within the Pudding Creek "floodway" as defined by the Federal Emergency Management Agency and on file with the Mendocino County Planning and Building Services Department shall be delineated as a drainage easement on the Parcel Map.

A note shall appear on the Parcel Map that, "Development within the flood plain as identified on this map, is subject to those restrictions in the Flood Plain Regulations of the Mendocino County Code."

3. Subdivider shall submit to the Department of Planning and Building Services, an Exhibit Map defining building envelopes which will avoid rare plant communities in accordance with the Botanical Survey prepared by Gordon McBride, dated August 1, 2001, and in compliance with the California Department of Fish and Game's standard of a minimum 300 foot setback from Pudding Creek. A note shall be placed on the Parcel Map stating that development will be confined to the building envelopes as described on the Exhibit Map on file in the Department of Planning and Building Services.
4. This entitlement does not become effective or operative and no work shall be commenced under this entitlement until the California Department of Fish and Game filing fees required or authorized by Section 711.4 of the Fish and Game Code are submitted to the Mendocino County Department of Planning and Building Services. Said fee of \$1,275.00 shall be made payable to the Mendocino County Clerk and submitted to the Department of Planning and Building Services prior to October 4, 2002 ~~September 20, 2002~~. If the project is appealed, the payment will be held by the Department of Planning and Building Services until the appeal is decided. Depending the outcome of the appeal, the payment will either be filed with the County Clerk (if project is approved) or returned to the payer (if project is denied). Failure to pay this fee by the specified deadline shall result in the entitlement becoming null and void.
5. There shall be provided an access easement of 40 feet in width (as per tentative map) from a publicly maintained road, to each parcel being created. Documentation of access easement(s) shall be provided to the Mendocino County Department of Transportation for their review prior to final approval.
6. If a Parcel Map is filed, all easements of record shall be shown on the parcel map. All utility lines shall be shown as easements with widths as shown of record or a minimum of ten (10) feet, whichever is greater.

7. If approval of the tentative map is conditioned upon certain improvements being made by the subdivider, the subdivider shall notify the Mendocino County Department of Transportation when such improvements have been completed.
8. If a Parcel Map is filed, all natural drainage and watercourses shall be shown as easements on the final parcel map. Minimum width shall be twenty (20) feet, or to the high water level plus five (5) feet horizontal distance, whichever is greater (All parcels 5 acres and less).
9. Eighteen (18) foot wide road within the access easement including four (4) inch minimum rock base, one hundred twenty-five (125) foot minimum radius of horizontal curve, grade not to exceed fifteen (15) percent, drainage culverts where necessary. New or replaced culverts shall be a minimum of twelve (12) inches in diameter.
10. Private road approach shall be constructed to a minimum width of eighteen (18) feet, area to be improved twenty (20) feet from the edge of the county road, to be surfaced with surfacing comparable to that on the county road.
11. Any proposed work within county rights of way requires obtaining an encroachment permit from the Mendocino County Department of Transportation.
12. A 40-foot radius turnaround be constructed within a 50-foot radius easement at terminus of access easement to the satisfaction of the Mendocino County Department of Transportation.
13. The subdivider shall comply with those recommendations in the Department of Forestry letter dated March 5, 2002 and the Fort Bragg Rural Fire District letter of December 19, 2001, or other alternatives as acceptable to the Department of Forestry (CDF# 95-02), and/or the Fort Bragg Rural Fire District. Written verification shall be submitted from the Department of Forestry and the Fort Bragg Rural Fire District to the Department of Planning and Building Services that this condition has been met to the satisfaction of those agencies.
14. Submit to the Division of Environmental Health an acceptable site evaluation report (DEH Form Number 42.04) for Parcels 3 and 4 to be completed by a qualified individual demonstrating compliance with the North Coast Regional Water Quality Control Board's "Basin Plan Policy for On-site Waste Treatment and Disposal" and Mendocino County Division of Environmental Health's "Land Division Requirements" (DEH Form Number 26.09). The report shall also include identifying replacement areas for existing on-site sewage disposal systems that exist on Parcels 1 and 2 of the project site.
15. Submit to the Division of Environmental Health an acceptable water quantity evaluation (DEH Form Number 26.05) consistent with the Mendocino County Coastal Groundwater Development Guidelines, July 1989, and completed by a qualified individual of a water source located on Parcels 1, 2, 3 and 4 of the subdivision demonstrating an adequate water supply in compliance with the Division of Environmental Health's "Land Division Requirements" (DEH Form Number 26.09), and submit to the Division of Environmental Health an acceptable standard mineral analysis performed by a certified public health laboratory on a sample from the subdivision water source.
16. Submit to the Division of Environmental Health an acceptable site development plan prepared by a qualified individual showing the location and dimensions of the initial sewage disposal system(s), 100% replacement area(s), acceptable setback distances to water wells and other pertinent information which may impact project site development.

17. In the event that archaeological resources are encountered on the site, further disturbance in the immediate vicinity of the find shall be halted until all requirements of Chapter 22.12 of the Mendocino County Code relating to archaeological discoveries have been satisfied.

AYES: Calvert, Nelson, Berry, Lipmanson, Little, Barth, McCowen

NOES: None

ABSENT: None

4C. MS 19-2001 RUFF PROPERTIES INC – In Hopland

Request: Minor Subdivision creating two parcels of 5,000 square feet and 6,250 square feet. Also, an Exception to Mendocino County Code Section 17-48.5(A)(1)(e)(i) requesting a 14 1/2 foot wide access easement.

Mr. Lynch reviewed the staff report and a telephone call that the department had received.

Several Commissioners questioned the accuracy of the tentative map.

Commissioner Nelson noted that a recent water report states that the Hopland Utilities District has no water rights. Chairman McCowen noted that the parcels are already developed.

Mr. Jim Ronco, agent for the application, noted that Department of Transportation and himself are not in agreement with the signage and directional arrows condition. He noted that the easement has been in place for years with no problem.

RECESS: 10:31 – 10:43 a.m.

Mr. Kageyama felt that the driveway should be clearly marked as a one-way direction.

The public hearing was declared open and subsequently closed when no one came forward to address the Commission.

Chairman McCowen felt that the arrows and signs would minimize future traffic conflicts.

Commissioner Calvert felt that the tentative map should include the common name of the town and the correct size of the easements.

In response to Commissioner Little, Mr. Kageyama noted that there are no proposed parking restrictions in the narrow driveway. He also noted that California Department of Forestry would not take an emergency vehicle in the driveway of this subdivision.

The Commission discussed amending Condition Number 4 to reflect changes on the tentative map.

Upon motion by Commissioner Lipmanson, seconded by Commissioner Calvert and carried by the following roll call vote, IT IS ORDERED that the Planning Commission continue #MS 19-2001 to the October 3, 2001 hearing in order for the applicant to provide the Commission with a revised tentative map showing the common name for Hopland and the correct width of the easements.

AYES: Nelson, Barth, Calvert, Lipmanson, McCowen

NOES: Berry, Little

ABSENT: None

4D. CDMS 22-2001 – AUGUSTE – South of Point Arena

Request: Coastal Development Minor Subdivision creating two (2) parcels of 5.88 and 6.48 acres.

Mr. Lynch reviewed the staff report and correspondence. He stated that the Air Quality Management District, has advised that they had no issues with the project, and therefore, recommend deletion of Condition Number 1.

Mr. Richard Seale, agent for the application, stated that they have no problem with the conditions of approval. He noted that the owners are trying to get an easement for access off of Bill Owens Road to the Remainder Parcel. He noted if they obtain access from Bill Owens Road, Condition Number 3 should not be required. He handed out aerial photographs and a land use map. He noted that the property has never been used for agriculture. He felt that the owner would maintain a 50 feet buffer from Highway 1 for the highly scenic area. He noted that the property would maintain the native vegetation or be landscaped. He noted that the property is undersized for rangeland and that a portion of the property is heavily wooded.

In response to Commissioner Barth, Mr. Seale noted that the flight pattern from the airstrip, west of the property, is not over the existing house.

The public hearing was declared open and subsequently closed when no one came forward to address the Commission.

In response to Commissioner Calvert, Mr. Lynch noted that the Commission could include a disclosure statement that the property is adjacent to a private landing strip and a wastewater disposal area.

In response to Commissioner Nelson, Mr. Lynch noted that the property could not be further subdivided.

In response to Chairman McCowen, Mr. Seale indicated that the buffer from Highway 1 could be increased to 75 feet.

Commissioner Lipmanson questioned if Coastal Land Division Finding Number 6 could be substantiated. Commissioners noted that the finding could be met due to the buffer and conditions of approval.

RECESS: 11:34 – 11:40 a.m.

Upon motion by Commissioner Lipmanson, seconded by Commissioner Calvert and carried by the following roll call vote, IT IS ORDERED that the Planning Commission adopts a Negative Declaration and approves #CDMS 22-2001 making the following findings and subject to the following conditions of approval:

Environmental Findings: The Planning Commission finds that the environmental impacts identified for the project can be adequately mitigated through the conditions of approval or features of the project design so that no significant adverse environmental impacts will result from this project, therefore, a Negative Declaration is adopted.

General Plan Findings: Pursuant to Section 66473.5 of the California Government Code, the Planning Commission finds the proposed subdivision, together with the provisions for its design and improvement is consistent with the applicable goals and policies of the General Plan.

Department of Fish and Game Findings: Because this subdivision would create additional density and intensity of land use and would contribute to the overall reduction in wildlife populations and habitat

from a cumulative standpoint, the de minimis finding can not be made for this project. The project is, therefore, subject to the Fish and Game fee of \$1,275.00.

Coastal Development Permit Findings: The Planning Commission finds that the application and supporting documents contain information and conditions sufficient to establish, as required by the Coastal Zoning Code, that:

1. The proposed development is in conformity with the certified local coastal program; and
2. The proposed development will be provided with adequate utilities, access roads, drainage and other necessary facilities; and
3. The proposed development is consistent with the purpose and intent of the zoning district applicable to the property, as well as the provisions of the Coastal Zoning Code and preserves the integrity of the zoning district; and
4. The proposed development will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.
5. The proposed development will not have any adverse impacts on any known archaeological or paleontological resource.
6. Other public services, including but not limited to, solid waste and public roadway capacity have been considered and are adequate to serve the proposed development.
7. The proposed development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act and the Coastal Element of the General Plan.
8. The proposed use is compatible with the long-term protection of resource lands.

Coastal Land Division Findings: As required by Section 20.532.100(C), the Planning Commission further finds that:

1. The new lots created have or will have adequate water, sewage, including a long term arrangement for septage disposal, roadway and other necessary services to serve them; and
2. The new lots created will not have, individually or cumulatively, a significant adverse environmental effect on environmentally sensitive habitat areas or on other coastal resources; and
3. The new lots created will not significantly adversely affect the long-term productivity of adjacent agricultural or timber lands; and
4. Other public services, including but not limited to, solid waste and public roadway capacity, have been considered and are adequate to serve the proposed parcels; and
5. The proposed land division meets the requirements of Chapter 20.524 and is consistent with all applicable policies of the Coastal Element.
6. The division will protect continued agricultural use and contribute to agricultural viability.
7. The division will not conflict with continued agricultural use of the subject property and the overall operation.

8. The division is only for purposes allowed in AG or RL designations.
9. The division will not contribute to development conflicts with natural resource habitats and visual resource policies.

Project Findings: The Planning Commission, making the above findings, approves #CDMS 22-2001, subject to the following conditions of approval as recommended within the staff report, further finding:

The proposed minor subdivision complies generally with all requirements of the Subdivision Map Act and of the Mendocino County Code, specifically with respect to area, improvement and design, flood and water drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability and environmental protection.

Further, finding that the project design is necessitated by topography or other physical conditions.

CONDITIONS OF APPROVAL:

For a Minor Subdivision, which has been approved according to the Mendocino County Code, the following "Conditions of Approval" shall be completed prior to filing an Unilateral Agreement.

ALL CONDITIONS OF APPROVAL MUST BE MET PRIOR TO EXPIRATION OF TWENTY-FOUR (24) MONTHS FROM DATE OF APPROVAL, UNLESS RENEWED PURSUANT TO THE MENDOCINO COUNTY CODE.

1. ~~Prior to the development phase of the project, the subdivider shall contact the County of Mendocino Air Quality Management District for a determination as to the need for a District Permit to insure that proper dust control methods for asbestos-containing soils are in place. Written verification from Air Quality Management shall be submitted to the Department of Planning and Building Services stating that the project is in compliance with the District's standards.~~
2. This entitlement does not become effective or operative and no work shall be commenced under this entitlement until the California Department of Fish and Game filing fees required or authorized by Section 711.4 of the Fish and Game Code are submitted to the Mendocino County Department of Planning and Building Services. Said fee of \$1,275.00 shall be made payable to the Mendocino County Clerk and submitted to the Department of Planning and Building Services prior to October 4, 2002. If the project is appealed, the Department of Planning and Building Services will hold the payment until the appeal is decided. Depending on the outcome of the appeal, the payment will either be filed with the County Clerk (if project is approved) or returned to the payer (if project is denied). Failure to pay this fee by the specified deadline shall result in the entitlement becoming null and void.
3. A Conditional Certificate of Compliance shall be recorded for the Reminder Parcel concurrent with recording of the Unilateral Agreement. The Conditional Certificate of Compliance shall require that the following condition be met prior the future development of the Remainder Parcel.

Should access be developed from Highway 1 that an encroachment permit be obtained from the Department of Transportation (Caltrans). The driveway shall be constructed per Caltrans requirements.

3. ~~Access to the Remainder Parcel will require an encroachment permit to be obtained from Department of Transportation (Caltrans). The driveway shall be constructed per the Caltrans requirements.~~
4. The subdivider shall comply with those recommendations in California Department of Forestry letter #CDF 513-01 of September 18, 2001 and letter #CDF 629-01 of November 27, 2001 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.
5. Submit to the Division of Environmental Health an acceptable site evaluation report (DEH Form Number 42.04) for the Remainder Parcel to be completed by a qualified individual demonstrating compliance with the North Coast Regional Water Quality Control Board's "Basin Plan Policy for On-site Waste Treatment and Disposal" and Mendocino County Division of Environmental Health's "Land Division Requirements" (DEH Form Number 26.09. The report shall also include identifying replacement areas for existing on-site sewage disposal systems on parcel which may exist on the project site.
6. If cultural resources are encountered in the course of future ground disturbance, work shall immediately cease, the Mendocino County Archaeological Commission notified and a professional archaeologist consulted per Section 22.12.090 Discoveries of the Mendocino County Code.
7. If a Parcel Map is filed, all easements of record shall be shown on the parcel map. All utility lines shall be shown as easements with widths as shown of record or a minimum of ten (10) feet, whichever is greater

SPECIAL CONDITIONS OF APPROVAL

1. A notation shall appear on the Unilateral Agreement that the property is adjacent to Agricultural Preserve, a wastewater disposal site, and a private airport, and therefore, may be subject to inconvenience or discomfort arising from agricultural practices, the waste disposal operation, or private airplane flight which occasionally generate dust, noise, smoke and odors.
2. An Exhibit Map shall be submitted to the Department of Planning and Building Services, which shall identify a building envelope on the proposed Remainder Parcel that shall be a minimum of 75 feet from Highway 1 and a minimum of 700 feet from the northerly property boundary.
3. A statement shall be included with the Unilateral Agreement which shall advise of Building Envelopes establishing the following criteria:
 - a. "Future Development shall be in conformance with the criteria for development in "highly scenic areas" per Development Standards stated in Chapter 20 of the Mendocino County Zoning Code Chapter 20.504.
 - b. "The proposed remainder parcel is adjacent to lands within Agriculture Preserve. No new dwellings shall be sited within 200 feet of lands designated Agriculture Preserve.

AYES: Nelson, Barth, Berry, Little, Calvert, Lipmanson, McCowen
NOES: None
ABSENT: None

4E. MS 1-2002 – WATERS/KNUDSEN – South of Willits

Request: Minor Subdivision to create three parcels of 21+- to 23+- acres in size.

Mr. Lynch reviewed the staff report, addendums modifying conditions and correspondence.

Mr. Jack Pavlovic, agent for the application, discussed at length the history of the property including past logging operations. He also discussed the road system throughout the existing subdivision.

In response to Commissioner Little, Mr. Pavlovic explained that the California Department of Forestry (CDF) requirements, including road improvements and turnarounds. He noted that the title report shows access over Shafer Ranch Road. He also noted that the owner is willing to pave any part of the road over 16 percent grade.

Commissioner Lipmanson questioned the vegetation removal and recent earth moving. Mr. Pavlovic noted that the owner tried to improve the road by removing dangerous objects. He also noted that the road improvements were done before the owner wanted to subdivide.

In response to Chairman McCowen, Mr. Pavlovic noted that the earth material removed from the road was placed on the proposed building sites.

The public hearing was declared open and subsequently closed when no one came forward to address the Commission.

RECESS: 12:09 – 1:37 p.m.

Mr. Pavlovic noted that the owner would repair Shafer Ranch Road, Road A, and Road H in the existing subdivision. He stated that the owner might pave the whole road through the subdivision or regrade the road to reduce some of the steep grade in the road. He noted that there is a road association for the Shafer Ranch Subdivision.

In response to Commissioner Lipmanson, Mr. Pavlovic described the slopes of the driveway for the proposed subdivision.

Chairman McCowen suggested paving the road within the subdivision in lieu of widening Shafer Ranch Road to 18 feet. Mr. Pavlovic and Mr. Waters indicated their support for this approach.

The Commission discussed possible road standards, culvert replacement and building envelopes at length, with Commissioner Little suggesting the improvement of the culverts to reduce sedimentation.

Commissioner Lipmanson expressed the need for a site view.

Commissioner Little expressed his belief that there was trade-off from potential impacts resulting from the project if the overall road and drainage improvements were enhanced within the project area.

Upon motion by Commissioner Little, seconded by Commissioner Berry and carried by the following roll call vote, IT IS ORDERED that the Planning Commission adopts a Negative Declaration and approves #MS 1-2002 making the following findings and subject to the following conditions of approval:

Environmental Findings: The Planning Commission finds that the environmental impacts identified for the project can be adequately mitigated through the conditions of approval or features of the project design.

Department of Fish and Game Finding: The Planning Commission finds that because this division would create additional density and intensity of land use and would contribute to the overall reduction in wildlife populations and habitat from a cumulative standpoint, the de minimis finding cannot be made for this project. The project is, therefore, subject to the Fish and Game Section 711.4 fee of \$1,275.00.

General Plan Findings: Pursuant to Section 66473.5 of the California Government Code, the Planning Commission finds the proposed subdivision, together with the provisions for its design and improvement, are consistent with the General Plan.

Project Findings: The Planning Commission, making the environmental and General Plan findings above, approves #MS 1-2002, subject to the following conditions of approval as recommended in the staff report, further finding:

Pursuant to California Government Code Section 66445(e) the Planning Commission finds that division and development of the property in the manner set forth on the approved or conditionally approved tentative map will not unreasonably interfere with the free and complete exercise of the public entity or public utility right-of-way or easement.

The proposed minor subdivision complies generally with all requirements of the Subdivision Map Act and of the Mendocino County Code, specifically with respect to area, improvement and design, flood and water drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability and environmental protection.

CONDITIONS OF APPROVAL:

For a Minor Subdivision that has been approved according to the Mendocino County Code, the following "Conditions of Approval" shall be completed prior to filing the Parcel Map.

ALL CONDITIONS OF APPROVAL MUST BE MET PRIOR TO EXPIRATION TWENTY-FOUR (24) MONTHS FROM DATE OF APPROVAL, UNLESS RENEWED PURSUANT TO THE MENDOCINO COUNTY CODE.

1. Submit to the Division of Environmental Health an acceptable site evaluation report (DEH Form Number 42.04) for Parcels 1, 2 and 3 to be completed by a qualified individual demonstrating compliance with the North Coast Regional Water Quality Control Board's "Basin Plan Policy for On-site Waste Treatment and Disposal" and Mendocino County Division of Environmental Health's "Land Division Requirements" (DEH Form Number 26.09). The report shall also include identifying replacement areas for existing on-site sewage disposal systems which may exist on the project site.
2. Submit to the Division of Environmental Health an acceptable water quantity evaluation (DEH Form Number 26.05) by a qualified individual of a water source located on any one of the Parcels of the subdivision demonstrating an adequate water supply in compliance with the Division of Environmental Health's "Land Division Requirements" (DEH Form Number 26.09), and submit to the Division of Environmental Health an acceptable standard mineral analysis performed by a certified public health laboratory on a sample from the subdivision water source.
3. All requirements of the Mendocino County Air Quality Management District shall be complied with as follows:

- A. ~~All grading, excavating or performance of earthwork shall comply with the Airborne Toxic Control Measures for Naturally Occurring Asbestos (NOA) to the satisfaction of the Mendocino County Air Quality Management District. If NOA above levels of concern is detected then all vehicle surfaces where NOA exceeds the state standard shall be paved, excluding chip sealing, provided that other methods that significantly reduce fugitive dust emissions on a permanent basis to the satisfaction of the Air Pollution Control Officer are acceptable. "Vehicle surfaces" also includes driveways and parking areas, unless the Mendocino County Air Pollution Control Officer determines that surfacing is not needed. All future development and improvements shall comply and be maintained in accordance with said regulations. All road construction shall be coordinated with and approved by the Mendocino County Department of Transportation.~~
- B. Rock road surfacing permitted, including onsite sources, shall comply with Mendocino County Air Quality Management District Regulation 3, Rule 6-100 (Asbestos Containing Serpentine Rock). All grading and surfacing for access roads, driveways and interior circulation routes shall be undertaken and maintained in a manner to insure minimum dust generation subject to Mendocino County Air Quality Management District Regulation 1, Rule 430 (Fugitive Dust Emissions).
4. There shall be provided an access easement of ~~60 feet and~~ 70 feet in width per the tentative map, from a publicly maintained road to the proposed turn around on Parcel 3 ~~to each parcel being created~~. Additionally, there shall be provided an access easement of 50 feet in width from the turnaround ~~60 foot wide access easement~~ to the Parcel 2 boundary. Documentation of access easements shall be provided to the Mendocino County Department of Transportation for their review prior to final approval.
5. If a Parcel Map is filed, all easements of record shall be shown on the Parcel Map. All utility lines shall be shown as easements with widths as shown of record or a minimum of 10 feet, whichever is greater.
6. ~~Approval of the tentative map is conditioned upon completion by the subdivider and acceptance by the Mendocino County Department of Transportation of all improvements set forth by the Department of Transportation letter dated March 22, 2002 (excluding item 10) as modified April 11, 2002. If approval of the tentative map is conditional upon certain improvements being made by the subdivider, the subdivider shall notify the Mendocino County Department of Transportation when such improvements have been completed.~~
7. ROAD IMPROVEMENT REQUIREMENTS.
- A. Eighteen (18) foot wide road within the 70 foot wide access easement, from the hammerhead T near the northeast boundary to the turnaround on Parcel 3, the surface shall be paving with a minimum of two (2) inches of asphalt concrete, fifty (50) foot minimum radius of horizontal curves, grade not to exceed eighteen (18) percent, drainage culverts where necessary. New or replaced culverts shall be a minimum of twelve (12) inches in diameter.
- A. ~~Eighteen (18) foot wide road within the 60 and 70 foot wide access easements, from Walker Road (CR# 299) to the turnaround on Parcel 3, including four (4) inch minimum rock base, fifty (50) foot minimum radius of horizontal curve, grade not to exceed fifteen (15) percent, drainage culverts where necessary. New or replaced culverts shall be a minimum of twelve (12) inches in diameter. The road grade may be increased to a~~

~~maximum of eighteen (18) percent; however, in all areas where road grade exceeds fifteen (15) percent, road way shall be paved with a minimum of two (2) inches of asphalt concrete.~~

- B. Private road approach shall be constructed to a minimum width of eighteen (18) feet, area to be improved twenty (20) feet from the edge of the county road, to be surfaced with surfacing comparable to that on the County road.
 - C. A 40-foot radius turnaround shall be constructed within a 50-foot radius easement at the terminus of the 70 ~~60~~ foot wide access easement, to the satisfaction of the Mendocino County Department of Transportation.
 - D. Subdivider shall construct a ten (10) foot wide all weather driveway within the 50 foot wide access easement serving Parcel 2, including four (4) inch minimum rock base, fifty (50) foot minimum radius of horizontal curve, grade not to exceed sixteen (16) percent.
 - E. The applicant, in consultation with Department of Transportation, shall identify and improve no less than ten (10) culverts which require mitigation to reduce erosion to the satisfaction of Department of Transportation.
- 8. The subdivider shall comply with the recommendations in the California Department of Forestry letter of October 8, 2001 (CDF #534-01) or alternatives acceptable to the Department of Forestry. Written verification from the Department of Forestry shall be submitted to the Department of Planning and Building Services that this condition has been met to the satisfaction of the Department of Forestry.
 - 9. The applicant shall through the Private Road Naming Petition Process name the private roadway serving the subject property from its intersection with Shafer Ranch Road (private) to its terminus. Noncombustible signs to CDF standards shall be installed at the intersections of Shafer Ranch Road, Road A and Road H.
 - 10. Prior to filing a Parcel Map, grading permit(s) for all improvements required as a condition of said tentative map shall be obtained and finalized to the satisfaction of the Mendocino County Department of Planning and Building Services, incorporating Special Conditions Number 1 and 2. Grading plans shall incorporate all onsite or offsite excavation or disturbance that the County determines was performed in anticipation of the proposed subdivision, including remediation of said prior work that does not conform to the requirements of the Parcel Map.
 - 11. This entitlement shall not become effective or operative and no work shall be commenced under this entitlement until the California Department of Fish and Game filing fees required or authorized by Section 711.4 of the Fish and Game Code are submitted to the Mendocino County Department of Planning and Building Services. Said fee of \$1,275.00 shall be made payable to the Mendocino County Clerk and submitted to the Department of Planning and Building Services prior to October 4, 2002. If the project is appealed, the payment will be held by the Department of Planning and Building Services until the appeal is decided. Depending the outcome of the appeal, the payment will either be filed with the County Clerk (if project is approved) or returned to the payer (if project is denied). Failure to pay this fee by the specified deadline shall result in the entitlement becoming null and void.

12. Any person who, in the preparation for or act of excavating or otherwise disturbing earth, discovers any archaeological site or human remains shall comply with Section 22.12.090 or 22.10.100 of the Mendocino County Code as applicable.

SPECIAL CONDITIONS OF APPROVAL:

1. Prior to filing a Parcel Map, the subdivider shall submit a report prepared by a qualified professional labeled as an Exhibit to mitigate earth disturbance, drainage, erosion, sedimentation and devegetation for (a) all work and improvements required for the project, (b) remediation of the existing quarry, and (c) remediation of prior work undertaken to establish building pads and driveways, to the satisfaction of the Department of Planning and Building Services, and incorporating the following principles:
 - A. The area and surfaces disturbed shall be the minimum necessary to comply with the conditions of the Parcel Map.
 - B. Drainage shall be designed to maintain natural drainage patterns and reduce gullies. Vegetation shall consist of noninvasive native fire resistive and drought tolerant species. Mitigations shall be designed for a minimum of maintenance and grading should be restricted between April 15 and October 15.¹
 - C. Said reports shall be labeled as an Exhibit. A note shall appear on the Parcel Map that all development including building pads, buildings, roadways, driveways, parking, landscaping and other disturbances, shall comply with the Exhibit on file with the Department of Planning and Building Services.
2. Prior to filing a Parcel Map, the subdivider shall submit an Exhibit Map certified by a licensed professional identifying one building envelope for each parcel as follows:
 - A. The Parcel Map shall identify building envelopes with minimal slopes to reduce erosion and sedimentation impacts (generally less than 15 percent). Areas outside these building envelopes shall be labeled "Not an approved Building Site."
 - B. A note shall appear on the Parcel Map that all future development, improvements and disturbance (except required for fire mitigation/removal of nonvital vegetation) shall be restricted to the building envelopes on the Parcel Map and Exhibit Map on file with the Department of Planning and Building Services.

AYES: Nelson, Barth, Berry, Little, McCowen

NOES: Calvert, Lipmanson

ABSENT: None

RECESS: 2:25 – 2:38 p.m.

¹ BMP in the public hearing draft Mendocino County Grading Ordinance dated July 2, 2002 should be consulted.

4F. Grading Regulations.

Ray Hall provided a brief summary of the process to date. Mr. Hall distributed to the Commissioner a list of persons on the Grading Committee. He mentioned that letters had been received from Daniel Myers and Leonard Brutocao.

Sec. 18.030.021 – Definitions (A) – Agricultural Commissioner

It was the consensus of the Commission to adopt the proposed definition for Agricultural Commissioner to read:

- (B1) Agricultural Commissioner. The Agricultural Commissioner – Sealer of Weights and Measures of the County or his or her authorized representatives.

It was the consensus of the Commission to hold the recommendations of the Farm Bureau's new definitions for Agricultural Grading and Agricultural Road until the Commission considers the Agricultural Chapter.

It was the consensus of the Commission to include the standard for "Chemical treatment" in the appropriate location of the ordinance.

Sec. 18.030.024 – Definitions (D)

It was the consensus of the Commission to adopt the proposed definition for Department of Transportation as proposed in the Draft Grading Regulations to read:

- (A) Department of Transportation. The Mendocino County Department of Transportation.

It was the consensus of the Commission to adopt the proposed definition for Deep Ripping as proposed in the Farm Bureau's Draft Grading Regulations to read:

- (A1) Deep Ripping. Any agricultural grading of soil four (4) feet or more below existing surface grade.

It was the consensus of the Commission to modify the proposed definition for Drainage course as proposed in the Draft Grading Regulations to read:

- (B) Drainage course (drainage channel, drainage facility). Any topographic depression, watercourse, or natural or manmade channel or structure (including berms, waterbars, culverts, ditches, etc.) which conveys or receives excess surface water, including ~~runoff~~ intermittently (seasonally) or perennial (year around) runoff.

Sec. 18.030.025 – Definitions (E)

It was the consensus of the Commission to delete the proposed definition for Earthworks as proposed in the Draft Grading Regulations as follows:

- (A) ~~Earthworks. Any activity involving grading, grubbing, excavation, filling, soil compaction, stockpiling, creation of fills or embankments or vegetation removal precedent to such activities, to prepare a site for construction of roads, paving, surfacing, structures, reservoirs, landscaping, new planting, or other improvements.~~

Chairman McCowen passed the gavel to Vice-Chairman Little for the balance of the discussion on the Draft Grading Ordinance.

It was the consensus of the Commission to adopt the proposed definitions for Earth material and Emergency as proposed in the Draft Grading Regulations as follows:

- (B) Earth material. Any soil, sand, gravel, rock, organic or mulch cover, or other natural material or fill.
- (C) Emergency. An occurrence or disaster where typically the forces are beyond the control of the owner, demanding immediate action to prevent or mitigate loss or damage to life, health, property, or essential public services.

It was the consensus of the Commission to modify the proposed definition for Engineering Geologist (Certified Engineering Geologist) as proposed in the Draft Regulations as follows:

- (D) Engineering Geologist (Certified Engineering Geologist, ~~Registered Geologist~~). A geologist licensed and authorized by the State of California to use the title Certified Engineering Geologist ~~or Registered Geologist~~.

It was the consensus of the Commission to adopt the proposed definition for Engineering geology as proposed in the Draft Regulations as follows:

- (E) Engineering geology. The application of geologic knowledge and principals in the investigation and evaluation of naturally occurring rock and soil for use in the design of civil works.

It was the consensus of the Commission to address the implications of “Approve” vs. “Authorize” anywhere those terms are found in the Draft Grading Regulations, after reviewing County Counsel opinion.

It was the consensus of the Commission to adopt the proposed definitions for Excavation and Existing as proposed in the Draft Grading Regulations as follows:

- (G) Excavation. The mechanical removal of earth material.
- (H) Existing. Unless otherwise specified, that which was legally in place, constructed or under construction, or approved for placement or construction, prior to the effective date of this chapter, or that which was thereafter placed or constructed in conformance with this chapter.

Sec. 18.030.026 – Definitions (F)

It was the consensus of the Commission to modify the proposed definition of Fill as proposed in the Draft Grading Regulations as follows:

- (A) Fill. The deposit of earth or man-made material placed by artificial means.

It was the consensus of the Commission to hold the recommendations of the Farm Bureau’s definition for Farm Pond until the Commission considers the Agricultural Chapter.

Sec. 18.030.027 – Definitions (G)

It was the consensus of the Commission to adopt the proposed definitions in Section 18.030.027 (A) through (H) as proposed in the Draft Grading Regulations as follows:

- (A) General Plan. The Mendocino County General Plan.
- (B) Geologist (Registered Geologist). A geologist licensed and authorized by the State of California to use the title Registered Geologist.
- (C) Geotechnical Engineer. See "Soils Engineer."
- (D) Grade. The vertical location of the ground surface.
- (E) Grade, existing. The surface of the ground prior to grading.
- (F) Grade, finish. The final surface of the ground which conforms to the approved plan.
- (G) Grade, natural. See "existing grade."
- (H) Grade, rough. The surface of the ground which approximately conforms to the approved plan.

It was the consensus of the Commission to modify the proposed definition of Grading as proposed in the Draft Grading Regulations as follows:

- (I) Grading. Excavating, land planing, deep ripping, soil compaction, stockpiling, cutting, filling, terracing, ripping, road construction or the removal of natural vegetation, clearing, grubbing, contouring, building pad development, trenching, excavation, installation of underground pipes for water drainage or delivery, and construction of a pond or any combination thereof, together with ~~associated earthworks or~~ other construction activity that creates the potential for erosion or sedimentation, including any change in the direction, velocity or volume of flow of water.

It was the consensus of the Commission to adopt the proposed definitions in Section 18.030.027 (J) through (L) as proposed in the Draft Grading Regulations as follows:

- (J) Grading, engineered. Grading operations for which engineered plans are required.
- (K) Grading plan, as-built. Final approved plans conformed to surface conditions upon completion of grading.
- (L) Grazing. The consumption of standing forage (edible grasses, forbs and browse) by livestock or wildlife.

Sec. 18.030.028 – Definitions (H)

It was the consensus of the Commission to reserve Section 18.030.028 – Definitions (H) as proposed in the Draft Grading Regulations.

Sec. 18.030.029 – Definitions (I)

It was the consensus of the Commission to adopt the proposed definition for In-ground structure as proposed in the Draft Grading Regulations as follows:

- (A) In-ground structure. Any work artificially built up or composed of parts joined together in a specific manner when placed in or below the ground surface, where movement of earth material is required for its placement.

It was the consensus of the Commission to hold the recommendation of the definition of Irrigated pasture until the Commission considers the Agricultural Chapter.

Sec. 18.030.030 – Definitions (J)

It was the consensus of the Commission to reserve Section 18.030.030 – Definitions (J) as proposed in the Draft Grading Regulations.

Sec. 18.030.031 – Definitions (K)

It was the consensus of the Commission to reserve Section 18.030.031 – Definitions (K) as proposed in the Draft Grading Regulations.

Sec. 18.030.032 – Definitions (L)

It was the consensus of the Commission to adopt the proposed definitions of Lake and Land use permit (development permit) as proposed in the Draft Grading Regulations as follows:

- (A) Lake is a permanent natural body of water, or an artificially impounded publicly owned body of water, isolated from the sea, with at least one half acre of open water of sufficient depth and permanency to prevent complete coverage by rooted aquatic plants.
- (B) Land use permit (development permit). Entitlement for a subdivision, use permit, change of zoning or other discretionary land use entitlement or permit.

Sec. 18.030.033 – Definitions (M)

It was the consensus of the Commission to delete the proposed definition of Material as proposed in the Draft Grading Regulations as follows:

- (A) ~~Material. See "earth material."~~

Sec. 18.030.034 – Definitions (N)

It was the consensus of the Commission to modify the proposed definitions of Natural Resources Conservation Service (NRCS) as proposed in the Draft Grading Regulations as follows:

- (A) Natural Resources Conservation Service (NRCS). The division of the United States Department of Agriculture, formerly named ~~named the Natural Resources Conservation Service, formally~~ the Soil Conservation Service.

Sec. 18.030.035 – Definitions (O)

It was the consensus of the Commission to address the implications of “Approve” vs. “Authorize” anywhere those terms are found in the Draft Grading Regulations, after reviewing County Counsel opinion.

Sec. 18.030.036 – Definitions (P)

It was the consensus of the Commission to adopt the proposed definitions of Percent slope, Person and Professional inspection as proposed in the Draft Grading Regulations as follows:

- (A) Percent Slope. The elevation change in feet, measured perpendicular to the contours on the land, divided by the horizontal distance in feet multiplied by one hundred (100).
- (B) Person. Any individual, firm, association, organization, partnership, business, trust, corporation, limited liability company, company, or local agency.
- (C) Professional inspection. The inspection required by this article to be performed by the civil engineer, soils engineer or engineering geologist or other qualified professional authorized to perform the inspections required by this chapter. Such inspections include that performed by persons supervised by such qualified professional and shall be sufficient to form an opinion relating to the conduct of the work.

Sec. 18.030.037 – Definitions (Q)

It was the consensus of the Commission to adopt the proposed definition of Qualified Professional as proposed in the Draft Grading regulation as follows:

- (A) Qualified Professional². A qualified professional is educated, trained and experienced in the subject matter to the satisfaction of the Permitting Agency.

Sec. 18.030.038 – Definitions (R)

It was the consensus of the Commission to adopt the proposed definition of Rangeland as proposed in the Draft Grading Regulations as follows:

- (A) Rangeland. Land that may provide the necessities of life for grazing and browsing animals, as well as offer recreation, wildlife habitat and other values.

It was the consensus of the Commission to hold the recommendation of the definitions of Riparian Boundary, Riparian Corridor and Riparian Vegetation until the Commission considers the Agricultural Chapter.

Sec. 18.030.039 – Definitions (S)

It was the consensus of the Commission to adopt the proposed definition of Slope as proposed in the Draft Grading Regulations as follows:

- (A) Slope. An inclined ground surface, the inclination of which is expressed as a ratio of horizontal distance to vertical distance.

² Refer to Appendix E: “Preparation of Special Plans and Reports”

It was the consensus of the Commission to modify the proposed definition of Soil as proposed in the Draft Grading Regulations as follows:

- (B) Soil. Naturally occurring superficial deposits containing weathered minerals, decayed organic materials, liquids, and gases overlying bedrock.

It was the consensus of the Commission to adopt the proposed definitions of Soils Engineer (Geotechnical Engineer) and Soils Engineering (Geotechnical Engineering) as proposed in the Draft Grading Regulations as follows:

- (C) Soils Engineer (Geotechnical Engineer). An engineer or geotechnical engineer authorized by the State of California to use the title Soils Engineer or Geotechnical Engineer.
- (D) Soils Engineering (Geotechnical Engineering). The application of the principals of soils mechanics in the investigation, evaluation and design of civil works involving the use of earth materials and the inspection or testing of the construction thereof.

It was the consensus of the Commission to hold the recommendation of the definition of Watercourse Stream Setback until the Commission considers the Agricultural Chapter.

Sec. 18.030.040 – Definitions (T)

It was the consensus of the Commission to modify the proposed definition of Terrace as proposed in the Draft Grading Regulations as follows:

- (A) Terrace. A relatively level step ~~constructed~~ in the face of a graded slope surface typically for drainage and maintenance purposes.

Sec. 18.030.041 – Definitions (U)

It was the consensus of the Commission to adopt the proposed definition of Undesirable Range plants as proposed in the Draft Grading Regulations as follows:

- (A) Undesirable range plants. Plant species that are classified as undesirable, noxious, harmful, exotic, injurious or poisonous pursuant to state or federal law, the California Native Plant Society or the California Exotic Plant Pest Council.

Sec. 18.030.042 – Definitions (V)

It was the It was the consensus of the Commission to reserve Section 18.030.042 – Definitions (V) as proposed in the Draft Grading Regulations.

Sec. 18.030.043 – Definitions (W)

It was the consensus of the Commission to direct staff to return to the Commission with definitions of Watercourse, Watercourse – Class I and Watercourse – Class II that include areas where the presence of fish has been documented.

It was the consensus of the Commission to modify the proposed definition of Watercourse, Class III as proposed in the Draft Grading Regulations as follows:

- (D) Watercourse, Class III. A watercourse that has no aquatic life present and shows evidence of being capable of sediment transport to a Class I Watercourse Stream or a Class II Watercourse Stream.

It was the consensus of the Commission to hold the recommendation of the definitions of Watercourse, Class IV, Watercourse Corridor, Winter Grading and Winter Period until the Commission considers the Agricultural Chapter.

Sec. 18.030.044 – Definitions (X)

It was the consensus of the Commission to reserve Section 18.030.044 – Definitions (X) as proposed in the Draft Grading Regulations.

Sec. 18.030.045 – Definitions (Y)

It was the consensus of the Commission to reserve Section 18.030.045 – Definitions (Y) as proposed in the Draft Grading Regulations.

Sec. 18.030.046 – Definitions (Z)

It was the consensus of the Commission to reserve Section 18.030.046 – Definitions (Z) as proposed in the Draft Grading Regulations.

It was the consensus of the Commission to continue the Grading Regulation to October 3, 2002 not to be heard prior to 1:30 p.m.

Vice-Chairman Little returned the gavel to Chairman McCowen.

5. Matters from Staff.

None.

6. Matters from Commission.

Chairman McCowen handed out and discussed correspondence he received from Mr. John Prince regarding exemption for “existing” roads under CDF 4290 regulations. He noted that the letter regarded an interpretation of “existing road” from California Department of Forestry (CDF). Mr. Hall noted that he has discussed the problem with the neighbor. Commissioner Berry noted that this is a CDF problem not a Planning Commission issue.

7. Approval of Minutes.

Upon motion by Commissioner Calvert, seconded by Commissioner Barth and unanimously carried (6-0; Berry – Abstain), IT IS ORDERED that the Minutes of August 15, 2002 are approved as submitted.

8. Matters from Public.

No one was present from the public who indicated a desire to address the Commission.

9. Adjournment.

Upon motion by Commissioner Berry, seconded by Commissioner Calvert, and unanimously carried (7-0), IT IS ORDERED that the Planning Commission hearing adjourned at 4:45 p.m.