



## MENDOCINO COUNTY PLANNING COMMISSION

**MINUTES FOR THE MEETING HELD ON:** February 17, 2011

**LOCATION:** Mendocino County Board of Supervisors Chambers  
501 Low Gap Road, Room 1070  
Ukiah, California

**COMMISSIONERS PRESENT:** Little, Calvert, Nelson, Warner, Holtkamp, Hall, Ogle

**COMMISSIONERS ABSENT:** None

**PLANNING & BLDG SVC STAFF PRESENT:** Ignacio Gonzalez, Director  
Roger Mobley, Chief Planner  
Dusty Duley, Planner II  
Mary Lynn Hunt, Planner II  
Jessica Stull-Otto, Planner I  
Gary Pedroni, Contract Planner  
Leonard Charles, EIR Consultant  
Adrienne Thompson, Commission Services Supervisor

**OTHER COUNTY DEPARTMENTS PRESENT:** Tom Peters, Department of Transportation  
Terry Gross, Deputy County Counsel  
Dave Jensen, Environmental Health

1. **Roll Call.**

The meeting was called to order at 9:02 a.m. Commissioner Warner arrived at 9:09 AM.

2. **Determination of Legal Notice.**

The Clerk advised the Commission that all items had been properly noticed.

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

Mr. Gonzalez presented a verbal Director's Report and noted that he had attended the California Planning Directors Conference where Mendocino County was awarded the strategic growth council award and received planning grants totaling \$461,340. He stated the grant would be used to create a new Land Use Code, which was an implementation measure of the General Plan. Mr. Gonzalez noted that the Office of Mine Reclamation was performing audits throughout the State and was currently in Mendocino County performing field inspections. He noted that the State's process for performing those audits was under review and he had been invited to perform feedback to the State to improve the process. He also noted that interviews for a code enforcement officer had concluded last week through Human Resources and he hoped to be interviewing in the department soon to fill the position. Last, he noted the Planning Commission would be having a joint meeting with the Board of Supervisors on March 15, 2011 at 6:00 PM to take public comment on the UVAP Draft EIR.

Mr. Mobley commented that he had participated in a follow up meeting with FEMA regarding the Flood Plain Ordinance and noted that the new building codes offered some protection in the flood plain.

4. **Consent Calendar.**

Chairman Nelson asked if any member of the Commission wished to remove an item from the Consent Calendar, seeing no one indicate a desire to speak, the Consent Calendar was approved by a voice vote of (6-0) with Chairman Nelson abstaining.

4b. **CASE#: CDUM 1-2003/2010**

DATE FILED: 10/12/2010

OWNER: PAMELA KING

APPLICANT: AT&T MOBILITY c/o BLACK DOT WIRELESS

AGENT: TIFFANY SCALIA

REQUEST: Coastal Development Use Permit Modification of an existing Telecommunication facility to replace one cellular antenna and add two new cellular antennas (3 total), to be concealed below the deck of an existing residence and add one new equipment cabinet within the existing garage.

LOCATION: In the Coastal Zone, 3/4 +/- mile south of the town of Mendocino, 0.2+/- miles southwest of the intersection of Highway 1 and Comptche Ukiah Road, between Road 500 B and the Pacific Ocean, located at 9950 Road 500 B; AP# 119-310-09.

PROJECT COORDINATOR: DUSTY DULEY

**General Plan Consistency Finding:** As proposed and mitigated, the project is consistent with applicable goals and policies of the General Plan as subject to the conditions being recommended by staff.

**Environmental Findings:** The Planning Commission finds that the project is Categorically Exempt from CEQA, Class 1b.

**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 and the Coastal Element of the General Plan.

**Project Findings:** The Planning Commission, making the above findings, approves #CDUM 1-2003/2010 subject to the conditions of approval as recommended by staff.

**RECOMMENDED CONDITIONS:**

1. All grading and site preparation, at a minimum, shall adhere to the following "Best Management Practices." The applicant shall submit to the Department of Planning and Building Services an acknowledgement of these grading and site preparation standards.

- a. That adequate drainage controls be constructed and maintained in such a manner as to prevent contamination of surface and/or ground water, and to prevent erosion.
  - b. The applicant shall endeavor to protect and maintain as much vegetation on the site as possible, removing only as much as required to conduct the operation.
  - c. Temporary erosion control measures shall be in place at the end of each day's work, and shall be maintained until permanent protection is established.
  - d. Erosion control measures shall include but are not limited to: seeding and mulching exposed soil on hill slopes, strategic placement of hay bales below areas subject to sheet and rill erosion, and installation of bioengineering materials where necessary. Erosion control measures shall be in place prior to October 1<sup>st</sup>.
  - e. Pursuant to the California Building Code and Mendocino County Building Regulations a grading permit will be required unless exempted by the Building Official or exempt by one of the following:
    1. An excavation that (1) is less than 2 feet (610 mm) in depth or (2) does not create a cut slope greater than 5 feet (1,524 mm) in height and steeper than 1 unit vertical in 1.5 units horizontal (66.7% slope).
    2. A fill less than 1 foot (305 mm) in depth and placed on natural terrain with a slope flatter than 1 unit vertical in 5 units horizontal (20% slope), or less than 3 feet (914 mm) in depth, not intended to support structures, that does not exceed 50 cubic yards (38.3 m<sup>3</sup>) on any one lot and does not obstruct a drainage.
2. As soon as practical following completion of any earth disturbance, including trenching, vegetative ground cover or driveway surfacing equal to or better than existing shall be reestablished on all disturbed portions of the site.
  3. Exterior light fixtures shall be designed or located so that only reflected, non-glaring light is visible from beyond the immediate vicinity of the site, and shall be turned off except when in use by facility personnel.
  4. Prior to any work within the County road right-of-way, including the installation of underground utility services, applicant shall obtain an encroachment permit from the Mendocino County Department of Transportation.
  5. The applicant shall place and maintain natural rock common to the area to blend with the existing bluff edge around the antenna as illustrated or similar within the submitted exhibit entitled "photo #8."
  6. If use of any portion of the proposed facility subject to this permit is discontinued for more than one year, all parts of the facility not in use, above grade, shall be completely removed from the site.
  7. Prior to issuance of a building permit, the applicant shall provide an irrevocable letter of credit, bond, certificate of deposit, or other reasonable form of security satisfactory to County Counsel, sufficient to fund the removal of the applicant's equipment in the event that the applicant abandons operations or fails to comply with requirements to remove all their equipment.
  8. In the event that archaeological resources are encountered on the site, further disturbance in the immediate vicinity of the find shall be halted until all requirements of Chapter 22.12 of the Mendocino County Code relating to archaeological discoveries have been satisfied.
  9. By commencing work allowed by this permit, the applicant agrees to negotiate in good faith with third parties requesting shared use of the site. The facility shall provide if requested, space for any public emergency service provider to locate communication equipment within the leased area, provided no interference to function will result at a minimum or no fee.

10. Existing trees and other vegetation, which provide screening for the facility and associated access roads, shall be protected from damage. No trees that provide visual screening of the communications facility shall be removed after project completion except to comply with fire safety regulations or to eliminate safety hazards. Tree trimming shall be limited to the minimum necessary for operation of the facility.
11. Prior to the final inspection by the Building Division of the Department of Planning and Building Services, an identification sign for each company responsible for operation and maintenance of facilities at the site, no larger than one square foot, shall be mounted on an exterior wall in a location visible when approached from the street, and shall provide the name, address, and emergency telephone number of the responsible companies.
12. Prior to commencement of operations, all surplus construction materials and debris shall be removed from the site to a proper disposal facility. Thereafter the site shall be kept free of refuse.
13. 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.
14. The application along with supplemental exhibits and related material shall be considered elements of this entitlement and compliance therewith shall be mandatory, unless the Planning Commission has approved a modification.
15. 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.
16. This permit shall be subject to revocation or modification by the Planning Commission upon a finding of any one or more of the following grounds:
  - a. That the permit was obtained or extended by fraud.
  - b. That one or more of the conditions upon which the permit was granted have been violated.
  - c. That the use for which the permit was granted is conducted in a manner detrimental to the public health, welfare or safety, or is a nuisance.

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

17. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit boundaries. Should, at any time, a legal determination be made that the number, size or shape of parcels within the permit boundaries are different than that which is legally required by this permit, this permit shall become null and void.
18. This permit is issued for a period of ten years, and shall expire on February 17, 2021. The applicant has the sole responsibility for renewing this permit before the expiration date. The County will not provide a notice prior to the expiration date. Previous Use Permit entitlement #CDU 1-2003 expiration date shall be modified to February 17, 2021, as well.
19. This permit shall become effective after all applicable appeal periods have expired or appeal processes have been exhausted. Failure of the applicant to make use of this permit within two years shall result in the automatic expiration of this permit.

AYES: Little, Calvert, Warner, Holtkamp, Hall, Ogle  
NOES: None  
ABSTAIN: Nelson

A member of the public asked to speak on item 4a, which had just been approved by the Commission.

**Terry Gross**, County Counsel, stated the Commission could pull an item off consent after approval for discussion if they choose.

Chairman Nelson recused himself and passed the gavel to Commission Little.

5. **Regular Calendar.**

4a. **CASE#: UM 19-2002/2010**

DATE FILED: 9/27/2010

OWNER: JIM & GLORIA MCCUTCHAN

APPLICANT: VERIZON WIRELESS

AGENT: AARON DELAO- ON AIR, LLC.

REQUEST: Use Permit Modification to allow for the addition of 9 panel antennas and 1 microwave dish to an existing 90-foot tall monopole and placement of a 210 gallon fuel storage tank and a 48 kilowatt diesel generator to provide back up power to the facility should line power be interrupted.

LOCATION: 8+/- miles southeast of Hopland and 1+/- mile north of the Sonoma County Line, lying on the south side of McCutchan Ranch Road (private), 1+/- mile east of its intersection with State Highway 101, located at 24601 Geysers Road; AP# 050-410-06.

PROJECT COORDINATOR: DUSTY DULEY

**Aaron Delao**, agent with On Air LLC, asked that Condition #12 be deleted from the staff report since Verizon did not own the tower and was only collocating.

Chairman Little stated that the condition only required the cell companies to negotiate in good faith with emergency providers and thought it was an important caveat to include in the condition.

Mr. Duley noted the tower had been approved prior to creation of the Wireless Guidelines, however the condition was standard language for cell tower applications. He noted that if it was not the responsibility of Verizon to sign off on the addition of public agency collocations, there would be little argument for deletion of the condition. Mr. Duley noted it was ultimately up to the Commission to delete the condition if they disagreed with its inclusion.

Chairman Little commented that he agreed with staff's determination of the condition and felt it had no effect on Verizon, but would convey a message to the leasor to keep under consideration.

Mr. Delao also asked that the Commission delete Condition #14 because Verizon could not complete inspections as a leasee on the antenna.

Mr. Duley commented that it was the responsibility of AT&T to ensure the integrity of the structure and the same condition was placed on the original use permit. He noted that the condition was standard language since the adoption of the Wireless Guidelines, but could be removed at the Commission's discretion.

Commissioner Ogle noted that since Condition #12 and #14 do not specifically list a company responsible to fulfill the conditions, they should be left in the report.

Chairman Little agreed that Condition #12 placed no obligations on Verizon since they do not own the tower and assumed that AT&T would perform the inspections every 10 years.

The public hearing was declared open, seeing no one come forward, the public hearing was declared closed.

Upon motion by Commissioner Hall, seconded by Commissioner Holtkamp and carried by the following roll call vote (6-0) with Commission Nelson abstaining, IT IS ORDERED to approve UM 19-2002/2010 per the findings and conditions contained in the staff report.

**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 as subject to the conditions being recommended by staff.

**Environmental Findings:** The project is Categorically Exempt from CEQA, Class 1b.

**Project Findings:** The Planning Commission approves #UM 19-2002/2010 subject to the conditions of approval recommended by staff further finding:

1. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.
2. That the proposed use will not constitute a nuisance or be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in or passing through the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the county.
3. That such use preserves the integrity of the zoning district.

**RECOMMENDED CONDITIONS OF APPROVAL:**

1. All grading and site preparation, at a minimum, shall adhere to the following "Best Management Practices": The applicant shall submit to the Department of Planning and Building Services an acknowledgement of these grading and site preparation standards.
  - a. That adequate drainage controls be constructed and maintained in such a manner as to prevent contamination of surface and/or ground water, and to prevent erosion.
  - b. The applicant shall endeavor to protect and maintain as much vegetation on the site as possible, removing only as much as required to conduct the operation.
  - c. Temporary erosion control measures shall be in place at the end of each day's work, and shall be maintained until permanent protection is established.
  - d. Erosion control measures shall include but are not limited to: seeding and mulching exposed soil on hill slopes, strategic placement of hay bales below areas subject to sheet and rill erosion, and installation of bioengineering materials where necessary. Erosion control measures shall be in place prior to October 1<sup>st</sup>.
  - e. Pursuant to the California Building Code and Mendocino County Building Regulations a grading permit will be required unless exempted by the Building Official or exempt by one of the following:
    1. An excavation that (1) is less than 2 feet (610 mm) in depth or (2) does not create a cut slope greater than 5 feet (1,524 mm) in height and steeper than 1 unit vertical in 1.5 units horizontal (66.7% slope).
    2. A fill less than 1 foot (305 mm) in depth and placed on natural terrain with a slope flatter than 1 unit vertical in 5 units horizontal (20% slope), or less than 3 feet (914 mm) in depth, not intended to support structures, that does not exceed 50 cubic yards (38.3 m<sup>3</sup>) on any one lot and does not obstruct a drainage.
2. As soon as practical following completion of any earth disturbance, including trenching, vegetative ground cover or driveway surfacing equal to or better than existing shall be reestablished on all disturbed portions of the site.
3. Prior to the development phase of the project, the applicant shall register the proposed generator with the Mendocino County Air Quality Management District.
4. Generators shall be equipped with mufflers and spark arresters, and shall not produce noise levels exceeding 50 dBA at the nearest off site residence. If necessary, generators shall be enclosed by a noise barrier shelter designed by an acoustical engineer and remain oriented and screened to limit excessive

noise to surrounding residences. Routine testing and maintenance shall be limited to weekdays between 8:30 a.m. and 4:30 p.m. Repairs and emergency use are not included in this limitation.

5. Exterior light fixtures shall be designed or located so that only reflected, non-glaring light is visible from beyond the immediate vicinity of the site, and shall be turned off except when in use by facility personnel.
6. Prior to development of the site the applicant shall provide to the Department of Planning and Building Services, an assessment prepared by a registered civil engineer of the condition of the existing shared private road, serving the site to provide baseline data on the condition of the road. The assessment may include photos or video but shall include a written narrative to document the road's current status. Promptly after the installation of the new antennas and/or support facilities, the applicant shall repair the shared portion of the private access road to a minimum level of that which exists today. Failure to complete road improvements shall be considered grounds for revoking the permit.
7. Exterior surfaces of antennas shall have subdued colors and non-reflective materials selected to blend with their surroundings.
8. Existing trees and other vegetation, which provide screening for the facility and associated access roads, shall be protected from damage. No trees that provide visual screening of the communications facility shall be removed after project completion except to comply with fire safety regulations or to eliminate safety hazards. Tree trimming shall be limited to the minimum necessary for operation of the facility.
9. If use of any portion of the proposed facility subject to this permit is discontinued for more than one year, all parts of the facility not in use, above grade, shall be completely removed from the site.
10. Prior to issuance of a building permit, the applicant shall provide an irrevocable letter of credit, bond, certificate of deposit, or other reasonable form of security satisfactory to County Counsel, sufficient to fund the removal of the applicant's equipment in the event that the applicant abandons operations or fails to comply with requirements to remove all their equipment.
11. In the event that archaeological resources are encountered on the site, further disturbance in the immediate vicinity of the find shall be halted until all requirements of Chapter 22.12 of the Mendocino County Code relating to archaeological discoveries have been satisfied.
12. By commencing work allowed by this permit, the applicant agrees to negotiate in good faith with third parties requesting shared use of the site. The facility shall provide if requested, space for any public emergency service provider to locate communication equipment on the monopole, provided no interference to function will result at a minimum or no fee.
13. Prior to the final inspection by the Building Division of the Department of Planning and Building Services, an identification sign for each company responsible for operation and maintenance of facilities at the site, no larger than one square foot, shall be mounted on an exterior wall in a location visible when approached from the street, and shall provide the name, address, and emergency telephone number of the responsible companies. The address assigned to the site by the Planning and Building Services Department shall be posted.
14. The antennas and supporting structure shall be inspected every ten years, and following significant storm or seismic events, by a structural engineer licensed in the State of California to assess their structural integrity, and a report of the engineer's findings shall be submitted to the Planning and Building Services Department.
15. Prior to commencement of operations, all surplus construction materials and debris shall be removed from the site to a proper disposal facility. Thereafter the site shall be kept free of refuse.
16. The applicant shall contact the County Division of Environmental Health and complete a Hazardous Materials Management Plan.
17. 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.

18. The application along with supplemental exhibits and related material shall be considered elements of this entitlement and compliance therewith shall be mandatory, unless the Planning Commission has approved a modification.
19. 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.
20. This permit shall be subject to revocation or modification by the Planning Commission upon a finding of any one or more of the following grounds:
  - a. That the permit was obtained or extended by fraud.
  - b. That one or more of the conditions upon which the permit was granted have been violated.
  - c. That the use for which the permit was granted is conducted in a manner detrimental to the public health, welfare or safety, or is a nuisance.

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

21. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit boundaries. Should, at any time, a legal determination be made that the number, size or shape of parcels within the permit boundaries are different than that which is legally required by this permit, this permit shall become null and void.
22. This permit is issued for a period of ten years, and shall expire on February 17, 2021. The applicant has the sole responsibility for renewing this permit before the expiration date. The County will not provide a notice prior to the expiration date. Previous Use Permit entitlements #U 19-2002, #UM 19-2002/2007 and #UM 19-2002/2009 expiration dates shall be modified to February 17, 2021 as well.
23. This permit shall become effective after all applicable appeal periods have expired or appeal processes have been exhausted. Failure of the applicant to make use of this permit within two years shall result in the automatic expiration of this permit.

AYES: Little, Calvert, Warner, Holtkamp, Hall, Ogle  
NOES: None  
ABSTAIN: Nelson

Chairman Little passed the gavel back to Commissioner Nelson.

**5a. CASE#: MS 6-2010**

DATE FILED: 4/15/2010

OWNER: BLUE SKY TRAVIS & INVESTMENTS- STEVE TRAVIS

APPLICANT: STEVE TRAVIS

AGENT: SAM POPE-POPE ENGINEERING

REQUEST: Minor Subdivision creating 4 parcels of 0.38, 0.32, 0.28, 0.28 +/- acres and a Remainder Parcel of 4.1 +/- acres.

LOCATION: In Covelo, approximately 0.5 +/- miles west of town center, lying south and east of Grange Street (CR# 334B) and High School Street (CR# 335A), located at 23675 Grange Street; AP# 033-200-38 & 033-200-42.

PROJECT COORDINATOR: MARY LYNN HUNT

Ms. Mary Lynn Hunt, Project Coordinator, reviewed the staff report and noted the location of the project site between Grange Street and High School Street, stating that the southern portion of the property was in the flood plain. She stated that the property was zoned Suburban Residential 12,000 square foot minimums, as were adjacent parcels, and there was potential for a major subdivision on the property. She noted that the applicant had been to Subdivision Committee and discussed the requirements for a major subdivision with Planning and Building, Environmental Health and the Department of Transportation. She stated that at this time, the requirements placed on the applicant were standard for a minor subdivision and would be modified if the applicant chose to submit an

application for a future minor or major subdivision. Ms. Hunt noted the applicant was required to name the road to the division, but that could be completed on the Subdivision Map. She noted the parcels would be served by Round Valley Sanitation and individual wells would be drilled for water. Ms. Hunt commented that she had received several phone calls from neighbors concerned with the division and had received 2 letters of opposition, one from Robert Bacon about standing water on the parcels and the other from Jim Durall whose home was across from the proposed entrance and was concerned with increased traffic on a normally quiet street. She commented that the traffic would not be a concern since the project was located on a County maintained road.

Commissioner Ogle referenced page PC 8, Condition #26 and asked what "UPC" meant. She also noted the inclusion of map checking fees for the County Surveyor in Condition #12 through #20.

Dave Jensen, Environmental Health, stated UPC was for the Uniform Plumbing Code.

Ms. Hunt noted that the fee had always existed for the County Surveyor and had been added as an informational item.

**Steve Travis**, owner, commented that he had no issues with the staff report.

The public hearing was declared open.

**Walter Frye**, neighbor of project, was concerned with increased demand on the sewer, stating the Sanitation District frequently had to service the pipes for blockages. He was also concerned with the location of the pump station near his home and disagreed that there would not be adverse impacts from the project.

Commissioner Ogle asked Mr. Frye where his property was located on the parcel map.

Ms. Hunt noted Mr. Frye's parcel numbers were 33-200-39 and 40.

The Commission and staff further discussed the location of the pump station as designated on the Tentative Map.

**Jim Durall**, neighbor, distributed photos to the Commission of the solid wood board fencing around Mr. Travis's parcel. Mr. Durall was opposed to the subdivision because it was an "eyesore" that would increase traffic by his home. He was also concerned with increased development, which could result in 5-12 additional residences. He agreed with Mr. Frye that the sewer could not handle additional capacity and stated that, his home being the highest on the system, occasionally experienced sewer out gassing which would be worse with more homes on the system.

The public hearing was declared closed.

Mr. Travis responded to public comment and stated that he had obtained the proper permits for his property and was working with the Covelo Community Services District (CSD) to design an acceptable sewer line. He noted that Tim Dennis with the CSD had stated that the sewer line on High School Street was defective, which was why he was connecting to the Grange Street line.

Commissioner Little asked where the digging for the pump station had occurred and if it was a closed system.

Mr. Travis stated the pump station was 165 feet from Grange Street in the proposed easement, but the sewer was a gravity flow line, which he assumed was a closed system.

Commissioner Hall asked if the sewer line was being pumped up hill.

Mr. Travis stated the pump lifts the sewage up to a gravity line.

Mr. Frye stated that proposed subdivision was running a 6 inch sewer line into the 4 inch district connection.

Commissioner Calvert asked if there would be a problem when moving from 6 inches to 4 inches and if the district approved of the connection.

Mr. Mobley noted the department could not make that type of judgment call since it was the Sanitation District's jurisdiction. He noted the district had not responded to the referral from the department, so it was presumed to be effective.

Commissioner Little commented that the district had determined that the 4 inch line was undersized and future improvement to the existing line would probably be 6 inches. He thought the district was looking ahead by installing 6 inch lines for the proposed project. He also commented on Condition #11 that he was concerned that the cost of housing in Covelo would go up to subsidize housing in Ukiah.

Commissioner Holtkamp clarified that if the applicant built the affordable units he would get his money back.

Ms. Hunt stated he would receive a credit back for building.

Commissioner Warner commented that there was a large area around and including the subject property that was zoned SR and could be developed. She noted that since the neighbors had expressed opposition to development, perhaps they should consider changing the zoning in the area.

Commissioner Ogle referenced page PC 3 and land use policy DE 13, she felt the project was already a major subdivision and asked the potential improvements.

Mr. Mobley noted there was potential for future subdivisions, but stated the project as proposed was only a minor subdivision and was conditioned as such.

Ms. Hunt noted that if the current owner came back with another application for a minor subdivision, due to the accumulation of parcels, it would be treated as a major subdivision and be subject to greater regulations.

Commissioner Little suggested a condition be added to request a letter from the district that the sewer facility is adequate to serve the minor subdivision.

Ms. Hunt noted there was a condition in the report that required sign off from the district.

Commissioner Warner stated it was Condition #30.

Commissioner Ogle asked if there was available water for parcels one quarter acre in size.

Mr. Jensen referenced page PC 8 Condition #27 and stated that the inland areas were only required to submit a water quantity evaluation for one parcel in a subdivision. He noted in the coastal zone, the applicant would have to demonstrate proof of water for each parcel.

Upon motion by Commissioner Little, seconded by Commissioner Hall and carried by the following roll call vote (6-1), IT IS ORDERED to approve MS 6-2010 per the findings and conditions of approval contained in the staff report on pages PC 5 through PC 9.

**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.

**Project Findings:** The Planning Commission, making the environmental and General Plan findings above, approves #MS 6-2010, 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 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 acknowledge in writing to the Department of Planning and Buildings Services that all grading activities and site preparation, at a minimum, shall adhere to the following "Best Management Practices". The applicant shall submit to the Department of Planning and Building Services an acknowledgement of these grading and site preparation standards.
- a. That adequate drainage controls be constructed and maintained in such a manner as to prevent contamination of surface and/or ground water, and to prevent erosion.
  - b. The applicant shall endeavor to protect and maintain as much vegetation on the site as possible, removing only as much as required to conduct the operation.
  - c. All concentrated water flows, shall be discharged into a functioning storm drain system or into a natural drainage area well away from the top of banks.
  - d. Temporary erosion and sediment control measures shall be established and maintained until permanent protection is established.
  - e. Erosion control measures shall include, but are not limited to, seeding and mulching exposed soil on hill slopes, strategic placement of hay bales below areas subject to sheet and rill erosion, and installation of bioengineering materials where necessary. Erosion control measures shall be in place prior to October 1<sup>st</sup>.
  - f. All earth-moving activities shall be conducted between May 15<sup>th</sup> and October 15<sup>th</sup> of any given calendar year unless the Department of Planning and Building Services or other agencies having jurisdiction approve wet weather grading protocols.
  - g. Future development shall be subject to implementing appropriate source controls found in the Mendocino County Standard Urban Stormwater Mitigation Plan (SUSMP).
  - h. Pursuant to the California Building Code and Mendocino County Building Regulations a grading permit will be required unless exempted by the Building Official or exempt by one of the following:
    - I. An excavation that (1) is less than 2 feet (610 mm) in depth or (2) does not create a cut slope greater than 5 feet (1524 mm) in height and steeper than 1 unit vertical to 1.5 units horizontal (66.7% slope)
    - II. A fill less than 1 foot (305 mm) in depth and placed on natural terrain with a slope flatter than 1 unit vertical to 5 units horizontal (20% slope), or less than 3 feet (914 millimeters) in depth, not intended to support structures, that does not exceed 50 cubic

yards (38.3 cubic millimeters) on any one lot and does not obstruct a drainage.

- \*\*2. A notation shall be placed on the Parcel Map stating that, "Future development of buildings, building sites, access roads or driveways may be subject to the grading requirements and drainage control measures identified in condition number 1 of the subdivision."
- \*\*3. Adequate drainage controls shall be constructed and maintained in such a manner as to prevent contamination of surface and/or ground water, and to prevent erosion. Erosion control measures shall include but are not limited to: seeding and mulching exposed soil, strategic placement of hay bales below areas subject to sheet and rill erosion, and installation of bioengineering materials where necessary. Erosion control measures shall be in place prior to October 1<sup>ST</sup>. All earth-moving activities shall be conducted between May 15<sup>th</sup> and October 15<sup>th</sup> of any given year.
- \*\*4. All roads shall be covered with an impermeable sealant or rocked at a bare minimum. Any rock material used for surfacing, including rock from onsite sources, must comply with Regulations regarding asbestos content.
- \*\*5. A note shall appear on the Parcel Map that the access road, driveway and interior circulation routes be maintained in such a 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 Regulations 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.
- \*\*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.
- \*\*7. 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."
- \*\*8. A note shall appear on the Parcel Map that "No toxic, hazardous or contaminated materials or waste shall be stored in a designated buffer area or clearly identified flood plain or floodway".
- \*\*9. 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 \$2,094.00 (or the current fee in effect at the time of approval) shall be made payable to the Mendocino County Clerk and submitted to the Department of Planning and Building Services prior to March 4, 2011 (within 5 days of the end of any appeal period). Any waiver of the fee shall be on a form issued by the Department of Fish and Game upon their finding that the project has "no effect" on the environment. 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 approved entitlement becoming null and void. **The applicant has the sole responsibility to insure timely compliance with this condition.**
- \*\*10. All external lighting shall be shielded and downcast to prohibit light from being cast beyond the property boundaries. The number of exterior lighting fixtures shall be kept the minimum required for safety.
- \*\*11. The subdivider shall pay into the County Affordable Housing Trust Fund (per County Code Section 20.238.035) an amount equaling 5% of the County-wide median sales price of a single family residence as determined by the County Assessor. Said fee shall be collected prior to the recording of the Parcel Map.

- \*\*12. There shall be provided an access easement of 60 feet in width (as per tentative map) from a publicly maintained road to each parcel being created. Documentation of access easement shall be provided to the Mendocino County Department of Transportation for their review prior to final approval.
- \*\*13. 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. "All natural drainage and water courses shall be shown as easements on the Parcel Map. Minimum width shall be twenty (20) feet, or to the high water level plus five (5) feet horizontal distance, whichever is greater.
- \*\*14. 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.
- \*\*15. If a Parcel Map is filed, all natural drainage and water courses shall be shown as easements on the final parcel map. Minimum width shall be twenty (20) feet, or to the high water level plus five (5) feet horizontal distance, whichever is greater.
- \*\*16. Construct a twenty-two (22) foot wide rocked road within the access easement, including eight (8) inch minimum rock base, from High School Street. Place drainage culverts where necessary. New or replaced culverts shall be a minimum of 18 inches in diameter.
- \*\*17. Two standard private driveway approaches shall be constructed from Grange Street, each with a minimum width of ten (10) feet, and improved length of fifteen (15) feet from the edge of the County road, and paved with surfacing comparable to that on the County road. One driveway approach will serve the existing house on Lot 1, and the other will serve the 20-foot wide access strip within the public utility easement on Lot 1.
- \*\*18. A standard private road approach shall be constructed from High School Street to a minimum width of twenty-two (22) feet, and improved length of twenty (20) feet from the edge of the County road.
- \*\*19. Any proposed work within County rights of way requires obtaining an encroachment permit from the Mendocino County Department of Transportation.
- \*\*20. A 40-foot radius turnaround be constructed within a 50-foot radius easement at terminus of access easements 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 a forty (40) foot wide by eighty (80) foot long easement at the terminus of the access easement. Turnaround shall be constructed with four (4) inch minimum rock base, eighteen (18) feet wide and sixty (60) feet long, with twenty (20) foot radius surfacing returns.
- \*\*21. The private road serving the proposed subdivision shall be named on the **Parcel Map**. Clearance for the road name shall be given by the Department of Planning and Building County Addresser.
- \*\*22. It shall be the responsibility of the subdivider to provide a road name street sign. The sign shall conform to the county standards for signs. Site addresses shall be posted for each of the proposed parcels in conformance with the MCC Section. 18.16.
- \*\*23. A notation shall be placed on the Parcel Map which states: It shall be the responsibility of the property owner of said parcel to notify the Federal Aviation Administration as required by FAR Part 77, Subpart B if they intend to place any structure on their property that exceeds seventy-five (75) feet in height.
- \*\*24. It shall be the responsibility of the subdivider to record "Over-Flight Easements" on each of the newly created parcels. (Sample easement can be obtained from the Department of Planning and Building Services).
- \*\*25. The subdivider shall comply with those recommendations of the Covelo Fire District or other alternatives 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 District.

- \*\*26. The applicant shall submit to the Division of Environmental Health an acceptable site development plan at a scale of not more than 1 inch = 50 feet showing all adjacent parcels on one sheet completed by a qualified individual showing the location and dimensions of the initial sewage disposal system(s), 100% replacement area(s), acceptable setback distances to water wells and other pertinent setback distances which may impact project site development. Show UPC setbacks from sewer laterals to area for wells.
- \*\*27. The applicant shall submit to the Division of Environmental Health an acceptable water quantity evaluation (DEH FORM # 26.05) completed by a qualified individual of a water source located on any of parcel(s) of the subdivision demonstrating an adequate water supply in compliance with the Division of Environmental Health's Land Division Requirements (DEH FORM # 26.09).
- \*\*28. The applicant shall submit to the Division of Environmental Health an acceptable standard mineral analysis performed by a certified public health laboratory from a source of water on the subdivision.
- \*\*29. The applicant shall either (1) submit to the Division of Environmental Health, a letter from the district(s) or agency(s) stating that water and/or sewer 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(s) and has been accepted by the district or agency for maintenance by said district or agency (Mendocino County Code 17.55 & 17.56); or (2) the applicant shall submit a letter to the Division of Environmental Health from the district(s) or agency(s) stating that engineered improvement plans for the future installation of services (and main extensions, where required) for each lot and the connection to the system providing the service are acceptable to the district, including maintenance of the system by the district and the applicant shall submit a letter to Division of Environmental Health from the County Engineer stating that performance bonds or other adequate surety have been secured, to the satisfaction of the county engineer, to cover the cost of the installation of services (and main extensions, where required) for each lot and the connection to the system providing the service per Mendocino County Code Chapter 17 Article VIII.
- \*\*30. Written Clearance shall be obtained from the Covelo Community Sanitation District that their requirements for the placement of sewer lines and service connections to parcels have been installed to their satisfaction. Clearance shall be submitted to the Department of Planning and Building Services.
- \*\*31. Those "Recommendations" outlined in the Archaeological Report dated August 28, 2010, prepared by William Cull, MA, Registered Professional Archaeologist shall be complied with. In the event that additional 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.
- 32. It shall be the responsibility of the applicant to ensure that contractors engaged to perform work on the site are aware of county, state and federal regulations and that all work performed is in compliance with applicable conditions of this minor subdivision.
- 33. Pursuant to Government Code Section 66492 & 66493, prior to recordation of the Parcel Map, the subdivider must: (1) obtain a certificate from the Mendocino County Tax Collector stating that all current taxes and any delinquent taxes have been paid and; (2) pay a security deposit (or bond) for taxes that are a lien, but not yet due and payable.

\*\*\*\*\*

THIS DIVISION OF LAND IS DEEMED COMPLETE WHEN ALL CONDITIONS HAVE BEEN MET,  
AND THE APPROVED PARCEL MAP IS RECORDED BY THE COUNTY RECORDER.

AYES: Little, Calvert, Nelson Warner, Holtkamp, Hall,  
NOES: Ogle  
ABSENT: None

**5b. CASE#: UM 15-2002/2010 (2)**

DATE FILED: 11/24/2010

OWNER: VIRGINIA MEADOWS

APPLICANT: CROWN CASTLE

AGENT: GARY GOCHBERG-CROWN CASTLE

REQUEST: To delete condition number 24 of previous Use Permit Modification # UM 15-2002/2010, which requires applicant to improve an existing private road approach off County Road #110 by paving the first 15 feet with surfacing comparable to that on the County Road. UM 15-2002/2010 was previously approved to allow for the addition of a 4 foot diameter microwave dish onto an existing 51 foot tall telecommunication tower.

LOCATION: 3+/- miles southwest of Hopland, on a private road 1.5+/- miles southwest of its intersection with County Road #110, 1.5+/- miles southeast of its intersection with Feliz Creek Road (CR# 109), located at 4655 Road 110; AP# 049-240-26.

PROJECT COORDINATOR: DUSTY DULEY

Chairman Nelson recused himself and passed the gavel to Commissioner Little.

Mr. Dusty Duley, Project Coordinator, reviewed the staff report and discussed the applicant's request to delete existing Condition #24 from the previous project approval. He discussed the private road to the subject property and noted the beginning portion of the road belonged to Mr. Zmarzly, who did not approve of the road requirements. As such, Verizon could not comply with the conditions of approval, creating a hardship for the company. Mr. Duley commented that Air Quality and the Department of Transportation agreed that gravel on the first 25 feet of the private road was an acceptable alternative if the entry gate was also moved back; however Mr. Zmarzly disagreed with 4 inches of gravel and refused to move his gate, only conceding to 1 inch of gravel on the road. Mr. Duley referenced page PC 7 which showed two entrance gates and the road to the subject property. Mr. Duley noted that two motions had been provided to the Commission; one that would keep the condition requiring road maintenance, and the second to delete the condition stating it was hardship for the applicant and no significant impacts would result to air quality or traffic without said maintenance. He stated to further complicate matters, it appeared that during the original permit in 2002, AT&T Mobility, formerly Edge Wireless, had not completed the condition to improve the private road; instead they claimed to have received a letter from the County granting the ability to "overlook" the road improvements. Neither the County, Verizon or Mr. Zmarzly could produce a copy of the letter.

Chairman Little asked if the County had an easement on the road.

Tom Peters, Department of Transportation, was not sure if there was a deeded easement or a 40 foot right of way.

Chairman Little thought there would be adequate room in the County right of way to perform the improvements without the land owners approval.

Ms. Gross stated that the Road Commissioner could require a property owner to complete improvement for the public benefit/safety, but not for commercial or individual purposes.

Commissioner Calvert commented that if the encroachment did not match the County Road, it could damage the road by degrading the pavement.

Mr. Peters noted that was the reason for encroachments to be paved, so that damage was not done to the County Roads.

Commissioner Hall commented that it was not a busy road and asked about safety issue pulling off the road to open the gate.

Mr. Peters commented that the safety issue for the subject property was that the gate was installed too close to the road and a vehicle would have to stop in traffic to get the gate open.

Chairman Little noted the view from the aerial photo illustrated that the gate was adjacent to a sharp corner and would have site view issues. He noted the purpose was not to impose regulations on the property owner, but thought the County could make safety improvements in the right of way.

**Gary Gochberg**, Crown Castle, commented that he was confused by the staff report since in discussing the condition with the Department of Transportation and staff, there appeared to be no hesitation to delete the condition, however new road conditions were included in the first motion that were more difficult than the previous condition to complete. He reviewed key elements in the staff report that state the project is categorically exempt from CEQA and that no significant impacts will result from the deletion of Condition #24. He asked the Commission to approve the project by adoption Motion #2, to delete the road requirements; noting that to deny the permit would be viewed as discrimination by Verizon, as other cell carriers had been allowed to install equipment without the condition.

Commissioner Calvert and Commissioner Holtkamp disclosed that Verizon was their cell carrier.

Commissioner Calvert was concerned that the property owner would be forced to pay for the improvements.

Mr. Duley stated that cell companies incur the cost, but must get permission from the property owner to complete the improvements.

Commissioner Holtkamp noted that such issues could be avoided if the County had a master plan for how to deal with cell towers.

The Commission agreed they would like to revisit the Wireless Guidelines.

Commissioner Hall agreed that neither motion was appealing.

The public hearing was declared open, seeing no one come forward, the public hearing was declared closed.

Upon motion by Commissioner Hall, seconded by Commissioner Ogle and carried by the following roll call vote (7-0), IT IS ORDERED:

Alternative Motion #2: The Planning Commission approves the applicant's request to delete condition number 24 of Use Permit Modification #UM 15-2002-2010 finding that a hardship exists and forgoing the road improvements will not have a significant impact to air quality or traffic safety.

**ENVIRONMENTAL RECOMMENDATION:** Based on the above, staff finds that no new significant environmental impacts will result from replacing the road improvements with alternatives identified within the report or deletion of road improvements. Therefore, per CEQA Section 15162, no new environmental documentation or action is necessary.

**GENERAL PLAN CONSISTENCY RECOMMENDATION:** The proposed project is consistent with applicable goals and policies of the General Plan.

**RECOMMENDED MOTION:**

**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 as subject to the conditions being recommended by staff.

**Environmental Findings:** The Planning Commission finds that no new significant environmental impacts will result from the project. Therefore, per CEQA Section 15162, no new environmental documentation or action is necessary.

1. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.
2. That the proposed use will not constitute a nuisance or be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in or passing through

the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the county.

3. That such use preserves the integrity of the zoning district.

AYES: Little, Calvert, Warner, Holtkamp, Hall, Ogle  
NOES: None  
ABSTAIN: Nelson

[Break 10:52 AM – 11:01 AM]

Chairman Little passed the gavel back to Commissioner Nelson.

**5c. \*\*TIMED ITEM: 11:00 AM - PROJECT TITLE: DRAFT UKIAH VALLEY AREA PLAN (UVAP) AND DRAFT PROGRAM ENVIRONMENTAL IMPACT REPORT.**

PROJECT APPLICANT: COUNTY OF MENDOCINO

PROJECT LOCATION: The project is situated within the unincorporated area of Mendocino County extending from immediately north of the Highway 101/20 interchange north of Calpella (excludes Redwood Valley area), southerly to 2+ miles south of the Highway 253/101 interchange, and approximately from ridge top to ridge top east and west of the Ukiah Valley.

PROJECT DESCRIPTION: The County proposes to adopt the 2007 Ukiah Valley Area Plan (UVAP) as an element of the Mendocino County General Plan. The draft plan tentatively approved by the Board of Supervisors as "the project" includes Open Space & Conservation, Historic & Archaeological Resources, Health & Safety, Parks & Recreation, Community Design, Circulation & Transportation, Water Management, Energy & Air Quality, and Land Use Elements. Noise and Housing Elements are not included, but are part of the County's General Plan and will apply to the UVAP planning area.

PROJECT COORDINATOR: ROGER MOBLEY

Mr. Gonzalez provided opening comments on the process of the day's meeting. He noted that the Planning Commission would be taking public comments on the Draft EIR and there would be future meetings for additional comment on March 3, 2011 and on March 15, 2011 there would be a joint meeting with the Board of Supervisors. He discussed the evolution of the project since 1990 and noted the current UVAP was essentially the 2007 version. He introduced Leonard Charles, who had prepared the EIR, Gary Pedroni Planner that had worked on the staff report and Roland Sanford who had prepared the Water Assessment. Last, Mr. Gonzalez noted that the comment period on the Draft EIR would close on March 24, 2011, and comments may be presented in writing or verbally to the Commission on any of the aforementioned dates.

**Gary Pedroni**, Planner, further discussed the background of the UVAP and how the County got to this point. He commented that work began in 1998, when the City of Ukiah and Mendocino County decided to undertake a cohesive planning effort on the outer fringes of Ukiah. He stated that process had produced the 2007 Framework Goals and Policies, which was the plan that the Board had adopted in 2007. Since then, the Board had directed the plan to be completed, which is what is before the Commission, dated 2010. He noted that the UVAP was based on a Program Level EIR, which did not consider specific projects and discussed the public hearing process. Finally, he noted that the Planning Commission would make recommendations to the Board of Supervisors on the proposed land use changes and the Board would certify and adopt the plan, a hybrid of the plan or not adopt the plan and use the previously adopted General Plan for zoning, etc.

**Leonard Charles**, Leonard Charles and Associates, discussed the CEQA process for an EIR and stated the purpose was to allow the Commission to make an informed decision. He stated the EIR process was not exhaustive, but would compare the main concerns for the preferred project to the alternatives. He further discussed the meaning of a Program EIR, that the overall cumulative impacts of the Ukiah Valley as a whole with total buildout by 2030 was considered as the "worst case scenario". He noted the possibility of full buildout in 20 years was absurd, but allowed for alternate scenarios that would be covered under the EIR. He noted after the end of the comment period, the Final EIR would be completed and have the response to comments. Mr. Charles further discussed the process and noted that if the plan was adopted in some form or a hybrid of the proposed alternatives, a Statement of Overriding Considerations would have to be included for impacts that cannot be mitigated. He noted some impacts could not be addressed in the plan, such as public infrastructure, schools, parks, waste water treatment, storm drains, etc. Several impacts that were considered significant and unavoidable include, loss of farmland with prime agricultural soils, water quality/runoff from new construction, and protection of the Russian River corridor. He noted that the

main difference in project alternatives was the reduction in the amount of development, both residential and commercial, and that the EIR was flexible enough to cover the alternatives.

Commissioner Holtkamp thought Mendocino County would fit the "Market Constrained" category under Fiscal and Economic Impacts.

Mr. Charles thought that was likely.

Commissioner Little asked if the Commission would be taking comments on the reports that had been mailed with the EIR.

Mr. Charles noted the EIR relies on those documents, so the Commission could take comment.

Mr. Gonzalez noted the documents were background reports and could be considered appendices of the EIR.

Commissioner Little commented that the market constrained analysis could reduce or eliminate impacts due to lack of building.

Mr. Charles noted impacts can be reduced below a level of significance and the Commission can make a recommendation as such when they hear the plan.

Commissioner Little commented that he appreciated the contract value printed on the Transportation Study and thought it would be informative for the public to see what the County had spent to bring the UVAP up to this point.

Commissioner Warner noted some of the appendices contradicted each other and asked if the differences would be highlighted for discussion.

Mr. Charles commented that the EIR did not rely on the impact analysis and data from different firms would not affect the outcome of the EIR.

The public hearing was declared open.

**Bill Koehler**, General Manager Redwood Valley Water District, was concerned that Redwood Valley was not included in the study area of the UVAP because the people might live in Redwood Valley, but they drive, eat, work, shop, and spend money in Ukiah.

**Daniel Myers**, Sierra Club, was concerned with water in the EIR, specifically the conversion of land into vineyards and asked if the EIR considered conversion as buildout.

Mr. Charles stated that the EIR did not predict conversion because it was speculative, but noted there were protections in place for oak woodlands.

Commissioner Warner was confused by the labeling of Table 2.61 on page 41.

Mr. Charles clarified how the table could be read with the policies in the UVAP sited, level of significance and mitigation measures.

Commissioner Hall commented that the biological impacts, sensitive habitat, riparian area mitigation measures, on page 160 do not seem protective. He felt more could be done to reduce impacts to less than significant.

Mr. Charles noted the Commission had the ability to add mitigation measures.

Commissioner Little commented that it appears that developing fees are based on the general buildout conditions in the Ukiah Valley, but the greatest potential to develop is in the unincorporated areas outside city, thus it appears that the bulk of costs are in the City, while the revenue is in the County due to impact fees.

Mr. Charles noted the study follows a particular formula to determine growth, but could not answer for the study.

Chairman Nelson noted there appeared to be no further public comment for the day and asked the Commission if they would like to adjourn for lunch and come back or adjourn to the next meeting.

Commissioner Little noted that if some individuals wished to head home due to the weather, there would still be a quorum for public comment after lunch.

[Lunch 12:06 PM –12:50 PM]

Commissioner Calvert commented on Table 2.6-1, regarding dam inundation, that flooding was not addressed if an earthquake caused the dam to fail. She noted pages 32, 44, 94, 121, 110, all have references that should be modified to include dam inundation. She also noted that page 41 should be corrected to match, either all "LTS" or "LS".

Commissioner Warner commented on page 321 that the connection fee to Ukiah Valley Sanitation was included and it would be valuable to list the hookup fees for each water district.

Commissioner Little commented that any new development would transport sediments into streams and asked for further reference or explanation on Table 3.1-2, page 92. He also noted that the EIR mitigations require expenditures for further studies and asked how to analyze the ultimate cost to implement UVAP.

{Commissioner Calvert left at 1:00 PM}

**Todd Schapmire** discussed full buildout versus what had been called the worst case scenario. He was not familiar with how an EIR worked or related to the plan, but thought it was better to let economic growth dictate mitigation versus having a mitigation measure to dictate future growth.

Commissioner Little noted the City of Ukiah was negotiating with several large chain stores and asked how major projects were integrated into the EIR.

Mr. Charles noted the EIR did not look at projects, but considered buildout for the whole area so the total number of residential and nonresidential square foot of development was considered.

**Steve Scalmanini** commented that he was unclear of the process and asked what would happen with the EIR if UVAP was changed by the Board of Supervisors.

Mr. Charles stated that the EIR looks at alternatives with less development potential, but does identify an environmentally superior alternative. He stated the EIR has findings and data that will fit any final project if approved.

Mr. Gonzalez discussed the timeline for adoption of the UVAP and stated the Board could choose to adopt a number of variations of the plan or could choose not to adopt the plan. He stated the environmental document had been prepared and the plan provides for alternatives, so the process is to move forward with public comment on the EIR, allow the Planning Commission to comment, further comments will be taken March 3<sup>rd</sup> and there will be a joint meeting on March 15<sup>th</sup> between the Board of Supervisors and Planning Commission to allow for additional public comment. Mr. Gonzalez noted at that point it would be up to the Board to take action on the EIR while the Planning Commission made recommendations on the plan itself.

6. **Matters from Staff.**

There were no matters from staff.

7. **Matters from Commission.**

Commissioner Ogle discussed an article related to cell tower parameters and collocations on electrical transmission towers.

Mr. Gonzalez agreed that antennas could be stealthed in numerous ways from being attached to buildings, high voltage lines, light standards, signs, etc.

Commissioner Warner noted she would be absent for the July meeting.

Commissioner Ogle noted she would be absent March 3, 2011 and also for the June meeting.

**8. Approval of Minutes.**

Commissioner Calvert and Commissioner Ogle previously submitted comments by email.

Upon motion by Commissioner Holtkamp, seconded by Commissioner Warner and carried by a voice vote of (5-0), the January 20, 2011 Planning Commission Minutes are approved.

**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 Ogle, seconded by Commissioner Warner, and unanimously carried (5-0), IT IS ORDERED that the Planning Commission hearing adjourn at 1:21 p.m.