

Minutes for 4 March 2010

The regular monthly meeting of the Gualala Municipal Advisory Council (GMAC) was held on Thursday, 4 February 2010 at the Gualala Community Center (GCC), downtown Gualala, California. Council Members present were Ron Eckert, Scotty Howard, Charles Ivor, Robert Juengling, and Jeff Watts. Council Member Sean Gaynor-Rousseau was absent. Special guests attending were: Nash Gonzales, Head Planner and Supervisor of Mendocino County Department of Planning and Building Services (MCDPBS) in Ukiah; Teresa Spade, Planner from the MCDPBS Fort Bragg Office; Meredith Lintott, District Attorney of Mendocino County; California Highway Patrol (CHP) Area Commander, Captain Ray Madrigal, and; CHP Officer Glenn Thomas. Administrator Mary Mobert and fourteen members of the public also attended (see sign-in sheet and speaker's cards). Council Chair Watts convened the meeting at 18:35.

1. **Announcements and Introductions:** Council Members introduced themselves.
- 2.a. **Minutes 4 February 2010:** It was moved by Council Member Juengling, seconded by Council Member Ivor, 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 Howard, and unanimously carried that the Agenda be approved as presented.
4. **Public Input on Non-agenda Items:**
 - a. **Laurie Mueller** of the Redwood Coast Land Conservancy (RCLC) spoke to three topics:
 - i. the new brochure listing information on and access points to their trails and beaches funded by a grant from California Coastal Conservancy (see attached)
 - ii. the grand opening of Cook's Beach and Bonham Trail to be held on 15 April.
 - iii. an outreach program the RCLC has started, with a grant from the U.S. Fish and Wildlife Service, to institute outreach to local landowners providing information to help protect local endangered species, i.e., Behren's Silverspot Butterfly and the Point Arena Mountain Beaver (see flyer attached).
 - Ms. Mueller requested she be put on a future GMAC agenda to present information on the outreach program. She will contact Council Member Gaynor-Rousseau.
 - b. **Meredith Lintott**, Mendocino County District Attorney, has met with the South Coast Senior Center in Point Arena (PA) regarding senior abuse. Her office is giving presentations throughout the County—it will be given on the Coast some time in April—and has an attorney and investigator assigned solely to prosecute this crime.

During her term of office, public safety has been her first goal. She has been tough on gang violence and has just won a homicide trial against four gang members, with another pending.

She is running again for County District Attorney and had voter information for any interested. She is happy to answer questions phoned to her at the number on the flyer. **Administrator Mobert** noted there were several flyers from different candidates at the sign-in table.

Council Chair Watts would like a community organization to sponsor a Candidates Forum. **Wendy Roberts**, Candidate for 5th District Supervisor stated the PA High School Civics Class is considering doing so.
 - c. **John Bower** was glad to see the heavy rains, which hopefully have broken the three-year drought. Along with the rain, heavy winds have blown down trees and large tree limbs, some across electrical and phone lines. Winds were especially heavy across Ole's Flats by the Highway One bypass. There they blew off a barn's roof and downed several large trees. He urged

homeowners to be aware of the dangers and to notify PG&E and/or CALFIRE of any hazards.

- 5. Monthly Report: Mendocino County Law and Code Enforcement:** CHP Area Commander, Captain Ray Madrigal thanked the Council for their open invitation to his office and officers to attend meetings, speak to the issues they face on patrolling the Coast, and answer questions from the public. Public awareness is very important to him.

He has four new officers on the Coast, who have been out in force, and collisions, seatbelt violations, speeding, and DUI numbers are all down for the year. There is an officer in the South Coast area for ten hours a day now. Officers are focusing on the three things that effect public safety: speeding, DUI, and seatbelts.

They are also focusing on texting and cell-phone use while driving because "inattention is quite a factor in a lot of traffic collisions. It's becoming such a big problem" and was under reported for lack of direct evidence. The CHP had issued over 200,000 citations last year for this violation. New legislation that increases fines on cell-phone use is ready for passage..

CHP Officer Glenn Thomas reported on the Coastal statistics for last month: 1 seatbelt violation; 17 citations for speeding; 4 unlicensed drivers ticketed leading to 2 vehicles being impounded; 3 DUIs; 4 expired registrations; 1 injury collision and 2 minor collisions.

Irene Leidner asked how inclement weather affected traffic. **Officer Thomas** stated many people didn't turn on lights during the rain and it was hard to see them coming. The roads were slick and flooded in some areas, which proves dangerous to distracted drivers.

John Bower thanked the officers for being a presence on the Coast; "we feel more comfortable" with you here. He noted many drivers have their headlights broken asking if the CHP issued tickets for this code violation. **Officer Thomas** said he has cited over 20 people in the last month for this.

Captain Madrigal said, if an officer feels a violation has not been "long term," he issues a 30 day Notice to Correct or "fix-it ticket" This ticket does not go to court if an officer "signs off" on it within the month; almost all drivers comply. He encourages his officers to issue this type of ticket for he knows money is tight and this encourages people to fix the problem rather than pay a fine as well as a mechanics bill, appear in court, and/or have their vehicle impounded. This also helps unlog the court system.

Captain Madrigal will have the Radar Speed Sign in Gualala and other places on the Coast next month. His offer to show how it works to GMAC and the attending public at the 1 April meeting was enthusiastically accepted by the Council.

Administrator Mobert noted that, when she drove into Fort Bragg yesterday, around 50% of vehicles coming her way didn't have their lights on during rain. She also asked if the new checkpoint on Highway One would ever be used by the CHP. **Captain Madrigal** noted most drivers are not aware of the lights-on new law. It's hard to cite for, when drivers see a CHP car, they immediately turn on their lights. The CHP has designated 2010 as "the year of the checkpoint." The Gualala Checkpoint will probably be used it to screen for DUIs in the future.

- 6. Presentation: Mendocino County Department of Planning and Building Service's permit process and the Coastal Act: Speakers Nash Gonzales, Head Planner and Supervisor of MCDPBS, Ukiah; Teresa Spade, MCDPBS Planner Fort Bragg, (Council Member Ivor).**

Council Member Ivor stated he grew up in Laguna Beach near the ocean and has enjoyed coastal living all his life. With California's Coastal population growing, he is glad the Coastal Act is in place safeguarding beautiful coastlines for future generations. He read two excerpts from the Act and then introduced Teresa Spade.

Ms. Spade distributed the Local Coastal Plan Supplementary Information prepared for her presentation (see attached) and gave a history of the Coastal Act since its inception.

In 1960, 75% of the U.S. population lived in coastal or Great Lakes states, with coastal areas growing in population faster than other area nationwide. At that time, Americans became aware of their impact on these areas. By 1967, over 7% of the nation's estuaries had been

destroyed by dredging and filling and many more were used by industry as dumping grounds for pollutants. At that time, 50% of all marshlands and other tidal habitats were gone.

The concerned population lobbied to protect what was left with land-use legislation. Federal legislation included: National Coastal Zone Management Program; the River and Harbor Acts, and; the Clean Water Restoration Act.

In November 1972, California voters passed the California Coastal Conservation Act to preserve the coastline from development pressures. The California Coastal Commission (CCC) was created under the Act, which was passed by the legislature in 1976.

The MCDPBS was opened in 1985; before that date the Board of Supervisors (MCBOS) handled all permits. In 1992, the BOS instituted the Mendocino County Coastal Zoning Plan and is regulated by them. The CCC regulates lands covered by the Coastal Act, tide lands, submerged lands, the pigmy forests; public-trust lands, and; lands given to the state for preservation.

Ms. Spade noted items a. – e. listed on her handout as concepts and guidelines to which the MCDPBS adhere and follow when issuing permits. She felt balance between the needs of the landowner and the people of the State were most important.

Not all parcels in unincorporated areas require a Coastal Development Permit (CDP). There are parcels that are exempted and excluded within the Coastal Zone in which, if there are no buildings or roads, the first family residence is exempted or excluded from a CDP. Any buildings added to the property afterwards are not exempted and need a CDP.

When a CDP is referred to GMAC, any recommendation made by the Council is given great weight. The first question the Planning Commission and the MCBOS asks about a CDP is, "What does GMAC think? What is their opinion of the project?"

She urged the Council to "keep the Coastal Act in mind; think about the big picture, tell planners what they don't know", i.e., public perceptions, historic information—what has been dumped onto or cleared off of the parcel—; "contact planners about concerns" or if there is missing information. Planners are always willing to send missing reports when needed.

Lisa Scott saw enforcement of existing Coastal Plan Gualala Town Plan codes as very important and would like to see it happen more.

Administrator Mobert addressed five issues that had been the most troublesome to the Council recently (see attached).

Ms. Spade noted GMAC gets what is given to her office. Architects and property owners omit much of the information needed to help in decision making. Planners are frustrated when receiving incomplete CDPs as well. She admitted the process could be changed to insist on better presentations and/or wait until plans have been updated and are complete before sending them out to other agencies, departments, and organizations for comment. Planners do ask for revised plans when needed but they must send what they have as soon as they can. This means incomplete information on projects will arrive more times than not.

Ms. Spade stated MCDPBS does not want after-the-fact CDPs filed repeatedly. Many times, unless they are told by other agencies or an inspector who notices what happened, planners don't know a project is after-the-fact. These CDPs undermine the process and the people who ignore the rules are cheating those who go through proper channels. As soon as planners are told, they make an effort to act. The Fort Bragg Code Enforcement Officer is full time and works diligently finding those who bend or break health and building codes. She has a full plate and is receiving phone calls and written complaints daily regarding new violations

Ms. Spade referred the Council to the BOS regarding a GMAC generated questionnaire specifically for its area to be sent to CDP applicants when a project is received. There was no law against GMAC's doing it. The BOS has to read the proposed document and approve it for use.

Council Member Juengling asked if Ms. Spade felt the fines were sufficient for code violators. She said fines were set at three times the original permit price and, for those who wait to file, daily fines may be levied and added to the property tax bill, which was due when the bill was due. She felt they were not set high enough but "it's a gamble". If the miscreant is

not caught, they would make “a lot more money off the property than if we come in and tell you that it is all sensitive area and you are only stuck with a little portion of your property” on which to build because of ESHA regulations. “If you don’t get away with it and we catch you, then you just have to pay a little bit more money and you still end up getting to do whatever you want with your property.” The fines were “small change” when talking about property worth \$1.5 million and up. It was up to the BOS to raise fines; she felt they should.

Nash Gonzales addressed incomplete CDPs by citing the Streamlining Act that dictates MCDPBS must not let an application sit with no action taken for more than 30 days after being filed. The whole process is to find out what is missing so planners can gather the information needed and the application will be complete when presented to the Planning Commission. GMAC is an advisory body to whom incomplete applications can be sent to ascertain what documents are missing. MCDPBS should report to GMAC on projects it has addressed allowing the Council to know its concerns have been received and resolved.

Mr. Gonzales has not seen the questionnaire presented to the Fort Bragg office and would like to receive a copy to use while updating the CDP application that will start soon. The MCDPBS is becoming more “pro-active:” its website has been updated. All applications are online for applicants to download; a new Design Review Committee will be formed and will work with GMAC on Coastal projects, and; a judge has just been assigned to hear and rule on code violations and levy fines and penalties, which is a new step toward stopping violations.

John Bower asked if zoning codes were being enforced on industrial use of residential property in residential neighborhoods. He wondered if there was a public list of industries located in residential areas, and their status.

Mr. Gonzales said when a complaint is received, the information is confidential because the case may go to court. All cottage industries must file for permits. There is only one code enforcement officer for all the Mendocino Coastline—from the Humboldt line to the Sonoma line—and three in the whole County. If the public knows of violations, they should report them and it will be investigated. Planners can only ask about codes, determine nuisances, or initialize abatement; they don’t enforce anything, that is the County Counsel’s and District Attorney’s (DA) job. Planners focus on health and safety first. Code Enforcement is looking for sub-standard housing, wiring violations, sewage problems, etc.; especially if a family has children who could be endangered by the violation.

Council Member Ivor has gone onto Google Maps and seen aerial photos of failed logging roads that have slid into streambeds and ruined salmon and steelhead spawning areas. He asked if landowners could get permits to renovate these roads. **Ms. Spade** said it was not legal in the Coastal Zone unless it’s for fire access; then a CDP would be required and CALFIRE and Fish and Game would be very instrumental in the decision. There are grading requirements inland but the Coastal Codes are more strict.

Mr. Gonzales noted any environmental degradation would involve Fish and Game, CALFIRE, Air and Water Quality, etc. With all these agencies involved, one among them will have the power to cite and levy fines, and will file a complaint with the DA and/or State authorities, which could lead to penalties of hundreds of thousands of dollars.

John Bower asked when the Coastal Plan will be updated. It is mandated for every five years but has not been revised since March 1991. He asked if the CCC would “slap a penalty” on the County for not doing the update and then not allow any more CDPs to be issued. He asked when the updating would start.

Mr. Gonzales felt a total update would take several years and “quite a bit of money.” He didn’t put it into this year’s budget and, based on budget cuts, he won’t be doing it very soon. They may “start talking” about it in 2-3 years. The General Plan is now finished; the County Element is being done presently; the Housing Element will go to the BOS by the end of this month; the Ukiah Area Plan should be finished some time in June, and; updating the Mendocino County Plan will begin this fall. An item on the State’s closing of Mendocino’s Coastal waters was on the last BOS agenda. It was tabled but it will be addressed in the near future. He doubts the CCC will say anything about updates since MCDPBS strictly adheres to codes.

Bob Ittner urged MCDPBS to work closely with GMAC. **Ms. Spade** felt they had a close relationship with MGAC and noted the MCDPBS website will soon have a link to GMAC’s website.

Wendy Robertson asked about the 22 March BOS agenda item on closing the Fort Bragg Office. It will put great hardship on Coastal residents to drive the four-hour roundtrip to Ukiah for permits. It also puts a burden on inspectors having the usual site visits crammed into a shorter workday. **Ms. Spade** felt there would also be more building violations on the Coast because people wouldn't make the long drive for a small plumbing or electrical permit.

Administrator Mobert noted that, if they choose, Coastal residents are excluded from serving jury duty in Ukiah because the time and distance traveled are considered "a hardship." She wondered if this couldn't also apply to permits. **Mr. Gonzales** urged Coastal residents to contact the BOS on this issue.

Council Member Ivor asked if exclusionary areas remain in that classification perpetually and **Council Member Juengling** asked how exclusionary areas are designated and suggested MCDPBS publish a one-page flyer on the Coastal Act to be distributed with permit forms to educate applicants on the Act's contents. **Ms. Spade** said they cannot be in pigmy forest or ESHA and environmentally sensitive areas such as streams, gulches, cliff-sides, being 50 feet from Highway One, etc. These are parcels with no developments at all; the first road and home are excluded but no other developments or additions. The application only costs \$200; all developments, new and additional, must comply with the Coastal Act. She felt a flyer would be a good addition to the CDP application as well as an online link to the Act itself.

Council Chair Watts felt that ethically, as a member of GMAC, he cannot write a complaint on infractions he saw. **Ms. Spade** disagreed noting it was everyone's responsibility, as citizens, to cooperate in making a good community. If someone was breaking the rules, they should be made aware of their error. It was a matter of "upholding the integrity of the system" and having a better environment for the future. GMAC Members are community members who can act as individuals when they see violations.

Glenn O'Hara asked what the status of the permit amnesty was. **Ms. Spade** felt it has been a very successful program. **Mr. Gonzales** stated it waved investigative and other fees and has saved the County time and money pursuing violations, has brought buildings up to code and off violation lists cutting future work loads, eliminated sub-standard structures bringing more of them up to code, completed the permit process where it wasn't before, brought in permit monies that wouldn't be there otherwise, and saved property owners the fine monies they would have paid without the amnesty. It may be extended beyond its 30 June deadline.

Mr. Gonzales thanked the Council for inviting him and Ms. Spade to speak at the meeting. **Council Chair Watts** extended the Council's thanks to them for coming.

John Bower noted "it would be bad for the entire Coast" if the MCDPBS office were closed. He urged GMAC write the MCBOS a letter requesting it remain open to serve Coastal residents.

After some discussion, it was unanimously agreed that Council Chair Watts would write a letter to the BOS stressing the hardship Coastal residents would have when driving to Ukiah to apply for permits if the Fort Bragg MCDPBS office were closed and asking the BOS not to close it.

7. Discussion: Review of Final Draft of Updated Job Descriptions for Both Council Secretary and Council Administrator/Recording Secretary (see attached) (Council Member Gaynor-Rousseau).

It was moved by Council Member Ivor, seconded by Council Member Howard, and unanimously carried that they both be approved as presented. Administrator Mobert will insert them into the Bylaws and send them to County Counsel Nadel.

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

Chair's Report:

Council Chair Watts said Bill McCarthy had e-mailed saying the minutes and agendas for the last two months were not on the website (see attached). Council Member Eckert stated he has met with Council Member Gaynor-Rousseau and Mr. McCarthy for webmaster instruction but it's not as easy as it sounds. He will put the missing items on the site as soon as he can. Copies of the March agenda was posted in a timely fashion and February's minutes were sent to the County and others who have requested them.

Council Matters:

a. Undergrounding Project: Council Member Juengling received a PG&E update from the new supervisor of PG&E's undergrounding staff, David Phillips. PG&E has responded to the Joint (AT&T/PG&E) Trench Intent request by other County departments with a map showing trench placement. The County should receive it by the end of March.

AT&T still has to send the County the final easement documents, which the County has to finalize before work can proceed. There are two properties involved. AT&T says it has sent the information but the County has not received it. Council Member Juengling read the names of property owners who have finalized their easement donations and those who have not. If asked, the County will grant a property tax reduction for a donation..

John Bower said he had spoken with Mike Williams of PG&E regarding a flaw in the antiquated design being used. If one of the primary lines going through town fails, the whole of Gualala will fail not just a section or sections of the system. This is a safety factor he feels needs to be reviewed and redesigned in a more modern fashion. The Sea Ranch had the same problem years ago and all of Sea Ranch would go dark "for days at a time." He didn't want to see this happen in Gualala when it could be prevented now at the design stage. Council Member Juengling will speak to Bob Morgan and County Department of Transportation to see what they will do.

b. Gualala Downtown Community Action Plan (CAP): No report.

c. Housing Taskforce Report: No report.

d. Gualala School Bond Oversight Committee Report: No report.

9. Treasurer Eckert's Report: Treasurer Eckert said the GMAC balance was \$2,043.85. With Administrator Mober's bill, the balance was around \$1,684. He estimates GMAC will have around \$240 by the end of the fiscal year. He asked Mr. Gonzales if GMAC would receive its annual allotment of \$3,333 for 2011. **Mr. Gonzales** stated he didn't know. There were around 100 CDPs presently on hold or backlogged that will eventually be sent to the Council.

10. Secretary Gaynor-Rousseau was absent.

11. Administrator Mober said she worked 23.25 hours; materials for this month were \$11.10.

Since Council Member Gaynor-Rousseau's computer crashed taking all GMAC information with it, her extra hours were spent researching and gathering information on Policies 1 - 10. Policies 7 and 8 are nowhere to be found. She didn't receive a copy of them at the time they were distributed. If Council Members don't have copies, they will be totally lost. She will contact Velina Underwood to ask if she has copies, as well as get copies of Policies 1 - 6 to Council Chair Watts for scanning.

She noted GMAC Glenn Robinson had requested information about starting a MAC in Carmen Valley in Monterey County (see attached). She referred him to Council Member Gaynor-Rousseau. Council Chair Watts will contact Council Member Gaynor-Rousseau on the matter.

GMAC received an e-mail from Bill McCarthy urging all Gualalans to go to Google's website and nominate Gualala for the ultra-fast fiber internet network Google is installing in select rural communities nationwide (see attached). She also urged everyone present to do so.

Administrator Mober announced the dates for the Sheriff's Forum for the rest of 2010: Wednesday, 26 May; Wednesday, 25 August, and; Monday, 15 November (see attached). All will be held at the GCC starting at 18:30.

She reminded the Council the GMAC Boundaries have yet to be approved by the BOS. They are the same as the Coast Life Support (Ambulance) and South Coast Fire Districts. This item was last discussed in December 2007 and needs to be added to the April agenda. Council Member Gaynor-Rousseau had asked she look for reference to it in the Schaaf CDPs #114-02 heard 3 August 2006 and #12-03 (05) heard 01 September 2005 but she hadn't had time.

Ms. Spade will send the Council information on these CDPs.

12. Agenda for the next meeting on 1 April 2010:

- i. CDPs received before the 20th of the month
- ii. Mendocino County Law Enforcement Report (Council Member Gaynor-Rousseau)
- iii. Undergrounding Project (Council Members Juengling)
- iv. Downtown Community Action Plan (CAP) Update (Council Member Howard)
- v. Gualala Elementary School Report (Council Members Gaynor-Rousseau & Watts)
- vi. Housing Taskforce Report (Council Members Gaynor-Rousseau & Juengling)
- vii. 2010 Budget Request to the County (Council Member Eckert)
- viii. Policies Committee Report (Council Member Gaynor-Rousseau)
- ix. Boundaries Report (Council Members Juengling & Watts)

13. Adjournment: It was moved by Council Chair Watts and unanimously carried that the meeting be adjourned at 21:16.

Respectfully Submitted,



Mary Mobert,
Council Administrator & Recording Secretary