



MENDOCINO COUNTY PLANNING COMMISSION

MINUTES FOR THE MEETING HELD ON: July 21, 2016

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

COMMISSIONERS PRESENT: Little, Krueger, Nelson, Holtkamp, Hall, Ogle

COMMISSIONERS ABSENT: Warner

PLANNING & BLDG SVC STAFF PRESENT: Steve Dunicliff, Director
Andy Gustavson, Chief Planner
Adele Phillips, Planner II
Adrienne Thompson, Commission Services Supervisor
Danielle Fitts, Staff Assistant III

OTHER COUNTY DEPARTMENTS PRESENT: Matthew Kiedrowski, Deputy County Counsel
Geoff Brunet, Department of Transportation

1. **Roll Call.**

The meeting was called to order at 9:15 a.m.

2. **Planning Commission Administration.**

2a. Determination of Legal Notice.

The Clerk advised the Commission that all items had proper notice.

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

No directors report.

4. **Matters from the Public.**

No one was present from the public to address the Commission.

5. **Consent Calendar.**

5a. **Approval of the June 21, 2016 Planning Commission Minutes.**

Upon motion by Commissioner Ogle, second by Commissioner Nelson and carried by a voice vote of (6-0), the June 2, 2016 Planning Commission minutes are approved.

6. **Regular Calendar.**

6a. **CASE#: U_2013-0008**
DATE FILED: 4/17/2013

DRAFT

OWNER: PATHWAYS IN EDUCATION

APPLICANT: BLACKBIRD FARM

AGENT: TROY SCHLERETH

PROJECT COORDINATOR: ADELE PHILLIPS

REQUEST: Major Use Permit for the expansion of a permitted transient habitation (resort and recreational) facility, previously known as Highland Ranch. The proposed expansion would increase the number of guests and employees from 36 to a maximum of 292 over a 7 year development time line.

ENVIRONMENTAL DETERMINATION: Mitigated Negative Declaration.

LOCATION: 2± miles southwest of Philo, lying off of Van Zandt Resort Rd (private) which is accessed off of Rays Rd (CR 131). Located at 18601 Van Zandt Resort Road, Philo; APN's 026-392-21, -22, -23, -24, -25, -29, -30, and -31.

Andy Gustavson, Chief Planner, informed the Commission that information recently received by PBS has raised questions, and requested the public hearing be continued to a different date. Most recently, a site visit suggested that there may have been an unpermitted occupancy change of an accessory structure (barn) for public assembly. There has also been a recent complaint of unpermitted grading, which warrants investigation. Mr. Gustavson continued that it is standard practice of the Planning and Building Department to address and resolve matters like this before bringing the case to the Planning Commission. It was his recommendation that the hearing go forward as scheduled, due to the significant number of speakers present, but that the Commission continue the public hearing to a date uncertain. This continuation will allow Planning and Building Services to respond to issues, conduct investigations, and re-notice the future public hearing with the correct and complete project description.

Tom Johnson, Attorney for Blackbird Farms/Pathways of Education, requested to make a quick comment on the proposed continuation. Mr. Johnson stated that his clients bought the property in 2013 and have been working with Staff for 3.5 years, and have met with Planning and Building Services many times. The owners of Blackbird Farms have secured approval from all agencies necessary. Blackbird Farms is ready to go forward and issues being raised today by staff, if the project were approved, as staff is recommending approval, could be handled administratively. According to Johnson, there are two main issues: the barn—which has an application on file and several inspections have been conducted therefore it could be dealt with after approval, and the grading issue—which could be resolved pending approval as well.

Chair Holtkamp requested Mr. Johnson wait until after Staff's presentation to make further comment, as she thought he was going to be making only a brief remark, and the hearing has not yet been opened for public comment.

Mr. Johnson continued with noting that he would like to go forward with the permit regardless of any issues that are raised during the meeting. If the project was approved, Blackbird Farms/Pathways in Education (PIE) would be able to resolve issues with Planning and Building Services (PBS) while building. However, should the Commission choose to continue the meeting, he would like a date certain.

Adele Phillips, Project Coordinator, reviewed the staff report and presented a power point presentation. This project began in August 2013. The initial project submitted in August 2013 was deemed incomplete, a second project was deemed incomplete, and the third project was deemed complete in May, 2014. Ms. Phillips informed the Commission that the latest version of the project has various phases called out. An updated site map, and recent memoranda dated July 11, 2016, could be found in the Commissioners' packets. Continuing, Ms. Phillips reviewed project proposal which includes the following:

- 1 organic garden, 20k sq. ft.
- 1 Hay Barn, 624 sq. ft.
- 1 Polytunnel / Hoop House
- 1 20-vehicle parking lot
- 1 Restroom (TPZ) + 1 Equipment room
- 1 Office/infirmary, 500 sq. ft.
- 1 Exercise building, no sq. ft. noted
- 1 Kitchen + Outdoor services, 6.5k sq. ft.
- 1 Event Pavilion, with 1 Commercial Kitchen, 12k sq. ft., 164 occ.

- 1 Lodge, with 1 Commercial Kitchen, 12k sq. ft., with 10 rooms with bathrooms
- 1 Dining Hall, 4k sq. ft.
- 1 Creamery, 3k sq. ft.
- 2 Sauna (1 dry, 1 wet)
- 2 Vineyards, 20k sq. ft. total
- 4 Yurts, (w/ 1 bathroom each), housing students and guests (no occ. #)
- 5 Yurts, alternatively called "learning platforms"
- 30 Cabins, 1.5k sq. ft. each, 8 guests or staff each, with bathrooms

Currently, existing on site is at least: 1 barn, 1 maintenance barn, 1 house, 5 cabins, 2 yurts, 2 polytunnels, 2 restroom facilities, 7 shipping containers, 1 swimming pool, 1 tennis court, 1 garden, and a zipline and high ropes course.

One key issue of the project is the potential impact to biological resources in the form of noise, the clearing of trees, and potential impacts on watersheds due to grading, and increased water usage.

PBS requested further information from the applicant regarding student camping and special events. PIE responded in writing that the project can support 2 groups of 40 each, including 8 councilors and 20 staff members on site for the student camping use. The average student camping stay is 11 days. There should be no greater than 4 trips on the road per day. Educational events will take during the school year. During the summer months, PIE requests to hold weddings and retreats, and operate as a bed and breakfast. For weddings, PIE anticipates accommodating 50-225 guests per day, allowing 2-4 weddings per year with a total of 4-19 van trips per day. Retreats or corporate retreats will take place 2-5 times annually, with 25-75 guests, and a total of 2-7 van trips per day. The Bed and Breakfast will include 7-8 stays or 16 guests per month and a total of 15-20 trips per day. Ms. Phillips pointed out on maps where each item is proposed, and the entrances and exits to the property.

Key issues regarding the project may be sorted into 3 categories: biological resources and timber harvest, water quantity and septic capacity, and site access and fire safety. The draft resolution document features both standard conditions and conditions of approval provided not only by PBS, but also other agencies.

The recommended conditions of approval for biological resources and timber harvesting, include restricted timeframes during which construction activities may occur. Construction outside the provided timeframes would warrant biological surveys. The question of whether adequate water resources and adequate septic capacity exist on site are concerns of both the County and area residents. Due to the scope of activities proposed, water permitting and quantity and quality standards would be set by the Regional Water Quality Control Board (RWQCB) and assessed through a Domestic Water Supply Permit process administered by RWQCB. Septic systems are under the County's Environmental Health (EH) Department's jurisdiction. EH is requiring that the applicant have existing septic systems evaluated and replacement leach fields be designed for those lacking. Additional permits would be required through EH as use of property expands.

Ms. Phillips continued by noting that most written comments received from the public were concerns regarding transportation and emergency services access. The primary access proposed by the applicant is via Rays Rd. (CR 131), from which branches Van Zandt Resort Rd. (private), crossing the Navarro River via a single-lane bridge. The alternative route to the subject property is via Highland Ranch Rd., a private road branching off of Philo-Greenwood Rd. and which also crosses through private property, skirting Hendy Woods State Park. Judgment #2010-11852 states that the "...scope of easement is during all times of the year for ingress and egress to the dominant tenement (Blackbird Farm) for residential, timber management, agricultural uses and use [as] a guest ranch by the owners of dominant tenement, their employees, contractors, suppliers, invitees, guest ranch guests and wedding guests in the normal development of the dominant tenement and the operations conducted on the dominant tenement consistent with historical use."

Commissioner Krueger, stated that the applicant's site map had an error regarding labeling of zoning districts. The southeast most parcel is labeled Forest Land (FL) by the applicant on the submitted map, when in fact it is Timber Production Zone (TPZ).

With no other questions for staff, Chair Holtkamp requested to hear from the applicant.

Troy Schlereth, Construction Development Manager for Blackbird Farms, stated the best result is to move forward with the project. Mr. Schlereth continued by stating, that after the first application submittal, PBS had requested that the PIE move as much of the proposed project components as possible out of the TPZ and into FL, which PIE has attempted to do so by moving cabins. The project is broken into phases, as described in the report. The recent rebuild of the burned cabin--for which a building permit was submitted to and approved by PBS--will be the same design as for each of the proposed cabins. Referring to the map, Mr. Schlereth stated that the locations of Pond 1 and Pond 4 will be more of the educational side of property. The vicinity of Pond 2 will be where the Bed & Breakfast activities are located. Mr. Schlereth stated that Blackbird Farms is willing to bring guests up to the subject property via Greenwood Rd. in order to get this project approved and satisfy all interested parties.

Referring to the Staff Report, Mr. Schlereth reminded the Commission that the project is broken into phases. Phase one is for educational use, which includes building the cabins and yurts for students. Mr. Schlereth continued by noting the purpose of the program (PIE) is to bring kids from Southern California to learn about sustainable living, and volunteer for the community--as all students need community service hours, and to take part in the CTE Program to show students alternatives for college should the student not want to continue their education with college. The camp is an 11-day team building experience for the students.

After the 5TH year of project phasing, Blackbird Farms would look into developing the pavilion and lodge. The applicant is looking into having a different parking location and have shuttle buses to pick up and deliver to the property, avoiding additional traffic, and as a condition of approval for those concerned about traffic. Mr. Schlereth noted that the ultimate plan would be to run 2 businesses simultaneously: students on one side, and other guests on another side, with a communal area in between. He feels the project as a whole will be very beneficial as it will bring additional revenue to the county. Mr. Schlereth addressed the grading concerns by notifying the Commissioners that all heavy equipment was purchased and brought to property for the purpose of conducting road maintenance. There are various pieces of heavy equipment on the property, including a water truck for dust control. Per the conditions of approval, Blackbird Farm is aware that they must maintain the road for fire services. When maintenance must take place the applicant will notice neighbors and hire a local superintendent and contractors for the work. Mr. Schlereth addressed the question of whether an occupancy change was made to a pre-code ag barn by stating they were required to go ADA when the last cabin was built, and made the same improvements with the barn. PIE submitted a building permit application for a change of occupancy of the barn, but were told they must wait for a determination on the permit until a decision is made regarding the Use Permit request.

Commissioner Nelson questioned Mr. Schlereth about the cabins verses yurts as he kept referencing the cabins, but on the map it reflects yurts for students.

Mr. Schlereth stated that on the map, the circles are yurts and the cabins are rectangles. The yurts are for students, cabins are for guest; both will be used for lodging.

Commissioner Nelson asked Mr. Schlereth where parking will be for wedding guests, or if everyone will be bused in.

Mr. Schlereth stated that most of the guests attending any weddings will be from out of town; therefore flying in and utilizing a shuttle service. Blackbird Farms will try to provide a shuttle service as much as possible; however, the parking area can hold 20 buses which also could be used as parking for the public, and some cabins will have handicap parking per ADA requirements. Mr. Schlereth continued by saying that they will try to find offsite parking, and will try to use shuttle service as much as possible.

Commissioner Ogle stated that she was confused with regard to information found on Page 9 of the staff report, as item #7 states there are 52 spaces, and does that mean there is 1 acre of parking?

Mr. Schlereth clarified that the area on the map is for van and bus parking; the proposed parking lot would be 50 cars with buses. However, campers would be flying into Santa Rosa or Oakland and be picked up, only some would drive up. It is unknown where guests will be coming from for the proposed bed and breakfast. Because weddings are planned, shuttle services can be prearranged prior to the wedding, unless the guests are local, in which case they will probably drive themselves.

Commissioner Ogle asked if educational guests are through the school year, will weddings be limited to June through August.

Mr. Schlereth stated that if someone wanted a winter wedding they would try to accommodate the request; however, it would be very rare that a school function and wedding took place at the same time.

Commissioner Nelson confirmed that there are no restrictions on ½ acre for vineyards.

Commissioner Ogle stated she understood there would be temporary construction going on during the development phases of the project; however, she wonders if there would be any other service truck activity that would be on-going, such as food, solid waste, etc.

Mr. Schlereth stated that Cisco foods will be coming up for food deliveries but would be utilizing the back road (Highland Ranch Rd.) along with any other vendors, as most will not fit across the narrow one lane bridge. He continued by stating that much of the food will be grown on site and eaten on site but the amount of food needing to be brought in will depend on the number of students on the property, and the wedding event size.

Commissioner Little asked if there were any additional presentations from the applicant regarding the educational aspect of the project.

Danielle French-Jun, Representative for Pathways in Education/Blackbird Farms, presented a short film and stated that the 11-day camps teach at-risk students how to do many activities such as gardening, working with animals, working as a team, and other confidence building activities. Ms. French-Jun is in charge of creating camps for students for PIE. She feels these camps make a profound change on a student's life. Ms. French-Jun continued stating that most students have never been on an airplane, away from home, or in an environment where they were so vulnerable. According to French-Jun, camps such as PIE's, empower students to do more upon their return to home and become better citizens.

Commissioner Little stated that kids at-risk are not isolated to urban environment, and currently there are very few opportunities for rural kids to experience and participate in these types of opportunities. Commissioner Little questioned if there will be any outreach to the local at-risk kids to utilize Blackbird Farms/Pathways in Education.

Ms. French-Jun stated that her goal is to eventually open up the property for local students, which would require a way to utilize educational dollars to fund the program. She noted it might be possible to work with local schools to figure out the best programs for area students.

Commissioner Little feels that if Mendocino County is providing a location for at-risk students, then he would like to see local youth also receive something in return, such as an opportunity to attend these camps.

Commissioner Nelson questioned if they have a plan for control of the students during such events as fighting. More so, a safety protocol for students during their stay at Blackbird Farms.

Ms. French-Jun stated that in the 2 years she has been working with PIE, there have been no physical fights; the worst case scenario to date was a student wanting to leave, but quickly realizing they could not simply walk down the road and go home. However in the event there was a fight, staff is trained in de-escalation to help intense situations, and there are areas of separation for individuals to go to avoid conflicts. On one occasion in which a student did need to go to hospital, staff were able to make it down to the hospital in a timely manner, without incident, due to protocols set in place. T.

Kristen Concepcion, Curriculum Supervisor for Pathways in Education, helped develop the first program offered at Blackbird Farm. Ms. Concepcion feels a large goal of Pathways in Education is to teach sustainability through organic gardening; but she would also like to include the nutritional value. If that student has access to an 8 foot balcony but no yard, she would like the student to know what they could grow. Ms. Concepcion continued stating that many of the students attending are already parents themselves, and teaching them affordable ways to grow some of their own food is a life asset. PIE just piloted their new focused Career Technical Education (CTE) Program. This program is designed to teach students all aspects of a career. Ms. Concepcion provided the example of students being challenged with a food product development and marketing assignment. Ms. Concepcion stated that such things could be taught in a classroom; however, the hands-on experience is more impactful. Ms. Concepcion would like to start having lessons where they also teach construction. Such a program would help students focus on career goals. Ms. Concepcion stated that she agrees with Commissioner Little, and not only local students but many students across the United States need this type of learning engagement and would like to see these types of programs open up for everyone to use. The program teaches students to use what they are good at in order to improve their quality of life even, if it is not increasing their economic status. She feels there may be many misconceptions about the academics of the program but would be more than willing to answer any questions or concerns people are having.

[Break 10:25am - 10:31am]

Tom Johnson, attorney for applicant, started by answering Commissioner Nelson's questions about the vineyard, stating that the proposed vineyards are a little more than ½ acre and will be used as educational vineyards, not for the sole purpose of wine making. Mr. Johnson continued with a brief history of the property; noting the property used to be Highland Ranch for many years and he was the representative for them as well. Previously, the property held weddings, a commercial kitchen for dinners, cabins, and horse stalls for guests. There are two similar facilities nearby, Shenoa Retreat and Van Zandt Resort. Shenoa was originally used for camps and then converted to a resort. Van Zandt Resort is a resort. This area has been used for resorts and retreats for many years.

The applicant is prepared to accept almost all recommendations by County. The applicant is also in favor of one other condition recommended by Fire Chief Avilla, making Van Zandt road be a one-way road. However, the road itself cannot be converted to one-way due to other property owners having rights to the road. PIE is willing to utilize the road as a one way route into Blackbird Farm. Mr. Johnson feels this will eliminate the majority of traffic, making the traffic less than when it was in operation as Highland Ranch.

Mr. Johnson continued by stating that the County has requested a setback [distance from TPZ zoned lands] of 200 ft. However the [zoning] code states only a minimum of 50ft. which they are prepared to accept. The purpose of the 50ft. setback, which was created by Board of Supervisors, was to ensure no development within 100ft. of properties with zoning differences. This causes a number of issues which are outlined in the notes for the Commissioners. The setback presents a 400% increase in setback requirement. According to Johnson, there are only two TPZ parcels to which the project is adjacent: the applicant's, and Congaree River, LLC who has received a copy of every notice, and is still very supportive of project. Mr. Johnson referred to map stating the difficult problem is this set back will push several proposed cabins off of high ground into a ravine area. Also, Mr. Johnson would like to point out Congaree River, LLC will not be developing in the canyon, besides maybe logging a tree or two, therefore, there is no reason to push the boundary line back so far. The applicant is requesting Condition Number 2 be modified to 50ft. as the zoning code states. He feels that when pushing a boundary line so far back from TPZ, it sets precedent that TPZ has more value in County,

which shouldn't be done. If cabins were moved, they would be set in the middle of the shelter-in-place zone, which is not just for applicant use, but for neighboring properties as well. Applicants are trying to be fair and safe and would not like to put a bunch of development in the shelter-in-place zone, nor where potential helicopters would be landing. As far as emergency access is concerned, Mr. Johnson felt first responders could use either road.

The last modification is Mitigation Measure Number 25; there is language that his clients are to maintain the road. They are okay with the verbiage that is present in the condition but would like to have added: *"That nothing in paragraph 25 is intended to alter the rights and responsibilities of all the users of roads in question, including but not limited to the applicant, for paying their respective shares in cost to maintain and repair those roads referred to in sub paragraph 25a, above; Pursuant to any written agreements that may exist, between users of such roads, or pursuant to California Civil Code Section 845."* Mr. Johnson continued by stating that there are several judgments and a long series of deeds that deal with the development of Van Zandt Resort Road. Mr. Johnson feels that all owners have responsibility to pay fair share. The applicant is not trying to impose a burden on other owners, but also should not be putting full burden on applicant. There should be some cost sharing on the road maintenance and Mr. Johnson would like that built into the conditions.

Upon speaking with Chief Avila, Blackbird Farms is willing to use Rays Road and Van Zandt Rd on most occasions; however, because some large trucks cannot fit across the narrow Shenoa Bridge, they would utilize Highland Ranch Road.

Mr. Johnson stated the applicant would address the water and sewer conditions by obtaining permits from the State Water Board and Environmental Health. Should those permits not be granted, no further development would take place.

Commissioner Nelson questioned if there is a road association.

Mr. Johnson stated that he is not aware of any road association.

Commissioner Nelson stated that he hopes this project does not come to lawsuits when the division of expenses with road maintenance takes place. Commissioner Nelson informed Mr. Johnson that the setbacks come from the General Plan.

Mr. Johnson stated that in this case, with a 50ft setback requirement, trees will provide sound and visual barrier and the TPZ area does not seem buildable.

Commissioner Little provided a brief explanation of TPZ; including stating that originally the intent of the legislator was to provide a tax incentive for later harvesting in TPZ. The applicant may not be receiving any benefit for the land tax but ultimately they are receiving a tax advantage for the yield tax. Commissioner Little questioned Mr. Johnson as to whether PIE plans to harvest in the TPZ district.

Mr. Johnson stated that the proposed development was in TPZ however it was moved per Planning and Building Services' request.

Commissioner Little stated that within the statute there are identifiable uses for property within TPZ and those uses do not have to include harvesting. However, ultimately, TPZ assumes there will be a harvest and there will be a tax paid on the yield. Commissioner Little questioned Mr. Johnson if there are any future plans for harvesting in the TPZ.

Mr. Johnson stated that he is not aware of any plan set in place to harvest.

Commissioner Little stated that one of the provisions of TPZ was to protect TPZ. Another reason for setback is because typically there is a harvest plan set in place for later in date. Commissioner Little questioned if the applicant would have any objection to including a provision stating something to the effect of, *"Any provisions for the protection of the guest or employees on the property would be the*

sole responsibility of the applicant, and that the applicant would not propose any restrictions on any adjacent harvest based on their use."

Mr. Johnson stated that the applicant does not care what Congaree does and they would be fine with a provision in there or even a deed restriction stating that PIE cannot object at a later date.

Mr. Johnson stated that if the Commission is inclined to continue the hearing, PIE would like to have a date set in certain for a later hearing.

Chair Holtkamp declared the public hearing open.

David Severn, resident of Rays Rd., stated he was offended by the 3 minutes he is only allowed during the meeting and because he was greeted with information that was not earlier presented to him. Mr. Severn stated that this project has been going on for 3 years, however the public was not notified until approximately one month ago and the package he was provided did not include half of what was talked about during the meeting. He has grave concerns to the added dangers of Rays Rd. Mr. Severn stated that many children play in the road. Mr. Severn continued by stating he agrees with Mr. Gustavson and more discussion should be done before a decision is made. He feels that changing the guest occupancy from 36 to 292 is unbelievable. Mr. Severn stated that what keeps being put up is that the project is for children; however, if one reads the project request then one will see that it is for guests, and in only one spot does it speak of students. There are many dangers, including the bridge which was built for emergency services, not for convenience. Referencing a map and picture of the road, Mr. Severn commented on how there is little to no visibility around corners, and emergency vehicles will in no way be able to pass. Mr. Severn feels the applicant's real intention is about making money not about a children's learning camp. Mr. Severn gave a brief history of a yurt on the subject property, that he felt "could have been death for certain" had the yurt been occupied when the tree fell on it.

Aaron Newman, adjacent property owner, water system specialist, and practicing engineer, stated that the information PIE has provided says nothing about water or where water is going to come from. Many years ago, property owners were required to go to well water and with a lot of treatment they were able to get enough water for 16-20 people. For the proposed project, water usage will be huge, with a very limited supply of ground water. Mr. Newman feels Blackbird Farms should have to prove water amounts available before the permit should be granted.

Marshall Newman, adjacent property owner, stated that he has provided a letter dated July 8, 2016, to the Commission reflecting his objection to the project. In the letter Mr. Newman states that this is possibly the largest major use permit ever proposed in Anderson Valley, and that the project will set a very bad precedent. With a time line of 7 years, and such a large expansion, the project would empower Blackbird Farms to do whatever they want without significant oversight from Planning and Building. Mr. Newman continued by stating he is concerned about Van Zandt Resort Road, but does not see where the Planning department makes mention of these issues. Mr. Newman concluded by stating he is opposed to the project.

Lydia Moss, Owner of Anderson Valley Inn, stated she has noticed an increase of traffic and noise since 2013. She is concerned with how Rays Road will be impacted. Ms. Moss feels that the road is "grandfathered" in as recreational use road for seniors and area for kids. Ms. Moss continued by stating she feels as though her business will be sacrificed for this expansion as people will not want to stay at her inn with the additional noise. Ms. Moss suggested that Blackbird farms maybe find a place that already has accessible roads.

Ann Siri, adjacent property owner on the Highland Ranch Road, gave her objection to the proposed project due to many concerns such as high speed drivers on the dirt road, dust control, road maintenance cost, and large trucks driving safety during the winter months. She stated that the deed for the road says the road should not be turned into public road and is also to be kept gated. She would like to know how Blackbird Farms can consider it a private road when it leads to a resort. Ms. Siri continued by stating that even in the shelter zone, there would be no way to remove 292 guest,

plus residents, and plus livestock in the event that there was a fire or other disaster. Ms. Siri stated she is also concerned because the zip line is located very close to their property line, and is already noisy. Recently, she asked Blackbird Farms for help with the road maintenance and was told maybe next year they would budget it, if she submitted a formal written request. Ms. Siri stated this project would cause many residents to go to court over the cost of road maintenance as Blackbird Farms has already damaged the road by bringing in all their heavy equipment in during the last rain.

Michael Holmberg, adjacent property owner on the Highland Ranch Road, stated he is not in favor of the project. His concerns include road safety, the road becoming public which is not allowed per the deed, how evacuations would take place, and how the road would be maintained. Mr. Holmberg stated that he did not see anything in the Staff Report or any documentation related to the project that reflected a high ropes course or zip line. Mr. Holmberg continued by stating that the fire department recommended less people for safety reasons. He feels that if this project were to be approved, the Commission is setting precedent for area to be used with nothing to do with TPZ and more like "Coney Island". Mr. Holmberg concluded by noting he, too, was offended by the 3 minute time limitation.

Aaron Weintraub stated he had a project which had to include everything and this plan does not include any of that information. He would like the Commission to look at the forestry regulations. He feels this project should fail and that if the permit is granted, he should have been granted a permit as well.

Fire Chief Avila stated that Anderson Valley Fire has not been informed of the existing construction on the subject property and that this is the first he has heard of the occupancy change of the barn, which the Fire Department is mandated to be a part of. Anything that is taking place on the property, including new additions, the Fire Department has been left out of. Regarding the cabin setbacks, Title 14, Public Resources Code 4290, which the Fire Department is allowed to enforce, states that there must be a 100ft. clearance; the applicant may want to keep this in mind. Chief Avila continued by explaining that when you build new construction, California Fire Code mandates that fire and emergency services have to have access to the property; it stipulates there must be a 20ft. wide fire apparatus road to new structures. There is some "play" in the code should the road not allow this; such as a fire access lane coming in from a different area. Should the Commission grant the permit, Chief Avila stated that the applicant would be required to provide true fire access (meaning widening to a 20ft road). Van Zandt Resort Road will not allow that with the volume of people proposed to be added, and those already utilizing the road. If the project is approved, he feels the only way forward would be to make Van Zandt Resort Road a one-way road. For emergency services to go around to Philo-Greenway Road, it would add an additional three miles which is far too long in additional time in an emergency. If people were exiting without widening that road, fire or emergency services would not be able to fit through. Pathways in Education staff would need to make it a habit to leave out of Philo-Greenwood Road, making it one-way.

Chief Avila continued by noting that Blackbird Farms is considered a "safety zone" for the community which is a survival place for the community, and residents would be encouraged to stay at that place until further notice, not guaranteeing what road they would be exiting on. If this project was approved, a fire lane, one-way road up Van Zandt Resort Road would be the best course of action as there is no way two vehicles could pass by each other.

Chief Avila stated that he worked with Cal Fire Battalion Chief Shawn Zimmermaker to inform owners of road issues. Blackbird Farms did fix some culverts and removed a few trees, which were not removed down to ground level as requested, however they did not address many other areas of concern such as the fire fuel along the sides of the road. Chief Avila has several red flags (concerns) about the project, being that it was stipulated to address these items of concern and the applicant did not; he is not sure they are taking these items seriously and if they will even adhere to future stipulations.

Commissioner Little questioned Chief Avila if he would have a problem with an additional provision for the applicant that states: "*The applicant shall be required to enter into an agreement with the local*

emergency services providers which shall include, but not be limited to: notification prior to the change in any occupancy, provisions for the reimbursement of expenses associated to any emergency, or administrative response to the property or program activities, and a provision for review and approval of an emergency plan.”

Chief Avila stated that he would not but would also like to include that the Fire Department needs to be involved in the annual inspections of the road.

James Roberts, owner of The Madrones, feels the project will change the character of the community as it would be doubling the size of Philo. Mr. Roberts is not against growth in Anderson Valley but feels this is an extremely insolated business plan. He feels Blackbird Farms has not taken the community in to mind, by not even hiring locals. Mr. Roberts continued by stating that yurts are not permissible for living quarters per the building code. To Mr. Roberts, the project feels it is a Marriot Resort with school guidelines; subsequently a formula type business going into small community. Mr. Roberts supplied the commission with a signed petition against the proposed project that included the signatures of many of the town's residents.

Daniel Reed, Shenoa Resort representative, stated that he too had submitted a letter to the commission prior to the meeting which included his concerns that the permit is very open-ended and should be reworked, because if it were to be approved as-is there would be no control over Blackbird Farms' development.

Erica Kesenheimer, adjacent property owner, stated that PIE's owners are not who they say they are. They currently have many judgments against them regarding financial shortfalls. She feels that if they have current financial shortfalls, who is to say they aren't going to let this property go once built. She does not agree with the staff reports' contents reflecting that 292 people will not have an effect on the environment. With the property being partially in TPZ, Ms. Kesenheimer feels this will make logging very difficult. As she had to, Ms. Kesenheimer feels that Blackbird Farms needs to conduct a full environmental impact report. Ms. Kesenheimer has more negative information about PIE which includes a lawsuit with Chicago Public Schools (CPS), where CPS denied PIE's proposal due to numerous concerns with all 33 affiliated organizations.

Peter Bradford from the Mendocino Farm Bureau stated that Blackbird Farms will need to obtain a conversion plan to change the usage type. He feels that 36 people is acceptable for TPZ, but to change to almost 300 people is not something that is compatible with TPZ for their property or neighbors. Mr. Bradford would like to know how Blackbird Farms and neighboring properties will be able to keep TPZ land in production if the permit is approved. He feels Blackbird Farms should convert zoning. He does applaud the applicant for educational use purposes, but asserts that locating a camp where it is not easily accessible would make it unmanageable. Due to the campers' potential to not understand a rural environment, there is a greater risk for emergencies, which do happen. Mr. Bradford is currently opposed to the permit until there is proof that the interests of all neighboring properties are satisfied.

Michael Butler, adjacent property owner, stated he is worried about fire safety and the potential nuisance a project this large may create.

Commissioner Little requested the references for the information being provided by Ms. Kesenheimer.

Erica Kesenheimer, spoke again stating she has proof Pathways in Educations' ethics are not good. She feels the project is not in keeping with the town character, as it is doubling the town in size. Ms. Kesenheimer stated that PIE operates schools for profit, not for students.

Aaron Newman spoke again stating he would like to see that Blackbird Farms pay for road improvements as their property has been encroached upon by widening of Van Zandt Resort Road from 9ft to 12ft. without any neighbors being noticed.

Marshall Newman, spoke again stating that there is a judgment in 2010 that allowed George Gaines of Highland Ranch, to utilize the road for normal usage only.

Michael Holmberg spoke again stating that they met the new neighbors (Blackbird Farms), because Blackbird Farms had let their dogs loose on Highland Ranch Road, spooking the horse which was being ridden, and ending with the horse needing to be put down due to its injuries, and Mr. Holmberg in the hospital. Instead of receiving a simple apology, Mr. Holmberg stated they then were presented with paperwork releasing liability and ensuring they would not sue Blackbird Farms. Mr. Holmberg stated he did not plan on suing but the event is unjust.

Due to the amount of comments, Chair Holtkamp asked the Commission for any questions. She noted that the public hearing is not closed, and further discussion could be made at a later date.

Commissioner Hall stated he would like to continue this item as nothing is set down;

Chair Holtkamp agreed with Commissioner Hall, due to the road access concerns and other aspects not being resolved. She would like the fire department's concerns to be resolved in terms of who is widening Van Zandt Resort Road. Chair Holtkamp feels there needs to be some sort of road agreement with the neighboring properties. Chair Holtkamp expressed her concerns regarding the phasing plan, and would like to know when Blackbird Farms will modify each water usage permit in concert with the proposed growth. She feels it is unlikely that everyone will fly here and would like to know where all 200 cars will be parking.

Commissioner Little stated that he is in agreement with local emergency services and would like to see staff develop language to require the applicant to prepare a Non-industrial Timber Harvest Plan. Because of tax privilege through TPZ, he would like to know if there is any mechanism for payment in lieu of taxes based on usage, and the property owner's lack of intent to harvest.

Commissioner Hall stated that he believes Water Quality and Environmental Health should be having regular stages of water inspections.

Commissioner Krueger stated his main concern is the parking issue. Per the maps, it appears that the parking area is on TPZ and he would like to see it moved to the FL. He is in agreement with the 200ft setbacks as he feels it should be the applicant's property acting as the buffer not the neighboring property. Commissioner Krueger would also like to know if yurts are allowed for housing, and would like more information regarding the issue.

Commissioner Nelson stated that his concerns are about the security and safety of the students and in the event of an emergency, he would like to see that there is an emergency plan set in place.

Commissioner Ogle stated she would like to see a more specific parking location. She has been to the site through the entrance on Rays Rd and there is no visibility looking to the northwest and the road is slanted upward. She feels that even if all cars parked offsite, there would be an increase in van traffic driving up and down the road. Commissioner Ogle is also concerned about the water availability and septic service, as it has not yet been adequately demonstrated and feels it should be now, prior to issuing a permit for development. Commissioner Ogle would like to see the memo that is being used to describe the scope of the proposed project be updated to include all aspects of the project such as whether there are sinks in the restrooms or not.

Commissioner Little stated that the proposal appears to be two separate projects. There is a resort and educational camp. He feels there might be an advantage to having 2 separate use permits; one for the resort side and one for the educational side, to easily keep the focus on track. At this time, he is not making this request, but considering the idea.

Mr. Gustavson stated that it is not uncommon for a single use permit to have multiple types of activities on the site as long as it carefully lists what the proposed uses are. Mr. Gustavson stated the applicant must really be clear on the proposed usages to make the project clear for the public. Mr.

Gustavson stated that for this project he sees 3 components; the resort facility, the lodge, and use permit for the actual events. They can be approved together but can be discussed separately where there are specific conditions or requirements to fulfill those uses. Mr. Gustavson continued with agreeing with Chair Holtkamp that there needs to be specific triggers or improvements in place before the lodging gets put in. He stated that when this comes back he anticipates that staff will have refined those elements.

Commissioner Krueger stated that the vineyards appear to be placed on TPZ, which could constitute a conversion. He would like the vineyards be run through a conversion permit.

Commissioner Ogle stated that it appears Blackbird Farms does not understand the cultural aspects of a rural community as it does not appear they are trying to work with their neighbors.

Upon motion by Commissioner Hall, seconded by Commissioner Little and carried by the following voice vote of (6-0), IT IS ORDERED to continue the project hearing until December 15, 2016.

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

7. Matters from Staff.

Mr. Gustavson reported that the County Board of Supervisors (BOS) is moving forward on the cannabis regulation. He noted that there will be an ordinance regulation the cultivation of cannabis and a zoning regulation to identify locations as to where it can be cultivated. PBS is currently looking into what level permit review will be required by staff..

Staff is continuing to work with Coastal Commission on their recommended modifications to the Mendocino Town Plan Update. PBS is hoping to present these modifications to the BOS on 9/13/16.

Upon motion by Commissioner Hall, seconded by Commissioner Nelson and carried by a voice vote of (6-0), the August 4, 2016 Planning Commission meeting is cancelled.

8. Matters from Commission.

None.

9. Adjournment.

Upon motion by Commissioner Nelson, seconded by Commissioner Hall, and unanimously carried (6-0), IT IS ORDERED that the Planning Commission hearing adjourn at 12:29 p.m.