



## MENDOCINO COUNTY PLANNING COMMISSION

**MINUTES FOR THE MEETING HELD ON:** November 21, 2013

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

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

**COMMISSIONERS ABSENT:** None

**PLANNING & BLDG SVC STAFF PRESENT:** Steve Dunncliff, Director  
Andy Gustavson, Chief Planner  
Mary Lynn Hunt, Senior Planner  
Fred Tarr, Planner II  
Adrienne Thompson, Commission Services Supervisor  
Heidi Morrison, Staff Assistant II

**OTHER COUNTY DEPARTMENTS PRESENT:** Tom Peters, Department of Transportation  
Keri Rynearson, Department of Transportation  
Marlayna Bourbonnais, Environmental Health  
Terry Gross, Deputy County Counsel

**1. Roll Call.**

The meeting was called to order at 9:03 a.m.

**2. Determination of Legal Notice.**

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

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

Mr. Dunncliff presented a verbal Director's Report and noted that the planning division had hired a new Senior Planner for the Fort Bragg office and were currently interviewing for the position of Planner I. He noted that Abbey Stockwell would be moving to Washington as the Regional Stormwater Coordinator and stated that in order to allow staff to complete projects, the public would see reduced counter service hours, so that planning staff would be available from Monday through Thursday from 8:00 am to 1:00 pm or by appointment only. Last, Mr. Dunncliff noted that staff was refocusing efforts on rezoning parcels to R3 in compliance with the Housing Element Settlement Agreement and the related items should be coming forward to the Commission in the next few months.

**4. Matters from Public.**

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

**5. Consent Calendar.**

**5a. Approval of the October 31, 2013 Minutes.**

Commissioner Ogle submitted corrections by email.

Commissioner Warner noted Planner, Matt Kelley, had been omitted from the staff list and discussed Mr. Gustavson's comments on the last page under Matters from Staff that vacation home rentals would be phased out over time or completely.

Mr. Gustavson stated that vacation home rentals would be phased out completely in residential districts.

Upon motion by Commissioner Hall, second by Commissioner Holtkamp and carried by a voice vote of (6-0), the October 31, 2013 Planning Commission Minutes are Approved as corrected.

**6. Regular Calendar.**

**6a. CASE#: MS 2-2013**

DATE FILED: 2/11/2013

OWNER/APPLICATION: STEVE FANFERA

AGENT: JIM RONCO

REQUEST: Minor Division of a 40.65 +/- acre parcel into two (2) parcels of 20 +/- acres each.

LOCATION: Approximately 9 +/- miles north of Laytonville, northeast of State Highway 101/Spyrock Road (CR# 323) intersection, lying adjacent to and northwest of the intersection of Deer Trail Drive (private) and Wildwood Drive (private), located at 54240 Wildwood Drive, Laytonville, CA 95454; AP# 056-570-11

PROJECT COORDINATOR: MARY LYNN HUNT

RECOMMENDED ACTION: Approve as Recommended by Staff.

Mary Lynn Hunt, Project Coordinator, reviewed the staff report and discussed corrections that should be made to the staff report regarding the zoning on page PC 1; that the environmental determination should be a Negative Declaration vs. a Mitigated Negative Declaration and noted that the asterisks were missing on the conditions related to the issuance of a Negative Declaration. She continued to discuss the project description, noting access was via a private road that would not require any upgrades as it was already between 18-20 feet wide and rocked to the satisfaction of the Department of Transportation. She discussed the water and septic services to the parcels, noting that Proposed Parcel A would be served by a private well on Proposed Parcel B, which would require an offsite easement. She noted that the Division of Environmental Health was recommending approval with conditions and deferred to the applicant to discuss ownership of the well. Ms. Hunt concluded that staff was also recommending approval of the project with the conditions as noted in the staff report and was available for questions.

Commissioner Holtkamp asked if Parcel B would be selling water to Parcel A and if that was acceptable.

Commissioner Warner asked if the Wildwood Water District would require new parcels to hook up when water was available.

Ms. Hunt deferred to the applicant regarding the selling of water and was not sure if the water district would require the parcels to hook up.

Commissioner Ogle noted on page PC 5, # 5 e and f, had different dates; one was of October 1<sup>st</sup>, and the other October 15<sup>th</sup> and asked if the two dates should be the same.

**Tom Peters**, Department of Transportation, commented that the dates related to stormwater quality rules and regulations and the dates identified when erosion control should be in place. He discussed the permit required by the Regional Water Quality Control Board and noted the presence of Best Management Practices in the Building Code.

Chairman Little further discussed the presence of erosion control after October 1<sup>st</sup> that would be required at the end of work day.

**Jim Ronco**, Agent, discussed the ownership of the parcel and well and stated the well was owned jointly by each parcel and there was an obligation for both property owners to maintain and share the well. He stated the well had been drilled and ½ of the water available had been "reserved" for the proposed parcel. He noted the well produced 10 gallons per minute, which was a significant quantity

of water, and he felt that Environmental Health did not have an issue with the easement and sharing agreement. He also noted that each parcel was entitled to one hookup from the Wildwood Water District.

Commissioner Warner asked how many parcels were served by the water district.

Mr. Ronco believed there were 13 parcels and noted it was a private water system regulated by the State.

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

Mr. Gustavson noted that the environmental findings in the report should be revised to state that a "Negative Declaration" is adopted versus a "Mitigated Negative Declaration", noting that no mitigation had been necessary.

Upon motion by Commissioner Warner, seconded by Commissioner Ogle and carried by the following roll call vote (6-0), IT IS ORDERED to approve MS 2-2013 per the findings and conditions of approval contained in the staff report on pages PC 4 through PC 7, noting the project qualifies for a Negative Declaration and does not require Mitigation; therefore the environmental findings should be revised.

**Environmental Findings:** The Planning Commission finds that the environmental impacts identified for the project will be less than significant through the implementation of 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.

**Project Findings:** The Planning Commission, making the above finding, approves #MS 2-2013 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.

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

#### **RECOMMENDED CONDITIONS OF APPROVAL:**

##### Aesthetics

1. The following note shall be placed on the Parcel Map:

"All future external lighting, whether installed for security, safety or landscape design purposes, shall be shielded, downcast or shall be positioned in a manner that will not shine or allow light glare to exceed the boundaries of the parcel on which it is placed."

##### Air Quality

- 2.\*\* 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.

Biological Resources

- 3.\*\* 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 \$2,206.25 (or current fee) shall be made payable to the Mendocino County Clerk and submitted to the Department of Planning and Building Services prior to December 6, 2013 (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 entitlement becoming null and void. **The applicant has the sole responsibility to insure timely compliance with this condition.**

Cultural Resources

- 4.\*\* A note shall appear on the **Parcel Map** that 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.

Geology & Soils

- 5.\*\* 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 wet weather grading protocols are approved by the Department of Planning and Building Services or other agencies having jurisdiction.
  - g. 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 (1524 mm) in height and steeper than 1 unit vertical in 1½ 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.

6. A notation shall be placed on the Parcel Map/Unilateral Agreement stating that, "Future development of building site(s), access roads or driveways may be subject to the grading requirements and drainage control measures identified in the Conditions of Approval".

#### Hydrology and Water Quality

- 7.\*\* The applicant shall provide the Division of Environmental Health adequate advance written notice (minimum of 15 days) of the date and time any field soil testing procedures for any proposed on-site sewage systems to allow the Division of Environmental Health staff to be present for soil testing.
- 8.\*\* The applicant shall submit to the Division of Environmental Health an acceptable site evaluation report (DEH FORM # 42.04) for parcel(s) A completed by a qualified individual demonstrating compliance with the North Coast Regional Water Quality Control Board's Basin Plan Policy for On-site Waste Treatment and Disposal and Mendocino County Division of Environmental Health's Land Division Requirements (DEH FORM # 26.09).
- 9.\*\* The applicant shall submit to the Division of Environmental Health an acceptable site evaluation report (DEH FORM # 42.04) for a replacement system for the existing structure(s) located on parcel(s) B completed by a qualified individual demonstrating compliance with the North Coast Regional Water Quality Control Board's Basin Plan Policy for On-site Waste Treatment and Disposal and Mendocino County Division of Environmental Health's Land Division Requirements (DEH FORM # 26.09) .
- 10.\*\* 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.
- 11.\*\* 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 parcel(s) B of the subdivision demonstrating an adequate water supply in compliance with the Division of Environmental Health's Land Division Requirements (DEH FORM # 26.09).
- 12.\*\* 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.

#### Public Services

- 13.\*\* The subdivider shall comply with those recommendations in the *California Department of Forestry and Fire Protection Conditions of Approval (CalFire File# 21-13)* or other alternatives as acceptable to CalFire. Written verification shall be submitted from the Department of Forestry and Fire Protection to the Department of Planning and Building Services that this condition has been met to the satisfaction of the *Department of Forestry and Fire Protection*.
- 14.\*\* The subdivider shall comply with those recommendations of the *Long Valley Fire*, or other alternatives as acceptable to the *Fire District*. Written verification shall be submitted from *Fire District* to the Department of Planning and Building Services that this condition has been met to the satisfaction of the *Fire District*.

#### Transportation

15. 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.
16. 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.

Utilities/Service Systems

- 17.\*\* 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.

Standard/Special Conditions

18. 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, Nelson, Warner, Holtkamp, Hall, Ogle  
NOES: None  
ABSENT: None

**6b. CASE#: GP 1-2013/R 3-2013/MS 1-2013**

DATE FILED: 4/23/2013

OWNER/APPLICANT: KEITH & KIM SHUSTER

AGENT: MATT HERMAN

REQUEST: Change the General Plan Land Use Designation from Ag 40 (16.6 +/- acres), RL 160 (3.63 +/- acres), and RMR 20 (7.0 +/- acres) to RR 10, Rezone from Ag 40 to RR 10 and a minor subdivision of 28 +/- acres to create two parcels of 15.5 acres and 12.5 acres.

LOCATION: 8+/- miles southeast of Willits, lying southwest of Ridgewood Road (CR 304A) approximately 3+/- miles from its intersection with East Hill Road (CR 301), located at 3195 Ridgewood Road Willits; AP# 105-220-01 & 03.

PROJECT COORDINATOR: FRED TARR

RECOMMENDED ACTION: Recommend Approval to the Board of Supervisors.

Chairman Little stated that he had hired SHN to complete projects for him, but he could be fair and impartial regarding a decision.

Fred Tarr, Project Coordinator, reviewed the staff report and discussed a power point presentation of the project. He noted the location of the project and the surrounding zonings on adjacent properties. He stated that staff was recommending that the Planning Commission recommend that the Board of Supervisors approve the General Plan Amendment (GP), Rezone (R) and Minor Subdivision (MS) and noted a discussion had taken place during Subdivision Committee meeting that the owner/applicant had request a GP/R to RR10 not RR5. He noted staff had recommended the parcels be a minimum of 10 acres due to the proximity to agriculture. Mr. Tarr continued and noted that due to the environmental issues, a Mitigated Negative Declaration was required. He further stated that any future development must maintain a 200-300 foot setback from Rangeland or Agricultural zoning. He noted the last few issues related to grading and erosion control and stated that no second units would be permitted due to the slopes and location near Ag and Rangeland zones. He stated that the project had 2 water hookups and noted Condition #11 had been included to addresses fire concerns.

Commissioner Nelson was concerned at the close proximity to rangeland and agriculturally zoned parcels. He discussed Page PC 30 and stated that there were numerous owners to the west in a rangeland district and he was concerned that rezoning this parcel could have a domino effect on

adjacent lots. He thought allowing the rezone could provide a precedent for future rezonings in a rangeland/ag district.

Mr. Tarr noted it was a possibility that adjacent parcels might apply for a rezone; however he felt most parcels were not accessible and there would be few areas able to rezone. He also noted that the area probably was incorrectly zoned as rangeland during the 1980 General Plan and stated there were several smaller parcels in the area; many too small to realistically be viable as ag.

Chairman Little discussed Page PC 7, #8 Cultural Resources, and asked why any grading disturbance must have a licensed Archaeologist on site. He felt the condition was extreme.

Mr. Tarr noted the comment was submitted by Sherwood Valley Rancheria's, Historic Preservation Officer, due to the potential for sensitive archaeological sites on the property. He agreed that the condition seemed excessive.

Mr. Gustavson suggested the Commission revise the condition to state "any grading that requires a permit..." because there were types of minor grading that would be exempt from the permitting process and should not require an Archaeologist on site.

The Commission further discussed changes to the condition to make the statement clear to the applicant what would be required for future activities.

**Matt Herman**, SHN Agent, discussed the surrounding land uses and stated the parcel to the west was currently used for ag the parcel to the north was a hay field.

Commissioner Warner asked if Mr. Herman knew the source of the water district and how many individuals were served.

Mr. Herman believed the source was a reservoir; however he was not sure how many people were served by the district.

Commissioner Ogle asked if Mr. Herman was comfortable with the cultural resources condition.

Mr. Herman stated he had been surprised by the condition since the improvements were in place and the construction anticipated would be a leech field; however with the addition of "permit" he was comfortable with condition.

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

Upon motion by Commissioner Warner, seconded by Commissioner Ogle and carried by the following roll call vote (5-1-0), IT IS ORDERED to recommend approval to the Board of Supervisors of GP 1-2013/ R 3-2013/ MS 1-2013, based on the findings and conditions of approval contained in the staff report on pages PC 5 through PC 9, amending Condition #8 to include "which requires a permit" after "ground".

**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 Mitigated Negative Declaration is adopted.

**Project Findings:** The Planning Commission, make the above findings and recommends that the Board of Supervisors approve # GP 1-2013 and # R 3-2013; and the Planning Commission recommend that the Board of Supervisors approve # MS 1-2013 subject to the following conditions and findings:

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

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

**RECOMMENDED CONDITIONS OF APPROVAL:**

Aesthetics

- 1.\*\* The following note shall be placed on the Parcel Map:

"All future external lighting, whether installed for security, safety or landscape design purposes, shall be shielded, downcast or shall be positioned in a manner that will not shine or allow light glare to exceed the boundaries of the parcel on which it is placed."

Agricultural

- 2.\*\* The following statement shall appear on the Parcel Map:

"The subject property is located within 300 feet of Agricultural land and residents of the property may be subject to inconvenience or discomfort arising from use of agricultural chemicals, and from the pursuit of agricultural operations including, but not limited to, cultivation, plowing, spraying, pruning, harvesting, crop protection, which occasionally generate dust, smoke, noise and odor, and protecting animal husbandry from depredation, and should be prepared to accept such inconvenience or discomfort as normal and necessary to farm operation."

- 3.\*\* The following statement shall appear on the Parcel Map:

"All new structures shall maintain a minimum setback of 300 feet from all property boundaries contiguous with lands in an Agriculture or Rangeland zoning district."

- 4.\*\* The following statement shall appear on the Parcel Map:

"Second Residential units shall not be allowed due to close proximity to agriculturally zoned property (adjacent lands) and to limit development in areas with slopes over 25% and areas of oak woodlands."

Air Quality

- 5.\*\* Prior to the development phase of the project, the subdivider shall contact the Mendocino County Air Quality Management District for a determination as to the need for an Asbestos Dust Mitigation Plan and/or Geologic Survey to comply with CCR section 93105 and 93106 relating to naturally occurring asbestos. Written verification from the Air Quality Management District shall be submitted to the Department of Planning and Building Services stating that the project is in compliance with State and Local regulations relating to naturally occurring asbestos.
- 6.\*\* 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.

Biological Resources

- 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 \$2,206.25 shall be made payable to the Mendocino County Clerk and submitted to the Department of Planning and Building Services prior to Monday December 6, 2013 (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 entitlement becoming null and void. The applicant has the sole responsibility to insure timely compliance with this condition.

#### Cultural Resources

- 8.\*\* A registered professional archaeologist (RPA) shall be on site during any grading disturbance of the ground, **which requires a permit**, and a note shall appear on the Parcel Map that “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”.

#### Geology & Soils

- 9.\*\* 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 wet weather grading protocols are approved by the Department of Planning and Building Services or other agencies having jurisdiction.
  - g. 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 (1524 mm) in height and steeper than 1 unit vertical in 1½ 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.
- 10.\*\* A notation shall be placed on the Parcel Map/Unilateral Agreement stating that “Future development of building site(s), access roads or driveways may be subject to the grading requirements and drainage control measures identified in the Conditions of Approval of MS 1-2013.

Public Services

- 11.\*\* The subdivider shall comply with those recommendations in the *California Department of Forestry* (CalFire) letter of March 14, 2013 (CDF File # 40-13) or other alternatives as acceptable to the *Department of Forestry (CDF# 40-2013)*. In addition, the subdivider shall also contact the Little Lake Fire District and written verification shall be submitted from the *Department of Forestry* and the Fire District to the Department of Planning and Building Services that this compliance with their requirements have been met to their satisfaction.

Transportation

12. There shall be provided an access easement of forty (40) feet in width (as per tentative map) from a publicly maintained road to each parcel being created. Documentation of access easement(s) shall be provided to the Mendocino County Department of Transportation for their review prior to final approval.
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
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. Construct a minimum ten (10) foot wide all-weather driveway within the forty (40) foot wide access easement to serve Lot 2, including four (4) inch minimum rock base, fifty (50) foot minimum radius of horizontal curvature, grade not to exceed sixteen (16) percent, drainage culverts where necessary.
16. A standard private road approach shall be constructed to a minimum width of twenty (20) 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.
17. Any proposed work within County rights-of-way requires obtaining an encroachment permit from the Mendocino County Department of Transportation

Utilities/Service Systems

- 18.\*\* 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.
- 19.\*\* The applicant shall provide the Division of Environmental Health adequate advance written notice (minimum of 15 days) of the date and time any field soil testing procedures for any proposed on-site sewage systems to allow the Division of Environmental Health staff to be present for soil testing.
- 20.\*\* The applicant shall submit to the Division of Environmental Health an acceptable site evaluation report (DEH FORM # 42.04) for a replacement system for the existing structure(s) located on Parcel 1 completed by a qualified individual demonstrating compliance with the North Coast Regional Water Quality Control Board's Basin Plan Policy for On-site Waste Treatment and Disposal and Mendocino County Division of Environmental Health's Land Division Requirements (DEH FORM # 26.09)

21. 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, Warner, Holtkamp, Hall, Ogle  
NOES: Nelson  
ABSENT: None

**6. Matters from Staff.**

Mr. Gustavson noted he planned on attending the Planning Conference at Sonoma State in December.

**7. Matters from Commission.**

Commissioner Ogle discussed the reduced counter hours and asked if planners would be available Friday also, or only Monday through Thursday from 8:00 am to 1:00 PM.

Mr. Gustavson stated the counter would be closed on Friday.

Mr. Dunnicliff noted that there would not be a disruption in the building permit process and it would seem as if it was "business as usual", however planning staff would only be available by appointment to ensure that projects could be completed on time.

**10. Adjournment.**

Upon motion by Commissioner Nelson, seconded by Commissioner Holtkamp, and unanimously carried (6-0), IT IS ORDERED that the Planning Commission hearing adjourn at 9:46 a.m.