



MENDOCINO COUNTY PLANNING COMMISSION

MINUTES FOR THE MEETING HELD ON: June 18, 2015

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

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

COMMISSIONERS ABSENT: Nelson

PLANNING & BLDG SVC STAFF PRESENT: Steve Dunncliff, Director
Andy Gustavson, Chief Planner
Mary Lynn Hunt, Senior Planner
John Speka, Planner III
Graham Hannaford, Planner II
Adrienne Thompson, Commission Services Supervisor

OTHER COUNTY DEPARTMENTS PRESENT: Matthew Kiedrowski, Deputy County Counsel
Katherine Gamble, Environmental Health

1. **Roll Call.**

The meeting was called to order at 9:02 a.m. Commissioner Nelson was absent by prior arrangement.

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.**

Mr. Dunncliff presented a verbal Director's Report and discussed Bylaws, Rules and Procedures from the Planning Commission Handbook. He noted that a new process for correcting the minutes would be discussed and the department had received an appeal of the zoning clearance of Dollar General.

4. **Matters from Public.**

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

5. **Consent Calendar.**

5a. None.

6. **Regular Calendar.**

6a. **CASE#: MS_2011-0003**

DATE FILED: 6/16/2011

OWNER: BETTY S. DELANEY TRUSTEE

APPLICANT: BETTY DELANEY

AGENT: JIM RONCO

PROJECT COORDINATOR: JOHN SPEKA

REQUEST: Minor Subdivision of a 30± acre parcel into two (2) parcels of 17.20± and 13.2± acres.

ENVIRONMENTAL DETERMINATION: Mitigated Negative Declaration

LOCATION: Approximately 4± miles east of Old Hopland, lying on both sides of State Highway 175; 6201 State Highway 175; APN 50-090-07 and 50-090-08.

RECOMMENDED ACTION: Approve as Recommended by Staff.

Mr. Andy Gustavson discussed a handout that had been provided to the Commission regarding new findings for subdivisions related to fire services and structural fire protection, Government Code 66474.2.

Mr. John Speka, Project Coordinator, reviewed the staff report and noted that the applicant was working with Caltrans for an encroachment permit.

Jim Ronco, agent, agreed with the staff report and stated the applicant had been issued an encroachment permit from Caltrans and a grading permit from the County for the remainder of the driveway.

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

Commissioner Little noted the project was in a dual district, but felt the new findings related to structural fire protection applied and should be added.

Mr. Gustavson agreed and stated that there were 3 applicable findings to add to the end of the current findings list in the staff report. (1) There is substantial evidence in the record that any and all structures that are built on the proposed lots within this subdivision will meet the required State Board of Forestry and Fire Protection regulations that are found in Sections 4290 and 4291 of the Public Resources Code in maintaining defensible space for fire protection of new structures. (2) Structural fire protection and suppression services will be available for the subdivision by a funded public entity (Sanel Valley Fire Protection District) that is organized solely to provide fire protection services. (3) Ingress and egress for the subdivision meets the regulations regarding road standards for fire equipment access and for local ordinance and approved by Caltrans by the Sanel Valley Fire Protection District.

Commissioner Little felt finding #3 applied to regulations under CalFire's 4290 code.

Mr. Gustavson revised finding #3 to state, "Ingress and egress for the subdivision meets the regulations regarding road standards for fire equipment access required by Section 4290 and local ordinance and approved by Caltrans and the Sanel Valley Fire Protection District.

Upon motion by Commissioner Hall, seconded by Commissioner Little and carried by the following roll call vote (6-0), IT IS ORDERED to approve MS_2011-0003 per the findings and conditions contained in the staff report on pages PC 3 through PC 6, adding 3 additional fire findings as modified during the public hearing.

Environmental Findings: The Planning Commission finds that the proposed project would not have a significant effect on the environment, and therefore, a Mitigated Negative Declaration is adopted, in accordance with the California Environmental Quality Act.

Recommended Action and Findings: The Planning Commission approves #MS_2011-0003 subject to conditions of approval and based on the following findings:

1. Pursuant to California Government Code Section 66445(e), the Planning Commission finds that the division and development of the property in the manner set forth on the approved or conditionally approved tentative map will not unreasonably interfere with the free and complete exercise of the public entity or public utility right-of-way or easement.
2. The proposed parcel subdivision complies with all requirements of the Subdivision Map Act and of the Mendocino County Code, specifically with respect to lot area, improvement and design, flood and water drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability and environmental protection.
3. The proposed project is consistent with applicable goals and policies of the General Plan as subject to the conditions of approval.
4. **There is substantial evidence in the record that any and all structures that are built on the proposed lots within this subdivision will meet the required State Board of Forestry and Fire Protection regulations that are found in Sections 4290 and 4291 of the Public Resources Code in maintaining defensible space for fire protection of new structures.**
5. **Structural fire protection and suppression services will be available for the subdivision by a funded public entity (Sanel Valley Fire Protection District) that is organized solely to provide fire protection services.**
6. **Ingress and egress for the subdivision meets the regulations regarding road standards for fire equipment access and for local ordinance and approved by Caltrans by the Sanel Valley Fire Protection District.**

RECOMMENDED 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.

Agriculture and Forestry Resources

- **2. A note shall appear on the ***Parcel Map*** that residential development shall be setback a minimum of 200 feet from neighboring properties that are zoned Rangeland or are under a Williamson Act contract.

Air Quality

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

Biological Resources

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 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 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 as "*no effect*" on the environment. If the project is appealed, the payment will be held by the Department of Planning and Building Services until the appeal is decided. Depending on the outcome of the appeal, the payment will either be filed with the County Clerk (if the project is approved) or

returned to the payer (if the project is denied). Failure to pay this fee by the specified deadline shall result in the entitlement becoming null and void. **The applicant has the sole responsibility to insure timely compliance with this condition.**

Cultural Resources

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 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.
7. A notation shall be placed 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".
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 Parcel 1 completed by a qualified individual demonstrating compliance with the North Coast Regional Water Quality Control Board's Basin Plan Policy for On-site Waste Treatment and

Disposal and Mendocino County Division of Environmental Health's Land Division Requirements (DEH FORM # 26.09).

Hazards and Hazardous Materials

10. The subdivider shall comply with those recommendations in the **California Department of Forestry** letter of June 12, 2011_ (**CDF# 127-11**) 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**.

The subdivider shall also comply with those recommendations of the **Sanel Valley Fire District** or other alternatives as acceptable to the **Fire District**. Written verification shall be submitted from **Fire District** to the Department of Planning and Building Services that this condition has been met to the satisfaction of the **Fire District**.

Hydrology and Water Quality

11. The applicant shall submit to the Division of Environmental Health an acceptable site development plan at a scale of not more than 1 inch = 50 feet showing all adjacent parcels on one sheet completed by a qualified individual showing the location and dimensions of the initial sewage disposal system(s), 100% replacement area(s), acceptable setback distances to water wells and other pertinent setback distances which may impact project site development.
12. 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 either on parcel(s) 1 or 2 of the subdivision demonstrating an adequate water supply in compliance with the Division of Environmental Health's Land Division Requirements (DEH FORM # 26.09).
13. 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.

Transportation/Traffic

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. A standard private road approach shall be constructed at the Highway in accordance with encroachment permit procedures administered by the California Department of Transportation.
17. 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, Warner, Holtkamp, Hall, Ogle
NOES: None
ABSENT: Nelson

Mr. Gustavson introduced Adele Phillips, a new planner with Mendocino County.

6b. **CASE#: P_2014-0001**

DATE FILED: 5/9/2014

OWNER: H W C & ASSOCIATES LLC

APPLICANT/AGENT: RANDY WESTON

PROJECT COORDINATOR: FRED TARR

REQUEST: Parcel Subdivision of a 287+/- acres parcel into four (4) parcels of 47+/-, 47+/-, 74+/-, and 119+/- acres. The private road name "Pear Ranch Road" is proposed to serve the parcels.

ENVIRONMENTAL DETERMINATION: Mitigated Negative Declaration.

LOCATION: In Covelo, approximately 1.5+/- miles south of town center, lying north of Fairbanks Road (CR# 327) just east of its intersection with State Highway 162 (Covelo Road). APN's 034-121-63, 66, 71, and 72.

RECOMMENDED ACTION: Approve as Recommended by Staff.

Ms. Mary Lynn Hunt reviewed the staff report for Fred Tarr, who was unavailable. She stated the private road would be named Pear Ranch Road and included on the Final Map. She discussed the maps from the staff report, which had been displayed on the overhead projector for the Commission and stated that structural fire protection findings had been added to the report. Ms. Hunt noted a memo had been distributed to the Commission recommending two Special Conditions of Approval: (1) A notation shall appear on the **Parcel Map** that "the subject property is located within and adjacent to **Agricultural Zoned** land and residents of the property may be subject to inconvenience or discomfort arising from use of agricultural chemicals, and from the pursuit of agricultural and timber 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 farming and timber harvesting operations." (2) The Private Road Name Pear Ranch Road shall be shown on the Final Map to be recorded. It shall be the responsibility of the subdivider to provide a street sign for the newly named private roadway. The sign shall conform to the county standards for signs. Site addresses shall be posted for each of the proposed parcels in conformance with Mendocino County Code Section 18.16.

The Commission discussed the difference between a parcel division and subdivision with staff.

Chair Warner asked if the 2 new conditions should be add to the end of the list or somewhere inside the list and be renumbered.

Ms. Hunt noted they could be placed at the end as Special Conditions.

Commissioner Hall discussed the location of the buffer to agricultural properties.

Ms. Hunt commented that a note shall appear on the parcel map, however if the Commission wished, a delineation of the buffer on the Parcel Map could be required.

Commissioner Little asked why there was a special condition for the bridge.

Ms. Hunt noted that the Department of Transportation was not present and she was unsure of the reason. She commented the applicant may have more information.

Randy Weston, applicant/agent, commented that a culvert had been removed and a bridge put in its place to make the road traversable. He also stated that he did not understand the 200 foot buffer to agricultural uses.

Chair Warner noted the buffer would only apply to the north, east and west and would not apply to interior boundaries or along the roadway.

Mr. Weston discussed Condition #12 regarding proof of water and asked if it was necessary since there was an ag well on proposed parcel 1 producing 300-400 gallons per minute. He also stated that the bridge condition was related to the roadway and stated that a drainage culvert had been removed and replaced with a bridge.

Commissioner Ogle asked if Mr. Weston intended for a single well to serve all 4 parcels.

Mr. Weston commented that he thought the requirement was to drill a single test well and since there was an existing well, the requirement did not apply.

Ms. Hunt stated that with subdivisions, generally proof of water was only required on 1 parcel, however as the condition was from the Division of Environmental Health she preferred not to modify the language.

Katherine Gamble, Environmental Health, commented that Environmental Health Specialist, Marlayna Bourbonnais, was working with the applicant and had requested more documentation for the existing ag well and pump. She noted that in Round Valley, the land division requirements for proof of water could be waived; however staff had been adding the condition as a standard condition to all applications.

Chair Warner noted the Commission could not give a definitive answer as the issue was being worked on with Environmental Health and the applicant.

Commissioner Krueger asked the definition of an ag well.

Ms. Hunt commented that it was the historic use of the well.

Mr. Weston stated that domestic wells do not provide the output that an ag well does, from his understanding, and had a larger casing and pump capable of producing large quantities of water.

Commissioner Little noted the applicant was working with Environmental Health and asked if "qualified individual" could be deleted from the condition.

Mr. Gustavson commented that the condition was coming forward on all projects and had been applied by another agency. He did not think it was appropriate for the Commission to modify the language.

Commissioner Little noted that Environmental Health historically had not required proof of water on subdivisions in Round Valley and felt discretion could be used.

Ms. Gamble added that instead of a qualified individual, Environmental Health could perform the evaluation.

Ms. Hunt suggested the condition be revised to read; "...completed by a qualified individual or other means acceptable to Environmental Health".

The Commission agreed to modify Condition #12.

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

Mr. Weston read a section from the land division requirements

Commissioner Little made a motion to approve the Parcel Division, modifying Condition #12, as stated by staff and per the findings and conditions of approval contained in the staff report on pages PC 3 through PC 7, adding the special conditions contained in the memo dated June 18, 2015.

Mr. Gustavson noted a revision in Finding #6, to insert after access, "pursuant to section 4290 of PRC..."

Chair Warner discussed Condition #2 and asked about adding a delineation on the parcel map for the ag buffer.

Ms. Hunt added to Condition #2, after noted; "and delineation of the buffer shall appear on..."

Upon motion by Commissioner Little, seconded by Commissioner Ogle and carried by the following roll call vote (6-0), IT IS ORDERED to approve Parcel Division #P_2014-0001 per the findings and conditions of approval contained in the staff report on pages PC 3 through PC 7, modifying Conditions # 2, 6 and 12, and Finding #6 as discussed in the public hearing and adding 2 special conditions as identified in the memo dated June 18, 2015.

Environmental Findings: The Planning Commission finds that the proposed project would not have a significant effect on the environment, and therefore, a Mitigated Negative Declaration is adopted, in accordance with the California Environmental Quality Act.

Recommended Action and Findings: The Planning Commission approves #P_2014-0001 subject to conditions of approval and based on the following findings:

1. Pursuant to California Government Code Section 66445(e), the Planning Commission finds that the division and development of the property in the manner set forth on the approved or conditionally approved tentative map will not unreasonably interfere with the free and complete exercise of the public entity or public utility right-of-way or easement.
2. The proposed parcel subdivision complies with all requirements of the Subdivision Map Act and of the Mendocino County Code, specifically with respect to lot area, improvement and design, flood and water drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability and environmental protection.
3. The proposed project is consistent with applicable goals and policies of the General Plan and is subject to the conditions of approval.
4. There is substantial evidence in the record that any and all structures that are built on the proposed lots within this subdivision will meet the required State Board of Forestry and Fire Protection regulations that are found in Sections 4290 and 4291 of the Public Resources Code in maintaining defensible space for fire protection of new structures.
5. Structural fire protection and suppression services will be available for the subdivision by a funded public entity (Covelo Fire Protection District) that is organized solely to provide fire protection services.
6. Ingress and egress for the subdivision meets the regulations regarding road standards for fire equipment access, **pursuant to section 4290 of the Public Resource Code**, and for local ordinance and approved by the Mendocino County Department of Transportation and by the Covelo Fire Protection District.

RECOMMENDED 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.

Agriculture and Forestry Resources:

- ** 2. A note **and delineation of the buffer** shall appear on the ***Parcel Map*** that residential development shall be setback a minimum of 200 feet from neighboring properties that are zoned Agriculture, Rangeland or are under a Williamson Act contract.

Air Quality

3. A note shall appear on the ***Parcel Map*** or ***Additional Information Sheet*** 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:

- ** 4. The subdivider shall submit to the Department of Planning and Building Services, an **Exhibit Map** defining the Oak Woodland Areas on proposed Parcels 3 and 4. This **Exhibit Map** shall include a 50 foot buffer extending from the drip-line of the Oak Trees in which no future development will be permitted.
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 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 Wildlife upon their finding that the project as “*no effect*” on the environment. If the project is appealed, the payment will be held by the Department of Planning and Building Services until the appeal is decided. Depending on the outcome of the appeal, the payment will either be filed with the County Clerk (if the project is approved) or returned to the payer (if the project is denied). Failure to pay this fee by the specified deadline shall result in the entitlement becoming null and void. **The applicant has the sole responsibility to insure timely compliance with this condition.**

Cultural Resources:

- **6. Those “Recommendations” outlined in the Archaeological Report dated August 8, 2014, prepared by, Alex DeGeorgey MA, Registered Professional Archaeologist shall be complied with. In addition, Mendocino County Archaeological Commission requires a building/development restriction shall be carried forward with deed restrictions. In the event that additional archaeological resources are encountered during development of the property, work in the immediate vicinity of the find shall be halted until all requirements of Chapter 22.12 of the Mendocino County Code relating to archaeological discoveries have been satisfied.

Geology and Soils:

- **7. 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 (38.3m³) on any one lot and does not obstruct drainage.
- **8. A notation shall be placed 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".
- **9. 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.
- **10. The applicant shall submit to the Division of Environmental Health an acceptable site evaluation report (DEH FORM # 42.04) for parcel(s) 1-4 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).
- **11. The applicant shall submit to the Division of Environmental Health an acceptable site development plan at a scale of not more than 1 inch = 50 feet showing all adjacent parcels on one sheet completed by a qualified individual showing the location and dimensions of the initial sewage disposal system(s), 100% replacement area(s), acceptable setback distances to water wells and other pertinent setback distances which may impact project site development.
- **12. The applicant shall submit to the Division of Environmental Health an acceptable water quantity evaluation (DEH FORM # 26.05) completed by a qualified individual, **or other means acceptable to Environmental Health**, of a water source located on parcel(s) Any of the subdivision demonstrating an adequate water supply in compliance with the Division of Environmental Health's Land Division Requirements (DEH FORM # 26.09).
- **13. 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.

Hazards and Hazardous Materials:

- **14. The subdivider shall also contact the Covelo Fire District and written verification shall be submitted from the Fire District to the Department of Planning and Building Services that compliance with Covelo Fire District requirements have been met to their satisfaction.

Transportation/Traffic:

- **15. There shall be provided an access easement of forty-six (46) and sixty (60) feet in width (as per tentative map) from a Fairbank Road (CR 327A) to the easterly boundary of Parcel 1.
- **16. 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.
- **17. 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.
- **18. Construct a twenty-two (22) foot wide road with an eight (8) inch thick aggregate base surface from Fairbanks Road (CR 327A) to the easterly boundary of Parcel 1, using a minimum of horizontal curve radius of one hundred twenty-five (125) feet, grade not to exceed fifteen (15) percent, and drainage culverts where

necessary. New or replaced culverts shall be a minimum of 18 inches in diameter. Road improvements shall be constructed in conformance with improvement plans prepared by a professional civil engineer licensed by the State of California.

- **19. A standard private road approach shall be constructed at the subdivision road intersection with Fairbank Road (CR 327A), with a minimum width of twenty-two (22) feet in conformance with Mendocino County Department Design Standards No A51B, A51C, A52 and A53.
- **20 Any proposed work within County rights-of-way requires obtaining an encroachment permit from the Mendocino County Department of Transportation.
- **21. A 40-foot radius turnaround shall be constructed within a 50-foot radius easement at the locations shown on the tentative map to the satisfaction of the Mendocino County Department of Transportation.
- **22. Special Condition for Bridges: A report prepared by a Civil Engineer shall be filed with the Mendocino County Department of Transportation, verifying the opening beneath the creek crossing has sufficient capacity to accommodate the 100-year flood, and that the creek crossing can sustain an HS-20 loading. The report shall verify that, in the opinion of the Engineer, the crossing has been constructed in accordance with acceptable industry practice, is suitable for a structure sited at this location, and has no outstanding maintenance defects or limitations. If the crossing meets the HS-20 loading, but is not able to safely support all combinations of State legal loads (as determined by California Vehicle Code Section 35550 et seq.), the report shall also specify the allowable capacity, and signs shall be posted on each side of the crossing (Uniform Sign Type R20B, 24" minimum, with appropriate Type R20D) to indicate the load restrictions. Any bridge or culvert construction, or modifications, shall be performed under the direct supervision of a Civil Engineer. A building permit will be required from the Department of Planning and Building Services. Prior to construction of the creek crossing, subdivider shall obtain any necessary permits from the California Department of Fish and Game (Wildlife), the U.S. Army Corps of Engineers, and any other agencies with jurisdiction. The Civil Engineer shall verify in the report that all necessary permits were obtained.
- 23. The applicant shall create, to the satisfaction of Mendocino County Counsel and the Department of Planning and Building Services, an organization for the maintenance of the private roads and appurtenant drainage systems within the subdivision. A fee to be collected for review is \$150, check payable to Mendocino County Counsel.
- 24. In-lieu fees shall be paid into the Affordable Housing Trust Fund per Section 20.238.035 of the County Code equaling 5% of County-wide median sales price of a single-family residence. Fees shall be collected prior to recordation of the **Parcel Map**.
- 25. The new legal descriptions proposed by Boundary Line Adjustment #B_2014-0051 must be recorded in quit claim deeds prior to the recordation of Parcel Division #P_2014-0001.

SPECIAL CONDITIONS OF APPROVAL:

- 26. A notation shall appear on the **Parcel Map** that "the subject property is located within and adjacent to **Agricultural Zoned** land and residents of the property may be subject to inconvenience or discomfort arising from use of agricultural chemicals, and from the pursuit of agricultural and timber 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 farming and timber harvesting operations."
- 27. The Private Road Name Pear Ranch Road shall be shown on the Final Map to be recorded. It shall be the responsibility of the subdivider to provide a street sign for the newly named private roadway. The sign shall conform to the county standards for signs. Site addresses shall be posted for each of the proposed parcels in conformance with Mendocino County Code Section 18.16.

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

[Break 10:02 AM – 10:09 AM]

6c. CASE#: GP_2014-0001

DATE FILED: 9/12/2014

OWNER: NUMEROUS

APPLICANT: County of Mendocino

AGENT: Planning and Building Services

PROJECT COORDINATOR: GRAHAM HANNAFORD

REQUEST: Mendocino County Housing Element Update, incorporating edits and amendments to the Introduction, Housing Needs Assessment, Housing Constraints and Opportunities, Housing Resources, and Housing Accomplishments sections. This Draft Housing Element Update is for the 2014-2019 cycle.

ENVIRONMENTAL DETERMINATION: Negative Declaration

LOCATION: All unincorporated areas within Mendocino County, excluding areas within the city limits of Ukiah, Fort Bragg, Willits and Point Arena.

RECOMMENDED ACTION: Recommend the Board of Supervisors amend the County of Mendocino General Plan to incorporate the 2014 Housing Element Update.

Mr. Gustavson introduced Graham Hannaford.

Graham Hannaford, Project Coordinator, reviewed the staff report and presented a power point of the project. He discussed the history of the project and noted the revised document had been submitted to Housing and Community Development (HCD) for comment; those comments had been added to the document before the Commission in red. He reviewed the process for the Commission, stating the Planning Commission would make a recommendation to the Board of Supervisors for the Housing Element Update and then the final document would be certified by HCD. Last, Mr. Hannaford noted that environmental impacts on future development would be evaluated on a case by case basis.

The Commission and staff discussed the specific changes recommended by HCD.

Chair Warner commented on how small the changes recommended by HCD were. She asked that the language on Attachment B, page 5-35 be clarified, as it seemed somewhat vague.

Commissioner Little noted that Table 5-2-4, page 5-30 of the strikeout version, had a typo; under 2010 Total Households 39,945 (34,945). He also commented on the increase of households without an increase in population.

Mr. Gustavson noted the change was due to changing household demographics and more single-parent and single-person households being present.

Commissioner Little noted that it was an important point to make, as income would be lower for single households. He also discussed the high unemployment rate and poverty level for Laytonville noting that one of the highest median sales price for homes was also located in Laytonville. He stated that marijuana cultivation had a huge impact on the affordability of housing in the County and stated it was a glaring deficiency. He distributed a document he had prepared showing what the average income would have to be to purchase a home in the Laytonville area.

Mr. Gustavson noted that the Housing Element was not meant to address only low and very low income levels, but also to provide housing for moderate income.

Commissioner Little stated the reality was people with legitimate jobs could not afford to buy a house.

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

The Commission noted staff had done an excellent job with the document.

Upon motion by Commissioner Holtkamp, seconded by Commissioner Ogle and carried by the following roll call vote (6-0), IT IS ORDERED to recommend that the Board of Supervisors adopt GP_2014-0001, the 2014 Housing Element Update, with the suggested changes to Table 5-2-4 and the language in Attachment B on page 5-35, and resubmit the document to HCD for certification.

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

7. Matters from Staff.

Matt Kiedrowski, Deputy County Counsel, discussed the phased moratorium and noted that on June 1, 2015 it became a County wide subdivision moratorium. He stated that after January 1st, the moratorium would expand into general plan amendment applications and rezonings, until the settlement agreement was satisfied. He stated applications would be reviewed by legal services, but in most cases, were not suitable for affordable housing.

Chair Warner asked how many acres the County was short before compliance with the rezone requirement.

Mr. Kiedrowski was not sure of the exact number.

Commissioner Holtkamp asked if adoption of the new Housing Element would impact the moratorium.

Mr. Gustavson stated it would not help with the moratorium as the rezoning requirement was part of the previous Housing Element and must be completed. He noted there was an exception process available to applicants, if they qualified.

Mr. Kiedrowski commented that the requirement was not strictly for affordable housing, but also multifamily housing, which did not require a deed restriction.

8. Matters from Commission.

Chair Warner noted staff had a new procedure for approving minutes.

Mr. Gustavson stated staff would be revising the process to ensure that corrections the corrections were part of the public record.

The Commission discussed the purpose of having minutes on the consent calendar.

Mr. Dunicliff stated that consent items were generally routine and non-controversial.

9. Adjournment.

Upon motion by Commissioner Little, seconded by Commissioner Ogle, and unanimously carried (6-0), IT IS ORDERED that the Planning Commission hearing adjourn at 10:52 a.m.