



MENDOCINO COUNTY PLANNING COMMISSION

MINUTES FOR THE MEETING HELD ON: April 16, 2015

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

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

COMMISSIONERS ABSENT: None

PLANNING & BLDG SVC STAFF PRESENT: Steve Dunncliff, Director
Andy Gustavson, Chief Planner
John Speka, Planner III
Dusty Duley, Planner III
Scott Perkins, Planner I
Adrienne Thompson, Commission Services Supervisor

OTHER COUNTY DEPARTMENTS PRESENT: Matthew Kiedrowski, Deputy County Counsel

1. **Roll Call.**

The meeting was called to order at 9:00 a.m.

2. **Planning Commission Administration.**

2a. Determination of Legal Notice.

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

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

Chair Warner noted the Director was available for questions.

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 February 19, 2015 Planning Commission Minutes.**

Commissioner Ogle submitted corrections by email.

Upon motion by Commissioner Holtkamp, seconded by Commissioner Nelson and carried by a voice vote of (6-0) with Chair Warner abstaining from the vote, the February 19, 2015 Planning Commission Minutes are Approved as corrected.

6. **Regular Calendar.**

6a. **CASE#: U_2013-0001 (Continued from 3/19/2015 and Renoticed)**

DATE FILED: 1/2/2013

OWNER/APPLICANT: RANGJUNG YESHE GOMDE CALIFORNIA

AGENT: JOANNE BRION

PROJECT COORDINATOR: JOHN SPEKA

REQUEST: The request has been amended to eliminate two of the three entitlements which were initially sought, but the improvements proposed as the project are unchanged. The original request included 1) a rezone of that portion of property that is currently designated Rural Community in the General Plan from SR (Suburban Residential) to RC (Rural Community), 2) a Contract Rezone to allow for the use type "Transient Habitation-Resort and Recreational Facility" within the SR zoned area of the property, and 3) a major use permit to allow for the legal establishment and expansion of the existing resort and recreational use. The request as amended will include only a use permit for the expansion of a non-conforming Transient Habitation (Resort and Recreational Facilities- "organized camp") use for up to 150 people. Final action under the original request would have been taken by the Board of Supervisors; the Planning Commission's action on the use permit will be final unless appealed to the Board of Supervisors.

ENVIRONMENTAL DETERMINATION: Mitigated Negative Declaration

LOCATION: In Leggett, lying approximately 1± mile south of Leggett Community Center, south of Highway 271 (aka Drive Thru Tree Road), just west of its intersection with Highway 101, located at 66000 Drive Thru Tree Road; APN's 053-400-23, -55, -56, -57, -58 and -59.

RECOMMENDED ACTION: Approve as Recommended by Staff.

John Speka, Project Coordinator, reviewed the staff report and discussed the continuance of the project from the previous hearing. He discussed the original proposal for a use permit, rezone, and contract rezone to establish a religious retreat in Suburban Residential (SR) zoning. He noted that after discussing the project with County Counsel, it had been determined that the rezone was not the appropriate way to facilitate the owners desire to establish the use and commented that there was sufficient information on record to allow for a use permit for the expansion of a non-conforming use on the parcels. He stated that staff had removed the request to rezone the parcel and was now proposing that only a use permit be approved. He discussed the history of camping and recreational activities on site and discussed the memo that had been included with the Commission's report. He further noted that the Assessor's Office had provided documentation to establish the transient habitation on the property and commented that staff had revised the conditions to reflect the approval of a use permit. He further discussed Condition #9 and noted several changes on the power point for the Commission to consider. Last, Mr. Speka noted the Fish and Wildlife date should be changed and discussed Condition #16 related to the non-conforming use, stating that if the use was abandoned for 1 year, the non-conforming use would not be allowed.

Chair Warner asked if the condition change was included in the memo.

Mr. Speka noted that the memo did not include the additional changes on the power point. He further discussed the power point and noted that future subdivisions could not be restricted in the use permit and commented that, if the Commission wished, the use permit could be tied to only one of the five parcels. He further stated that if any changes occurred on the parcels in the future, such as a subdivision or boundary line adjustment, the owners would be required to apply for a use permit modification.

Commissioner Little asked if the change in request would allow the applicant to move forward with their intended use.

Mr. Speka noted it would allow the applicant to move forward with the use.

Commissioner Ogle asked about Condition #12, the Fish and Wildlife fee, and asked if it was necessary.

Mr. Speka noted the determination from Fish and Wildlife was based on the CEQA determination for a Negative Declaration project. He stated that staff had no authority over the fee and if the applicant wished, they could contact the Department of Fish and Wildlife to fill out the application for a "No Effect Waiver", which would exempt them from the fee.

Commissioner Krueger noted the paragraph on page PC 8 incorrectly referenced the Department of Fish and Game versus Wildlife and the reference was also incorrect in the condition.

Commissioner Nelson clarified that the wording on the power point was a change from the staff report and if the Commission did not change the condition, the use permit would apply to all parcels.

Mr. Speka stated that was correct; the Commission could accept the condition in the staff report, which would then apply to all parcels in the ownership, or modify the condition as illustrated in the power point to apply to a single parcel.

Joanne Brion, agent, discussed tying the use permit to one of the five parcels and stated that either condition was fine. She noted the request, generally, only applied to the Rural Community parcel at the top of the property and since they were no longer requesting a rezoning, the applicants could work with either condition language.

Chair Warner commented that if the applicant proposed a boundary line adjustment in the future, they would be required to submit a use permit modification also and asked if that would be an issue.

Mr. Brion commented that they were not planning any boundary line adjustments in the near future. She noted at some point, the applicant might wish to align the property lines with the natural topography of the parcel to follow the creeks, etc. She also noted that they may request a rezone in the future to make the use legal versus its legal non-conforming status. She noted that in the future, the applicant would work with staff to move forward with their project.

Mr. Speka noted he had discussed the possibility of a General Plan Amendment/Rezone with the applicant to allow for the use to conform as opposed to continuing with its non-conforming status.

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

Chair Warner noted that the language on the power point in the second paragraph would require a use permit modification with any change on the parcel, including subdivisions or boundary line adjustments.

Mr. Speka stated that was correct and noted that the third paragraph was another option that would simply tie the use permit to a single parcel and would not be affected by future land divisions, thus a use permit modification would not be required if the Commission chose that condition.

Commissioner Nelson felt the second paragraph made more sense.

Commissioner Holtkamp agreed.

Commissioner Ogle stated that with the second paragraph, a use permit modification was required for a boundary line adjustment and that modification would be brought back to the Planning Commission.

Mr. Speka stated that was correct; the boundary line adjustment (BLA) would be administrative, but the use permit modification would be subject to review by the Planning Commission. He stated the BLA would be conditioned that it could not be completed until the use permit modification had been approved.

Andy Gustavson, Chief Planner, commented that the Commission seemed to view the BLA as a minor impact and noted that if staff found the BLA would only affect the internal ownership of the parcels to optimize the management of the property, it could be found as an immaterial change and would not require a use permit modification. However, if there was a BLA submitted with changes to exterior properties, or one proposed to change interior boundaries that would affect substantial change to the operation of the resort, then a new use permit modification could be required and brought before the Planning Commission for approval. He noted the Commission could add on to the second paragraph, language that would accept internal BLA's from the need for a use permit modification.

Commissioner Little commented that he did not think that a BLA would change the improvements and stated he would trust staff to make the process simple. He also noted that if a use permit modification was needed, it could be presented on the consent calendar to simplify the process.

Commissioner Nelson agreed.

Chair Warner agreed and thought the third paragraph seemed complicated.

Mr. Gustavson noted that the second paragraph could remain as written and the third paragraph deleted.

Upon motion by Commissioner Little, seconded by Commissioner Ogle and carried by the following roll call vote (7-0), IT IS ORDERED to approve Use Permit #U_2013-0001 per the findings and conditions of approval contained on pages PC 5 through PC 8, modifying the project findings as per staffs memo dated April 16, 2015, modifying Condition #9 as per the memo and discussion, and updating Condition #12 with the Fish and Wildlife fee date.

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

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

~~**Project Findings:** The Planning Commission recommends approval U_2013-0001 subject to the conditions of approval recommended by staff further finding:~~

- ~~1. That the establishment, maintenance or operation of a use or building applied for is in conformity to the General Plan;~~
- ~~2. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided;~~
- ~~3. That such use will not, under the circumstances of that particular case, 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; provided, that if any proposed building or use is necessary for the public health, safety or general welfare, the finding shall be to that effect;~~
- ~~4. That such use preserves the integrity of the zoning district.~~

Project Findings: The Planning Commission recommends approval of U_2013-0001 subject to the conditions of approval recommended by staff further finding:

Expansion of Nonconforming Uses and Structures (County Code Section 20.204.025(A))-

1. That it is not reasonably economically or physically feasible to make the use of the property compatible with the applicable general plan land use designation;
2. That the use is and will be compatible with adjacent land uses and that any increased adverse impacts on access or public facilities and services will be mitigated;
3. That the site is physically separate from surrounding properties such that continued nonconforming use is appropriate in that location.

Use Permits- Findings (County Code Section 20.196.020)-

5. That the establishment, maintenance or operation of a use or building applied for is in conformity to the General Plan;
6. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided;
7. That such use will not, under the circumstances of that particular case, 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; provided, that if any proposed building or use is necessary for the public health, safety or general welfare, the finding shall be to that effect;
8. That such use preserves the integrity of the zoning district.

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

Aesthetics

- ** 1. 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 to the minimum required for safety.

Air Quality

- ** 2. The applicant shall comply with all regulations of the Mendocino County Air Quality Management District, including obtaining any required permits necessary for the site of this application.

Biological Resources:

- ** 3. The applicant shall contact the California Department of Fish and Wildlife (CDFW) to report all known occurrences of sensitive species noted in the Botanical Survey prepared for the project by J. George Strnad and Chris Hargreaves. Written verification from CDFW shall be submitted to the Department of Planning and Building Services that the noted occurrence has been recorded in the California Natural Diversity Database (CNDDDB).

Cultural Resources:

- ** 4. Any future development (i.e. grading, placement of structures, etc.) shall be reviewed against the Archaeological Survey prepared by Thad Van Buren dated June 25, 2013, to ensure continued avoidance of the sensitive region identified in the survey of the property.
- ** 5. In the event that archaeological resources are encountered during normal operation activities at the site, 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.

Hazards and Hazardous Materials:

- ** 6. The applicant shall adhere to the Fire Evacuation Plan prepared as part of the project including fuel reduction and fire prevention strategies and establishing fire safe zones in case of emergencies.
- ** 7. The applicant shall comply with those recommendations in the California Department of Forestry and Fire Protection (CalFire) letter of January 13, 2013 (CDF# 2-13), or other alternatives as acceptable to the CalFire. Written verification shall be submitted from the CalFire to the Department of Planning and Building Services that this condition has been met to the satisfaction of the CalFire.

Hydrology and Water Quality:

- **8. An annual accounting of event attendance shall be kept and made available to Planning and Building Services upon request. The accounting shall include the dates and durations of all events at the facility. Events involving more than 25 people per day shall be limited to 59 days or less a year. Should use of the facility exceed this limit, the applicant shall provide written verification from the California Department of Public Health- Drinking Water Program (CDPH), that any and all requirements for a public water system have been met to the satisfaction of that agency.

Land Use:

- ~~**9. Future expansion shall be restricted to the current boundaries established through this entitlement with a maximum number of attendees not to exceed 20% (approximately 30 additional overnight accommodation structures) without a modification to the use permit. An exhibit map shall be provided to Planning and Building Services delineating the boundary of the retreat/resort including all areas of structural development, camping, event and gathering areas, water sources and primary and secondary septic fields. The entitlement shall be tied to only one of the five recognized parcels upon future transfer of one or more of the properties. Upon such transfer, failure to notify Planning and Building Services which of the parcels has been chosen to continue with the entitlement will result in the entitlement running solely with the RC zoned parcel (APN 053-400-55).~~

- **9. Future expansion shall be restricted to the current boundaries established through this entitlement with a maximum number of attendees not to exceed 20% (approximately 30 additional overnight accommodation structures) without a modification to the use permit. An exhibit map shall be provided to Planning and Building Services delineating the boundary of the retreat/resort including all areas of structural development, camping, event and gathering areas, water sources and primary and secondary septic fields.

Any future changes to the approved land uses at the site, including but not limited to subdivisions or boundary line adjustments, shall require a use permit modification.

Public Services:

- **10. Written verification of compliance with any applicable fire safe regulations shall be provided from CalFire and the Leggett Fire Protection Department to the Department of Planning and Building Services.
- **11. Written verification shall be submitted from the County Division of Environmental Health to Planning and Building Services that all necessary approvals have been obtained, including, but not limited to, those regarding adequate water supply and wastewater disposal.

Standard Conditions:

12. 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-Wildlife~~ Game-Wildlife 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 \$2,260.00 shall be made payable to the Mendocino County Clerk and submitted to the Department of Planning and Building Services no later than May 1, 2015. Failure to pay this fee by the specified deadline shall result in the entitlement becoming null and void.
13. This permit shall become effective after all applicable appeal periods have expired or appeal processes exhausted. Failure of the permittee to make use of this permit within one year or failure to comply with payment of any fees within specified time periods shall result in the automatic expiration of this permit.
14. 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.
15. That the application along with supplemental exhibits and related material be considered elements of this entitlement and that compliance therewith be mandatory, unless a modification has been approved by the Planning Commission.

16. In the event that the use of the facility should cease operation for a period exceeding one year or more, the use shall be deemed invalid and the non-conforming status shall no longer be recognized.
17. The applicant shall grant access to the property during hours of operation to permit County representatives or any consultants hired by the County for inspection, enforcement, or monitoring activities deemed desirable by the County. The applicant shall designate an individual who is to be available at all times for purposes of supplying information deemed necessary by the authorized County representatives in connection with such work during working hours.
18. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit described boundaries. Should, at any time, a legal determination be made that the number, size or shape of parcels within the permit described boundaries are different than that which is legally required by this permit, this permit shall become null and void.
19. This permit shall be subject to revocation or modification by the Planning Commission upon a finding of any one (1) or more of the following grounds:
 - a. The permit was obtained or extended by fraud.
 - b. One or more of the conditions upon which the permit was granted have been violated.
 - c. The use for which the permit was granted is so conducted as to be detrimental to the public health, welfare or safety, or as to be a nuisance.

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

20. 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.

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

6b. CASE#: MS_2012-0003 (Continued to a Date Uncertain and Renoticed)

DATE FILED: 12/3/2012

OWNER/APPLICANT: SNOW MOUNTAIN TREE FARM INC.

AGENT: RON FRANZ

PROJECT COORDINATOR: DUSTY DULEY

REQUEST: Minor Subdivision to create 4 parcels containing 10± acres each and a remainder parcel containing 57.3± acres.

ENVIRONMENTAL DETERMINATION: Negative Declaration

LOCATION: 3.9± miles north of Potter Valley town center, lying on the north side of Eel River Road (CR 240B) 0.1± miles east of its intersection with Van Arsdale Road (CR 242), located at 17200 Eel River Road; APN's 171-200-14 & 171-210-11.

RECOMMENDED ACTION: Approve as Recommended by Staff.

Dusty Duley, Project Coordinator, reviewed the staff report and discussed a power point of the project noting the request to create 4 parcels of 10 acres each plus a remainder parcel located north of Potter Valley town center. He discussed the aerial photo of the property, noting it was bordered by Eel River and was vacant although the property had historically been used to support a saw mill operation. He noted the topography was relatively flat but surrounded by mountains and had been rezoned to allow for 10 acre minimum parcel sizes, with a cluster combining district overlay. Mr. Duley stated that the owner was not exercising the option for cluster parcels and instead had opted for standard 10 acre parcels with the remainder parcel encompassing a majority of the flood plain. He commented that a new access road was proposed, to be named John Day Road, and stated the parcels were in the fire responsibility area of the Potter Valley Community Service District as well as CalFire, as a dual district. Mr. Duley reviewed the initial study, stating no significant issues were discovered during environmental review and stated staff was recommending approval and adoption of a negative declaration. He discussed a letter from the Regional Water Quality Control Board (RWQCB) about potential hazardous materials on site related to the historic use of the property as a saw mill and noted that PG&E had placed a deed restriction on the parcels. Mr. Duley stated that Condition #7, related to the restriction, could be deleted as the applicant had received a clearance letter from RWQCB since completion of the staff report. He noted that staff had proposed rewording

Condition #16, related to the right to farm ordinance and also that the Department of Transportation (DOT) had suggested changes to Conditions #25 and #28.

Commissioner Ogle asked which conditions were recommended to be changed.

Mr. Duley noted that DOT requested changes to Conditions #25 and #28. He also noted that several conditions recommended for the original project request had been deleted when the project was revised but the references were not updated in the text of the report. He stated the condition section of the report was correct and categorized for convenient reading.

Commissioner Ogle commented on Conditions #26 and #29.

Mr. Duley stated #26 was correct, but #29 should be revised for clarity.

Commissioner Ogle suggested deleting the section inside the parenthesis from Condition #29. She was concerned with the fee to review the road maintenance agreement.

Mr. Duley noted the fee was adopted by the Board of Supervisors.

Commissioner Ogle asked if there was a "generic agreement" that could be used so the applicant did not have to pay for any review.

Mr. Duley commented that the department had samples of previously approved agreements that could be shared with the applicant, but the review fee was to County Counsel, not Planning and Building Services.

Mr. Gustavson commented that each agreement was unique and designed to fit the character of the project, which required County Counsel to review and a fee was appropriate.

Bob Simpson, owner, commented that the project was well laid out by staff and discussed the challenges of creating the minor subdivision. He stated he did not mind the review fee, as long as it was not excessive, and stated that since the project was a former mill site; the roads were in excellent condition with heavy compaction.

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

Upon motion by Commissioner Ogle, seconded by Commissioner Nelson and carried by the following roll call vote (7-0), IT IS ORDERED to approve Minor Subdivision #MS_2012-0003 per the findings and conditions of approval contained in the staff report on page PC 4 through PC 8, modifying Condition #16 per staff recommendation of the right to farm ordinance, Condition #25 and #28 per the memo dated April 16, 2015 and deleting the language within the parenthesis from Condition #29.

Environmental Findings: The Planning Commission finds that the environmental impacts identified for the project can be adequately addressed 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.

Project Findings: The Planning Commission, making the above finding, approves minor subdivision #MS 2012-0003 subject to the following conditions of approval, further finding,

Pursuant to California Government Code Section 66445(e), the Planning Commission finds that subdivision 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 the Mendocino County Code, specifically with respect to lot area, improvement and design, flood, and water

drainage control and that it includes, appropriate improved public roads, sanitary disposal facilities, water supply availability and environmental protection.

Pursuant to California Government Code Section 66474.02, the Planning Commission makes the following findings:

- (1) *That the design and location of each lot in the subdivision, and the subdivision as a whole, are consistent with any applicable regulations adopted by the State Board of Forestry and Fire Protection pursuant to Sections 4290 and 4291 of the Public Resources Code.*

The California Department of Forestry and Fire Protection (CalFire) reviewed the project and identified fire safe measures for the project within State Fire Regulations Application #197-12 to including adequate access improvements and emergency water supply. Condition Number 19 requires applicant to adhere to CalFire State Fire Regulations. Finding can be made.

- (2) *That structural fire protection and suppression services will be available for the subdivision through a special district organized solely to provide fire protection services that is monitored and funded by a county or other public entity.*

The property is within the boundaries of the Potter Valley Community Service District which provides fire protection services to structures within their District boundaries. The property is also with the State Responsibility Area of CalFire. Finding can be made.

- (3) *To the extent practicable, ingress and egress for the subdivision meets the regulations regarding road standards for fire equipment access adopted pursuant to Section 4290 of the Public Resources Code and any applicable local ordinance.*

The California Department of Forestry and Fire Protection (CalFire) reviewed the project and identified fire safe measures for the project within State Fire Regulations Application #197-12 to including adequate access improvements and emergency water supply. Condition Number 19 requires applicant to adhere to CalFire State Fire Regulations. Finding can be made.

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. 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 1st.
- f. All earth-moving activities shall be conducted between May 15th and October 15th 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 m³) on any one lot and does not obstruct a drainage.
4. A notation shall be recorded on the **Parcel Map** 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.
5. This entitlement does not become effective or operative and no work shall be commenced under this entitlement until the California Department of Fish and Wildlife 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 \$2,260.00 (or current fee) shall be made payable to the Mendocino County Clerk and submitted to the Department of Planning and Building Services prior to May 1, 2015 (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 Wildlife 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 may result in the entitlement becoming null and void. **The applicant has the sole responsibility to insure timely compliance with this condition.**

Cultural Resources

6. A note shall be recorded 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.

Hazards and Hazardous Materials

7. Prior to recordation of the **Parcel Map**, the residential use restriction on the property deed shall be removed. The applicant shall provide written verification from Pacific Gas and Electric Company to the Department of Planning and Building Services verifying that the residential use restriction has been removed from the property deed. A copy of the new deed shall be provided to the Department.

Hydrology and Water Quality

8. 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.
9. The applicant shall submit to the Division of Environmental Health an acceptable site evaluation report (DEH FORM # 42.04) for parcels 1 through 4 and the remainder parcel, 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 water quantity evaluation (DEH FORM # 26.05) completed by a qualified individual of a water source located on any parcel of the subdivision demonstrating an adequate water supply in compliance with the Division of Environmental Health's Land Division Requirements (DEH FORM # 26.09).
11. 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.
12. All areas within the subdivision subject to flooding as defined by the Federal Emergency Management Agency shall be clearly identified on the **Parcel Map**.

The area of the subdivision with the "floodway" as defined by the Federal Emergency Management Agency and on file with the Mendocino County Planning and Building Services Department shall be delineated as a drainage easement on the **Parcel Map**.

13. A note shall be recorded 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."
14. A note shall be recorded 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"

Land Use Planning

15. A notation shall be recorded on the **Parcel Map** stating that "*Residential Development is prohibited within 200 feet of any adjoining lands designated with the Rangeland classification.*"
- ~~16. Pursuant to Mendocino County Code Chapter 10A.13 (Nuisance and Consumer Disclosure), a notation shall appear on the that the property is adjacent to or within 300 feet of Agricultural Preserve and Timber Production Zoning and may be subject to inconvenience or discomfort arising from agricultural practices which occasionally generate dust, noise, smoke, and odors.~~
16. The following statement shall appear on the **Parcel Map**: "The subject property is located within 300 feet of Agricultural Lands 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."
17. No subdivided lot shall have a depth of greater than three times the average width of the lot.

Population and Housing

18. 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.

Public Services

19. The subdivider shall comply with those recommendations in the California Department of Forestry and Fire Protection (CalFire) letter of November 29, 2012 (CalFire # 197-12) or other alternatives as acceptable to CalFire. Written verification shall be submitted from CalFire to the Department of Planning and Building Services that this condition has been met to the satisfaction of CalFire.

Transportation/Traffic

20. 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(s) shall be provided to the Mendocino County Department of Transportation for their review prior to final approval.
21. 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.
22. 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.
23. Access shall be restricted along Eel River Road (CR 240B) except at the opening at John Day Road (private).
24. All natural drainage and water courses shall be considered as easements. Minimum width shall be twenty (20) feet, or to the high water level plus five (5) feet horizontal distance, whichever is greater. If a Parcel Map is filed, such easements shall be shown on the final parcel map. (All parcels 5 acres and less.)
25. Construct a twenty-two (22) foot wide road, as shown on the Tentative Map prepared by Ron Franz, revised February 23, 2015, from Eel River Road (C.R. 240B). The road will divide to the east to the westerly corner of Parcel 1, to serve both Parcels 1 and 2, and divide to the west to the westerly corner of Parcel 3, to serve both Parcels 3 and 4. Construct the road with eight (8) inch minimum rock base. New or replaced culverts shall be a minimum of 18 inches in diameter.
~~Construct a twenty-two (22) foot wide road from Eel River Road (CR 240B) to Parcel 1 of the proposed subdivision within the access easement including eight (8) inch minimum rock base. New or replaced culverts shall be a minimum of 18 inches in diameter.~~
26. A standard private road approach shall be constructed to a minimum width of twenty-two (22) feet, area to be improved twenty (20) feet from the edge of the County Road, to be surfaced with asphalt concrete.
27. Any proposed work within County rights-of-way requires obtaining an encroachment permit from the Mendocino County Department of Transportation.
28. 40-foot radius turnarounds shall be constructed, as shown on the Tentative Map, within 50-foot radius easements at the terminus of each fork of the access easement to the satisfaction of the Mendocino County Department of Transportation.
~~A 40 foot radius turnaround shall be constructed within a 50 foot radius easement at terminus of access easement to the satisfaction of the Mendocino County Department of Transportation.~~
29. The applicant and/or subsequent grantees shall create to the satisfaction of Mendocino County Counsel ~~(Fee for review payable to Mendocino County Counsel. Check with Planner for fee amount)~~ and the Department of Planning and Building Services an organization or association for the maintenance of the private roads within the subdivision.

Standard/Special Conditions

30. 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, Krueger, Nelson, Warner, Holtkamp, Hall, Ogle
NOES: None
ABSENT: None

Mr. Gustavson noted the fee for review to County Counsel was \$150.

[Break 9:52 AM – 10:02 AM]

6c. CASE#: CDMS_2014-0003

DATE FILED: 2/7/2014

OWNER: GARY ALLEN BEALL

APPLICANT: PHILIP M REYNOLDS

AGENT: SUSAN RUSCHMEYER

PROJECT COORDINATOR: SCOTT M PERKINS

REQUEST: Coastal Development Minor Subdivision creating two parcels of 29.38± and 5± acres each.

ENVIRONMENTAL DETERMINATION: Mitigated Negative Declaration

LOCATION: Within the Coastal Zone, 2± mile from the Gualala town center, lying west of Old Stage Road (CR 503), at the northwest corner of its intersection with Pacific Woods Road (CR 523). Located at 38920 Old Stage Road, Gualala; APN 145-051-12.

RECOMMENDED ACTION: Approve as Recommended by Staff.

Scott Perkins, Project Coordinator, reviewed the staff report and discussed a power point of the project noting the request to create 2 parcels located in the coastal zone northeast of Gualala. He discussed the zoning and parcel configuration, stating staff had prepared a mitigated negative declaration for approval. Mr. Perkins discussed the existing improvements on proposed Parcel A and B, noting the tax records state the dwellings were constructed in 1948 and 1969, respectively. He noted existing utilities at the site and stated the proposal was consistent with the coastal element of the General Plan. He noted the only remaining question was whether an existing canvas shed was within the 30 foot side yard setback. He stated Condition #12 had been added to address the shed. He also discussed Condition #8, #9, #10 and #11 related to water and sewer services, stating the applicant must provide a letter from the North Gualala Water District stating that he has service and the properties will continue to be served. Mr. Perkins discussed Condition #16, stating the applicant had decided to create a new road approach, and revised the tentative map as such, versus remove the vegetation required to improve the existing approach since that would have also required a Coastal Development Permit (CDP) for vegetation removal.

Commissioner Nelson asked if any buildings would be moved, since the canvas structure was not bat habitat.

Mr. Perkins noted that since the structure was “abandoned” it would have to be inspected prior to relocation or demolition.

Commissioner Ogle asked if the shed was clearly on the boundary.

Mr. Perkins noted from the tentative map submitted by the surveyor, the shed was within the proposed boundary. He also noted that additional findings should be added to the report relating to fire response and suppression and read the findings into the record.

Mr. Gustavson commented that the purpose of the findings was to demonstrate that the subdivision had structural fire protection services, which will be provided by South Coast Fire, and qualifies as

findings for approval. He also stated that the configuration of the subdivision was reviewed by CalFire and found adequate for approval.

Commissioner Ogle discussed page PC 4, aesthetics, and was unclear on whether second units were permitted with a CDP or not allowed.

Mr. Perkins noted that in most cases second units were not permitted in the Coastal Zone; however Gualala was a special district that does permit second units. He noted that a Coastal Development Permit application would be needed for the additional development if a second unit was proposed, which was not part of this subdivision.

Commissioner Ogle noted a typo on the biological resources section in the second sentence, "...each resulting parcel have" should be added.

The Applicant did not wish to speak.

Commissioner Krueger noted Condition #4 had an incorrect reference to Department of Fish and Game, should be Wildlife.

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

Commissioner Nelson asked the applicant to come forward regarding a question about the canvas building.

Philip Reynolds, owner, described the structure as a white canvas tent covering a boat. He stated it was very light and could be picked up and moved to another location.

Commissioner Little noted a strong wind might blow the tent over.

Commissioner Nelson asked if the condition could be deleted.

Mr. Gustavson noted that unfortunately the condition must remain because, in the Coastal Zone, anything placed or built on the ground is considered development, which requires a CDP. He also stated that the findings were necessary to protect coastal resources and were important to incorporate into the recommended action, as the applicant was subject to appeal to the Coastal Commission.

Chair Warner asked if the applicant could send photos to the biologist, which might reduce the fee.

Mr. Gustavson stated staff would strive to make the remedy proportionate to the problem and not inconvenience the property owner, but the protection of coastal resources must be acknowledged so that a deficiency or substantial issue finding was not made by the Coastal Commission.

Upon motion by Commissioner Hall, seconded by Commissioner Holtkamp and carried by the following roll call vote (7-0), IT IS ORDERED to approve Coastal Development Minor Subdivision #CDMS_2014-0003 per the findings and conditions of approval contained in the staff report on pages PC 5 through PC 8, adding the additional fire protection findings as read into the record.

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.

Coastal Land Division Findings: As required by Section 20.532.100(C), the Planning Commission further finds that:

1. The new lots created have or will have adequate water, sewage, including a long term arrangement for septic disposal, roadway and other necessary services to serve them; and

2. The new lots created will not have, individually or cumulatively, a significant adverse environmental effect on environmentally sensitive habitat areas or on other coastal resources; and
3. The new lots created will not significantly adversely affect the long-term productivity of adjacent agricultural or timber lands; and
4. Other public services, including but not limited to, solid waste and public roadway capacity, have been considered and are adequate to serve the proposed parcels; and
5. The proposed land division meets the requirements of Chapter 20.524 and is consistent with all applicable policies of the Coastal Element.

Project Findings: The Planning Commission, making the above findings, approves CDMS 2014-0003 subject to the following conditions of approval as recommended by staff, further finding:

Pursuant to California Government Code Section 66445(e), the Planning Commission finds that subdivision 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 the Mendocino County Code, specifically with respect to lot area, improvement and design, flood and water drainage control and that it includes appropriate improved public roads, sanitary disposal facilities, water supply availability and environmental protection.

Pursuant to California Government Code Section 66474.02, the Planning Commission makes the following findings:

- (1) That the design and location of each lot in the subdivision, and the subdivision as a whole, are consistent with any applicable regulations adopted by the State Board of Forestry and Fire Protection pursuant to Sections 4290 and 4291 of the Public Resources Code.

The California Department of Forestry and Fire Protection (CalFire) reviewed the project and identified fire safe measures for the project within State Fire Regulations Application #44-14 to including adequate access improvements and emergency water supply. Condition Number 19 requires applicant to adhere to CalFire State Fire Regulations. Finding can be made.

- (2) That structural fire protection and suppression services will be available for the subdivision through a special district organized solely to provide fire protection services that is monitored and funded by a county or other public entity.

The property is within the boundaries of the South Coast Fire Protection District which provides fire protection services to structures within their District boundaries. The property is also with the State Responsibility Area of CalFire. Finding can be made.

- (3) To the extent practicable, ingress and egress for the subdivision meets the regulations regarding road standards for fire equipment access adopted pursuant to Section 4290 of the Public Resources Code and any applicable local ordinance.

The California Department of Forestry and Fire Protection (CalFire) reviewed the project and identified fire safe measures for the project within State Fire Regulations Application #44-14 to including adequate access improvements and emergency water supply. Condition Number 19 requires applicant to adhere to CalFire State Fire Regulations. Finding can be made.

CONDITIONS OF APPROVAL:

Aesthetics

1. A note shall be placed on the **Parcel Map**, stating, "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**, stating, "Access road, driveway and interior circulation routes shall 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. Any unoccupied structures that are required to be relocated or demolished to meet setback requirements prior to recordation of the **Parcel Map** shall be inspected for signs of habitation by birds and bats by a qualified biologist, and the results shall be reported to Planning and Building Services to determine if a Coastal Development Permit is required for relocation or demolition.
4. 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-Wildlife~~ 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 \$2,260.00 shall be made payable to the Mendocino County Clerk and submitted to the Department of Planning and Building Services prior to **May 1, 2015** (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-Wildlife~~ 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 ensure timely compliance with this condition.**

Cultural Resources

5. 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 and Soils

6. 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.

- f. All earth-moving activities shall be conducted between May 15th and October 15th 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 m³) on any one lot and does not obstruct a drainage.
7. A notation shall be placed on the Parcel Map/Unilateral Agreement stating, 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

8. 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 structures located on parcels A and 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).
9. 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 systems, 100% replacement areas, acceptable setback distances to water wells and other pertinent setback distances which may impact project site development.
10. 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.
11. 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 and 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 the 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.

Land Use and Planning

12. Per Mendocino County Coastal Zoning Code Sections 20.376.030 and 20.376.035, any structure located within thirty (30) feet of any property boundary on either parcel shall be removed or replaced, subject to Building Permit requirements.

Public Services

13. The subdivider shall comply with those recommendations in the **California Department of Forestry and Fire Protection** letter of February 25, 2014 (**CalFire# 44-14 and 45-14**) or other alternatives as acceptable to the **Department of Forestry**. Written verification shall be submitted from the **Department of Forestry** to the Department of Planning and Building Services that this condition has been met to the satisfaction of the **Department of Forestry**.

Transportation

14. 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
15. 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.
16. All existing driveway approaches serving Lots A and B shall be improved to meet minimum sight distance standards per MDOT Standard No. A53.
17. Any proposed work within County Rights of way requires obtaining an encroachment permit from the Mendocino County Department of Transportation.
18. The applicant shall abandon and fence the existing driveway accesses prior to filing the **Parcel Map**.

Standard Conditions

19. 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, Krueger, Nelson, Warner, Holtkamp, Hall, Ogle
NOES: None
ABSENT: None

6d. CASE#: UR_2014-0004

DATE FILED: 9/10/2014

OWNER: BLACK OAK RANCH LIMITED PARTNERSHIP

APPLICANT: BOB BARSOTTI

PROJECT COORDINATOR: DUSTY DULEY

REQUEST: Use Permit Modification/ Renewal for the temporary use of a property for multiple special events to include camping, music, provisions for food and alcohol and vending booths. A maximum of 4,500 attendees including staff, artists and vendors would be authorized for two (2) multiple-day events and three (3) single-day events each year. Smaller events to include between 100 and 999 attendees are also included in the request. Up to 59 total days a year, between May 15th and September 30th, will be used to support temporary events. The applicant is requesting a 20 year permit.

ENVIRONMENTAL DETERMINATION: Mitigated Negative Declaration

LOCATION: 4.8± miles northwest of Laytonville town center, lying on the west side of Highway 101, 1.2± miles northwest of its intersection with Valley Drive (private), located at 50350 North Highway 101, Laytonville; APN's 013-560-46, -47, and 013-570-48.

RECOMMENDED ACTION: Approve as Recommended by Staff.

Dusty Duley, Project Coordinator, reviewed the staff report and discussed the request for temporary events that total up to 59 days per year. He discussed the report the Commission received, noting the initial study, plan of operations, traffic plan and support letters that had been submitted at the hearing. He stated no other public comment had been received. Mr. Duley discussed the location of events on the ranch, which is located 5 miles north of Laytonville town center, and displayed a power point of the site. He stated the applicant previously applied for a temporary event use permit in 2004, which had been granted, but had now expired, thus the renewal and modification. He discussed the entrance along Hwy 101 and stated the applicant discourages cars lining along the highway, however there was flexibility in the conditions to allow the applicant to open the gates early and move traffic off the road. He also stated typical traffic plans include putting out cones for a temporary left turn lane and stated Caltrans had reviewed the permit and noted Conditions 34-39 applied to traffic safety. Mr. Duley continued and discussed the graywater system for temporary showers and food vendors, stating on site and drainage systems had been permitted by Environmental Health. He discussed the potential security issues and possible need to call emergency services, noting Conditions 24-32 related to ensuring proper security will be provided and reimbursement of emergency services was necessary. He noted a medical plan was required to be submitted to the Department of Public Health for review and other conditions related to keeping emergency service lanes open throughout the event were included. Mr. Duley noted the three closest residents on the aerial photo, stating no complaints had been received in the past 10 years and the hours of amplified music were requested to be extended to 2:00 am on Friday-Saturday as well as Sunday if the following Monday was a holiday. He noted other use permits for special events had requested the extended hours, which was granted on a case by case basis. He stated staffs support for this applicant to receive the extended hours and felt it was unlikely that any noise standards would be exceeded. Mr. Duley noted that after speaking to the applicant, several modifications should be made to conditions to clarify the language. First, he stated that the applicant had requested a 20 year permit since he has shown compliance with the previous 10 year permit. Mr. Duley noted staff was reluctant to extend the expiration date beyond another ten years, but noted that this applicant has been in compliance. He noted that this modification to the use permit included a request for 10 days of large events over 1,000 individuals and 49 days of smaller events up to 1,000 individuals; however staff had reduced the large events to 7 days with 500-999 attendees. He noted that the applicant is very thorough in cleaning the site and has asked for additional time to clean the site of litter. Mr. Duley felt a compromise could be made and perhaps an additional 2 weeks should be added for cleanup, or clarifying language that the project site be cleaned by September 30th of each year. He also felt that one plan could be approved for emergency operations in Condition #18 and suggested the language be modified to allow for the submittal of a single plan prior to the event season.

Mr. Gustavson agreed that the condition could be modified to state, "...the plan be submitted at least 14 days prior to the first event of the season".

Mr. Duley continued and noted that Condition #20 was related to quiet time and stated that the condition was carried over from the previous report. He noted the applicant had a quiet campground area identified at the event, and if the Commission wished, staff would support deletion of the condition. He noted that the Mendocino County Sheriff's Office had submitted recommended language to replace Condition #25, to state "The applicant shall enter into a service agreement with the Mendocino County Sheriff's Office for any type of an emergency service response to an event. Should an emergency be declared by the applicant, or any supervisor from the Mendocino County Sheriff's Office, all costs for the response shall be the responsibility of the applicant. Normal calls for service shall not be considered an emergency."

Chair Warner noted the size of the event not included.

Mr. Duley noted staff would request the size of the event be added to Condition #25, but otherwise supported the change. He read Condition #26, as submitted by the Sheriff's Office; "The applicant shall submit to the Mendocino County Sheriff's Office proof of adequate security personnel. After the applicant submits such a security notice, the Mendocino County Sheriff's Office shall review the notice, and if the security appears adequate, a 'Letter of Adequate Security' shall be submitted to the applicant. The review of the original proof of adequate security submitted to the applicant includes the historical response to such events, the type of event and the actual number of security personnel which the applicant has presented."

Commissioner Holtkamp asked if there would be a conflict if a single plan was prepared for security.

Mr. Duley did not think there would be a conflict with preparing a single plan and noted the emergency services plan was more about evacuation coordination with different emergency service agencies. He continued with the conditions and noted Condition #29 required an outdoor festival permit be filed with the Tax Collector, which was standard and in Condition #28, the reference to Ten Mile Creek Drive should be removed. He noted that Condition #45 was a newer condition that had been placed on several events, but noted that given the applicants history of compliance, it might be a consideration of the Commission's to delete the condition, which the applicant would speak to.

Commissioner Ogle asked why the attendees were reduced for this permit from 5,000 down to 4,500. She also felt that the department was unnecessarily involved in the review of other agency's response to conditions.

Mr. Duley deferred to the applicant regarding the decrease in attendees. He commented that as the project coordinator, he felt it was his obligation to work with the applicant and public agencies to review and approve information for a successful event.

Commissioner Little also commented that should an issue arise, PBS was involved in the enforcement of the permit and thus required to have documentation on file.

Commissioner Ogle felt it was a burden to staff.

Mr. Duley noted the burden was on the applicant to provide and submit acceptable information and the applicant was responsible for knowing what requirements were placed on the permit. He felt staff was mostly receiving clearance letters for the file.

Mr. Gustavson commented that a use permit was an agreement between an operator and the County for how uses and activities occur on a parcel. He felt that the condition regarding a neighborhood meeting could be a useful post season tool to track community issues. He noted that PBS was responsible for establishing use permit conditions to help ensure the activity or use fit in with the community and did not cause a nuisance.

Commissioner Krueger noted Condition #44 should reference Department of Fish and Wildlife.

Bob Barsoti, owner/applicant, discussed the history of events on his ranch, noting he had started 24 years ago with an administrative permit. He commented that his events have brought over 350,000 people into Laytonville that spend money in the area. He discussed his experience in the entertainment industry, noting that in the past 45 years he has been all over the world for concerts and events. He stated that in 2000, he moved to the ranch full time, which he had purchased in 1981. He felt living on the ranch gave him a different perspective than someone who could host an event and then lock the door and walk away. He stated that he knew all his neighbors and if there was a problem, he dealt with it because he was trying to stay in business and not be a burden to the community. He commented that the main source of income was the summer camp program for underprivileged children. He stated the reason for having the ranch was to have an undeveloped setting to enjoy. He noted the comment letters of support for his project and stated that the reason for reducing the number of attendees was that, although the event was his most successful, it was too large for the area. Mr. Barsoti commented that he had not received any complaints in his permit history and had followed all the conditions of approval and was surprised to see 10 new conditions of approval. He commented on the financial burden associated with noticing a community meeting and would prefer a 20 year expiration date or maybe a compromise to 15 years. He discussed the patrols for the event and stated Ten Mile Creek Road was more than 4 miles away from the site and did not need additional patrols. He discussed the location of his segregated campgrounds for quiet time, a family camp and employees. In closing, Mr. Barsoti noted that he normally leaves a dumpster at the site for 2 weeks after the last event to clean up and would prefer more time added to the condition.

Chair Warner asked how the port-a-potties were dumped/pumped.

Mr. Barsoti noted the service was from Fortuna, but they left a tanker on site to pump into and then the tanker truck was removed at the end of the event season. He also noted that he normally has twice as many port-a-potties as required because of the distance between the campgrounds and event locations.

Commissioner Little suggested Condition #18 be modified to accept one Emergency Service Plan before the first event of the season to run for the entire year. He also discussed Condition #20, regarding quiet time, asked how noise was enforced.

Mr. Barsoti stated he had an overnight crew that patrolled after midnight so there were no loud noises. If someone had generators, cd players, etc. and did not abide by the quiet time, their equipment was confiscated.

Commissioner Little commented on Condition #22, the agreement with the Long Valley Fire Protection district, and thought that a multiyear agreement could be arranged rather than an annual agreement and the attendees be changed to apply to greater than 500. He also suggested that Condition #25 be changed to 500 attendees versus 1000 and that Condition #45 be modified so that it was only necessary if a complaint was received at Planning and Building services.

Mr. Gustavson noted the language for Condition #45 could state that, "At the request of Planning and Building Services, the applicant shall facilitate a community meeting..."

Commissioner Nelson commented that the reference to Ten Mile Creek Road should be deleted and thought 15 years might be a nice compromise for the expiration date.

Mr. Duley thought it would be fine to make the suggested changes.

Commissioner Little noted that if there was an issue with the conditions of approval, staff could always hold a revocation hearing for the use permit.

Commissioner Nelson commented that he would support extending the cleanup time after the events.

Commissioner Ogle asked if Condition #20 should be deleted.

Commissioner Little supported deletion.

Commissioner Holtkamp agreed.

Mr. Gustavson noted the condition was related to the CEQA determination and should be considered necessary to avoid or mitigate noise impacts.

Commissioner Little did not think it would be a burden on the applicant to keep the posted signs around the various campsites.

Mr. Barsoti noted the signs currently ready quiet time from Midnight to 8:00 am.

Commissioner Little suggested changing the time in Condition #20 to match the existing signs.

[Break 11:36 AM – 11:43 AM]

The public hearing was declared open.

Vic Weaver noted his family owned two of the closest residences on the aerial photo. He discussed previous issues with people trespassing across his property to try and sneak into events and stated that Mr. Barsoti quickly handled all issues. He felt the applicant had lived up to all agreements and conditions of his previous permit. His one comment as a retired CalFire person was that as soon as fire season was declared, the fire breaks be constructed.

Danny Sher noted he had been Mr. Barsoti's partner for years and appreciated the kind words from the community. He commented that the request for a 20 year permit was in order to plan for the future with some level of comfort. He felt the new conditions were burdensome and noted that the additional patrols were not necessary. He also felt that the community meeting was a burden and would add extra cost to the events. He noted there have not been any issues and did not think it was appropriate to add the new conditions that had been placed on other event permits. He felt Condition #47c eliminated the need for additional conditions.

Thomas Evans noted his location on the aerial photo and stated that he was a vendor for Black Oak events. He commented that he has worked on events in other areas and none compared to Mr. Barsoti's professionalism. He stated that if an issue arose, Mr. Barsoti dealt with it swiftly and appropriately.

The public hearing was declared closed.

Chair Warner asked the Commission's concerns on modifying conditions.

Commissioner Krueger commented that he would be willing to grant a 20 year permit.

Commissioner Ogle and Commissioner Holtkamp agreed.

Mr. Duley noted that 10 years was the longest time frame a permit had been issued in the County for a special event that he was aware of, and anything longer would be setting a precedent.

Commissioner Holtkamp asked if the permit was tied to the owner or the property.

Mr. Duley stated the entitlement runs with the land, so if Mr. Barsotti sold his property, the permit would be transferred to the new owner.

Chair Warner noted that was something to consider.

Commissioner Holtkamp commented that, for this operator, it seemed unlikely that there would be any issues as he was a skilled operator that provided a safe and clean environment.

Commissioner Little asked if a condition could be added that if the ownership changed a use permit modification would be needed.

Mr. Gustavson stated that since land use entitlements were granted to the property, he would not advise such a condition. He did not believe the County had the authority to "prejudice" the permit to issuance of the operator.

Commissioner Little noted staff had revised conditions based on the operator's history of compliance.

Mr. Duley noted that was correct; however part of the project mitigation was the remote location. He stated that, recognizing that the permit is tied to the land, safeguards for future events were added in the condition. He did consider the operator's history in the evaluation of the case and commented that he did not recall the Commission deleting anything from the conditions of approval; only adding flexibility.

Commissioner Nelson suggested a 20 year permit, with an evaluation at the 5 year and 10 year mark to evaluate the permit for renewal and asked staff how that would work.

Mr. Gustavson stated the evaluation would be a focused discussion before the Commission where staff and the applicant would be reporting on the process, which really was what the Commission would do for a renewal of the permit.

Commissioner Little commented that if the project came back to the Commission at a later date, it would then be subject to CEQA again like any other project, and from his perspective would not reduce the burden to the applicant.

Commissioner Nelson asked if a review could be completed administratively.

Mr. Gustavson noted that a public meeting of some type would be held; maybe the Zoning Administrator, however the burden of preparing findings and a CEQA analysis would remain. He noted the County had the obligation to balance the permit with the community's needs and a 10 year permit was typical. He commented that any length greater than 10 years began to feel "permanent".

Commissioner Little commented that the requirement for individual agreements with emergency service providers should be modified so the applicant can work with directly with the agencies affected by the permit.

Mr. Gustavson commented that Condition #22 did not provide any detail as to the term of the service agreement and was up to each agency to approve with the applicant.

Chair Warner was concerned with tying a use permit to a property owner and did not think it should be considered.

Commissioner Nelson asked about the wording in the Coastal Zone that allowed permits to be transferred between property owners.

Mr. Gustavson commented that the language requires a transfer of the permit for full disclosure to the new owner to make sure that they have and understand the conditions of approval for the permit. He noted that the transfer did not change the entitlement, which would still run with the land.

Chair Warner commented that she would prefer changing the expiration date to 15 years and allowing flexibility in the conditions discussed by staff rather than trying to create a condition that would tie the permit to the property owner.

Commissioner Holtkamp noted she would be comfortable working out a transfer, but noted that it could not be assumed that a new owner would have the same standards as the current operation and there should be some way to acknowledge that standard.

Commissioner Little suggested a 20 year permit, to be reviewed in 10 years and a report submitted to the Department of Planning and Building for review.

Mr. Gustavson noted the status report at 10 years would focus on complaints, provide a summary and characterize the community meetings, discuss operation characteristics, etc. He stated two options could be provided: (1) that the applicant provide an informational report that would be reviewed by the Planning Commission, at which time the applicant could discuss and answer question; or (2) a noticed public hearing before the Planning Commission could take place that would allow the Commission to modify conditions and provide the appropriate opportunity to hear from the applicant. He stated either process would entail some CEQA review and application fee.

Commissioner Krueger noted the applicant would like a 20 year permit and asked if there could be a renewal process if the property was sold so the Commission could meet with the new owners to review the conditions.

Matt Kiedrowski, Deputy County Counsel, discussed the zoning code and case law, stating that the entitlements run with the land not the operator and advised against approving a permit for a property owner that would terminate with a change in ownerships.

Commissioner Nelson commented that he would prefer not to set a precedent regarding expirations and noted that 10 years was a significant length of time. He stated respect and appreciation for the applicant and noted the expiration date did not diminish the effort the applicant had put into the project. He noted the Commission had modified conditions to make the permit less burdensome to the applicant.

Commissioner Ogle commented she was comfortable with a 20 year permit and informational meeting in 10 years that was taken care of by staff.

Commissioner Hall noted he could support an administrative process for the renewal in 10 years.

Chair Warner commented that could work if no changes were being made, but if anything changed, the applicant would have to come back to the Planning Commission for modification and approval.

Mr. Gustavson stated that because of the conditions of approval, any changes must be made by the body that approved the permit, therefore the applicant must come back to the Planning Commission at a future date and the Commission cannot delegate changes to an administrative process.

The Commission agreed that 15 years seemed like a good compromise since the applicant would need to return to Planning Commission for any renewal or modification of his permit.

Commissioner Little made a motion to approve UR_2014-0004, per the findings and conditions of approval contained in the staff report on pages PC 7 through PC 9, modifying Condition #2 with an expiration date of 15 years, set for October 1, 2030.

Mr. Duley noted the additional environmental findings to be added to page PC 7, and modification to Condition #20 regarding the quiet hours from midnight to 8:00 am.

Commissioner Little stated Condition #8 would be modified to extend the cleanup time by 2 weeks and have the site restored by September 30th of each year, Condition #18 would be modified to allow one plan to be submitted to PBS at least 14 days prior to the first event and a copy provided to all other responsible emergency service providers.

Mr. Duley added language to Condition #18 after event season that, "1 plan may be developed that is determined to be adequate for all events".

Commissioner Little continued and noted that Condition #22 would be modified to allow 500 attendees, Condition #25 would be modified as submitted by the Sheriff's Office and read by staff with an additional sentence at the end that "This requirement is only for events with over 500 attendees".

Mr. Duley noted Condition #26 had also been modified by the Sheriff.

Commissioner Little stated Ten Mile Creek Drive would be deleted from Condition #28; the reference to Fish and Game would be updated to Fish and Wildlife in Condition #44; and Condition #45 would be modified to add, "when presented with significant public complaint the Department of Planning and Building Services may request that the applicant facilitate and attend a community meeting", deleting the rest of the sentence until meeting location. He also felt Condition #48 was not clear.

Mr. Duley commented that the purpose was to allow staff enough time to process the permit and prepare notice of hearing.

Mr. Gustavson stated the Condition could be deleted.

Commissioner Little stated Condition #48 would be deleted.

Mr. Kiedrowski noted the last event of the season was on September 30th and Condition #8 should be edited to October 30th of each year.

The motion was seconded by Commissioner Ogle and carried by the following roll call vote (7-0).

Environmental Findings: The Planning Commission finds that the environmental impacts identified for the project can be adequately addressed 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.

Additional Environmental Findings:

1. The modification to Condition #20 is an equally effective mitigation measure to ensure that noise impacts to festival attendees will not rise to a level of significance.

General Plan Consistency Finding: As discussed under pertinent sections of the staff report and Initial Study, the proposed project is consistent with applicable goals and policies of the General Plan as subject to the conditions of approval.

Project Findings: The Planning Commission approves #UR 2014-0004 subject to the conditions of approval recommended by staff, and further finding:

1. That adequate utilities, access roads, drainage, and other necessary facilities have been or are being provided.

Access into the property is provided by an existing driveway off U.S. Highway 101. As described in the staff report and initial study, temporary bathrooms and wash stations will be provided to support the event. Potable water will be provided by Laytonville Water District, which will connect to power needed for distribution to sinks and drinking fountain stations that will be located throughout the event area. Food vendors will be provided with hot and cold water. Gray water will be treated by an on-site septic system.

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.

As discussed in the staff report and initial study, the project has the potential to create a nuisance to off-site residences from noise. Condition Numbers 19 will minimize potential noise impacts and will help ensure noise compatibility with surrounding land uses. The project is subject to applicable noise standards identified in Policy DE-100 of the County General Plan.

Provided the applicant adheres to the mitigation measures placed on this permit, staff did not find any impacts from the project that would 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.

The property is split zoned and includes Forestland (FL 160) and Rangeland (RL 160) zoning. The Use Permit Modification/Renewal is being processed under the Commercial Recreation – Outdoor Entertainment use type. The Commercial Recreation – Outdoor Entertainment use type is allowed in the FL 160 and RL 160 zonings subject to obtaining a Major Use Permit, therefore the project is consistent with the property zonings.

The property is currently in an Agricultural Preserve under the Williamson Act based on its use for cattle and hay production. The approximate 100 acres of land used to support the project is also used between the months of March and May to support the agricultural endeavor. Events are proposed to occur between May 15th and September 30th of each year. No permanent improvements are proposed or required to support the project. The project will not require the conversion of land used to support hay production and cattle raising operations. Staff determined that the project will not conflict with the agricultural use on the property or the Williamson Act contract. Therefore the project is consistent with the Williamson Act and Mendocino County Code Section 22.08.060.

Conditions of Approval:

Event Duration/Attendance

- 1.** This permit shall authorize up to fifty-nine (59) days of events per year, which shall occur between May 15th to September 30th of each year, to include:
 - a. Two (2) multiple-day large events, not to exceed 5 consecutive days. These events shall have a maximum attendance of 4,500 attendees/campers including staff both paid and unpaid, artists and vendors.
 - b. Three individual one (1) day large events planned to accommodate more than 1,000 attendees. These events shall have a maximum attendance of 4,500 attendees/campers including staff both paid and unpaid, artists and vendors.
 - c. Seven days of smaller events, such as wedding and retreats, not to exceed 999 attendees/campers including staff both paid and unpaid.
 - d. Multiple days of smaller events, such as wedding and retreats, not to exceed 500 attendees/campers including staff both paid and unpaid.

Combination of all events shall not exceed 59 total days in any given year.

An event shall not include the day following an event when attendees are required to vacate the property. Early arrivals may be accommodated within the campground as early as 24 hours prior to any event.

Other unscheduled large events planned to accommodate over 1,000 attendees shall not be scheduled to coincide with other larger events held within the County, (e.g. the Laytonville Rodeo, the Redwood Run, Sierra Nevada World Music Festival, Northern Nights) unless the applicant has received written approval from local public emergency service providers. The applicant shall notify the Mendocino County Sheriff's Office, California Highway Patrol, Long Valley Fire Protection District and the Department of Planning & Building Services a minimum of 60 days in advance of any such event. The County shall reserve the right to deny any specific date requested should the County be able to document some significant conflict with other permitted planned events in the County.

2. This permit is issued for a ~~ten-fifteen~~ year duration and shall expire on ~~October 1, 2025~~ October 1, 2030.
3. The applicant shall provide the Department of Planning and Building Services with a count of attendees/campers for each event no later than 20 days after the conclusion of each event.
- 4.** The applicant shall use appropriate management techniques to ensure that the total number of individuals attending, including staff, artists, vendors and guests, is limited to a number of vehicles and individuals that will not exceed that for which infrastructure can reasonably support in a safe manner. Should the area reach capacity, as determined by the operator or any qualified emergency personnel, the applicant/producer shall provide advance signage at locations approved under an encroachment permit issued by Caltrans and/or the County Department of Transportation, to advise traveling motorists of this status (e.g., "Campground Full" sign) at appropriate locations as determined through the encroachment permit process.

Aesthetics

- 5.** Outdoor lighting for events shall be directed and shielded to prohibit light from being cast beyond the property boundaries. Lighting shall be focused on very specific areas (e.g., bathrooms, medical station, and stage) between sunset and sunrise so as to avoid any impact to off-site residences.
- 6.** No permanent improvements shall be installed to accommodate the events.
- 7.** No permanent signs advertising the site or events are authorized by this permit.
- 8.** The project site shall be cleaned of all litter within ~~one- two~~ weeks following each event and the site shall be restored to pre-event conditions by October 30th.

Air Quality

9. The unpaved access roads and interior circulation routes shall be maintained in such a manner as to ensure minimum dust generation and shall be subject to pertinent Air Quality Management District regulations.
10. Any stationary on-site internal combustion engines over 50 horsepower (i.e. larger power generators or pumps) may require a permit from the Air Quality Management District, depending on fuel source and level of operation. Rental equipment may require notification to District. The applicant/owner shall contact the District to determine whether it's necessary to obtain a permit.

Biological Resources/Water Quality

11. ** No material shall be placed into or where it may pass into any stream or watercourse in quantities that would be deleterious to fish, wildlife, or other beneficial uses. Attendees are prohibited from using soap in the river. Applicants shall make effort to discourage direct human impacts to water quality.
12. ** Parking shall be permitted only in designated parking areas, as shown on the applicant's Large Event Site Plan and Small Event Site Plan.
13. ** A buffer of no less than 150 feet shall be maintained between project activities (e.g. parking and camping areas) and Tenmile Creek and Streeter Creek to avoid impacts to sensitive aquatic and terrestrial resources.
14. ** The areas around Tenmile Creek and Streeter Creek shall be posted with signs to effectively deter attendees from disturbing wildlife, damaging native vegetation and significantly impacting water quality.
 - a. The applicant shall post signs along the creeks advising attendees to utilize existing trails and not to disturb the sensitive habitat.
 - b. The applicant shall post signs along the creeks advising attendees of the prohibition of using soap in the creek.
 - c. Creek access and crossings shall be identified and limited to existing trails to limit disturbance to riparian vegetation and minimize creek bank erosion.
15. ** For events with over 1,000 attendees, event staff will inspect vehicles at arrival for leaking fluids, take appropriate steps for dealing with problem vehicles, monitor the parking areas during the event, and provide any required clean up during and after the events.
16. Prior to the installation of any stream crossing or any other substantial modification to the bed, channel or bank of any watercourse, the applicant shall contact the California Department of Fish and Wildlife and obtain any necessary permits, pursuant to Fish and Game Code Section 1602.

Cultural Resources

17. In the event that archaeological resources are encountered during normal operation activities at the site, 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.

Hazards

18. ** The applicant shall develop an acceptable emergency plan in conjunction with emergency providers to include fire, medical, law enforcement, and evacuation procedures. The plan shall contain checklists and telephone numbers for use by security and safety personnel. The plan shall be submitted for review and approval to the Mendocino Emergency Services Authority at least 14 days prior to ~~each event~~ **the first event of the season. One plan may be developed that is determined to be adequate for all events.** A copy of the emergency plan shall be provided to the Department of Planning and Building Services **and all other responsible emergency service providers.**

Noise

19. ** Amplification for music or speakers shall be permitted for each event for the hours as follows with the exception of a 30 minute sound test on the day before each event:

Friday and Saturday:	10:00 a.m. to 2:00 a.m.
Sunday:	10:00 a.m. to 12:00 midnight (2:00 a.m. if 3 day holiday weekend)
Monday thru Thursday:	10:00 a.m. to 10:00 p.m.

The applicant shall enter into a service agreement to allow for Mendocino County Sheriff Office law enforcement personnel to be on-site during any large events with over 1,000 attendees to enforce the amplified music noise curfew and ensure compliance with this condition.

This project is subject to Exterior Noise Level Standards found in General Plan Policy DE-100. Additional measures may be placed on this permit and required of the applicant to ensure that the project is consistent with applicable County noise standards.

20. ** The campground areas shall be posted, and information shall be provided on the event website that a "Quiet Time" shall exist from ~~11:00 p.m. to 10:00 a.m.~~ **Midnight to 8:00 a.m.** each day.

Fire Protection

21. ** The applicant shall comply with the fire safe measures identified by the California Department of Forestry and Fire Protection (CalFire) in letter of November 3, 2014 (CalFire # 299-14) or other alternatives as acceptable to CalFire. Fire safe measures include:
- Prepare and maintain a 20-foot wide fire break around the perimeter of the camping areas (both the public and the employee camping areas), the event area and the cooking areas.
 - All internal combustion engines (i.e. generators, pumps, etc.) shall have an approved and operational spark arrestor. There shall be a minimum of 10-foot clearance around these pieces of equipment.
 - No campfires other than in designated fire rings. Fire rings will have at least 10-foot clearance down to bare mineral soil around them.
 - The main access road to the camping areas and concert area shall be a minimum of 18-foot wide and all weather surface.
 - Mow all grass in the parking areas prior to an event.
 - Allow for a minimum of 10-foot wide access in all parking areas.
 - Allow for and maintain access to [creek] and pond for use as an emergency water source.
 - Each cooking facility at the event shall have an approved fire extinguisher, minimum 5BC.
 - Maintain 100' defensible space around all structures as required by law.
 - Event staff shall maintain control of all fires within the jurisdictional use area for the duration of the event and see that the above conditions are met.

Written verification shall be submitted from CalFire to the Department of Planning and Building Services that this condition has been met to the satisfaction of CalFire.

22. ** The applicant shall enter into a **multiyear** service agreement with the Long Valley Fire Protection District to provide fire protection and ambulance services during all large events with over ~~4,000~~ **500** attendees.
23. ** The applicant shall provide acceptable evidence to the Department of Planning and Building Services; at least 30 days prior to each large event planned for over 1,000 attendees, identifying adequate fire prevention equipment and personnel will be on-site throughout the event.

Police Protection/Security

24. ** The applicant/producer shall pay all reasonable costs incurred by the uniformed officers of the Mendocino County Sheriff's Office, California Highway Patrol and any responsible fire agency or other designated

public emergency service personnel for responding to any service call stemming directly from the events. This shall not include normal patrol duties otherwise warranted in the area. Financial responsibilities shall be based on costs directly related to services provided within their service area and shall be proportional to services rendered, provided the applicant and any emergency service agency negotiate in good faith.

25. ~~** The applicant shall enter into a service agreement to allow for extra Mendocino County Sheriff Office law enforcement personnel to be available in the area to respond to any calls for service stemming from the events. This requirement is only for large events with over 1,000 attendees.~~
25. ** The applicant shall enter into a service agreement with the Mendocino County Sheriff's Office for any type of an emergency service response to an event. Should an emergency be declared by the applicant, or any supervisor from the Mendocino County Sheriff's Office, all costs for the response shall be the responsibility of the applicant. Normal calls for service shall not be considered an emergency. This requirement is only for events with over 500 attendees.
26. ~~** The applicant shall submit to the Mendocino County Sheriff's Office proof of adequate security personnel. This proof shall be a contract or agreement with a licensed security agency to provide enough security for protection of the participants of each event. The Sheriff's Office and California Highway Patrol shall be furnished with the identity of security personnel in case law enforcement services are needed within the perimeter of the events. Security personnel shall be responsible for the reporting of all illegal activities within the events to the appropriate law enforcement agency/official.~~
26. ** The applicant shall submit to the Mendocino County Sheriff's Office proof of adequate security personnel. After the applicant submits such a security notice, the Mendocino County Sheriff's Office shall review the notice, and if the security appears adequate, a "Letter of Adequate Security" shall be submitted to the applicant. The review of the original proof of adequate security submitted to the applicant include the historical response to such events, the type of event and the actual number of security personnel which the applicant has presented.
27. ** Twenty-four hour per day security shall be provided on-site for the protection and service to attendees and neighboring property owners. Every attempt shall be made to limit encroachment/ trespassing onto neighboring properties. Adequate security shall be in place for the duration of each event.
28. ** During each large event planned for over 1,000 attendees, the applicant shall provide a minimum of three (3) patrols per day to inspect the surrounding areas, one (1) of which will be between the hours of 11:00 p.m. and 2:00 a.m., (e.g. Valley Drive, and Woodruff Drive, ~~Ten Mile Creek Drive~~) with the intent of deterring any trespassing onto surrounding private properties. These patrols shall advise appropriate law enforcement agencies to assist in removing any trespassers when warranted.
29. The applicant is reminded of the need to obtain an Outdoor Festival Permit from the Treasurer-Tax Collector's Office prior to each event planned for over 1,000 attendees, including staff, artists and vendors. Said permit shall be reviewed and approved by the Mendocino County Sheriff's Office. Any terms or conditions of the Outdoor Festival Permit shall become a condition of this permit.
30. ** The perimeter of the site shall be clearly identified, and shall be posted to limit access beyond the approved event, camping, and parking areas.
31. ** The applicant shall provide to emergency response personnel, at least 14 days prior to each event, the identity of the on-site person(s) primarily responsible for the gathering, in the event of an emergency. Security staff shall be clearly identified by distinctive clothing (e.g., T-shirts) as approved by the Mendocino County Sheriff's Office.
32. ** The applicant shall develop and submit an acceptable short notice cancellation protocol for events to the Department of Planning and Building Services.

Medical Services

33. ** The applicant shall provide acceptable Emergency Medical Services Plan to the Coastal Valleys Emergency Medical Services Agency (CVEMSA) at least 30 days prior to each large event planned for

over 1,000 attendees, identifying adequate medical personnel are on-site and/or in the area to support the event. The applicant shall provide the Department of Planning and Building Services with a letter from CVEMSA stating that adequate medical services can be provided to support the event.

Transportation/Traffic

34. ** The applicant shall comply with the traffic plan prepared for events or other alternatives as approved by the Department of Planning and Building Services with consultation from the California Highway Patrol and California Department of Transportation.
35. ** The applicant shall discourage early arrivals by prohibiting the line-up of cars along the Highway before gates open. PUBLIC CAMPING IS PROHIBITED BEFORE THE EVENT. The above information shall be posted on the event website to discourage early arrivals. Adequate security shall remain on-site the day following each event to ensure that attendees vacate the site in a timely and orderly manner by 3:00 pm that day.
36. Prior to commencing each event, the applicant shall secure an encroachment permit from the California Department of Transportation (Caltrans) for any encroachments onto Highway 101 right-of-way as required by Caltrans. The applicant shall comply with all condition of the Encroachment Permit issued by Caltrans. The applicant shall have their identified traffic control measures reviewed by Caltrans and the California Highway Patrol before traffic control measures are installed in the right-of-way.
37. No facilities shall be placed, or work performed, within the Mendocino County road right-of-ways without specific approval and issuance of an encroachment permit from the Mendocino County Department of Transportation prior to commencing the event.
38. ** Parking shall be limited to the west side of Highway 101, where the event will take place and shall be located outside of the State Highway right of way. "No Parking" signs shall be provided at all locations as may be determined by the Sheriff's office, the California Department of Forestry and Fire Protection, the Long Valley Fire Protection District Department, and/or the California Highway Patrol. The applicant shall be responsible for insuring that all such areas will be appropriately established as such prior to each event.
39. ** No "in and out" privileges for vehicle traffic may be permitted for attendees at large events planned for over 1,000 attendees except for emergency purposes as may be determined by on-duty security. This language shall be included on the event website(s) and on all event advertising.

Utilities

40. ** The applicant shall demonstrate to the Division of Environmental Health (DEH) that adequate water, sanitation and solid waste facilities will be provided as determined by DEH including, but not limited to:
 - a. A minimum of one toilet shall be provided for each 100 patrons and one hand wash station shall be provided for each 200 patrons. Toilets and hand wash stations will be regularly checked and a septage pumper truck will be available on call to service toilets as needed.
 - b. A minimum of one hand wash station and one toilet facility shall be provided for each 15 food service employees within 200 feet of the designated food vending area.
 - c. Copies of monthly water monitoring results taken to meet State operating requirements shall be submitted monthly from May through the end of October to the Division of Environmental Health.
 - d. A minimum of one water fountain shall be provided for each 500 patrons.
 - e. Two utensil wash areas shall be provided for temporary food vendors and each shall be equipped with a three-compartment sink providing hot and cold running water.
 - f. A minimum of one 50-gallon garbage can shall be provided for each 100 patrons. A garbage hauler shall be available on call to remove and replace dumpsters as needed.

- g. A map precisely locating all wastewater systems servicing the event site, including septic tanks with leach fields, gray water lines, and temporary holding tanks, shall be submitted to the Division of Environmental Health within 30 days of permit approval.
 - h. Event coordinator shall obtain a Community Event packet and submit, to Environmental Health, a Community Event Permit Application at least forty five (45) days prior to any event that will include food service. This will allow the Statement of Adequacy from Environmental Health to be forwarded to the Tax Collector office in a timely manner as required for their Outdoor Festival Permit.
 - i. Self-contained vehicles are to remain self-contained until able to dump at an approved dump station.
41. All food preparation facilities shall meet the requirements of the California Uniform Retail Food Facilities Law (CURFFL). Plans must be submitted to and approved by the Division of Environmental Health prior to construction or use.
42. ** The applicant shall provide temporary portable toilets as requested by any business located in the community of Laytonville.
43. The use of food and beverage packaging made from expanded polystyrene foam (more commonly known as Styrofoam, a trademarked name) shall be prohibited by Retail Food Establishments or Food Providers (definition found in Mendocino County Code Chapter 9.42). No establishment or provider may sell, hand out, give away, distribute or otherwise make available for public or customer use, prepared food in disposable food service ware that contains polystyrene foam.

Fish and Wildlife Fee

44. 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-Wildlife~~ 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 \$2260.00 shall be made payable to the Mendocino County Clerk and submitted to the Department of Planning and Building Services 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-Wildlife~~ 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.**

Other

45. **When presented with significant public complaint the Department of Planning and Building Services may request that the applicant facilitate and attend a community meeting.** ~~The applicants shall facilitate and attend an annual community meeting within 30 days after the final large event planned for over 4,000 attendees.~~ Meeting location shall be within close proximity to the Laytonville community. Effort shall be made to ensure community members are aware of the meeting. Outreach may include local newspaper ads, radio ads and posting flyers. Purpose of the meeting is to gather and address any concerns the community may have regarding the events. List of attendees and minutes of meeting shall be provided to the Department of Planning and Building Services.
46. Applicant shall contact all emergency service providers and if requested, shall coordinate a post-event inspection and meeting to consider future modification to emergency response plans, event logistics, and other issues related to inter-agency coordination and event design.
47. Any responsible public agency personnel may contact the applicant and arrange a pre-event inspection of the project site to assess compliance with the terms and conditions of required permits.
- a. Each year, prior to an event, the applicant shall be responsible for contacting, and if warranted, organizing a "walk through" inspection of the site by law enforcement, fire agencies, other emergency response personnel, to assess compliance with the terms and conditions of required permits and

provisions for emergency response. Such contacts shall be at a minimum of 30 days prior to the event and the walk through, if warranted, shall be within one week of the event.

- b. Within 30 days following the event, the Department of Planning and Building Services shall inspect the project site to assess immediate impacts (e.g., litter, erosion, and other impacts to the subject and surrounding properties) that the event may have directly caused. An inspection fee shall be collected from the applicant/operator for each inspection performed by the Department of Planning and Building Services.
- c. Any agency outlined in "a" above may contact the Department of Planning and Building Services to request a meeting to assess the previous event(s) and to make any adjustment to the terms or conditions of the permit, or the project, as may be necessary to provide for a safer operation. If in the opinion of the Director of Planning and Building Services an issue arises that would significantly modify any term or condition of this Permit, or if in the opinion of any of the reviewing agencies a significant issue has developed that causes any un-resolvable concern, a new public hearing shall be scheduled at the applicant's expense under the revocation/ modification procedures of the zoning ordinance. The applicants shall pay any extraordinary costs related to these agencies for these inspections. A report of the result of these inspections shall be prepared as may be determined by the Director of Planning and Building Services.

It is the intent of this condition to provide some reasonable flexibility and that the applicant and the responsible agencies be authorized to work together to "fine tune" the conditions of this entitlement to provide a quality event for all concerned. Any significant issue that may arise, that cannot be resolved through mutual agreement, or any issue that may cause significant public concern in the opinion of the Director of Planning and Building Services, will cause a revocation/modification hearing, at the applicant's expense, in order to provide public input.

- ~~48. No future event shall be allowed on the subject property unless a complete application is submitted to the County nine (9) months prior to any subsequent event. Failure to comply with this condition will be a violation of this permit and may be grounds for denial of any future event proposed by the applicant or property owner.~~
49. Applicant shall submit a post event report by October 15th of each year, providing evidence of compliance with each condition of approval. Failure to comply with conditions of approval may result in decreased attendance cap or amplified music hours, or revocation of permit.
50. 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.
51. The application along with supplemental exhibits and related materials shall be considered elements of this entitlement and compliance therewith shall be mandatory, unless a modification has been approved.
52. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit described boundaries. Should, at any time, a legal determination be made that the number, size, or shape of parcels within the permit described boundaries are different than that which is legally required by this permit, this permit shall become null and void.
53. This permit shall be subject to the securing of all necessary permits for the proposed development and eventual use from County, State and Federal agencies having jurisdiction. Any requirements imposed by an agency having jurisdiction shall be considered a condition of this permit.
54. This permit shall be subject to revocation or modification by the Planning Commission upon a finding of any one (1) or more of the following grounds:
 - a. That such permit was obtained or extended by fraud.
 - b. That one or more of the conditions upon which such permit was granted have been violated.
 - c. That the use for which the permit was granted is so conducted as to be detrimental to the public health, welfare, or safety, or as to be a nuisance.

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

*** Indicates conditions relating to Environmental Considerations - deletion of these conditions may affect the issuance of a Mitigated Negative Declaration.*

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

7. Matters from Staff.

Mr. Gustavson noted the department had completed interviews and would soon hire new planners to fill vacant positions. He noted work on the Williamson Act Ordinance was progressing for the Special Meeting on June 4, 2015 and several public meetings had been concluded. He also noted discussion on the Mendocino Town Plan continued; however progress was being made on groundwater issues.

Chair Warner asked about the Housing Element Update.

Mr. Gustavson noted comments had been received from HCD and were being incorporated into the document that the Planning Commission had reviewed and he hoped to have the revised document before the Commission in May.

Chair Warner asked about the EIR for the transfer station.

Mr. Gustavson commented that he would need to review and report back to the Commission since it was being sponsored by another County agency; he was unsure if the review by the Planning Commission was necessary.

Commissioner Ogle asked about the Wireless Ordinance.

Mr. Gustavson noted they were on the May 21st agenda and the entire package, including the Wireless Guidelines would be sent to the Board of Supervisors at the same time for adoption.

Commissioner Holtkamp asked if the application submittal of new homes had increase.

Mr. Gustavson was not sure if new homes had increased, but he stated cell tower modifications and new use permits had increased.

Commissioner Ogle commented that it seemed more important than ever to finalize the wireless update consider the increased applications.

8. Matters from Commission.

Commissioner Ogle noted she would be absent in May and the special meeting on June 4th.

9. Adjournment.

Upon motion by Commissioner Hall, seconded by Commissioner Nelson, and unanimously carried (7-0), IT IS ORDERED that the Planning Commission hearing adjourn at 12:43 p.m.