

MENDOCINO COUNTY PLANNING COMMISSION

MINUTES

SEPTEMBER 15, 2005

LOCATION:	Mendocino County Board of Supervisors Chambers, 501 Low Gap Road, Ukiah, California
COMMISSIONERS PRESENT:	Warner, Nelson, Calvert, Little, Lipmanson, Edwards, Moser
COMMISSIONERS ABSENT:	None
PLANNING & BLDG SVC STAFF PRESENT:	Angelina Salo, Staff Assistant III Raymond Hall, Director Frank Lynch, Chief Planner-Ukiah Charles Hudson, Chief Planner-Fort Bragg
OTHER COUNTY DEPARTMENTS PRESENT:	Frank Zotter, Deputy County Counsel Tom Peters, Dept. of Transportation

1. **Roll Call.**

The meeting was called to order at 9:00 a.m. Commissioner Lipmanson was absent at Roll Call.

2. **Determination of Legal Notice.**

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

3. **Director's Report and Miscellaneous.**

Director Raymond Hall reviewed the written Director's Report submitted into the record.

Commissioner Lipmanson arrived.

4. **Regular Calendar**

4A. **#GP 20-98 - Public Review of Draft Environmental Impact Report (Deir) for the Draft Ukiah Valley Area Plan**

Director Hall, reviewed the Staff Report. He introduced Leonard Charles, Leonard Charles & Associates, the consulting firm that prepared the DEIR. Mr. Hall informed the audience that the purpose of hearing was not to debate the merits of, but to determine if the DEIR adequately addressed the impacts of the Draft Ukiah Valley Area Plan. He explained that this program EIR assesses impacts at a broader level than a project-specific EIR. While the existing General Plan allows for significant growth, the DEIR must evaluate impacts on the existing physical environment, not based on current plans. The DEIR identifies a number of unmitigated significant impacts, such as loss of farmland, loss of views of open space, traffic generation, and significant growth inducing impacts; in this case the Board of Supervisors would need to make statement of overriding considerations. The Board of Supervisors will hold a hearing on October 25 and it is not necessary to attend both meetings. The comment period ends October 26. All documents are on the County's website.

Chairman Little stated that testimony by the public should be directed to the DEIR, not on the elements of the UVAP itself.

The public hearing was declared open.

Judy Pruden, Ukiah, stated that she was the senior member of the Ukiah Planning Commission and on the citizen's advisory committee that wrote 3 of the 14 elements of the original plan, and has lobbied for this process for the past 15 years. She offered the following comments:

On page 6, the DEIR should identify Ukiah as the county seat.

The traffic studies in the EIR are too general. The DEIR needs more specific traffic analysis and additional mitigations, other than use of mass transit.

Additional mitigations beyond water conservation are needed to address water constraints. The Russian River is fully appropriated.

There needs to be additional mitigation for increased wastewater capacity other than building another or expanded treatment/disposal facility. On page 41, under cumulative impacts, the problems identified are significant. Who would pay for such a facility? It might not be feasible.

On page 41, the DEIR says that traffic impacts to the city are speculative at this time. This is a concern, and the County should move forward slowly, recognizing these unknown impacts.

On page 43, the EIR should include a fourth alternative that caps growth at the 1,200 sewer hookups available, combined with smart growth principles. The County needs to allow growth to occur slowly to avoid making mistakes.

Commissioner Lipmanson asked whether a hybrid smart growth management alternative could be added with a growth cap to provide specificity.

Commissioner Nelson, the agricultural representative on the Commission, commented on the need for solutions to reduce wastewater. The dual use of gray water could cut down on water discharged to sewers and water pumped. He wants to see information on capacity and thresholds. Constructing 3 and 4 story buildings saves land and water, allows preservation of open space for water percolation. We need to encourage multi-story buildings.

Judy Pruden said the EIR should include a fifth alternative that recommends annexation of a greater area to the city of Ukiah, where three-story development is allowed. Urban levels of development should be under the auspices of a City planning department.

Romayne Daniels, Representative of the Yokayo Tribe, spoke in favor of a zone change application made by the tribe in 1995 from Rangeland to "Indian-Land." They need technical assistance to protect resources. There is nothing in the Plan that considers the tribe and their needs. She also noted a number of problems the tribe faces on this land including protecting a cemetery and sacred sweat and roundhouse areas, potential stream pollution, aggressive dogs, and uncertainty over legal rights given by the Rangeland designation.

Chairman Little stated that the above comments refer to the Plan itself. The DEIR is required to address cultural issues.

James Barrett, representing the owner of Site 18 (DEIR, Figure 10), stated that the DEIR discussion of Site 18 should be open to further discussion, and he and his client will submit additional information on this site. He believes that Site 18 includes the Indian housing project located on the east side of the site as shown in the DEIR.

Andrew Nichol, owner of Site 10b, stated that, contrary to what is stated in the DEIR, the pear orchard on the site was removed five years ago, and he is not opposed to the site being re-designated RC. The site

is no longer viable for commercial agriculture and should be re-designated, as shown in the Draft UVAP. As stated on DEIR page 325, re-designating the site back to Agriculture would not reduce the impact to a less than significant level, nor would it provide efficient land use patterns in the area.

Jack Cox requested clarification that single-family residential uses are allowable in the Commercial designation because he felt Site 36 is ideal for development and should not be re-designated Rangeland.

James Connerton, 906 S. Oak Street, public school teacher and member of hiking paths and open space committee, said the County should be careful and conservative in approving more development, prioritizing preservation of open space and natural resources, adequate parks, traffic, preservation of sensitive habitats and creeks, recognize economic issues, and preserve industrial land uses, rather than allowing new big box development. The County should work with the City concerning the Brush Street Triangle. Consideration should be given to relocating the Orr Creek Bridge to the east to lessen impacts on people living in the existing apartments.

Dan Grebil, Ukiah Valley Fire District, said page 254 of the DEIR should clarify that increased property taxes from new development in Redevelopment Areas go primarily to the Redevelopment Agency. The District does not have the ability to impose a fire-mitigation fee, but the County does.

Commissioner Edwards asked about fire district funding, noting special assessments and taxes pay for existing services with no mitigations to pay for additional growth and that a mitigation fee for new construction is needed.

Break: 10:10-10:20 a.m.

Carmen Christie spoke in support of statements made by Romaine Daniels. Ms. Christie reiterated that a zone change for Indian land is needed due to the Rangeland designation not supporting the housing needs of the Indian population and therefore is causing a problem with homelessness. Carmen also questioned if there is sewage dumped into the Russian River.

Judy Pruden said that on page 287 of the DEIR, the analysis of available sewer hookups should be adjusted for the fact that there is a 60/40 split of hookups between the sanitation district and the City.

The public hearing was declared closed at 10:55.

Commissioner Nelson made the following comments.

The DEIR should address gray water recycling as an alternative to new wastewater facilities, and what the "carrying capacity" of the valley is with regards to water, water recharge, air and land resources?

On pages 64 and 322, the DEIR should address the mitigation of allowing new residential development to be 3-4 stories high and how that could preserve agricultural lands.

Page 40 had a typo; "soils" should replace "soles."

The list of birds described under "Agricultural" on DEIR, page 112, should be expanded to include the birds that the Commissioner has spotted on his agricultural property including field mice, moles, voles, gophers, jack rabbits, possums, skunks, rattle snakes, gopher snakes, king snakes, wild turkeys, kites, kestrels, red tail hawks, golden eagles, barns owls, herons, Canadian geese, quail, morning doves, copper hawks, bufflehead merganser, cormorants, mallards, and egrets.

The first full paragraph on DEIR page 319 that discusses the Lovers Lane area should be deleted from the Plan. Lovers Lane has prime ag soil and should never be developed.

On page 322 the mitigation measures do not address denser growth to preserve Ag land. The document

should provide baseline numbers as to how many people the valley can sustain.

Commissioner Lipmanson made the following comments.

The DEIR presumes that substantial growth is inevitable. It should re-assess this assumption given higher gas prices. It should also assess whether such growth is good for the area.

The DEIR should assess the effects of vacant buildings in the case that gas prices continue to increase and people do not move to new homes as the builders predict.

The DEIR needs to further examine the positive contribution of agriculture to the local economy.

What would be the environmental effects if new developments were allowed and it was subsequently determined that there were inadequate water and/or wastewater facilities to serve that development?

The discussion of energy on DEIR page 40 is superficial and boilerplate.

The DEIR should provide additional detail on what a hybrid development alternative would include. The DEIR should identify growth limits.

On page 344, the DEIR again notes the inevitable loss of some resources due to projected growth, but such growth was predicted in the past and has not occurred. The DEIR needs to provide additional information on how to avoid these irreversible losses, such as providing higher density. Would higher density in certain areas benefit the valley wide environment?

On page 353, the DEIR needs to provide more detail on what lands would be reclassified. What would be the result of reclassifying lands as Agriculture or Rangeland? Would it affect other areas?

The DEIR needs to provide more detail about how growth caps would work. Would they apply to both residential and big box development? The DEIR needs to discuss the effects of big box development on the area.

Commissioner Warner made the following comments.

Consider raising building height limits to allow additional density.

More detail about the hybrid alternative should be provided.

More information about how Mello-Roos Districts work should be provided.

Commissioner Edwards provided the following comments:

The EIR appears focused on the southern end of the Plan Area and does not address the Calpella-Redwood Valley community. There needs to be commercial designations in this area to allow people of this community to work near where they live.

The DEIR does not provide details on affordable housing policies and mitigations.

Policies and programs should be mitigations only if they actually mitigate the impact. If a policy or program is not implemented, then it is not a meaningful mitigation measure.

The policies regarding water are not adequate mitigation measures. The DEIR paints a rosy picture about water availability in the area and does not say what would happen if water is not available. There is a water moratorium but houses are still being built.

Commissioner Moser stated that the DEIR should provide additional analysis of impacts to pedestrian circulation, and the relationship of pedestrian modes of travel to higher density development.

Chairman Little provided the following comments:

On DEIR page 8, Table 2 identifies 240,000 square feet of industrial development in the Brush Street Triangle. Is this accurate for an area designated as Commercial?

The DEIR should discuss the recommended fire impact mitigation on page 259, where it states that the Fire District may determine the need for a fire service impact fee, but only the Board of Supervisors has the ability to actually require such a fee.

What are the repercussions of the Draft UVAP on communities, such as Redwood Valley, that are outside the planning area. Will the plan induce certain types of development in these other communities that do not have the planning advantages that the valley will have if the UVAP is adopted.

Leonard Charles said the DEIR tries to provide a worst-case analysis based on State population figures and projected development proposals; this is not saying growth is inevitable. It is expected that mitigation measures adopted will be implemented; otherwise, the Planning Commission should recommend changes.

The Commission discussed the need for additional study of community views and resources.

Leonard Charles said it is time consuming and expensive to determine water resources and carrying capacity.

Chairman Little said that is beyond the scope of the EIR, but as a next phase, maybe the County and City should get together and identify the realistic carrying capacity. We would need to determine how many people do we want in this county based on environmental resources.

Commissioner Nelson added there is a number, but that number could be increased if we use technology to mitigate impacts.

Director Hall summarized that the Board of Supervisors will hold a public hearing on the DEIR on October 25. The EIR is an educational tool to provide information to decision makers. It is not an economic analysis. In 2006, the Draft UVAP will be brought back to the Planning Commission and Board of Supervisors with the Final EIR responding to all comments raised today, to both certify the EIR and adopt the UVAP, or to direct staff to explore other avenues.

9. Approval of Minutes

The Commission continued action on the July 21, 2005 Planning Commission minutes to the next meeting.

8. Matters from the Commission

Commissioner Lipmanson stated he received a letter from Jean Herr. The letter referred to compliance with the conditions of permit #UM 98-31/99 (Esterlina Winery). Ms. Herr noted that three (3) major events have occurred and that on-site parking was exceeded greatly.

Frank Lynch responded that he has contacted the owners, the Sterling family, and has reviewed rules of use permit. Mr. Lynch noted that he has not found a violation to exist in several visits to the site.

Commissioner Calvert noted she has always needed to make an appointment when she has visited the winery and not witnessed problems with parking and always has to use logbook.

The Commission discussed what type of evidence of non-compliance or nuisance would be appropriate to pursue the facility as being in violation of the use permit.

Chairman Little requested a memorandum be prepared by staff, and sent to PC whom will decide if the issue should be on a future agenda.

Commissioner Lipmanson mentioned what he perceived to be a significant number of new billboards in the Hopland area.

Mr. Lynch commented that there was a sign inventory was conducted approximately 10 years ago along the Highway 101 corridor.

Mr. hall noted that off-site signs should only be on Industrial and Commercially zoned property.

Recess for lunch: 12:00-1:30 p.m.

Reconvene: 1:30 p.m.

5. Consent Calendar.

The Commission was informed that Chairman Little was going to be absent for the rest of the day due to an emergency. Commissioner Nelson assumed Chair.

Mr. Lynch reviewed all the consent items.

Commissioner Lipmanson requested that Item's 5E (#A 6-2005, Fetzer Vineyards) and 5B (#A 3-2005, Miner and Anderson) be moved from the Consent Calendar to the Regular Calendar. The Commission agreed.

Commissioner Nelson asked if there were any public comments regarding the remainder of the consent items.

Gary Johnson, Cattle Rancher, said he leased the Anderson-Miner property for cattle until two years ago. Since that time, the land has not been used for agriculture. He felt the county should police the Ag Preserve properties and that a lot of tax revenues are being lost on properties that are being used for no more than 5 goats and 3 sheep.

Upon motion by Commissioner Calvert, seconded by Commissioner Edwards and unanimously carried (6-0), IT IS ORDERED that the Planning Commission approves the Consent Calendar item 5A. (#A 1-2005), item 5C(#A 4-2005, Luciano and Doris) and item 5D (#A 5-2005) as follows:

5A. A 1-2005 – Vollimer – East of Yorkville

REQUEST: Placement of approximately 120 acres into an Agricultural Preserve.

Upon motion by Commissioner Calvert, seconded by Commissioner Edwards and unanimously carried (6-0), IT IS ORDERED that the Planning Commission recommends to the Board of Supervisors approval of #A 1-2005, finding the request is consistent with the General Plan and Mendocino County Code Section 22.08.050.

5C. A 4-2005 - QUEIROLO AND QUEIROLO - West of Hopland

REQUEST: Placement of approximately 920 acres into a Type II Agricultural Preserve.

Upon motion by Commissioner Calvert, seconded by Commissioner Edwards and unanimously carried (6-0), IT IS ORDERED that the Planning Commission recommends to the Board of Supervisors approval of #A 4-2005, finding the request is consistent with the General Plan and Mendocino County Code Section 22.08.050.

5D. A 5-2005 - FETZER VINEYARDS - south of Talmage

REQUEST: Placement of approximately 87 acres into an adjoining Agricultural Preserve.

Upon motion by Commissioner Calvert, seconded by Commissioner Edwards and unanimously carried (6-0), IT IS ORDERED that the Planning Commission recommends to the Board of Supervisors approval of #A 5-2005, finding the request is consistent with the General Plan and Mendocino County Code Section 22.08.050. approves the Consent Calendar (#A 5-2005) as follows:

6. Regular Calendar.

5B. A 3-2005 - MINER AND ANDERSON - In Anderson Valley

Commissioner Nelson asked for additional public comments.

James Barrett, agent for #A 3-2005, advised that the property was in the process of converting from a cattle ranch to a sheep ranch in an effort to make it a viable agricultural operation. They have been improving fencing, gates and Ag buildings, to create an environment suitable for livestock. There is an Ag operation; it just hasn't begun to the extent that is planned.

Mr. Lynch commented that the property shows a history of Ag use, it has the soils capacity to support livestock, and meets the criteria of an Agricultural Preserve.

Commissioner Edwards asked if the Commission could approve, if a property is "available for, and capable of?"

Agricultural preserve reporting statements were discussed, as well as the "roll-out" period, when properties come out of Ag Preserve.

Commissioner Nelson advised that his land, which produces alfalfa, at times lies fallow and is not always in full operation.

Commissioner Lipmanson stated the county needs tax revenues and he was not impressed by the lack of Ag use on the Miner-Anderson property. He requested to wait for some evidence that the property was supporting agriculture, before approving the Ag Preserve. He further stated that he was not willing to deprive the county of tax revenues on the hope that this property would become an Ag operation.

Nancy Mailliard, manager of the Anderson-Miner property spoke on behalf of the owners, saying that they have been in the process of qualifying for an Ag Preserve, but felt an obligation to properly fence the property and put in roads to provide a safe environment for their livestock.

Commissioner Lipmanson suggested denial of the application without prejudice, until such time as the applicant can demonstrate a level of stocking and meet normal expectations for a property of this size.

Upon motion by Commissioner Lipmanson, seconded by Commissioner Warner, and denied by the following roll call vote, the Planning Commission recommends to the Board of Supervisors, denial of Agricultural Preserve #A 3-2005.

AYES: Calvert, Warner, Lipmanson
NOES: Moser, Edwards, Nelson
ABSENT: Little

Commissioner Edwards offered that there are millions of acres in Ag Preserves, that haven't been productive for years, and yet they enjoy the benefit of Ag Preserves. Based on the manager's statements about retrofitting the property, he felt it was unfair to subject this owner to a double standard.

Upon motion by Commissioner Edwards, seconded by Commissioner Moser and carried by the following roll call vote, IT IS ORDERED that the Planning Commission recommends to the Board of Supervisors approval of #A 3-2005, finding the request is consistent with the General Plan and Mendocino County Code Section 22.08.050

AYES: Warner, Nelson, Moser, Edwards
NOES: Calvert, Lipmanson
ABSENT: Little

5E. A 6-2005 - FETZER VINEYARDS - south of Talmage

REQUEST: Placement of parcels, consisting of 160+- and 86+- acres into an adjoining Type II Agricultural Preserve.

Mr. Lynch reviewed the staff report.

Commissioner Nelson noted he had property, which bordered the subject property. Mr. Frank Zotter, County Counsel, advised that a conflict of interest was thereby present for Commissioner Nelson.

Commissioner Nelson passed the gavel to Commissioner Lipmanson.

James Barrett, agent for Fetzer Vineyards, stated the ortho photograph demonstrated the vineyard is planted on ridges and the owners do not plan any further plantings. The owners bought the property to act as a buffer to their vineyard operations.

Commissioner Lipmanson declared the public hearing open.

No one coming forward, the public hearing was declared closed.

Commissioner Lipmanson spoke in opposition to the Ag Preserve, stating the once present cherry orchard, brought money and great exposure to Mendocino County. He further stated he could not go along with destruction of an agricultural resource, such as that.

In reply to Commissioner Warner, Mr. Lynch confirmed that it was a common practice to include a buffer for an Ag Preserve.

Mr. Barrett demonstrated with the ortho photograph, that the old cherry orchard has been replaced by vineyard.

Commissioner Lipmanson announced that Commissioner Nelson had to be excused from the meeting, due to an emergency.

Commissioner Warner, although she sincerely appreciated Commissioner Lipmanson's sentiments about the cherry orchard, felt that the overall benefit of Ag Preserves overrides the destruction of the cherry orchard, in this particular case.

Upon motion by Commissioner Warner, seconded by Commissioner Moser and carried by the following roll call vote, IT IS ORDERED that the Planning Commission recommends to the Board of Supervisors approval of #A 6-2005 finding the request is consistent with the General Plan and Mendocino County Code Section 22.08.020.

AYES: Calvert, Edwards, Moser, Warner
NOES: Lipmanson
ABSENT: Little, Nelson

Commissioner Lipmanson had to excuse himself due to a court scheduling conflict and passed the gavel to Commissioner Warner.

Mr. Lynch reminded the Commission and advised the audience that as the Commission was now reduced to a minimum quorum, that in order to take action on any item, all four Commissioners would have to agree, otherwise effectively a project would be denied. He suggested to the Commission, that it was standing policy to offer to any applicant, the right to request a continuance, given the minimum number of Commissioners present.

Chairman Molly Warner asked if anyone representing an item wanted to request a continuance.

Julie Goodman, Agent for Harwood Products, Inc. Item number 6C, #MS 10-2005, requested a continuance to October 20, 2005.

Upon motion by Commissioner Calvert, seconded by Commissioner Edwards and unanimously carried (4-0; Lipmanson, Nelson and Little absent), IT IS ORDERED that the Planning Commission continues Item 6C (MS 10-2005), to October 20, 2005.

AYES: Moser, Warner, Edwards, Calvert
NOES: None
ABSENT: Little, Lipmanson, Nelson

Chris Stone, Agent for John Patrick May (Item number 6A, #MS 2-2005) requested a continuance until 2:45 pm, hoping that one or more Commissioners would return to the meeting.

6D. CDU 30-2004 - CA DEPT OF PARKS & REC POINT CABRILLO - north of Mendocino

Request: Coastal Development Use Permit to develop Phase II of the Point Cabrillo Light Station Restoration Project, including: adaptively rehabilitate 5 structures (lighthouse, 2 residences, 2 outbuildings) to allow for retail sales, Bed & Breakfast and visitor's accommodation cottages and meeting facility; reconstruct 3 structures (barn, pump house, water tank), expand sewage disposal system, roadway realignment, grading, drainage and parking improvements, install a water filtration and treatment system, vegetation removal and landscaping/re-vegetation. Also, merge 11 parcels into one 270-acre parcel.

Mr. Hudson summarized the project and staff report and circulated a memorandum containing a revised project description. He explained the need for the revised description was because some of the project is currently, potentially inconsistent with the Local Coastal Plan (LCP). The LCP amendment (which would allow for the original project request) was reviewed by the Board of Supervisors on August 30, 2005, and expected to be complete in time for this project to be heard by Planning Commission on September 15, 2005. However, Coastal Commission staff advised that as final acceptance had yet to be provided by the Coastal Commission, the land use change had yet to occur.

He continued to explain that if the Planning Commission approved the project as originally requested it could be appealed to California Coastal Commission, which neither staff or the applicant would like. The two options staff felt were available were either to put the project off for a month (not preferred), or to

delete the parts that are not allowed under the current LCP designation. Therefore, the memorandum dated September 15, 2005, from, Mr. Hudson, explains the modifications to the original description. Mr. Hudson posted a map of the area and described the revised project.

The Commission and staff discussed the modifications to the recommended findings and conditions of approval to clarify the exact changes put forth. Some questions regarding the asphalt and roadway improvements arose regarding dust control after the removal of asphalt.

Mr. Hudson clarified that the road to the Light House was strictly used for foot traffic, except for occasional maintenance vehicles and fire protection.

Chris Meyers, the project manager representing the Department of Parks and Recreation, stated that the State was particularly concerned with drainage repairs needed to protect the bluff area and bring the water system into compliance. The Park and Recreation Department currently has a contract in place ready and approved, but is due to expire in the spring. Therefore, work must start prior to November in order to control erosion into the wetlands this winter. He also noted that the property does not currently meet fire protection standards for water.

Commissioner Calvert noted that on Page 2 of the memorandum it states that the California Department of Forestry found the project exempt from fire safe regulations. She questioned if the current water tank would be utilized or if a new one would be put in.

In response to Commissioner Calvert, Jim Kimbrall from the Light House Keepers Association, explained that the 5000-gallon water tank (currently located on site) will not be relocated due to Cal Osha standards, therefore the tank will be left in place, refurbished and refilled.

Commissioner Warner questioned the timing of the water line replacement. Mr. Meyers replied that erosion control would be in place in case it rains, and in case of any emergencies, Mr. Kimbrall lives on site, and will monitor and take care of any situations that may occur.

Commissioner Lipmanson returned to the hearing (at 2:45) and discussion took place resolving that he had arrived to late to vote on this case.

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

Further discussion between the Commission, Staff, and Applicant took place clarifying the recommended findings and conditions of approval. Commissioner Lipmanson asked that the property be inspected for Great Horned Owls, and raptor nests.

REVISED RECOMMENDED FINDINGS AND CONDITIONS: Pursuant to the provisions of Chapter 20.532 and Chapter 20.536 of the Mendocino County Code, staff recommends that the Planning Commission approve the proposed project, as revised on September 15, 2005, and adopt the following findings and conditions.

Environmental Findings: The Planning Commission finds that the California Department of Parks and Recreation is the lead agency under the California Environmental Quality Act, and that DPR has prepared a mitigated negative declaration for the project, and therefore the Planning Commission is not required to make an environmental determination; and that the Planning Commission certify that the information contained in the Final Mitigated Negative Declaration prepared by DPR was reviewed and considered prior to acting on this application.

Department of Fish and Game Findings: The Planning Commission has evaluated the Final Mitigated Negative Declaration and other information pertinent to the potential environmental impacts of this project and finds that, based upon the existing and proposed development on the

subject parcel, 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.

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:

FINDINGS:

1. The proposed development is in conformity with the County's 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 applicable zoning district, as well as all other provisions of Division II, and preserves the integrity of the zoning district; and
4. The proposed development, if constructed in compliance with the conditions of approval, will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act; and
5. The proposed development will not have any adverse impacts on any known archaeological or pale ontological resource; and
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; and
7. The proposed development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act and Coastal Element of the General Plan.

STANDARD CONDITIONS:

1. 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 if 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 November 19, 2004. If the project is appealed, the payment will be held by the Department of Planning and Building Services until the appeal is decided. Depending on the outcome of the appeal, the payment will either be filed with the County Clerk (if the project is approved) or returned to the payer (if the project is denied). Failure to pay this fee by the specified deadline shall result in the entitlement becoming null and void.
2. This permit shall become effective after all applicable appeal periods have expired, or appeal processes have been exhausted, and after any fees required or authorized by Section 711.4 of the Fish and Game Code are submitted to the Department of Planning and Building Services. Failure of the applicant to make use of this permit within 2 years or failure to comply with payment of any fees within specified time periods shall result in the automatic expiration of this permit.

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

3. The use and occupancy of the premises shall be established and maintained in conformance with the provisions of Division II of Title 20 of the Mendocino County Code.
4. The application, as revised on September 15, 2005, along with supplemental exhibits and related material, shall be considered elements of this permit, and that compliance therewith is mandatory, unless an amendment has been approved by the Planning Commission. **Revised.**
5. This permit is 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. The applicant shall secure all required building permits for the proposed project as required by the Building Inspection Division of the Department of Planning and Building Services.
7. This permit shall be subject to revocation or modification upon a finding of any one or more of the following:
 - a. The permit was obtained or extended by fraud.
 - b. One or more of the conditions upon which the permit was granted have been violated.
 - c. The use for which the permit was granted is conducted so as to be detrimental to the public health, welfare or safety, or to be a nuisance.
 - d. A final judgment of a court of competent jurisdiction has declared one or more conditions to be void or ineffective, or has enjoined or otherwise prohibited the enforcement or operation of one or more such conditions.

Any revocation shall proceed as specified in Title 20 of the Mendocino County Code.

8. 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.
9. If any archaeological sites or artifacts are discovered during site excavation or construction activities, the applicant shall cease and desist from all further excavation and disturbances within one hundred feet of the discovery, and make notification of the discovery to the Director of the Department of Planning and Building Services. The Director will coordinate further actions for the protection of the archaeological resources in accordance with Section 22.12.090 of the Mendocino County Code.

SPECIAL CONDITIONS:

1. Reconstruction, use, and maintenance of the Point Cabrillo Light Station and Preserve facilities shall comply with the all of the applicable design features and mitigation

measures contained in the Final Mitigated Negative Declaration for the Point Cabrillo Light Station and Preserve Buildings and Infrastructure Rehabilitation Project, prepared by the Department of Parks and Recreation, as amended.

2. It shall be the responsibility of the applicant to provide a copy of the mitigation measures adopted as a part of the Final Mitigated Negative Declaration, together with copies of any other required conditions of approval of CDU 30-04, to any contractors, organizations, or volunteer groups engaged to perform work on the site in order that they are fully aware of the conditions of this permit and that all work performed is in compliance with all applicable mitigation measures and conditions.
3. ~~No coastal development permit for CDU 30-04 shall be issued prior to the effective date of the Land Use Plan amendments and rezoning approved through GP 5-03 and R 5-03.~~
Deleted.
4. ~~Prior to issuance of a permit to operate the visitor accommodation units, Within 90 days of issuance of the coastal development permit for CDU 30-04, the Department of Parks and Recreation shall submit a deed for recordation with the Mendocino County Recorder's Office, which shall describe the property encompassed by Assessor's Parcel Numbers 118-040-29, 30, 41, 42, 43, 44, and 118-160- 24, 25, 26, 27, and 28 as a single parcel.~~ **Revised.**
5. The proposed 18 by 36 inch sign must comply with the 50-foot front yard setback required by the regulations for the Open Space District. As an alternative, two identification plaques consistent with Section 20.476.035 (B) (3) of the Coastal Zoning Code may be mounted on the fence along the Point Cabrillo frontage of the property.
6. ~~Prior to the to issuance of final building permits for, or operation of, the overnight guest units, the applicant shall provide evidence that all requirements of the Department of Health Services Drinking Water Field Operations Branch have been satisfied.~~ **Deleted.**
7. ~~Prior to the to issuance of final building permits for, or operation of, the overnight guest units, the applicant shall provide evidence that all requirements of the Water Resource Control Board have been satisfied.~~ **Deleted.**

Upon motion by Commissioner Calvert, seconded by Commissioner Moser and unanimously carried (4-0, Lipmanson abstained, Nelson, and Little absent), IT IS ORDERED that the Planning Commission certifies the Mitigated Negative Declaration previously adopted by the State Department of Parks and Recreation and approves #CDU 30-2004 making the following finding and subject to the following conditions of approval:

AYES: Warner, Edwards, Moser, and Calvert

NOES: None

ABSENT: Nelson, Little

6B. MS 7-2005/B 35-2005 - MID STREAM PARTNERS LLC - east of Albion

Request: Boundary Line Adjustment to reconfigure two parcels recognized by Certificate of Compliance #CC 45-2003, to create parcels containing 24+- acres and 42+- acres, and a Minor Subdivision of the 42-acre parcel to create two parcels containing 21+- acres each.

Mr. Lynch reviewed the staff report. He read correspondence from Dave Vintze, in support of the project and the conditions of approval.

Commissioner Calvert advised the Commission that she owned the property of discussion more than 20 years ago, but did not feel a conflict of interest.

Dean Strupp, agent and one of the partners of the Mid-Stream Ownership Group, spoke about the size, zoning and configuration of the parcels. He further stated the parcels were abused by illegal dumping, but would be improved by the development of the project. Mid Stream had cleared brush, replanted conifers and done a sensitive job of working on the property during the workable season. They hope to plant grass seed to rejuvenate the land, to create beautiful home sites that new owners would take care of.

There was discussion regarding the roads on the parcel and future timber harvests of neighboring lands.

Mr. Strupp explained that timber is harvested approximately every 15 years and for approximately six weeks. They intended to clearly state how much traffic would result from timber harvests.

Commissioner Warner asked if the timber harvesters would upgrade the roads.

Tom Peters, representing Department of Transportation spoke to clarify his department's position regarding the required access improvements.

The public hearing was declared open.

Bill Heil, a long time resident of Albion, spoke about the beauty of Albion and the history of the area. He spoke about wild life and keeping the area open for wildlife, and added, if there had to be housing, it should be low-cost housing and not mansions. Albion residents were not told Mid-Stream was buying the property and Mid-Stream had moved thousands of yards of dirt in the past two years, without permits or any environmental review. He spoke of his concern that Mid-Stream has planted doug fir, only to drive over it, and slipped through regulations by developing roads over watercourses, putting in culverts and pushing dirt over them. His suspicion is that the parcel will eventually be broken up; he asked for assurance, that there would be some oversight to prevent that from happening.

Commissioner Lipmanson asked if Mr. Heil had spoken to California Department of Forestry about conversion.

Mr. Heil advised that conversion was mainly for vineyards. He was concerned about erosion and the adequacy of the environmental review.

Commissioner Edwards asked if there were photos.

Mr. Heil spoke of grading ordinances and that Planning & Building Services was not ready for a grading ordinance. He felt the whole project was not before the Commission and stated he couldn't believe that Mid-Stream would put in so many roads and do landscaping for a few single-family residences.

At Commissioner Lipmanson's request, Mr. Lynch explained the process of Certificates of Compliance.

Frank Zotter, County Council explained that the County has little discretion in issuing Certificates of Compliance, if it is proven that there are separate parcels.

Bernard MacDonald, 29-year resident of Albion, spoke of his concern about the project. He stated there was a 20-foot wide rocky road put in. The owners of this property own other large parcels in the area and a reasonable person would assume they intend to develop the area. The timber harvest plan was the worst he'd ever seen, advising of several violations and stating, if this area was in the coastal zone, this would not be happening. There is outrage in the community and several hundred signatures on petitions against this development. He had contacted Mr. Strupp to arrange a meeting so the community could be involved and Mr. Strupp refused. There is not enough water for this development and the road

is inadequate. He was speaking on behalf of the community, saying they are very concerned and asking that this project not be approved.

Commissioner Lipmanson questioned Mr. Lynch about zoning and the surrounding parcel sizes. Mr. Lynch referred to Page PC9, stated that based on scale, there is not a lot more planned on these UR 20 parcels. There are roughly 60 parcels to the east of the subject site, all between 10 and 20 acres.

Linda Perkins, resident of Albion, who lives a few miles down the road from the project, advised that she had called Mid-Stream and was told they planned to put single-family dwellings on each of their five parcels. Since then, they have graded out roads through the pigmy, without permits. She asked a Mid-Stream partner, Eric da Rosa, if they needed a conversion, and was told that one was not needed, as they were going to replant. She'd spoken to a staff person who felt Mid-Stream Partners was going to file for a less than 3-acre exemption. It is her understanding that Mid-Stream was going to file for a use permit to break the larger, 160-acre parcels, down into 40-acre parcels. Additionally, she spoke to an employee at the California Department of Forestry, who said they were left out of the loop and that a conversion should be happening at the same time as a minor subdivision. Jim Burke from Water Quality came out in response to a violation complaint, he found that there was sediment being discharged into the creek. Mr. Burke advised he thought they might need a storm water permit, if there is construction planned. After his visit, there has been more grading. She felt, in short, there was a lack of cumulative process and work was being done without environmental review.

Ms. Perkins continued, stating concerns about the botanical survey, saying that rare plants exist at a location where a culvert was put in, without Fish & Game permit or an Environmental Impact Report. She took exception to the biological assessment, saying that a conflict of interest is present, citing page three (3), where the report states there is no concern, because the animal species at the project site are present throughout the county. To the contrary, a biological assessment was done in 2004 in the Salmon Creek area, saying that the area should be treated with the highest level of concern. She questioned classifications of watercourses and other habitats downstream. She felt a qualified professional should be enlisted to assess the project area. The maps are not clear, nor are they dated. Finally, a specialist should assess the wetlands. The project needs to be considered in it's totally and a project of this magnitude needs an EIR.

Mr. Strupp responded that he would like to keep focused on subdivision parcels and clarify that all parcels were subsequent to Certificates of Compliance. It would take a General Plan amendment to allow any more development. California Department of Forestry has been out three times; Water Quality has been out, and all things were mitigated. Mid-Stream tried to do everything legally.

Commissioner Lipmanson asked why the Commission should believe an assessment performed by an owner, by someone who stands to benefit monetarily, from the project.

Mr. Strupp stated that because he would lose his license if there was a problem.

Commissioner Warner asked if Erik da Rosa was an owner at the time the assessment was done.

Mr. Strupp stated that yes, he was.

Commissioner Lipmanson commented that licensed or not, there was a conflict of interest, and an owner could not assess a property with the same objective eye as an independent forester.

Commissioner Calvert brought attention to the implications of sharing a logging road with residential users, as traditionally, when you mix residential users with logging trucks, there are conflicts. She stated the neighbors might question the chemicals used for dust-suppression and asked if there were other possible road alternatives.

Mr. Strupp stated the best solution is to have specifically spelled out on parcel map and a deed description that there would be logging. He stated that creating new roads would be disruptive to the neighbors and destroy habitat; the road could be moved from one side to the other, but the noise level would not change. He pointed out the seasonal roads on the maps and said the title report states, which roads are for logging purposes.

Recess: 4:05-4:20 p.m.

Commissioner Lipmanson commented that he felt the conflict of interest was egregious and he hoped not to see this occur again.

Mr. Lynch verified that neither he, nor the project coordinator had any knowledge that one of the owners were performing any analysis on this project, and that if they had known, they would have questioned it.

Commissioner Calvert commented that for the last 15 years this parcel has been vandalized and used as a dumping ground. She had hoped that she could support the project, to clean up the area. In that regard, she appreciated the work that has been done. However, the roads still concern her and without knowing what use would be made of the land in the future, she wasn't ready to make a recommendation.

Commissioner Lipmanson stated he was very concerned about the viability of timberland when a minor subdivision was being proposed, about the idea of an owner doing assessments on his own property, and asked if Fish & Game had commented on this project.

Commissioner Warner commented that she would like to see any additional materials regarding this project.

Commissioner Lipmanson stated that there were serious questions about the biological study and felt the need for one by an independent party. At this time, he felt the only questions was whether to deny with or without prejudice.

Commissioner Calvert proposed that there was a third alternative, suggesting a continuance to allow time for a proper biological assessment and to obtain additional information about road maintenance, and input from Department of Forestry, adding that most of the ground is not suitable for high production of redwoods.

Commissioner Edwards commented that he would not vote for the project, feeling there was insufficient information to make a decision and the project is inconsistent with the General Plan. He felt it may be more appropriate to approve a two-parcel division.

In response to Commissioner Edwards, Mr. Lynch stated the applicant could reapply in one year, if it was denied without prejudice.

Upon motion by Commissioner Lipmanson, seconded by Commissioner Edwards (motion failing) the Planning Commission denies without prejudice MS 7-2005/B 35-2005.

AYES: Edwards, Lipmanson
NOES: Moser, Calvert, Warner
ABSENT: Little, Nelson

Commissioner Warner advised she wanted to correct her vote; it was her intention to vote yes, to approve the motion.

Upon motion by Commissioner Warner, seconded by Commissioner Calvert and unanimously carried (5-0), IT IS ORDERED the Planning Commission moved to reconsider the previous motion on MS 7-2005/B 35-2005.

AYES: Moser, Edwards, Lipmanson, Calvert and Warner
NOES: None
ABSENT: Nelson, Little

Upon motion by Commissioner Calvert, and seconded by Commissioner Moser, the Planning Commission approved a continuance of Item 6B, Case #MS 7-2005/B 35-2005, to October 20, 2005.

AYES: Edwards, Calvert, Warner, Moser
NOES: Lipmanson
ABSENT: Nelson, Little

Commissioner Lipmanson made a motion to report Mr. da Rosa to the appropriate licensing agency. Motion failed for lack of a second.

7. MATTERS FROM STAFF

Mr. Lynch asked the Commission if the dates of Monday the 19th and 20th of September would work for edge Wireless to place a crane on the sight of the pending use permit in Philo. While acknowledging some potential conflicts by individual members, the Commission did not object to these dates.

7A. Request for code interpretation regarding fitness clubs/indoor sport facilities.

Mr. Lynch introduced the topic, describing the proposed use that the existing language of the County Code.

Ann Webb, project proponent, described the facility as a 5,000 square foot health and fitness studio. She provided definitions of studios and recreation, and brought photographs showing what the facility would look like. The facility would provide a juice bar, tables for recreation, racquetball courts, indoor cycling classes. All equipment will be Title 44 and ADA approved, including the 700 square foot locker room. She stated that there is a petition with 400 signatures and the support from all businesses in the industrial park. She added the location is perfect for this business and there was room for expansion, in the future; they are hoping to put in basketball courts and indoor tennis courts. She stated that she felt the business should be classified as commercial recreation/indoor sports and recreation, not personal services.

Commissioner Lipmanson inquired if facility users would be able to use the equipment independently, or if there were only group activities under some direction. He felt there was a distinction in assessing which category the project may fall in.

Commissioner Calvert agreed with Commissioner Lipmanson, saying this was a vague category, with a lot of gray. It could be called commercial recreation, because of the size of the structure; as long as parking is addressed, she felt she could go with the commercial recreation classification.

Commissioner Warner agreed, that the size alone qualifies it as a commercial-recreational business.

In reply to Commissioner Moser, Ms. Webb confirmed that they had looked at alternative sites, but were looking to keep costs down, and it was almost impossible to make the facility affordable for people to use with the high quality equipment, at other locations.

All Commissioners agreed that the project could be classified as commercial-recreational business.

6A. MS 2-2005 – MAY - south of Ukiah

Request: Approximately 1.5 miles south of Ukiah town center, lying on the south side of Oak Court Road (CR# 252A), approximately 800 feet southwest of its intersection with Meadow Brook Drive (CR# 252E), located at 2825 Oak Court Road; AP# 184-033-04.

Mr. Lynch reviewed the staff report and referenced another subdivision being proposed south of MS 2-2005 and stated the major issue was whether this project would fit into an overall network for circulation and the SR designation of the general area.

Commissioner Lipmanson asked if there was any place at the location, where the road exceeded a 15% grade.

Chris Stone, agent for owner, discussed the current access to the property and advised due to the steepness, they were planning a new, paved, two-inch asphalt/concrete road. The property was zoned SR, with minimum lot size of 6,000 square feet; what they were proposing was similar to other parcels in the area. He added that they would be providing water and sewer connections. In answer to Commissioner Lipmanson, Mr. Stone advised the nearest convenience store was about a mile away, located at Oak Knoll Road and State Streets.

Upon motion by Commissioner Lipmanson, seconded by Commissioner Calvert, and unanimously carried (4-0; Nelson, Edwards, and Little absent), IT IS ORDERED, that the Planning Commission adopts a Negative Declaration and approves MS 2-2005 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 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 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.

Project Findings: The Planning Commission, making the environmental and General Plan findings above, approves #MS 2-2005, subject to the following conditions of approval as recommended within the staff report, 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.

STANDARD 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 a Parcel Map.

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. The subdivider shall comply with those recommendations in the Geotechnical Study prepared by RGH Consultants, Inc. dated February 23, 2005 or other alternative as acceptable to the consultants.
- ** 2. That the access road, driveway and interior circulation routes be maintained in such

manner as to insure minimum dust generation subject to Air Quality Management District Regulation 1 Rule 430. All grading must comply with Air Quality Management District Rule 430. Any rock material, including natural rock from the property, used for surfacing must comply with Air Quality Management District regulations regarding asbestos content.

- ** 3. Where public water and/or sewer systems are to be utilized, the subdivider must submit to the Division of Environmental Health, a letter from the district(s) or agency(s) indicating a willingness and ability to supply services to the proposed parcels.
- ** 4. Where land divisions lie either partially or wholly within 500 feet of a public water and/or sewer system, the subdivider shall submit to the Division of Environmental Health, a letter from the district(s) or agency's stating that: (1) services (and main extensions, where required) have been installed to the satisfaction of the district or agency, to serve each lot in said subdivision and connected to the system providing the service (Mendocino County Code Sections 17.55 and 17.56); or (2) performance bonds or other adequate surety have been secured, to the satisfaction of the district or agency, to cover the cost of installation of services (and main extensions, where required) for each lot and the connection to the system providing the service.
- ** 5. No substances hazardous to fish, wildlife or plants shall be stored within the designated flood hazard area.
- ** 6. 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 a flood hazards report prepared by a Civil Engineer and filed with the Planning and Building Services Department and the Mendocino County Department of Transportation. 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.

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."

7. 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 September 30, 2005. If the project is appealed, the payment will be held by the Department of Planning and Building Services 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.
- ** 8. A following statement shall be placed on the Parcel Map: "This property is in the area subject to over flights by aircraft using the Ukiah Municipal Airport, and as a result, residents may experience inconvenience, annoyance or discomfort arising from the noise of such operations. State law (Public Utilities Code Section 21670 et seq) establishes the importance of public use airports for the protection of the public interest of the people of the State of California. Residents of property near a public use airport should therefore be prepared to accept such inconvenience, annoyance or discomfort from normal aircraft operations. Any subsequent deed conveying parcels or lots shall contain a statement in substantially this form."

- ** 9. There shall be provided an access easement of 40 feet in width (as per tentative map) from a publicly maintained road to the proposed turnaround. Documentation of access easement shall be provided to the Mendocino County Department of Transportation for their review prior to final approval.
- ** 10. There shall be dedicated by Parcel Map (or granted by Grant Deed if a Unilateral Agreement is filed) a 30 foot half-width along the south side of Oak Court Road (CR# 252A) to provide for the ultimate improvement of the county road. This width shall be measured from the centerline of the existing right-of-way of record, or where no record right-of-way exists, from the center of the physical road.
11. 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.
12. 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.
- ** 13. All natural drainage and water courses shall be considered as easements. Minimum width shall be twenty (20) feet, or to the high water level plus five (5) feet horizontal distance, whichever is greater. If a Parcel Map is filed, such easements shall be shown on the final parcel map. (All parcels 5 acres and less)
- ** 14. Twenty-two (22) foot wide road within the access easement from Oak Court Road (CR# 252A) to the proposed turnaround, including four (4) inch minimum rock base, grade not to exceed twenty (20) percent, drainage culverts where necessary. New or replaced culverts shall be a minimum of 12 inches in diameter. Roadway shall be surfaced with a minimum of two (2) inches asphalt concrete to a width of 18 feet.
- ** 15. 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.
16. Any proposed work within county rights of way requires obtaining an encroachment permit from the Mendocino County Department of Transportation.
- ** 17. 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. If approved in writing by the applicable fire protection service provider(s), in lieu of the turnaround described above, subdivider shall construct a "Hammerhead-T" turnaround within an access easement. Turnaround shall be constructed with four (4) inch minimum rock base paved with a minimum two (2) inches asphalt concrete, eighteen (18) feet wide and sixty (60) feet long, with twenty (20) foot radius surfacing returns.
- ** 18. The subdivider shall comply with those recommendations in the Ukiah Valley Fire District letter of April 11, 2005 or other alternative as acceptable to the Fire District. Written verification shall be submitted from the Fire District to the Department of Planning and Building Services that this condition has been met to the satisfaction of the Fire District
- ** 19. The subdivider shall comply with those recommendations of the California Department of Forestry 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.

- ** 20. In the event that archaeological resources are encountered during development of 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.

AYES: Moser, Warner, Calvert, Lipmanson

NOES: none

ABSENT: Nelson, Little, Edwards

10. Matters from Public.

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

11. Adjournment.

Upon motion by Commissioner Calvert and seconded by Commissioner Moser, and unanimously carried (4-0), IT WAS ORDERED that the Planning Commission hearing be adjourned at 5:00 p.m.