

Minutes for 7 January 2010

The regular monthly meeting of the Gualala Municipal Advisory Council (GMAC) was held on Thursday, 7 January 2010 at the Gualala Community Center (GCC), downtown Gualala, California. Council Members present were Ronald Eckert, Sean Gaynor-Rousseau, Scotty Howard, Charles Ivor, Robert Juengling, Bill McCarthy, and Jeff Watts. Administrator Mary Mobert and 15 members of the public also attended (see sign-in sheet and speaker's cards). Council Chair McCarthy convened the meeting at 18:33.

1. **Announcements and Introductions:** Council Members introduced themselves. **Council Member Ivor** gave a brief biography of his life experiences and stated what he wished to see accomplished by the GMAC over the next several years.

Council Member Watts announced a CALFIRE Notice regarding the Bower Ltd. Partnership THP number 1-08NTMP-009 had been received and read the e-mail address for those interested in accessing information on the project (see attached).

- 2.a. **Minutes 3 December 2009:** It was moved by Council Member Watts, seconded by Council Member Gaynor-Rousseau, and unanimously carried that the minutes be approved as presented.

b. Consent Agenda, Correspondence: None.

3. **Approval of the Agenda:** It was moved by Council Member Juengling, seconded by Council Member Gaynor-Rousseau, and unanimously carried that the Agenda be approved as presented.

4. **Public Input on Non-agenda Items:**

- a. **Clive Endress**, addressed the clear cut his neighbor, Jerry Powers, conducted along their mutual property line. He distributed photos, a letter of concern, and a County Complaint form he has filed against the actions.

His property, twenty-one acres located at 46501 Collins Landing Road, has four houses on it which were the first to be built in Anchor Bay. They have been surrounded by redwood forest since they were built. Mr. Powers has seven acres to the east, which he bought in the last five years. He got a permit to build his house and cut trees where needed but has continued to cut trees since, especially along the adjoining property line. Mr. Endress has spoken to Mr. Powers about the loss of trees and privacy they afforded him but to no avail, the man refuses to stop cutting.

Mr. Endress has contacted the County and written CALFIRE about the clear cut. CALFIRE has not sent a reply to his letter. Now he has received a notice of Mr. Powers' intent to clear cut three acres. When contacted about the notice, the County noted the three-acre exemption under which this clear cut falls.

Mr. Endress said the clear cut exemption was applied for and filed after the work had been done. He sees no problem with a three acre exemption on a twenty acre or larger parcel but he does see a problem with this same exemption on a seven acre parcel, which represents granting around 40% of the property to be cleared.

Due to Mr. Powers' actions, he has lost his curtain of privacy, the surrounding forest, and the experience of living within a natural environment.

Mr. Endress requests GMAC to see if they can:

- a. influence the County regarding the three acre exemption police, especially on small parcels.
- b. stop further cutting on the mutual property line.
- c. arrange mitigation for the loss of the tree curtain and his privacy.

Mr. Endress requested GMAC let him know what actions they took regarding his complaint. He would be happy to answer any questions the Council may have.

John Bower noted CALFIRE had addressed the three acre exemption a few years ago, changing their rules regarding same; Mr. Endress should research it.

Julie Verran stated new legislation regarding the three acre variance states it can only be granted once every five years for each incident of clear cutting; it used to be once a year.

Council Member Watts suggested the matter be addressed further during **Item 7**.

5. Monthly Report: Mendocino County Law and Code Enforcement: Council Chair McCarthy introduced California Highway Patrol (CHP) Captain Ray Madrigal, Area Commander for Mendocino County; who in turn introduced two of the five officers from the Fort Bragg Office now patrolling the South Coast: Jeremy Andress, who has been on the Coast for eight months and worked in the Central Los Angeles area before his arrival here, and Glen Thomas who has recently graduated from the academy. Captain Madrigal has one more position to fill in Fort Bragg to have a complete compliment of personnel there. All his officers are "fully trained" and ready for work. The Point Arena live-in position will not be filled since, over the past seven years, ten officers have come and then left the post for various reasons.

There will be two men serving the South Coast daily, the first officer's twelve-hour shift starts at 6 a.m. and the second officer's shift starts at 10 a.m. It takes an hour to drive from Fort Bragg so each man will be patrolling the area for 10 hours.

The CHP office works hand-in-hand with the Sheriff and is very "Pro-active" in enforcing laws that save lives and prevent injury and property damage, i.e., wearing seat-belts, driving under the influence of drugs/alcohol (DUI), and speeding. Just an officer's presence is enough to slow drivers and make them more aware. Both his office and the Sheriff's have limited man power and he asked people to be patient.

He urges his officers and the public to get to know one another. He and his men can't do their jobs without the community's help. Officers knowing residents by name and vice versa will go a long way in seeing law enforcement work on the Coast. If a resident has or sees a problem, they should approach an officer and let them know what is happening. Many times, this is the only way the CHP will learn of an issue; all issues raised by the public will be addressed.

He hopes each monthly GMAC meeting will be attend by the officer on duty that day to give a monthly CHP report, answer questions, and hear public input; he thanked the GMAC for that opportunity.

Karen Tracy asked how large the Fort Bragg Office's area was. Captain Madrigal stated it ran from above Westport where Highway One turns east toward the valley to the Gualala River. The South Coast's area starts at the Green Bridge where Highway One turns south from Highway 128.

Ken Reynoldson reminded Captain Madrigal he said he would ask CALTRANS to loan the Coast a large electronic speed sign showing an approaching car's speed. The sign hasn't arrived on the Coast yet and Mr. Reynoldson was hoping it would soon. Captain Madrigal will try to get one here in the near future.

Mr. Reynoldson also asked that officers start enforcing tailgating laws. He feels tailgaters are very dangerous. Captain Madrigal agrees and his officers will do their best to see this infraction cited when it happens. 2009 was a very successful year with fewer fatalities than in 2008 and, with a full compliment of officers in Fort Bragg, he hopes 2010 will be even better.

Jan Jewell asked what Captain Madrigal felt about Sheriff Allman's suggestion that citizens arm themselves. Captain Madrigal stated it depended on the person. Those who have attended classes and obtained a permit can do so. Anyone not in that category should not. "Out here in rural areas, you know it's probably not a bad idea. On the other hand...some people [who have permits and] who don't have enough good judgment" when they become angry, should not be carrying a gun.

Administrator Mobert asked if Captain Madrigal would return to introduce the man who will be replacing him when he retires later this spring. He said he would try to do so but, since the State has a budget crisis, some commanders are not being replaced. His position may be one of those. If so, the command will fall to the officer now commanding Sonoma County.

Administrator Mobert asked if cars going north through Point Arena on Highway One were allowed to turn left and follow Highway One without signaling they are turning at that bend in the road. On 22 December a CHP officer was citing drivers who didn't signal. Captain Madrigal stated no signal was required at that corner though it would be a courtesy for a driver to show which way they were going.

Council Member Juengling felt the idea of the new lane CALTRANS added to the east of Highway One to skirt the cliff collapse at Ole's Flat north of Gualala becoming a turnout when the new highway was finished was a good one. He asked what Captain Madrigal felt. Captain Madrigal said it looked like it was possible and was in favor of it. He spoke with Charles Fielder of CALTRANS who will have someone attending next month's meeting to answer questions from the public. Captain Madrigal is in contact with several agencies and would be happy to help with good projects and ideas such as this. Council Member Howard thanked him for his support.

Glenn O'Hara asked how cars could be slowed on Old Stage Road. The posted speed limit is 40 MPH but, since the results of the traffic survey stated it should be raised to 45 MPH, drivers haven't been obeying the limit and go as fast as 55 and 60 MPH along that stretch. He would like to see more CHP presence in the area. Captain Madrigal noted his officers can't use radar to clock speeders because of the survey results but they can follow a driver to see what their speed is and cite them if they are traveling over limit. He would like the Board of Supervisors (MCBOS) to mandate a limit for the area so his men can start using radar to cite speeders. The same goes for Pacific Woods Road. Council Members Gaynor-Rousseau & Howard will follow-up, getting Supervisor Colfax and the MCBOS on the issue.

Council Member Ivor asked if the cell phone laws were being enforced. The answer was an emphatic YES. "We write a whole lot of citations for that. Distracted driving... causes a very high percentage of all accidents on the road."

Council Member Juengling asked if a CHP Officer can park on private property when monitoring traffic or are they restricted to CALTRANS easements. Captain Madrigal stated an officer may pull onto any siding—no matter who owns it—where it is safe to pull into traffic again or where they can execute a 180° turn when they

see an infraction. The officer needs to be “as visible as possible,” not giving the impression they are “hiding” in order to catch someone by sneaking around.

Council Chair McCarthy thanked Captain Madrigal and his officers for attending and answering questions from the community saying they were welcome any time.

6. Presentation: Gualala Mobilehome Court

Robert Staehle represented Mr. R. Chung owner of the Gualala Mobilehome Court in Gualala. He distributed a map of the property (see attached) and stated they were ready to apply for a use permit. At the last meeting he extended an invitation to Council Members to visit and see the improvements; several members did so.

Mr. Staehle covered the newest features in the park: 1) re-alignment of the back road; 2) the fourteen new modular RV sites; 3) five new mobile home sites; 4) the new tenant storage area; 5) new sewer and water services, and 6) future development of a walkway and/or road connecting the facility to Gualala’s business area.

The park consists of two parcels; the northern one contains the RVs, mobile homes are located to the south. A site survey needs to be done but the boundary survey is accurate. When the project is finished, the park’s population density will increase.

Council Member Watts suggested emergency exits via the back road re-alignment and new fire hydrants for disasters. Mr. Staehle said there were no new hydrants planned but he hopes the re-aligned road will provide an alternative exit.

John Bower noted MCOG suggested a cross street running from the park into Bower property and then into Gualala, as well as connecting Church Street to Old State Road via a bridge across China Gulch. This would solve many traffic-congestion problems in the future. He hoped the park would remain open to these ideas.

7. Presentation: CALFIRE Burning Regulations and Their Relationship to and Interaction with Mendocino County Planning and Building Services’ (MCPBS) Planning and Development of Forestry and Residential Parcels: Council Members Ivor and Watts distributed various forms used by CALFIRE which they received from Ken Margiott: 1) Removal of Fire Hazard Trees within 150 Feet of a Structure Exemption; 2) Less than 3 Acre Conversion Exemption; 3) Notice of Exemption from Timberland Conversion Permit for Subdivision 1992 and updated 2006 versions; 4) Notice of Emergency Timber Operations Fuel Hazard Reduction, and; Selected Code Sections for Fire Prevention on Timber Operations in California dated February 2006. (see GMAC archives for CALFIRE forms) The Mendocino County Fire Safe Council Pamphlet *A Homeowner’s Guide to Fire Safe Landscaping* was also made available to all in attendance (see attached).

Council Member Watts described each form and what it covers and permits. He noted Mr. Endress’ complaint was about a neighbor who applied for an after-the-fact permit. This behavior was being seen more and more on the Coast.

Council Member Ivor noted CALFIRE was concerned about saving structures in a fire emergency and has made recommendations to homeowners on fuel reduction around homes and other structures. There are several differing rules depending on the environment in which a home is located, i.e., dense forest, forest and scrub, clear cut, environmentally sensitive, availability of water, etc. CALFIRE will arrive to inspect a property and make recommendations on fire safety to increase the likelihood of their defending structures in an emergency. Concrete siding and Class A roofing will help. The forest is connected to the whole region and loss of forest lands doesn’t just happen here but all over the Western U.S. It effects the environment and the people who care about it and everyone on the Coast.

John Bower stated CALFIRE and The California Coastal Commission (CCC) are at odds regarding their rules for brush clearing, clear cutting, endangered species, etc. Both sets of rules are now under revision. Even with concrete siding and good roofing, a wildfire can cross a 200 foot clearing and burn a deck or outbuildings and there is no stopping it. In a case like that, CALFIRE and the fire department are only going to defend one house in ten and it will be up to the homeowner to save what they can. Diseases and insects are threatening coastal forests now and many trees have been lost. He suggested Mr. Endress replant along his property line. In four to five years, redwoods will be tall enough to create a privacy screen again.

Julie Verran noted the County has their major vegetation regulations in the Coastal Zoning Code, page 532-62, Definitions (M), Section 20.308.080, Subsection B, 1-3 that should be compared to CALFIRE's rules. CALFIRE and the County may want fallen and/or dead trees to be cleared to lower fire fuels but these furnish habitat for many different animal and vegetable species that are vital to the health of the Coast.

Mr. Endress said his neighbor took 40 to 50 trees of merchantable lumber between 2-4 foot in diameter. The County recommended he talk to Mr. Powers but the man wouldn't listen. Yes, he had a permit to clear his building site but he kept clearing after finishing his home. None of the later cutting was permitted and Mr. Endress was not notified of the non-permitted removal. Now, when he drives to his home, it's as if a bomb had exploded and it's too late to do or save anything. Now Mr. Power has filed a notice of intent as an afterthought, an after-the-fact clear cut.

Council Chair McCarthy stated GMAC sees this sort of thing all the time. Talking to the County does no good, they do nothing about it. There are fees or fines that can be levied but they aren't that high and it's easier to just do the work and pay the fine than go through the process beforehand. If a building goes up in Santa Clara County without a permit, it will come down, no exceptions. They are tough there on people doing anything without a permit. Here in Mendocino County, anything goes.

Council Member Ivor would like future discussions and speakers on this subject. Council Member Gaynor-Rousseau suggested legal issues be discussed and would assist any Council Member who heads the topic. John Bower suggested inviting a planner from MCPBS, a licensed forester, and Fire Chief Leighton Nelsen as speakers.

8. Discussion/Action: Election of New Council Chair McCarthy asked volunteers to step forward. Council Member Juengling suggested Council Member Watts; Council Chair McCarthy suggested Council Member Howard. It was mutually decided to allow Council Members to think about filling the position and have the vote 4 February.

9. Chair's Report and Council Matters and Chair's Report:

a. Undergrounding Project: **Council Chair McCarthy** reported Howard Dashiell, Head Supervisor of Mendocino Department of Transportation (MDOT) mailed the easement transfer letters and paperwork to property owners on 15 December 2009 and read the e-mail regarding same (see attached). The major property owners have all agreed on easements, it's the smaller properties needing papers signed; this represents 20,000 square feet. Bob Morgan of MDOT is heading this phase of the project. The County may have to buy some of these easements from property owners but if they do, it may hold up and/or stop the project indefinitely for the County hasn't the money to buy easements.

Wendy Roberts suggested the County be asked to compensate property owners who assign easements by giving a property tax adjustment for loss of the square footage of the easement. Council Member Juengling will follow up the suggestion and contact Supervisor Colfax.

Council Member Watts wondered if trench easements were all ten feet wide. Mr. Bower noted this would apply only to properties having easements leading into neighboring properties. Otherwise, the easement would be 1-2 feet wide.

Council Chair McCarthy read an e-mail from Larry McDowell Supervisor of the PG&E Undergrounding Project in Gualala. PG&E is waiting for AT&T to provide a final layout so PG&E designer Jason Gramm can complete trench designs for Phase II. PG&E's design for Phase I is finished. Mr. McDowell will be retiring and David Phillips will be taking over for him. Included in the e-mail was the AT&T list of their easement locations, APNs, addresses, etc. (see attached).

Since Council Chair McCarthy is resigning, Council Member Juengling will take over this item.

b. Gualala Downtown Community Action Plan (CAP): Council Chair McCarthy reported Phil Dow is working on the project. The parking problem MUST be solved before the project goes forward. Before that can happen, the CCC must decide the Surf Market's retaining wall project. Mr. Dow will ask the MCBOS if he can request the CCC to make a decision on the case. MCOG has "a whole stack of other applications" that cannot be started until CAP is finished.

MCOG mailed their annual Notice of Caltrans Transportation Planning Grant Program list (see attached). If the CAP project were "shovel ready," GMAC could apply for these monies; perhaps the project will be ready for next year's grants.

John Bower was hoping the CAP project would go on when the Undergrounding was done. Hopes seem to be fading but traffic turnouts, footpaths, and the widening of Highway One need to be planned during the undergrounding.

Council Chair McCarthy intends to remain active in the CAP project and will meet with and help Council Member Howard to get her up to speed.

c. Housing Taskforce Report: Council Member Gaynor-Rousseau had nothing to report. The project has come to a halt for lack of a grant writer and the County is not going to hire one to replace the one they laid off last fall.

d. Rural Broadband Infrastructure through Mendocino Coast Broadband Alliance: Council Chair McCarthy stated this item should be deleted until the Federal Government announces the nationwide grant awards.

e. Gualala School Bond Oversight Committee Report: Council Member Gaynor-Rousseau attended the last meeting but can't report due to a minutes dispute among the members. This may be resolved by 4 February for a report then.

John Bower asked if the oversight committee has ruled out a Gualala School at this time. Council Member Gaynor-Rousseau answered no. They are working on trying to lock the permits already issued into place in case building the school becomes an active project again in 6-7 years. At present there is money allocated to do this but, if the district has to do something major monetarily, the project will be over and the money goes to upkeep Point Arena facilities.

f. CALTRANS and the Highway One Slide between highway markers 2.45 and 2.5: Council Member Howard reported she has been in contact with CHP Captain Ray Madrigal and Jim Schup of CALTRANS regarding turning the newly-constructed east lane bypass of the cliff collapse into a turnout when the new road is completed and opened. They both feel it's a good idea and will try to see it accomplished. The bypass road should be open to two-lane traffic in a

week.

John Bower noted the road may not be fixed for 4-5 years. Since the storms started this year, more than 7 feet of cliff-face depth has been lost and the fall has advanced to the fog line. He has seen the crack widen over the past two days. The ground is severely cracked at least three feet into the south-bound lane and it may fall away to the middle of the road by the end of the rainy season. CALTRANS is moving the road to a buffer of 12 feet so, even if it does fall to the middle of the highway, there will be room for traffic to travel both ways.

Until CALTRANS drills core samples to determine how stable the bedrock is and/or that the cliff will not collapse any further, they will not know where to put the new wall or viaduct, or how to design it. North Gualala Water Company's pipe failed for lack of support and permits will be needed to replace it; they are working with the County presently.

10. Treasurer Eckert's Report: Treasurer Eckert stated the December balance was \$3,586.57. There were two debits, one for \$100 and Administrator Mober's bill for last month. With her bill for this month, the balance will be \$2, 617.02.

11. Secretary Gaynor-Rousseau reported the next Sheriff's meeting will be held 24 February at the GCC starting at 18:00.

12. Administrator Mober reported she worked 17.5 hours and materials for this month were \$11.92. She compared this year's hours, materials, and total pay to last year's and found she has worked 1.75 hours less per month and the materials were \$4.50 less per month this year. She will try to hold her hours at or below 20 per month but, if CDPs are received, the total hours for that month will increase.

She confirmed with all new members their receipt of the County presentation on the Brown Act and noted the County sent an inquiry on member's names and addresses during 2009 for the Economic Interest form being mailed later this year. All members need to complete and return it by the end of April.

13. Walk/See CDP #54-2008 (Nelsen), Location: 34080 Iversen Road, APN 141-100-03: Council Members Ivor and Juengling will walk the property.

14. Agenda for the next meeting on 4 February 2010:

- i. CDPs received before the 20th of the month
- ii. Mendocino County Law Enforcement Report (Council Member Gaynor-Rousseau)
- iii. Elect a new Chairperson
- iv. Undergrounding Project (Council Members Juengling)
- v. CALTRANS & Highway One Slide between mile markers 2.45 and 2.5; Report by Charles Fielder from CALTRANS' Eureka Office (Council Member Howard)
- vi. Downtown Community Action Plan (CAP) Update (Council Member Howard)
- vii. Gualala Elementary School Report (Council Members Gaynor-Rousseau & Watts)
- viii. Housing Taskforce Report (Council Members Gaynor-Rousseau & Juengling)

15. Adjournment: It was moved by Council Member Gaynor-Rousseau and unanimously carried that the meeting be adjourned at 20:06.

Respectfully Submitted,

Mary Mobert

Mary Mobert,
Council Administrator & Recording Secretary