

MENDOCINO COUNTY PLANNING COMMISSION

MINUTES

JUNE 5, 2003

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

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

COMMISSIONERS ABSENT: None

PLANNING & BLDG SVC STAFF PRESENT: Sandi Butterfield, Staff Assistant IV
Debra White, Office Manager
Raymond Hall, Director
Frank Lynch, Chief Planner
Gary Pedroni, Senior Planner

OTHER COUNTY DEPARTMENTS PRESENT: Frank Zotter, Deputy County Counsel
Ben Kageyama, Dept of Transportation
Scott Miller, Division of Environmental Health

1. Roll Call.

The meeting was called to order at 9:03 a.m. Commissioner Lipmanson arrived at 9:08 a.m. and Commissioner Edwards arrived at 9:15 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.

In response to Commissioner Barth, Mr. Lynch noted that the Board of Supervisors has not set a hearing date for the Edge Wireless/King appeal.

In response to Commissioner Barth, Mr. Hall mentioned that the Mendocino Land Trust is a private entity and is funded by the California Coastal Conservancy. Mr. Hall stated that any questions or comments should be directed to the Mendocino Land Trust.

In response to Commissioner Little, Mr. Hall noted that if Home Depot goes into the old Kmart, no change is needed in the Brush Street Triangle Study.

Mr. Hall also noted that funding for the Grading Ordinance would probably be included by in upcoming fiscal years.

4. Consent Calendar.

4A. A 2-2003 – TERZANI/BEMMANN – South of Point Arena City Limits

Request: Creation of a Type II Agricultural Preserve on a 458.46+- acre parcel of land.

Chairman McCowen noted that one parcel number was deleted from the recommended motion so the acreage in the motion should change to 457.46+- acres.

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

Upon motion by Commissioner Nelson, seconded by Commissioner Calvert and unanimously carried (7-0), IT IS ORDERED that the Planning Commission approves the Consent Calendar Item 4A and recommends to the Board of Supervisors approval of Agricultural Preserve #A 2-2003 with the findings as follows:

Environmental Findings: The application for inclusion into Agricultural Preserve is exempt from California Environmental Quality Act (CEQA) per CEQA guidelines, Section 15317, Class 17.

General Plan Consistency Finding: The proposed agricultural is consistent with applicable goals and policies of the General Plan.

Agricultural Preserve Criteria: That the request for placement of the subject ~~457.46+-~~ 458.46+- acres described by Assessor Parcel Numbers; 27-141-06, 27-151-02, 27-151-10, 27-151-11, 27-151-12, 27-151-13, 27-151-14, 27-291-16, 27-291-17, and 27-341-02, into a Type II Agricultural Preserve Contract is consistent with Mendocino County Code Section 22.08.021(5) based upon information supplied by the Assessor, the Agricultural Commissioner, and the U.S. Department of Agriculture, Soil Conservation Service's classifications for the type of soil on the property.

5. Regular Calendar.

5A. Mendocino County Redevelopment Plan and Final Environmental Impact Report

Project: Clarification or Possible Reconsideration of the Planning Commission's Action of the May 15, 2003 regarding the Mendocino County Redevelopment Plan and Final Environmental Impact Report (EIR). Report and recommendation to the Board of Supervisors regarding 1) Adoption of the Mendocino County Redevelopment Plan; and 2) Certification of the associated Environmental impact Report (EIR). The Project Area designation comprises approximately 772 non-contiguous acres of unincorporated, predominately urbanized land in the southeastern portion of Mendocino County, generally located along U.S. Highway 101 (Redwood Highway), North State Street, and South State Street. The proposed Project Area includes three subareas (from north to south): Calpella, North Ukiah, and South Ukiah. The incorporated city of Ukiah is located between North Ukiah and South Ukiah subareas. The purpose of adoption of a redevelopment plan is to provide a means of overcoming adverse physical and economic conditions and to facilitate revitalization within the Project Area, pursuant to the Community Redevelopment Law contained in the California Health and Safety Code. The Redevelopment Plan may support revitalization through several redevelopment activities including the acquisition and assembly of property, rehabilitation, relocation, owner participation programs, as well as other cooperative methods utilizing private and public resources. Specific components of the redevelopment program could include roadway and infrastructure improvements, historic preservation, establishment of design guidelines,

various economic development activities, gateway and landscaping improvements, and the encouragement of residential and affordable housing development.

Chairman McCowen announced that he would be recusing himself from action on this item since he owns property in the proposed Redevelopment Plan area. Chairing of the meeting was turned over to Vice-chairman Little and Chairman McCowen took a seat in the audience.

Commissioner Nelson stated that he concurs with the clarifications provided by other Commissioners on the action taken by the Planning Commission on May 15, 2003 during the afternoon session on May 15th.

Commissioner Edwards stated that he would be recusing himself from action on this item and he also took a seat in the audience.

Vice-chairman Little noted that the Commission clarified, after taking formal action on the Redevelopment Plan and EIR, on May 15, 2003 that it was their intent to recommend that the Board of Supervisors consider increasing the tax allocation for affordable housing but that was not to be a requirement for approval of the Plan. Commissioner Lipmanson added that it was his intent, however, that it be a strong recommendation that the Board of Supervisors consider the increase.

No formal action was required by the Commission given the clarifications provided by Commissioners.

RECESS: 9:22 – 9:24 a.m.

5B. CDMS 26-2001/CDUM 10-93/2002 – GORDON – South of Albion

Request: Coastal Development Minor Subdivision of an 11.98+- acre to create 2 parcels containing 5.20+- and 6.78+- acres, project includes on-site water and sewage disposal systems for Parcel 1 and Parcel 2, construction a 40 foot wide access easement over Parcel 2 to serve Parcel 1. Modification of Coastal Development Use Permit (#CDU 10-93) to create additional building envelopes that would include a 100 foot by 100 foot residential building site, a 16 foot diameter concrete below-grade water storage tank and an adjacent 10 foot by 10 foot, 8 foot high pump house on Parcel 2, and establish a 16 foot by 16 foot building envelope for pump house on Parcel 1.

Mr. Lynch reviewed the staff report and correspondence.

Mr. Bud Kamb, Agent for the application, thanked the Planning Commission for granting continuances so he could obtain more information regarding issues noted by Coastal Commission staff. The Coastal Commission's issues were water, septic, and visual impacts in a highly scenic area. He requested that the Fish and Game filing fee be reduced since the \$1,275.00 fee was paid with the previous land division. Mr. Kamb also suggested additional conditions regarding building materials and lighting requirements to minimize issues with the highly scenic criteria.

Mr. Bill Rienstra, Agent for the application, described the landscape and topography on the subject property. He reviewed the history of the property including providing adequate water. He noted that septic system requirements should not be an issue because the property perks well. Mr. Rienstra noted that the two building sites would be located in the previously approved building envelope.

In response to Commissioner Edwards, Mr. Reinstra noted that the proposed homes would be average sized homes, approximately 1,500 to 2,000 square feet in size.

The public hearing was declared open.

Ms. Evelyn Hamby, owner of the Fensalden Inn, spoke in opposition of the project. She voiced concern regarding visual impacts. She requested a restriction prohibiting the cutting of the cypress hedgerow. She also described the wildlife in the area.

The public hearing was declared closed.

Mr. Lynch displayed a map showing the highly scenic boundaries. He noted that the highly scenic boundary ends to the south and east of the subject property.

Commissioner Barth discussed the Navarro Ridge Trail noting that the trail is rarely used and may be deleted in the future.

Chairman McCowen noted that he rarely sees people using the trail. He also described the surrounding area designated highly scenic which is covered with power poles, propane tanks near the road, abandoned vehicles and trailers.

Chairman McCowen supported the “de minimis” finding because the project would create a 100-foot setback from the wetland area, there are no endangered species listed near the property and the fee was paid on a previous application.

RECESS: 10:34 – 10:52 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 26-2001/CDUM 10-93/2002 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 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: The Planning Commission has evaluated the Initial Study and other information pertinent to the potential environmental impacts of this project and finds that, based upon the existing development on the subject parcel and surrounding parcels, the project will not have any adverse impact upon wildlife or the habitat upon which wildlife depends and, therefore, the Commission has rebutted the presumption set forth in subdivision (d) of Section 753.5. Further finding that the Fish and Game filing fee was already paid with the previous subdivision and the addition of the 100 foot setback from the wetland area would not impact wildlife or the habitat upon wildlife depends.

~~**Department of Fish and Game Findings:** Because this subdivision and use permit 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 Environmentally Sensitive Habitat Area as identified will not be significantly degraded by the proposed development, there is no feasible less environmentally damaging alternative and all feasible mitigation measures capable of reducing or eliminating project related impacts have been adopted.

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 not contribute to development conflicts with natural resource habitats and visual resource policies.

Project Findings: The Planning Commission, making the above findings, approves #CDMS 26-2001 and #CDUM 10-93/2002, subject to the following conditions of approval as recommended within 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.

**STANDARD CONDITIONS OF APPROVAL FOR COASTAL DEVELOPMENT MINOR
SUBDIVISION #CDMS 26-2001:**

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. Subdivider shall submit to the Department of Planning and Building Services, an Exhibit Map defining building envelopes, which will avoid wetland areas, riparian habitat and rare plant communities in accordance with the Wetland Delineation Report prepared by Wetlands Research Associates, Inc., dated July 2002. A note shall be placed on the Unilateral Agreement stating that development (including residential and accessory structures, access ways, and on-site utilities) will be confined to the building envelopes as described on the Exhibit Map on file in the Department of Planning and Building Services.
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 \$25.00 ~~\$1,275.00~~ shall be made payable to the Mendocino County Clerk and submitted to the Department of Planning and Building Services prior to June 20, 2003 ~~February 21, 2003~~. 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.
3. A notation shall appear on the Unilateral Agreement that property adjacent to Agricultural Preserve may be subject to inconvenience or discomfort arising from agricultural practices which occasionally generate dust, noise, smoke, and odors.
4. A notation shall appear in the Unilateral Agreement that no future residential development may occur within the non-building area located within 200 feet of the adjacent lands within Type II Agricultural Preserve. Specific building envelopes are delineated on an exhibit map on file with the Department of Planning and Building Services.
5. There shall be provided an access easement of forty (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. Eighteen (18) foot wide road within the access easement, from Navarro Ridge Road (CR# 518) to the turnaround, 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.
9. 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 comparable surfacing on the county road.
10. Any proposed work within county rights of way requires obtaining an encroachment permit from the Mendocino County Department of Transportation.
11. A 40-foot radius turnaround be constructed within a 50-foot radius easement at turnaround location shown on the tentative map, to the satisfaction of the Mendocino County Department of Transportation.
12. The subdivider shall comply with those recommendations in the Department of Forestry letter of November 27, 2001 or other alternatives as acceptable to the Department of Forestry CDF# 635-01. 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.
13. 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 Parcels 1 and 2 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.
14. Submit to the Division of Environmental Health an acceptable site evaluation report (DEH Form Number 42.04) for Parcels 1 and 2 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.
15. A notation shall appear on the Unilateral Agreement which shall advise that development of the property will be subject to the "highly scenic" development standards stated in Chapter 20 of the Mendocino County Code.
16. In the event that archaeological resources are encountered during construction on the property, work 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.

SPECIAL CONDITIONS OF APPROVAL:

1. Subdivider shall construct a ten (10) foot wide all weather driveway within the forty (40) foot wide access easement serving Parcel 1, from the turnaround to the easterly boundary of Parcel 1, including four (4) inch minimum rock base, fifty (50) foot minimum radius of horizontal curvature, grade not to exceed sixteen (16) percent.

**STANDARD CONDITIONS OF APPROVAL FOR COASTAL DEVELOPMENT USE PERMIT
MODIFICATION #CDUM 10-93/2002:**

1. This permit shall become effective after all applicable appeal periods have been expired or appeal processes exhausted. Failure of the permittee to make use of this permit within one year or failure to comply with payment of any fees within specified time periods shall result in the automatic expiration of this permit. This permit shall expire on June 5, 2004 ~~February 6, 2004~~. The applicant has sole responsibility for renewing this permit before the expiration date listed above. The County will not provide a notice prior to the expiration date.
2. Subdivider shall submit to the Department of Planning and Building Services, an Exhibit Map defining building envelopes, which will avoid wetland areas, riparian habitat and rare plant communities in accordance with the Wetland Delineation Report prepared by Wetlands Research Associates, Inc., dated July 2002. A note shall be placed on the Unilateral Agreement stating that development (including residential and accessory structures, access ways, and on-site utilities) will be confined to the building envelopes as described on the Exhibit Map on file in the Department of Planning and Building Services.
3. The use and occupancy 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 use permit.
4. That the application along with supplemental exhibits and related material be considered elements of this entitlement and that compliance therewith be mandatory, unless a modification has been approved by the Planning Commission.
5. That this permit be subject to the securing of all necessary permits for the proposed development and eventual use from County, State and Federal agencies having jurisdiction. Any requirements imposed by an agency having jurisdiction shall be considered a condition of this permit.
6. This permit shall be subject to revocation or modification by the Planning Commission upon a finding of any one (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.

7. 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.
8. Subdivider shall submit to the Department of Planning and Building Services, an Exhibit Map defining building envelopes, which will avoid wetland areas, riparian habitat and rare plant communities in accordance with the Wetland Delineation Report prepared by Wetlands Research Associates, Inc., dated July, 2002. A note shall be placed on the Unilateral Agreement 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.
9. A notation shall appear in the Unilateral Agreement that no future residential development may occur within the non-building area located within 200 feet of the adjacent lands within Type II Agricultural Preserve. Specific building envelopes are delineated on an exhibit map on file with the Department of Planning and Building Services.
10. A notation shall appear on the Unilateral Agreement which shall advise that development of the property will be subject to the "highly scenic" development standards stated in Chapter 20 of the Mendocino County Code.
11. In the event that archaeological resources are encountered during construction on the property, work 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.
12. Building materials, including siding and roof materials for buildings to be constructed on the parcels, shall blend in hue and brightness, using earth tone colors and shall blend with their surroundings.
13. All future lighting whether installed for security or safety or landscaping design purposes shall be downcast and shielded and shall be positioned in a manner that will not shine light or allow glare beyond the boundaries of the subject parcels.
14. The existing cypress hedgerow lying along the northern and western property boundaries shall be maintained through trimming, replanting or other appropriate management techniques to provide visual screening and enhancement to the site.

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

NOES: None

ABSENT: None

5C. CDUM 3-91/2002 – GUALALA ARTS, INC. – Southeast of Gualala

Request: Coastal Development Use Permit Modification to allow the construction of a two-story 30-foot square store room to the Gualala Arts Center.

Mr. Lynch reviewed the staff report.

Mr. Paul Styskal, Agent for the application, reviewed the project and noted that the art center needs more storage space. He stated that they are working with the Department of Transportation on the road vacation process.

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

The Commission briefly discussed access, overflow parking and drainage culvert issues.

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 #CDUM 3-91/2002 making the following findings and subject to the following conditions of approval:

Environmental Findings: The Planning Commission finds that no significant environmental impacts would result from the proposed project which can not be adequately mitigated through the conditions of approval, therefore, a Negative Declaration is adopted.

General Plan Consistency Finding: As discussed under pertinent sections of the staff report, the proposed project is consistent with applicable goals and policies of the General Plan and Gualala Town Plan as subject to the conditions being recommended by staff.

Department of Fish and Game Findings: The Planning Commission has evaluated the Initial Study and other information pertinent to the potential environmental impacts of this project and finds that, based upon the existing development on the subject parcel and surrounding parcels, the project will not have any adverse impact upon wildlife or the habitat upon which wildlife depends and, therefore, the Commission has rebutted the presumption set forth in subdivision (d) of Section 753.5. Department of Fish and Game fees were collected for the original application.

Coastal Development Permit Findings: The Planning Commission finds that the application and supporting documents and exhibits contain information and conditions sufficient to establish, as required by Section 20.532.095 of 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, the Coastal Element of the General Plan, and the Gualala Town Plan.
8. The *Veratrum fimbriatum* habitat area will not be significantly degraded by the proposed development. There is no feasible less environmentally damaging alternative, and all feasible mitigation measures capable of reducing or eliminating project related impacts have been adopted.

Project Findings: The Planning Commission, making the above findings, approves #CDUM 3-91/2002 subject to the conditions of approval recommended by staff.

CONDITIONS OF APPROVAL:

Conditions which must be met prior to use and/or occupancy and for the duration of this permit:

1. Drainage improvements consistent with the recommendations proposed in the Drainage Study dated July 1, 1995, revised October 23, 1995, prepared by Kenneth E. Carr and Associates, shall be constructed and maintained to manage stormwater runoff, prevent erosion and to prevent contamination of surface waters and/or groundwater.
2. Within 90 days of project approval, the applicant shall submit written verification to the Department of Planning and Building Services from a registered civil engineer stating that the recommendations contained in the Drainage Study have been implemented and that stormwater runoff is being adequately managed. Should it be found that stormwater is not being adequately managed, additional measures shall be recommended, approved by the Department of Planning and Building Services, and implemented within six months of project approval.
3. Prior to the commencement of construction, temporary construction fencing or netting shall be installed along the southerly perimeter of the construction site to prevent construction equipment, dirt and debris from going beyond the limits of the construction site.
4. There shall be no development or other earth disturbing activities within 50 feet of the 25 foot by 200 foot environmentally sensitive plant habitat identified in the Botanical Report for #CDUM 3-91/94. Any future development shall be located outside the 50 foot buffer around the environmentally sensitive plant habitat.
5. The applicant must receive approval from the Department of Planning and Building Services prior to any removal of vegetation in association with new construction.
6. All exterior lighting associated with the project shall be downcast and shielded, to prevent the light source from being directly visible from off-site areas.
7. Access roads and parking areas as shown on the parking plan, with the addition of two more parking spaces, dated November 2, 1994, shall be surfaced with gravel three to four inches in depth, and shall be maintained with sufficient gravel to prevent dust or mud. Prior to the installation of surfacing material, the subgrade shall be prepared in accordance with good engineering practices to provide adequate drainage and to insure long surface life.

8. Identification signs shall be limited to one freestanding 36" by 72" sign, indirectly lighted, as shown on the revised site plan and sign drawing received October 6, 1994. Sign lighting shall be installed so that the light source is not visible off-site.
9. On-site informational or directional signs shall not exceed two (2) square feet in size, and shall be located as shown on the revised site plan of #CDUM 3-91/94.
10. In conformance with encroachment permit procedures administered by the Department of Transportation, the applicant shall construct and maintain two standard commercial driveway approaches, one onto Gualala Road (CR# 501) and one onto Old State Highway (CR# 501A), with minimum widths of 18 feet, improved 20 feet back from the edge of the County roads, surfaced with surfacing comparable to that on the County roads.
11. Pursuant to encroachment permit procedures administered by the Department of Transportation, and in conformance with improvement plans prepared by a civil engineer and approved by the Department of Transportation, the applicant shall reconstruct Old State Highway (CR# 501A), from its intersection with Gualala Road (CR# 501) to the southerly extent of the commercial driveway approach to serve the proposed facility. The roadway shall be designed and constructed in accordance with the following standards:

Minimum Pavement Width:	20 feet
Minimum Roadbed Width:	26 feet
Maximum Grade:	16 percent
Minimum Grade:	0.5 percent
Minimum Ditch Offset:	5 feet
Minimum Traffic Index:	4.0
Minimum Thickness of Asphalt Concrete Surfacing:	2 inches
Traffic signing and striping provided as necessary (including at the intersection of Old State Highway and Old Stage Road).	

12. Surface drainage facilities appurtenant to the County Road shall be designed and constructed in accordance with the following minimum standards:
 - a. Culverts shall be designed to accommodate a 10-year storm with no head at the inlet.
 - b. Roadside ditches shall be designed to accommodate a 100-year storm without encroaching onto the traffic lane.
 - c. Drainage easements for culverts shall have a minimum width of 10 feet.
 - d. Drainage easements for ditches shall have a minimum width of 20 feet.
 - e. Minimum allowable ditch grade shall be 0.5 percent.
 - f. Ditch lining or other acceptable measures may be required to control erosion where ditch grade exceeds 5 percent.
13. Should a road vacation of Old State Highway (CR# 501A) be approved by the Board of Supervisors within six months of project approval, Conditions 11 and 12 shall no longer apply. In addition, Condition 10 shall be replaced with the following: "In conformance with

encroachment permit procedures administered by the Department of Transportation, the applicant shall construct (or upgrade as necessary) and maintain two standard commercial driveway approaches onto Gualala Road (CR# 501), with minimum widths of 18 feet, improved 20 feet back from the edge of the County road, surfaced with surfacing comparable to that on the County road.”

14. Written verification from the Department of Transportation stating that roadway improvements have been completed to the satisfaction of the Department of Transportation must be submitted to the Department of Planning and Building Services prior to the issuance of any building permits.
 15. The applicant shall comply with those recommendations in the California Department of Forestry and Fire Protection Preliminary Clearance Letter No. 314-94, dated July 22, 1994, or other alternatives as acceptable to the Department of Forestry and Fire Protection.
 16. Colors and materials used for the structure shall be of earth tones and shall blend with the existing structure.
 17. The proposed addition shall comply with height requirements of the Remote Residential (RMR) Zoning District.
 18. In the event that archaeological resources are encountered during construction of the project, work 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.
 19. The use and occupancy 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 use permit.
 20. That the application along with supplemental exhibits and related material be considered elements of this entitlement and that compliance therewith be mandatory, unless a modification has been approved by the Planning Commission.
 21. That this permit be subject to the securing of all necessary permits for the proposed development and eventual use from County, State and Federal agencies having jurisdiction. Any requirements imposed by an agency having jurisdiction shall be considered a condition of this permit.
 22. This permit shall be subject to revocation or modification by the Planning Commission upon a finding of any one (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.
23. 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.

24. Boundary Line Adjustment #B 5-91 shall be completed prior to the issuance of any building permits on the property.
25. Submit letters to the Department of Planning and Building Services and the Department of Environmental Health from the Gualala Community Services District and the North Gualala Water Company within 30 days of project approval stating that sewer and water services are being provided to the project.
26. 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 \$25.00 shall be made payable to the Mendocino County Clerk and submitted to the Department of Planning and Building Services prior to June 20, 2003. 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.

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

NOES: None

ABSENT: None

RECESS: 11:13 – 11:17 a.m.

5D. UM 22-90/2002 and V 8-2002 – KAGYU DRODEN KUNCHAB – South of Laytonville

Request: Use Permit Modification and Renewal of #U 22-90 which permitted a religious retreat facility with sleeping cabins, a meeting hall, a communal kitchen, bathing facilities, and two residences. Proposed modifications would establish a new site for the meeting hall complex, which would also include a 90 foot tall Stupa (meditation hall, teaching space, and library), kitchen and dining facilities, restrooms, and a yurt; and would allow full-time occupancy of the Lama's residence and the caretaker's residence; and would increase the maximum allowed numbers of day-use and overnight participants from 60 to 100 and from 15 to 30 respectively; and would reduce the 200 foot buffer adjacent to land in Agricultural Preserve to 150 feet along the western boundary. A Variance is requested to allow the 90 foot tall Stupa within a 35 foot height limit, and to reduce the number of required parking spaces from 53 to 37.

Mr. Lynch reviewed the staff report and correspondence.

Commissioner Little noted that the project is within a local fire district.

Mr. Kevin Kellogg, Agent for this application, gave a PowerPoint presentation showing the natural setting and the proposed modifications. He noted that the retreat facility is for spiritual use and not for recreational use.

Mr. Craig Jenke, Secretary from Kagyu Drogen Kunchab (KDK), described the purpose and design of the proposed Stupa. He noted differences between the current meeting hall and the proposed hall.

In response to Commissioner Barth, Mr. Kellogg described the locked gate that is located off the highway and the condition of the road. He also noted that only people who register for retreats are allowed the combination to the gate and they are responsible for locking the gate.

In response to Commissioner Lipmanson, Mr. Kellogg advised the Commission that any soil excavated will be kept on site and used for fill. He noted that the slope where the Stupa will be located is about 10 percent.

Commissioner Nelson expressed concerns with reducing the 200-foot setback from Agricultural Preserve property.

RECESS: 12:03 – 1:23 p.m.

Mr. Lynch provided copies of two letters that were received in opposition to the project and apologized that they were not available earlier.

The public hearing was declared open.

Mr. Dimitri Ramus, adjacent property owner, noted that the road to the proposed project is shared with a subdivision further down the common road. He also discussed problems regarding the common gate. He voiced concerns with aesthetic issues regarding the Stupa's height. He further expressed concerns with the road condition and the road association's liability with accidents on the road. He noted that no one from the KDK organization has ever attended work parties to repair the road.

Mr. Michael Toms, local business owner, spoke in support of the project because he felt that the project supports the environment, nature and non-violent activities.

Ms. Adele Buck, adjacent property owner, spoke in opposition. She noted concerns with the steep road and the gate being left open. She also voiced concerns with fire safety and only one access route.

Mr. T. Carlson supported the project and noted that he has participated on the road crew.

Ms. Georgia Bond felt that the project should be approved as requested.

Mr. Jerry Modagno spoke in support of the application and suggested that residents in the subdivision could install another gate after the KDK property.

Ms. Carol Brodjieski noted that since the property had been purchased by KDK, existing structures have been significantly improved. She felt that the Planning Commission should approve the application.

Mr. John Burrrough, Treasurer for KDK, noted at KDK is a non-profit organization but the membership cost covers utilities, text and information for retreats, food and the road maintenance fee.

Mr. Dean Kayo felt that broken locks and gates are a countywide problem. He also discussed an escape plan in case of a fire. He addressed the septic systems and the drinking water system proposed at the site.

Ms. Deborah Jenkins advised that she is responsible for registering members for retreat. She noted that when people register for a retreat, they received a packet of information and rules.

In response to Commissioner Lipmanson, Ms. Jenkins noted that the intent of the project is to cause as little harm to wildlife and the natural setting as possible.

The public hearing was declared closed.

Mr. Kevin Kellogg noted that KDK would work with the community and road association to solve issues raised at today's hearing. He suggested that they could prepare a traffic study and a view shed study if the Planning Commission wished. He also discussed a second access for emergency access, which connects into the Twin Pine Subdivision via utility easement.

Several Commissioners expressed concerns with the condition of the road, erosion impacts, visual impacts, and increased traffic on the road. Commissioners also felt that the application should not be granted in perpetuity.

Commissioner Lipmanson noted that the Commission approves applications based on land use issues and not in the name of religion or beliefs.

Several Commissioners felt that it would be too costly to upgrade the road to meet minimum standards for the amount of existing or proposed increased traffic.

Mr. Kellogg requested a continuance so they could meet with the neighbors and address road issues.

Most Commissioners briefly commented that they did not support the variance for the height of the Stupa and to reduce the setback from land in Agricultural Preserve.

Upon motion by Commissioner Little, seconded by Commissioner Calvert and unanimously carried (7-0), IT IS ORDERED that the Planning Commission continue #UM 22-90/2002/#V 8-2002 to the July 17, 2003 hearing schedule for Laytonville to conduct a site view at 9:00 a.m.

6. Matters from Staff.

6A. Discussion with local fire districts regarding fire protection issues and possible solutions for mitigating problems during the planning process.

The discussion started by everyone introducing his or her selves. Individuals present: John McCowen, Nancy Barth, Jim Little, Greg Nelson, Karen Calvert, Don Lipmanson, Mark Edwards, Steve Francis, Dan Matson, Jim Bartlett, Colin Wilson, Jeff Smith, Frank Zotter, Julie Price, James Essig and Sandi Butterfield.

Discussion was centered on properties out of local service areas and the need to provide emergency and fire services. Local fire departments are providing services to properties out of our districts and are not bring reimbursed for their cost. There was discussion if some of the fire districts' needs could be addressed during the General Plan Update process.

In response to representatives from local fire departments, Mr. Zotter noted that the County possibility could adopt a countywide ordinance or the Unifrom Fire Code.

Representatives from local fire departments also noted problems with road signage and addresses not being posted.

Commissioners Lipmanson and Nelson excused themselves from the Commission meeting at 4:30 p.m.

Mr. Lynch reviewed a letter from concerned citizens of Irish Beach.

7. Matters from Commission.

In response to Chairman McCowen, Mr. Lynch noted that AB 1866 regarding second residential units would only affect the coastal zone in Mendocino County since second residential units are already allowed on inland parcels.

Commissioner Calvert mentioned that Emery Escola, a former forestry representative, passed away on May 13th. Commissioner Escola served on the Planning Commission from March 15, 1973 to April 7, 1983. He served during the major General Plan update, development of implementing zoning regulations and during the development of the Local Coastal Program. In those days, the Planning Commission frequently had two regular meetings per month, often going until 9:00 p.m. or later, several meetings per month on the General Plan update and several more meetings per month on the Local Coastal Program.

8. Approval of Minutes.

None.

9. Matters from Public.

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

10. Adjournment.

Upon motion by Commissioner Little, seconded by Commissioner Calvert, and unanimously carried (5-0; Lipmanson and Nelson – Absent), IT IS ORDERED that the Planning Commission hearing adjourned at 4:36 p.m. in memory of the late Planning Commissioner Emery Escola.