

MENDOCINO COUNTY PLANNING COMMISSION

MINUTES

MAY 20, 2004

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

COMMISSIONERS PRESENT: McCowen, Barth, Nelson, Little, Edwards

COMMISSIONERS ABSENT: Lipmanson, Calvert

PLANNING & BLDG SVC STAFF PRESENT: Sandi Butterfield, Staff Assistant IV
Debra White, Office Manager
Raymond Hall, Director
Frank Lynch, Chief Planner

OTHER COUNTY DEPARTMENTS PRESENT: Frank Zotter, Deputy County Counsel

1. **Roll Call.**

The meeting was called to order at 9:03 a.m. Commissioners Lipmanson and Calvert were absent by pre-arrangement. Commissioner Nelson arrived at 9:23 a.m.

2. **Determination of Legal Notice.**

Mr. Lynch advised the Commission that all items have been properly noticed.

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

Mr. Hall reviewed the written Director's Report submitted into the record.

4. **Regular Calendar.**

4A. **U 25-2003 – NORKFOLK/US CELLULAR – South of Hopland**

Request: Use Permit to co-develop a communication site consisting of two adjacent compounds and a 120-foot monopole. Each carrier will have up to 12 panel antennas and one microwave dish. Each compound will consist of a 40 by 40 square foot area, surrounded by a 6-foot chain link fence, housing various equipment structures, generators, etc. (Note: The Department of Planning and Building Services is recommending that the applicants each provide 360-degree communication coverage, which may result in installation of an additional panel antenna.)

Mr. Lynch reviewed the staff report.

Ms. Jennifer Donnelly, representing Verizon Wireless, spoke in support of the application and responded to questions from the Commission, particularly Chairman McCowen who questioned the need for the requested height.

In response to Commissioner Barth, Ms. Donnelly stated that there would be space for emergency service providers if requested from any agency.

Mr. Alan Waters, representing Edge Wireless, further responded that the additional height was needed to achieve coverage objectives due in part to the switch from analog to digital technology.

Mr. Roy Willy, representing Edge Wireless, added that each carrier utilized a different frequency and that each frequency provides different coverage, therefore, a lower position on a particular tower may work for one carrier, but not necessarily for another. In response to Commissioner Little, he confirmed that the height required at a specific site is related to coverage from other tower locations in the carriers network.

The public hearing was declared open and subsequently closed when no one came forward to address the Commission.

Commissioner Little recommended including a condition to allow emergency service providers to utilize the tower and suggested that staff include this as a standard condition in the future.

Upon motion by Commissioner Little, seconded by Commissioner Edwards and carried by the following roll call vote, IT IS ORDERED that the Planning Commission adopts a Negative Declaration and approves #U 25-2003 making the following findings and subject to the following conditions of approval:

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

Department of Fish and Game Finding: The Planning Commission has evaluated the Initial Study and other information pertinent to the potential environmental impacts of this project and finds that, based upon existing development on the subject parcel, the limited area to be disturbed and that no unique plant or habitat will be impacted, the project will not have any adverse impact upon wildlife or the habitat upon which wildlife depends and, therefore, the Commission has rebutted the presumption set forth in subdivision (d) of Section 711.4 of the Department of Fish and Game Code.

Environmental Findings: The Planning Commission finds that the project can be adequately mitigated through conditions of approval and therefore adopts a Negative Declaration.

Project Findings: The Planning Commission approves #U 25-2003 subject to the conditions of approval recommended by staff further finding:

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

CONDITIONS OF APPROVAL:

1. This permit ~~shall~~ expire on ~~May 20~~ ~~March 18~~, 2014. The applicant has the sole responsibility for renewing this permit before the expiration date. The county will not provide a notice prior to the expiration date.
2. This permit shall become effective after all applicable appeal periods have expired or appeal processes have been exhausted. Failure of the applicant to make use of this permit within two years shall result in the automatic expiration of this permit.
3. As soon as practical following completion of any earth disturbance, vegetative ground cover or driveway surfacing equal to or better than existing shall be reestablished on all disturbed portions of the site.
4. Temporary erosion control measures shall be in place at the end of each work day and shall be maintained until permanent protection is established.
5. This permit is subject to the securing of all necessary permits for the proposed development and eventual use from County, State and Federal agencies having jurisdiction. Any requirements imposed by an agency having jurisdiction shall be considered a condition of this permit.
6. This entitlement does not become effective or operative and no work shall be commenced under this entitlement until the California Department of Fish and Game filing fees required or authorized by Section 711.4 of the Fish and Game Code are submitted to the Mendocino County Department of Planning and Building Services. Said fee of \$25.00 shall be made payable to the Mendocino County Clerk and submitted to the Department of Planning and Building Services prior to June 4, 2004. If the project is appealed, the payment will be held by the Department of Planning and Building Services until the appeal is decided. Depending the outcome of the appeal, the payment will either be filed with the County Clerk (if project is approved) or returned to the payer (if project is denied). Failure to pay this fee by the specified deadline shall result in the entitlement becoming null and void.
7. Exterior light fixtures shall be designed or located so that only reflected, non-glaring light is visible from beyond the immediate vicinity of the site, and lights shall be turned off except when in use by facility personnel. No aircraft warning lighting shall be installed.
8. The pole and antenna panels shall have a non-reflective finish and be a light gray color to blend with the sky.
9. One or more warning signs consistent with FCC and ANSI regulations shall be displayed in close proximity to the antenna tower. All signage shall be located and designed to have the least visual impact possible. The intent is that Federal safety requirements will be met with the least visual impact from public locations.
10. If use of any portion of the proposed facility is discontinued for more than one year, all parts of the facility not in use, above grade, shall be completely removed from the site, and the site shall be restored to a natural-appearing condition.
11. Prior to issuance of a building permit, the applicant shall provide an irrevocable letter of credit, bond, certificate of deposit, or other reasonable form of security satisfactory to

County Counsel, sufficient to fund the removal of the facility and restoration of the site in the event that the applicant abandons operations or fails to comply with requirements for removal of facilities and restoration of the site.

12. In the event that archaeological resources are encountered on the site, further disturbance in the immediate vicinity of the find shall be halted until all requirements of Chapter 22.12 of the Mendocino County Code relating to archaeological discoveries have been satisfied.
13. By commencing work allowed by this permit, the applicant agrees to negotiate in good faith with third parties requesting shared use of the site.
14. Prior to the final inspection by the Building Division, an identification sign for each company responsible for operation and maintenance of facilities at the site, no larger than one square foot, shall be mounted on an exterior wall in a location visible when approached from the street, and shall provide the name, address, and emergency telephone number of the responsible companies. The address assigned to the site by the Planning and Building Services Department shall also be posted.
15. The antennas and supporting structure shall be inspected every five years, and following significant storm or seismic events, by a structural engineer licensed in the State of California to assess their structural integrity, and a report of the engineer's findings shall be submitted to the Planning and Building Services Department.
16. Prior to commencement of operations, all surplus construction materials and debris, including cleared vegetation, shall be removed from the site to a proper disposal facility. Thereafter the site shall be kept free of refuse.
17. The use and occupancy of the premises shall be established and maintained in conformance with the provisions of Title 20 of the Mendocino County Code unless modified by conditions of the use permit.
18. The application along with supplemental exhibits and related material shall be considered elements of this entitlement and compliance therewith shall be mandatory, unless a modification has been approved by the Planning Commission.
19. This permit shall be subject to revocation or modification by the Planning Commission upon a finding of any one or more of the following grounds:
 - a. That the permit was obtained or extended by fraud.
 - b. That one or more of the conditions upon which the permit was granted have been violated.
 - c. That the use for which the permit was granted is conducted in a manner detrimental to the public health, welfare or safety, or is a nuisance.

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

20. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit boundaries. Should, at any time, a legal determination be made that the number, size or shape of parcels within the

permit boundaries are different than that which is legally required by this permit, this permit shall become null and void.

21. Each provider shall provide 360-degree communication coverage of the surrounding area. Should this require an additional antenna, one additional panel antenna shall be authorized provided it is like sized to the other individual panel antennas authorized by this entitlement. Prior to installation of such additional antenna, written documentation demonstrating that the antenna is needed to achieve the desired coverage and a revised elevation of the final antenna configuration shall be provided to the Department of Planning and Building Services.
22. The applicant shall, upon request, provide space for any emergency services agency seeking to locate at this site.

AYES: Barth, Edwards, Little, McCowen

NOES: None

ABSENT: Calvert, Nelson, Lipmanson

4B. CDU 34-2003 – MENDOCINO LAND TRUST – South of Albion

Request: Coastal Development Use Permit to allow for the development of recreational public access trails, a parking lot and access road, signage, benches and fencing on a coastal bluff known as Navarro Point.

Commissioner Barth stated that she has talked to people involved with the Mendocino Land Trust but has not discussed this case with anyone involved with the association.

Mr. Lynch reviewed the staff report and correspondence. He also handed out pictures and a new map showing the new parking lot location.

Ms. Louisa Morris, representing the Mendocino Land Trust, spoke in support of the application and responded to questions from the Commission. She noted a concern with Condition Number 9 regarding vegetation. She stated that planting shrubs around the parking lot would draw more attention to the parking lot because the site is predominantly grasslands.

Commissioner Barth stated that she had site viewed the property and handed out pictures.

In response to Commissioner Edwards, Ms. Morris responded that the site is not appropriate for recreational fishing given the unstable condition of the bluffs, but that there was no prohibition on such use.

In response to Chairman McCowen, Ms. Morris stated that the proposed driveway access was the only location on the property that provided adequate line of site. She stated that the parking lot location was also dictated by the location of the pond and the drainage swale that feeds the pond.

The public hearing was declared open and subsequently closed when no one came forward to address the Commission.

Mr. Lynch referred to the letter from Rixanne Wehren, representing the Sierra Club, requesting that consideration be given to incorporating the California Coastal trail into the trail design for the site.

Commissioner Barth stated that she liked the trail design, and low visual impact of the proposed barriers. She stated she was satisfied with the parking lot location and expressed the hope that the historic fencing and water trough would be preserved.

Chairman McCowen stated his concern that the parking lot location would be visually obtrusive for visitors traveling to the coast via Highway 128. He referred to the Orthophoto of the property on Page PC-21 and stated that additional fill would be required, but that safe access could be provided at the midpoint of the straightaway at the northern end of the property. He further stated that a path could be weeded whacked on an angle from the current north and south ends of the trail to the Highway 1 frontage to provide for the coastal trail.

Commissioner Nelson questioned the need for restroom facilities.

Ms. Morris stated that the property would be monitored weekly and if it became apparent that bathroom facilities were necessary they would seek to provide them.

Upon motion by Commissioner Barth, seconded by Commissioner Little and carried by the following roll call vote, IT IS ORDERED that the Planning Commission adopts a Negative Declaration and approves #CDU 34-2003 making the following findings and subject to the following conditions of approval:

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 and Coastal Element of the General Plan as subject to the conditions being recommended by staff.

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 Negative Declaration is adopted.

Department of Fish and Game Findings: The Planning Commission has evaluated the Initial Study and other information pertinent to the potential environmental impacts of this project and finds that, based on the fact that the parcel will be predominantly retained in its undeveloped natural state, the project will not have any adverse impact upon wildlife or the habitat upon which wildlife depends and, therefore, the Commission has rebutted the presumption set forth in subdivision (d) of Section 753.5.

Coastal Development Permit Findings: The Planning Commission finds that the application and supporting documents and exhibits contain information and conditions sufficient to establish, as required by Section 20.532.095 of the Coastal Zoning Code, that:

1. The proposed development is in conformity with the certified local coastal program; and
2. The proposed development will be provided with adequate utilities, access roads, drainage and other necessary facilities; and
3. The proposed development is consistent with the purpose and intent of the zoning district applicable to the property, as well as the provisions of the Coastal Zoning Code, and preserves the integrity of the zoning district; and
4. The proposed development will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

5. The proposed development will not have any adverse impacts on any known archaeological or paleontological resource.
6. Other public services, including but not limited to, solid waste and public roadway capacity have been considered and are adequate to serve the proposed development.
7. The proposed development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act and the Coastal Element of the General Plan.
8. Environmentally Sensitive Habitat Areas.
 - (a) The resource as identified will not be significantly degraded by the proposed development.
 - (b) There is no feasible less environmentally damaging alternative.
 - (c) All feasible mitigation measures capable of reducing or eliminating project related impacts have been adopted.

Project Findings: The Planning Commission, making the above findings, approves #CDU 34-2003 subject to the following conditions of approval.

CONDITIONS OF APPROVAL:

1. This entitlement does not become effective or operative and no work shall be commenced under this entitlement until the California Department of Fish and Game filing fees required or authorized by Section 711.4 if the Fish and Game Code are submitted to the Mendocino County Department of Planning and Building Services. Said fee of \$25.00 shall be made payable to the Mendocino County Clerk and submitted to the Department of Planning and Building Services prior to June 4, 2004. 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.
2. This permit shall become effective after all applicable appeal periods have expired, or appeal processes have been exhausted, and after any fees required or authorized by Section 711.4 of the Fish and Game Code are submitted to the Department of Planning and Building Services. Failure of the applicant to make use of this permit within two years or failure to comply with payment of any fees within specified time periods shall result in the automatic expiration of this permit.
3. Native vegetation shall be reestablished on all areas of disturbed soil in conformance with Chapter 20.492 of the Mendocino County Code. All erosion control measures specified in the Parking Lot Design Plans prepared by Green Valley Consulting Engineers shall be incorporated into the construction of the parking lot and driveway. Silt fencing installed below the construction area shall be installed as close as possible to the work area to provide maximum undisturbed buffer area (not less than 100 feet) above the downslope wetland.

4. Prior to the issuance of the Coastal Development Permit, the landowner (Mendocino Land Trust (MLT), or as otherwise shown on the Official Records found in Mendocino County Recorder's office), shall execute and record a deed restriction, in a form and content acceptable to the Coastal Permit Administrator which shall provide that:
 - a. The landowner (MLT) understands that the site may be subject to extraordinary geologic and erosion hazard and landowner (MLT) assumes the risk from such hazards;
 - b. The landowner (MLT) agrees to indemnify and hold harmless the County of Mendocino, its successors in interest, advisors, officers, agents and employees against any and all claims, demands, damages, costs, and expenses of liability (including without limitation attorneys' fees and costs of the suit) arising out of the design, construction, operation, maintenance, existence or failure of the permitted project, including, without limitation, all claims made by any individual or entity or arising out of any work performed in connection with the permitted project;
 - c. The landowner (MLT) agrees that any adverse impacts to the property caused by the permitted project shall be fully the responsibility of the applicant;
 - d. The landowner (MLT) shall not construct any bluff or shoreline protective devices to protect the improvements in the event that these structures are subject to damage or other erosional hazards in the future;
 - e. The landowner (MLT) shall remove the trail and associated developments when bluff retreat reaches the point at which the structure is threatened. In the event that improvements associated with the trail fall to the beach before they can be removed from the blufftop, the landowner (MLT) shall remove all recoverable debris associated with these structures from the beach and ocean and lawfully dispose of the material in an approved disposal site. The landowner (MLT) shall bear all costs associated with such removal; and
 - f. The document shall run with the land, bind all successors and assignees, and shall be recorded free of all prior liens and encumbrances, except for tax liens.
5. The landowner shall monitor the impacts of public use of the site and implement additional mitigation measures if needed to prevent damage to sensitive areas, particularly the wetland, the peninsula, and the bluff face.
6. Prior to issuance of the coastal development permit, the applicant shall submit a revised Plot Plan which shall show the revised location of the parking lot; and the resulting changes in trail locations, with consideration given to including use of the old quarry road as the main trail between the parking lot and the bluff.
7. Work within the Highway 1 right of way shall be completed in accordance with encroachment procedures administered by California Department of Transportation.
8. The applicant shall comply with those recommendations in the California Department of Forestry Conditions of Approval (CDF# 67-03) or other alternatives acceptable to the Department of Forestry. Prior to the final inspection of the grading permit, 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.

9. Within one year of the final inspection of the grading permit for the driveway and parking lot, a few (6-10) native shrubs or other vegetation shall be planted, as appropriate, near the north, east, and south edges of the parking lot to slightly soften the visual impact of the lot and parked cars. Vegetation selected shall be maintained and replaced as required, and shall not be allowed be so large as to obstruct views of the ocean from the highway.
10. Signs shall be designed and located to avoid blocking public views of the ocean and shall conform with setback requirements. Sign posts and frames shall be of colors and materials selected to be compatible with and blend with the natural environment. Management sign at a parking lot shall include a trails map.
11. The recommendations for protection of cultural resources described in the Archaeological Survey prepared by Thad Van Bueren, MA, dated June 26, 2000, shall be incorporated into the development of the site. In the event that archaeological resources are encountered during construction of the project, 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.
12. It shall be the responsibility of the applicant to ensure that contractors engaged to perform work on the site are aware of the conditions of this permit and that all work performed is in compliance with applicable conditions.
13. The use and occupancy of the premises shall be established and maintained in conformance with the provisions of Title 20 of the Mendocino County Code unless modified by conditions of the use permit.
14. The application along with supplemental exhibits and related material shall be considered elements of this entitlement and compliance therewith shall be mandatory, unless a modification has been approved by the Planning Commission.
15. This permit is subject to the securing of all necessary permits for the proposed development and eventual use from County, State and Federal agencies having jurisdiction. Any requirements imposed by an agency having jurisdiction shall be considered a condition of this permit.
16. This permit shall be subject to revocation or modification by the Planning Commission upon a finding of any one or more of the following grounds:
 - a. The permit was obtained or extended by fraud.
 - b. One or more of the conditions upon which the permit was granted has been violated.
 - c. The use for which the permit was granted is conducted in a manner detrimental to the public health, welfare or safety, or is a nuisance.

- d. A final judgment of a court of competent jurisdiction has declared one or more of the conditions to be void or ineffective, or has enjoined or otherwise prohibited the enforcement or operation of one or more of the conditions.

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

17. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit boundaries. Should, at any time, a legal determination be made that the number, size or shape of parcels within the permit boundaries are different than that which is legally required by this permit, this permit shall become null and void.

AYES: Nelson, Edwards, Little, Barth

NOES: McCowen

ABSENT: Calvert, Lipmanson

RECESS: 10:08 a.m. – 10:20 a.m.

4C. OA 1-2004/R 2-2004 – NUMEROUS OWNERS WITHIN THE PLANNING ARENAS OF THE OCEAN RIDGE AND LITTLE RIVER AIRPORTS

Request: **Part 1:** Ordinance Amendment (#OA 1-2004) to revise Division II (Coastal Zoning Ordinance) of Title 20 of the Mendocino County Code by adding text reflecting the establishment of an "AZ" Airport Zone Combining District for the purpose of identifying parcels located in proximity (approximately one mile) to a public use airport. **Part 2:** Rezoning (#R 2-2004) for the purpose of implementing the Airport Comprehensive Land Use Plan through the application of an "AZ" Airport Zone Combining District to parcels lying within the Ocean Ridge and Little River airport planning areas.

Mr. Pedroni reviewed the staff report and noted that the maps for the airports on Pages PC-6 and PC-7 are switched.

The public hearing was declared open.

Ms. Ann Kyle-Brown, newly appointed member of the Little River Airport Advisory Council and concerned property owner, stated her concerns about impacts of the proposed action on property rights and property values and her concern that it might further restrict the ability of landowners to develop their property or grant the Airport greater powers. She also expressed concern about the impact on what she referred to as "hiatus lands," which she described as a "no man's land" near the airport which was not developed and did not belong to anyone.

Mr. Pedroni clarified that the present action did not provide any greater restrictions than those that presently exist. The restrictions listed in Table 2A (Exhibit C) currently apply to subject properties that are included within the specified zones. He was unaware of the so called "hiatus lands" but the proposed project would not change their status or development potential. The proposal would assure that potential purchasers of property, as well as staff, are aware that there are special restrictions on properties near the airports.

The public hearing was declared closed.

Upon motion by Commissioner Barth, seconded by Commissioner Nelson and carried by the following roll call vote, IT IS ORDERED that the Planning Commission recommends to the

Board of Supervisors approval of #OA 1-2004 and #R 2-2004 as follows:

- A. Ordinance Amendment #OA 1-2004 (1) adding Chapter 20.410 to Division II (Coastal Zoning Code) of Title 20 of the Mendocino County Code reflecting the establishment of an "AZ" Airport Zone Combining District for the purpose of identifying parcels located in proximity (approximately one mile) to a public-use airport; and (2) amending Section 20.352.010 (Combining Districts) of Chapter 20.352 of Division II (Coastal Zoning Code) of Title 20 of the Mendocino County Code by adding the "AZ" Combining District to the list of Combining Districts as follows: (amendments shown in *italics*)

Chapter 20.410
"AZ" Airport Zone Combining District

Sec. 20.410.005 Intent

This district is intended to be applied to parcels which are located in airport planning zones as specified in the County's adopted Comprehensive Land Use Plan (CLUP) for the purpose of notifying interested parties that restrictions may apply to certain parcels as described within the CLUP.

Sec. 20.410.010 Regulations

Development of parcels within the "AZ" airport zone combining district shall be subject to the regulations set forth in the airport Comprehensive Land Use Plan, or as stipulated in this Chapter.

Sec. 20.352.010 Combining Districts

Combining districts may also be designated as follows:

AH	Airport <u>Height</u> Combining District
<u>AZ</u>	<u>Airport Zone Combining District</u>
CL	Clustering Development Combining District
DL	Development Limitations Combining District
FP	Flood Plain Combining District
L	Special Minimum Lot Size Combining District
PD	Planned Unit Development Combining District
SS	Seismic Study Combining District
VAS	Visitor Accommodations and Services Combining District

- B. Rezone #R 2-2004 for the purpose of implementing the Airport Comprehensive Land Use Plan through the application of an "AZ" Airport Zone Combining District to 493+ parcels lying within the Ocean Ridge and Little River airport planning areas which are described as Zones A through D extending in an approximate radius of 5,000 feet from the airport runway(s) as shown on the CLUP Compatibility Maps for the respective airports.

Furthermore, the Planning Commission finds that Ordinance Amendment #OA 1-2004 and Rezone #R 2-2004 (1) are consistent with the Airport Comprehensive Land Use Plan (CLUP); (2) that the County's Airport Land Use Commission

(ALUC) has found the proposal to be consistent with the CLUP; (3) that the proposal furthers the implementation of the CLUP; and is consistent with the Mendocino County General Plan and Coastal Element of the General Plan.

The Planning Commission further finds that the proposal is exempt from further environmental review pursuant to Section 15061(3) of the California Environmental Quality Act (CEQA), which states that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. This determination is based upon conclusion that #OA 1-2004 and #R 2-2004 are administrative in nature, implementing an existing policy of the CLUP which was adopted with a Negative Declaration

AYES: Edwards, Little, Nelson, Barth, McCowen

NOES: None

ABSENT: Calvert, Lipmanson

4D. SP 1-2003 – BROOKTRAILS SPECIFIC PLAN

Request: Amend the Brooktrails Specific Plan as proposed in Brooktrails Township Community Service District Board Resolution No. 2004-1 reflecting proposed changes to the adopted Specific Plan a result of the initial 5 year plan update recently completed by the BTCSD. Proposed amendments to Chapter 1-3, 7-8, 10-11 of the Brooktrails Specific Plan provide clarification to existing text and addresses topics including on-street parking, community circulation (second & third access, U.S. 101 Bypass), fire protection, water supply, and development standards.

Chairman McCowen noted that the Commission received a document from Arthur Eck regarding the proposal.

Mr. Pedroni reviewed the staff report.

Mr. Mike Chapman, General Manager of the Brooktrails Township Community Services District, summarized the history and adoption of the Specific Plan. He requested several corrections be made to the proposed amendment, as follows:

- Figure 7-1, on Page 7-3, should be corrected to show that Primrose Drive does not cross Sherwood Road and continue on to the east.
- Fifth paragraph on Page 7-4 – "... Route #3 is selected as the third preferred ~~second~~ access route largely because... and would provide a good third ~~second~~ evacuation route for residents..."
- Second paragraph on Page 7-5 – delete the last seven words in the paragraph; "~~and the new Southern Second Access Route.~~"
- Amend Paragraph B-1 on Page 10-31a – "All driveways and parking spaces, ~~except for single family dwellings with driveway slopes 10% or less,~~ are required to be paved..."

Mr. Chapman responded to points raised in the letter from the California Department of Transportation (Caltrans). Mr. Chapman felt that the issue raised in the first bullet on the Caltrans letter had been addressed on Page 1-2.

In response to Commissioner Barth, Mr. Chapman provided an update on the current status of the Willits bypass.

The public hearing was declared open.

Mr. Arthur Eck stated that most of the roads in Brooktrails are 24 feet wide or less and that any on street parking forces people to drive in the middle of the road. He stated that, if cars are parked on each side of the road, there is insufficient room to pass. Mr. Eck recommended that parking be restricted to provide for traffic safety, emergency vehicle access and to prevent erosion, which may occur when people park on unimproved shoulders. He suggested that parking on one side could be safely accommodated on roads that are 32 feet in width provided there is, at a minimum, 200 feet visibility in either direction. Parking on shoulders should be prohibited unless there is adequate surfacing of the shoulder.

Ms. Virginia Pohlson stated that she was pleased with the inclusion of the new language on Page 7-2. She requested clarification regarding required width of fire access roads and pointed out that the currently preferred second access route was not depicted on the map in Figure 7-1. Ms Pohlson described an additional potential emergency access that is not shown on Figure 7-1. She urged that the figure be updated.

Mr. Chapman commented that he would be providing an updated map to the Planning Department within the next week.

In response to Vice-chairman Little, Ms. Pohlson discussed the evacuation plan and commented that the plan needs to be updated.

The public hearing was declared closed.

Mr. Chapman stated that the Specific Plan Advisory Committee is working to identify suitable lots to serve as "parking pods" which could accommodate public parking. He noted that the roads within the township average 25 ½ feet wide. He advised that there are 60 miles of roads with 4 miles designated as fire lanes, within the township. In response to Chairman McCowen, Mr. Chapman clarified that the fire lanes are only available for emergency use and do not include any of the paved roads.

Vice-chairman Little expressed concern about approving the application without the map first being corrected.

Chairman McCowen suggested that the Commission take action on the application requiring that an accurate map is provided to and accepted by staff.

Commissioner Barth stated that she would prefer to have an updated letter from Caltrans regarding the bypass. Commissioner Barth supported having the District address on-street parking standards.

Director Hall discussed the status of the bypass and noted that Caltrans frequently changes the date for construction of the bypass. Current estimates state that construction will begin in 2007. He recommended deletion of any specific dates from the Plan regarding construction of the bypass.

Upon motion by Commissioner Little, seconded by Commissioner Nelson and carried by the following roll call vote, IT IS ORDERED that the Planning Commission recommends to the Board of Supervisors approval of the Brooktrails Specific Plan Amendment #SP 1-2003, making

the following findings, amending sections of the Specific Plan as detailed within Exhibit 2 of the May 20, 2004 staff report, incorporating the following additional amendments as requested by the General Manager of the Brooktrails Township Community Services District, and further requiring that Figure 7-1 be amended and submitted to staff prior to the Board of Supervisors hearing and further the Planning Commission recommends that the evacuation plan be updated and brought back to the Planning Commission and Board of Supervisors as an informational item:

1. **Environmental Findings:** That an initial study has been prepared and a Negative Declaration of environmental impacts is recommended for adoption finding that no significant environmental impacts are anticipated;
2. **General Plan Findings:** The project is consistent with the Mendocino County General Plan and the Brooktrails Specific Plan; and
3. **Department of Fish and Game Findings:** An Initial Study has been prepared evaluating the potential for adverse impacts and, when considering the record as a whole, there is no evidence in the record that the proposal will have potential for an adverse effect on wildlife resource or the habitat upon which wildlife depends. Therefore, the Commission rebuts the presumption set forth in subdivision (d) of Section 735.5.

Specific Plan Amendments: Amendments contained within Exhibit 2 of the May 20, 2004 staff report and the following additional amendments:

- Figure 7-1, on Page 7-3, should be corrected to show that Primrose Drive does not cross Sherwood Road and continue on to the east.
- Fifth paragraph on Page 7-4 – "... Route #3 is selected as the third preferred ~~second~~ access route largely because... and would provide a good third ~~second~~ evacuation route for residents..."
- Second paragraph on Page 7-5 – delete the last seven words in the paragraph; "~~and the new Southern Second Access Route.~~"
- Amend Paragraph B-1 on Page 10-31a – "All driveways and parking spaces, ~~except for single family dwellings with driveway slopes 10% or less,~~ are required to be paved..."

Discussion on Motion:

Commissioner Edwards recused himself from action on the application, explaining that he had done some work on the proposed second access and once discussion moved from the general concept of a second access to a specific location, he decided that it might not be appropriate for him to vote on the application. He noted he had not participated in the discussion and he then left the room.

Mr. Pedroni noted that the Department of Fish and Game commented that the de minimis finding was not appropriate for this application.

Commissioner Little stated that no new development would take place as a result of this application and he believed that the de minimis finding was appropriate. Other Commissioners concurred with Commissioner Little's comments.

AYES: Barth, Nelson, Little, McCowen

NOES: None

ABSENT: Calvert, Lipmanson, Edwards (Edwards recused himself and left the room)

5. Matters from Staff.

The Commission concurred with staff's recommendation to cancel the July 1, 2004 meeting.

6. Matters from Commission.

In response to Chairman McCowen, Mr. Lynch noted that the Board of Supervisors did approve the new fee schedule for the Department of Planning and Building Services.

7. Approval of Minutes.

None.

8. Matters from Public.

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

9. Adjournment.

Upon motion by Commissioner Edwards, seconded by Commissioner Little, and unanimously carried (4-0; Calvert, Edwards and Lipmanson absent), IT IS ORDERED that the Planning Commission hearing adjourned at 11:37 a.m.