



Minutes for September 2, 2021

The regular monthly meeting of the Gualala Municipal Advisory Council (GMAC) was held on Thursday, September 2, 2021 via Zoom. Council Members present were: Kevin Evans, Melissa Finley, Donald Hess, Chair, Robert Juengling, and Vice Chair, Tom Murphy. Sheriff Matt Kendall, Administrative Secretary Mary Mobert and 12 members of the public, including applicants, were also present. **Council Chair Juengling** convened the meeting at 6 p.m.

1. **Introductions and Announcements:** Juengling introduced new member, Kevin Evans, who gave a brief autobiography.

2. **Consent Agenda:**

a. **Minutes:** August 5, 2021

It was moved by Murphy, seconded by Hess, and carried 4 YES (Finley, Hess, Juengling, and Murphy); 0 NO, and; 1 ABSTENTION (Evans) to approve the Minutes as presented.

b. **Correspondence:** All were acknowledged as received.

ii. **Caltrans Highway Project Study**

ii. **CDP_2020-0012 (Jacobson)** (see Item 12.a.)

iii. **CDP 2019-0032 (Wahlberg); Draft Mitigated Negative Declaration** (see Item 12.b.)

iv. **California Coastal Commission (CCC)** hearing on Accessory Dwelling Units (ADU) rules in Mendocino County, excluding the Gualala area (see Item 11.iii)

c. **Approval of the Agenda:**

It was moved by Murphy, seconded by Hess, and unanimously carried that the Agenda be approved as amended by:

a) listing 5.b. CDP_2021-0006 as U_2021-0006 (Anderson).

b) Listing 5.e. CDP_2021-0006 as CDPR_2021-0006 (Landshark & Assoc.)

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

Melissa Finley, Gualala resident, felt the Council should write a letter to Assembly Member Wood to support and assist with a waiver request from the *California State Board of Pharmacy* related to Section 1713 of the *California Pharmacy Law* that would facilitate the *Gualala Community Pharmacy* to continue as a pick-up location for patients' medications.

It was decided that, since the matter wasn't on the Agenda, it would be addressed at the next meeting.

4. **Report: Mendocino County Law/Code Enforcement:** Mendocino County Sheriff Matt Kendall; **Kendall** will recruit new officers for Covelo and the Coast later this year. Crime on the Coast is extremely low, especially in violence crimes; property crime is the most prevalent now. Prompt reporting by the community is very helpful in solving them. The mental health program is very successful and will become larger in the future. One person is working with the Sheriff's office on mental health calls; staff will be expanded by another three or four soon. Since the fire season is in full swing, he urged everyone to be careful; even the Coast, with its foggy days and nights, is tinder dry and ready to burn. COVID is serious throughout the County, with some illness in the jail.

Juengling ask about Gualala's recent break-ins and incident on Mill Bend. **Kendall's** officers have the information and are working on these now.

Hess asked about the truck that flipped on Pacific Woods Road with the family inside. **Kendell** referred him to the CHP.

Murphy thanked Kendall for attending, and his staff for doing a good job, asking him to stay safe and be careful when assisting with any fire situation.

5. **Permit Applications:**

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- a. **CDP_2020-0034 (PG&E)**; Location: North along the Gualala Ridge roads from Gualala to Point Arena and then north along Highway One from Point Arena to Elk; A standard Coastal Development Permit for vegetation management activities along 28 linear miles of PG&E's Elk-Gualala 60K Power Line to comply with existing state and federal laws and regulations and to maintain required clearances mandated by the California Public Utilities Commission. Project activities would include removal and pruning of trees and brush as needed on, under, or adjacent to the electrical lines and their accompanying structures. Hess and Murphy visited various sites

Murphy shared a screen showing the Agenda timeline for the Item, a map of the project, cited codes applying, tree removal with photos of closeness to power lines on Highway One and Old Stage Road. Murphy noted 57 comments on special-media with almost all agreed tree and brush removal was necessary for fire safety. Some writers wondered why PG&E didn't underground its cables; some were worried about so much fire-prone slash would be left beneath the lines, and; some wanted to know how property owners would be notified about cutting and/or herbicide/pesticide spraying.

Robert Villasenor of PG&E gave a history of the *Transmission and Vegetation Reliability* removal project that follows County, State, and Federal requirements for fire safety. The ground won't be disturbed at all, so no archaeological site will be disturbed. They will cut trees and shrubs use a chipper when possible, and leave the cuttings to an average thickness of no more than eighteen inches. A mix of pesticides and herbicides will be sprayed on known regrowth areas. Only *Environmental Protection Agency* (EPA) approved chemicals for riparian areas near water and wetlands will be used. A biological survey will be conducted for host plants of the spotted butterfly and the presence of other endangered species and their supportive habitat. They are working with CalTrans because the project is located in the State's right-of-way.

Jenny Shattuck, Fort Bragg resident, urged owners not to give permission so PG&E can cut trees thirty feet on both sides of their present right-of-way (ROW). Doing so may be giving them permanent permission to expand their easement taking the land from the owner. PG&E walked the lines with her and talked about cutting (photos were shown of the trees to be removed and their and the electrical line's location). One neighbor had trees cut 300 feet from the lines, which were left on the ground and never removed.

Corbin Junker, Gualala resident, said PG&E wants to take sixteen trees that are a buffer between his home and Gualala substation. He complained about the noise. The redwood grove isn't in the way of power lines and he won't give permission to cut them. He said PG&E needs to negotiate with him to do so.

Erin Kirchner residing on Ten Mile Cutoff Road, Point Arena, asked about: areas around the easement and to whom to talk about tree cutting and walking the property; what pesticides and herbicides would be used, and; how to Opt Out on spraying. She urged PG&E not clog waterways and springs or bothering them on any way.

Joni Goshorn, Gualala-area resident, was concerned about chemicals and their effects on water. She was concerned with the tree trimming looking good; she didn't want a hack job done.

Kirk Mobert, Gualala-area resident, was concerned about the algorithm used to determine where to cut and that the downstream effects of chemicals were never considered.

Mary Mobert, Gualala-area resident, was also concerned about which herbicides would be used, how they would be sprayed (by truck or by backpack), and especially their effects on: 1) wildlife, the habitat, and the environment; 2) children standing in the wind and weather on roadsides, people walking and children riding their bikes along roadsides, and; 3). would drivers be informed they were traveling in an area where pesticides were being used, and could be carried by the wind and inhaled. How and in what time line were property owners, neighbors, and passers-by to be notified.

Villasenor: no truck will be used for spraying, only hand-spraying units. Cut-stump applications will be put on the outer ring to prevent regrowth. Licensed personnel are on site and approve usage. People spraying will be trained before working. Chemicals will not be applied during windy or rainy weather so not to carry it into other areas. Notification will be via letter and/or e-mail. He is available for questions and/or arranging meetings with PG&E personnel at:

robert.villasenor@pge.com

Evans asked about: 1) notification about spray periods; 2) hours of operation; 3) if traffic would be controlled; 4) a list of chemicals to be used, and; 5) if water would be tested after spraying.

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Villasenor: owners will be notified but nothing will be posted for pedestrians. He will send a chemicals list to GMAC. Hours of operation are 7 or 8 am to 5 pm. Traffic will be controlled during cutting and spraying but water will not be tested after pesticide application.

Juengling wondered when maintenance was last done on the ridge and when it would be done again. The work was needed but why spray herbicides. He urged PG&E to do slight maintenance, not the drastic work proposed.

Villasenor must look at records to see when it was last done. Usually, vegetation is cut and chemicals applied every five years.

Hess: statewide maintenance was important; inattention created fires. He asked PG&E not to disturb habitat and/or the forest's health. He liked the CDP's details and hopes they'll be followed. Who checks if the work's done right, i. e., how will it be monitored making sure protocols are followed, especially regarding endangered species.

Villasenor: inspectors are certified foresters; their credentials are given to his team for review/approval. A monitor is assigned to watch areas where needed. Monitors are contractors from environmental resource companies. The federal *Centers for Disease Control* (CDC) and *California Fish and Wildlife* work with them. The County only gets involved if inspections are needed in CCC areas and/or for permit problems. PG&E will spray eucalyptus and other species; he will send the tree list to GMAC.

Bryan Flynn, Gualala-area resident, asked if there was a local manager who can answer vegetation questions for the Council and public. **Villasenor** will notify the team person in charge of this and send their information to GMAC.

Murphy: this was critical safety work but he wonders if it's safe enough. He was concerned about water being polluted in nearby springs; about the effect of residual pesticide on children, residents and animals near the lines. Reports that slash was to be left under or near power lines was troublesome; the line could break, igniting tinder-dry chippings in the ROW. He said he was n't impressed with the notification process and hopes PG&E will go to each property owner asking permission to spray their property or cut trees/branches beyond the ROW. If surveying and/or cutting is expanded, he felt it should to be approved by the owner. Will chainsaws be used in high winds or on hot days?

Villasenor: cuttings aren't under lines. Chips will be to the side within the 100 foot right-of-way and poles spaced according to regulations on temperature, weather encountered, potential sag of materials used, etc. Notifications will go out thirty days after the CDP is approved, hopefully, the end of October 2021. In high heat or wind, no chainsaws will be used, only hand saws/tools.

Shattuck, owner of a logging company, asked if vegetation management and environmental review was different on the South Coast than in the Fort Bragg area. A property on Highway 20 was sprayed by truck in 2016 and nothing has grown back. PG&E was informed the owner didn't want their property sprayed but it was done anyway. Herbicides were mixed for that project and she doesn't want that to happen again, though it's still being done presently in that same area.

Juengling: if the owner performs maintenance, can they work with PG&E? **Villasenor:** yes they could.

Evans: do crews included certified arborists; if a healthy tree is topped does it die, and; would stump grinding be done.

Villasenor: yes, arborists are on site to answer questions when the health of the tree, species, height, etc. is evaluated. He didn't know about topped trees and would have to ask. Dead trees are cut because they're a hazard but no stump grinding will not be done, that would disturb the ground.

Hess asked about scheduled maintenance in other areas around Gualala. **Villasenor** doesn't know, maybe next year or 2023-24. Annual inspections by Lidar are done from the air.

Murphy: if redwood trees are cut, do they stay on the property and belong to the owner or does the contractor remove and profit from them. **Villasenor:** the property owner retains them; PG&E and its contractors will not profit from cutting.

**It was moved by Murphy, seconded by Hess, and unanimously carried that:
In full accord with state and federal regulations, the Gualala Municipal Advisory Council recommends approval of CDP_2021-0034 (PG&E) to engage in vegetation management to**

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reduce fire danger along the 60kV lines from Elk to Gualala subject to the following conditions on the utility and its contractors:

- a. any tree trimming/removal more than 12 feet from the line or facilities, and/or outside the utility's right-of-way, requires written approval in advance by the property owner;
- b. the planned use of any herbicide/pesticide will require written approval in advance by the property owner, and public notice on-site of the use at least 72 hours prior to application;
- c. PG&E will refrain from the use of any herbicides/pesticides listed by the State of California and/or the County of Mendocino as known or suspected agents of cancer, birth defects, or harm to wildlife, including, but not limited to, pesticides containing glyphosate or chlorpyrifos;
- d. all foliage/slash resulting from the work will be removed from the ROW to reduce fire danger, and;
- e. any financial proceeds received from the timber cut during this work shall be placed in a county fund to assist wildfire victims.

All documents and this meeting's segment will be available on GMAC's website. Murphy will write the letter to the County and copy Mr. Villasenor and PG&E.

- b. **U_2021-0006 (Anderson); Location:** 45315 Country Club Way, APN 144-220-15; Use Permit to construct a new 120 foot tall cellular tower with a lattice type design. Twelve panel antennas would be placed upon the tower along with one TGPS nit, fifteen RRUs along with nine others for future tower loading and four surge suppressors. A 40X45 (1,800 sq. ft.) equipment lease area surrounded by a six foot tall chain link fence is also proposed at the base of the tower, which will include a premanufactured 8X8 foot equipment shelter with associated interior equipment and a 30 kw AC diesel standby generator attached to a 190 gallon capacity belly tank within a level ± 2 acoustic enclosure. All equipment will be placed on concrete pads. Hess walked the property. Ashley Smith of *Epic Wireless Group*, a site-acquisition company for AT&T (that will construct the tower) was present.

Hess shared photos of the project; the tower is close to another tower on Big Gulch Road. He wondered if it would overlap service areas the other didn't; have other owners in the area been notified and; how will the site be cleaned of rotting wood, grasses, etc. that are fire hazards. A defensible space needed to be established on the site.

Smith: AT&T will serve an underserved area with internet, line-of-site technology not covered by other towers. The access road will be gravel, the generator has an emergency and remote shutoff, and the tower is constructed of fire resistant materials.

Finley: have letters had been sent to adjacent property owners and the Anderson's renters; how many owners were notified. As a Council Member, she felt she couldn't vote on the project until she heard commentary from adjacent property owners; so far, none have replied.

Smith: letters containing only a brief explanation of the project were sent two months ago to property owners but not the renters. No comments have been received from anyone mailed that notice. The owner's list is not in the CDP though there were over a hundred on hers. She will send GMAC the list. The County will mail notices to property owners ten days before hearings are held. This won't go out until December. AT&T is still going through the review process and plans to build in July or August 2022. The *Mendocino County Planning Commission* will meet in January.

Juengling: at other cell tower hearings, more people were informed of the meeting and attended. It seems notification on this project was not done; residents don't know of it.

Hess: what areas will the tower serve; is it needed. **Smith:** people living all along the ridge who have no service now will be able to connect; she didn't know the number of people or living units that entails.

Juengling: the tower is 120 feet tall, what are the heights of the trees on the Anderson's property; with what line-of-sight will it connect; would other wireless internet companies rent from AT&T or property dishes along the ridge, and; is the tower really needed.

Smith: trees are not tall, perhaps seventy feet; the tower is well above the tree line. She's not sure it's needed; it will give internet/cell phone service to people not having it now. The *Firstnet* channel for first responders may be served.

Hess suggested Smith return next month with more information; she agreed.

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Murphy: Smith needs to clarify the services offered. Is it for AT&T wireless internet/cell phones? Will other carriers be on the pole? Can AT&T use the present fiber-optic cable for public access and faster internet/cell service. **Smith:** four carriers can connect on the tower, including *Verizon*.

Finley: lay fiber optic cable rather than wireless. Gualala had the undergrounding project to eliminate wires. Get rid of towers, we don't want them.

Hess: no answer with this presentation about whom is being served beyond the Big Gulch tower. Contact *Mendocino Planning and Building* to see when this will be built.

Evans: property owners don't know about this; the service area isn't known; address it next month.

It was moved by Hess, seconded Murphy, and unanimously carried to table the Item until 7 October. Hess said the County planner will be contacted about notifying owners.

Finley left the meeting at 9:19 p.m..

- c. **CDP_2021-0031 (Rittimann & Assoc.)** Location: 46451 Gypsy Flat Road; APN 143-070-06; Standard Coastal Development Permit to construct a 774 square foot family residence with 1011 square foot driveway and parking areas. The request includes installation of the approved septic system and connection to offsite spring water. Proposed to include associated probable future repair/replacement field. Request to remove a 157 square foot cabin onsite. Juengling and Murphy walked the project.

Amy Wynn of *Amy Wynn Coastal Planning* gave history of the work and what will be developed there. Development is more than fifty feet from habitat, except some of the driveway and septic.

Juengling: driveway shouldn't be more than 10-12 feet wide.

Wynn: it will be narrowed to 10 feet after leaving Highway One.

Juengling: the retaining wall should be four feet tall. **Wynn:** it will be.

Murphy: retaining wall was also a concern. ESHA areas appear to be in the way of any bulldozer.

Wynn shared a drawing of the project. The driveway will be graded first. The home is built into the hill so no grading was needed. Only qualified people qualified will be hired. The house is two-stories, two bedrooms, one-and-a-half baths, and 774 square feet, quite small.

Juengling: is the leach line northwest of the driveway? Is there a turnaround for emergency vehicles?

Wynn: yes that's the leach line approved by the *County Health Department*. The drive's short but isn't steeper than CalFire allows. Drivers can only back out to leave. *South Coast Fire Department* approved it and can park on the highway to bring hundred-foot hoses to the home.

Juengling: incorporate the boulders into the design; the driveway is workable but the County will require a grading plan.

Murphy: Are trees being removed? **Wynn:** twelve to fifteen trees will be removed to lay the drive and some for the house, not many. The septic is worked around the trees. Cutting large trees will be avoided, the majority will remain a redwood forest.

Juengling: who owns the water rights to the spring; will electricity be underground, and what heating source will be used: wood, propane.

Wynn: the owner has 50% of the spring's deeded water rights and the water tank and pump house area; electrical lines will be undergrounded; heat is electric and propane.

Murphy: will the pump house be replaced; it's falling down. Will you identify special rare/endangered species and flag 50 foot ESHA buffers, fencing, etc.?

Wynn: rare/endangered species will be sought and preserved; all areas will be flagged/staked.

Hess: will Solar panels be installed? **Wynn:** the area is too wooded; too shadowed with no sun. A wood stove will be used for PSPS events.

It was moved by Juengling, seconded Murphy, and unanimously carried that the project be recommended for approval subject to:

- 1) strict adherence to the Wynn biological scoping report;**
- 2) protection of the ephemeral drainage and intermittent stream, and;**

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3) County review of plans for grading, the retaining wall, and movement of heavy equipment onto/off of the site without damage to the ESHA.

Juengling will write the letter to the County.

- d. **CDPR_20212-0004 and M_2021-0002 (Duffield);** Location: 34200 South Highway One; APN 143-161-03 (All Members)

CDPR_2021-0004: Coastal Development Permit Renewal for CDP 2018-0013 to demolish existing 3,200 square foot residence and foundation to make the lot vacant. All materials will be removed from the site in containers and brought to an approved disposal facility. See associated Coastal Development Permit Modification: CDPM_2021-0002,

M_2021-0002: Coastal Development Permit Modification of CDPR_2018-0013 / CDPR_2021-0004, which authorized demolition of existing 3,200 square foot residence and foundation to make the lot vacant. All materials will be removed from the site in containers and brought to an approved disposal facility. The modification proposes major vegetation removal for dead and dying trees on the property.

Juengling gave a history of the project, it's been addressed before. Septic, water hook-up will be retained. All other materials go. Accessing the area is difficult. The stream crossing needs to be repaired. A hundred Bishop Pines are dead and/or dying, are inventoried, and will be removed. Some snags will be left for habitat but everything goes.

Wynn showed a drawing of property and explained what the work. Because a stream culvert needs to be installed, the project has been halted; it will be back before the Council come spring, 2022. Since it has to be a pine forest in the future, it will be revegetated with native species and Bishop Pines. Monitoring will be done for managing pathogens found on trees and noting seedlings taking root and holding ground.

Goshorn: Where is it located? There are lots of dead Bishop Pines along the Highway One corridor; why is this one dying?

Wynn: Bishop Pines are susceptible to death in wet areas; this is a wetlands. They're eighty years old; no fire has gone through to release seeds.

It was moved Juengling, seconded Murphy, and unanimously carried to recommend approval of the project as presented. Juengling will write the letter to the County.

- e. **CDPR_2021-0006 (Landshark Development LLC):** Location: 35791 Timberwood Way; Removal application for CDP_2012-0024, to construct a 2, 087± square foot single family residence with a maximum height of 20 feet above natural grade. Associated developments include installation of septic system, well, water tank, propane tank, connection to utilities, and driveway. No changes to original request. Renewal will result in a new expiration date of July 22, 2022. (All Members)

Since the project had been addressed previously, it was lightly discussed.

It was moved by Juengling, seconded by Murphy, and unanimously carried the project be recommended for approval as presented. Juengling will write the letter to the County.

6. Council Matters:

a. Various CalTrans, County, and Local Issues:

i. Old Business :

A. CDP_2019-0032 (Wahlberg):

The County has approved this. **Wynn:** they included GAMC's recommendations.

ii. Report: GCAP Ad Hoc Committee:

Murphy reported Mendocino Council of Governments says CalTrans may not be ready to present a streetscape plan until December 2021; a further delay in the plan.

iii. Report: Housing & Economic Development Standing Committee:

A hearing on proposed County change for more ADUs will be heard at the CCC meeting, but the changes exclude the Gualala area.

iv. Report: Public Electric Vehicle Charging Station in Gualala Report: Gualala Community Center Status (Hess & Juengling) was not addressed.

v. Telecommunications Committee:

Murphy reported there were approximately 100 views of the August meeting.

vi. Water Ad Hoc Committee: Update on Water Forum and Drought

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Hess: still trying to get a forum together for next week with Helen Dahlke—an Integrated Hydrology scientist, Associate Professor at U. C. Davis, and one of the professors teaching the Hydrology Class he is taking—D. Bower, and other presenters, the meeting would be limited to two hours if it could be arranged. Otherwise, it might be canceled.

Murphy stated he was disappointed the forum might be canceled after months of discussion by GMAC. He noted the water shortage is a critical concern to our community. The Committee will do what they can and return to further discussion next month..

7. Permit Review Assignments:

a. CDP 2020-0012 (Jacobson) Administrative review only. **Wynn** stated she attended the meeting and County is reviewing the project.

b. Initial Study/Proposed Negative Declaration (CalTrans) Gualala Shoulders and Rumble Project. Mile Post Markers 6, 4-6, 8, and 9.2-9.5. For additional Information, see: <https://ceqanet.opr.ca.gov>.

Murphy looked at the site and there was precious little information about the project. Evans and Juengling will walk the property.

8. Administrator Moberg's Report: Was not given.

9. Vice-Chairman Murphy's Report: Was not given.

10. Chairman Juengling's Report: Was not given.

Agenda for next meeting – 7 October 2021:

a. Any CDPs received

b. Write a letter asking the *California State Board of Pharmacy* to consider keeping *Gualala Community Pharmacy* as a pick-up location for patients' medications, as related to Section 1713 of the *California Pharmacy Law*.

11. Adjournment:

It was moved by **Evans**, seconded by **Hess**, and unanimously carried that the meeting adjourn at 10:35 p.m.

DRAFT Minutes prepared by Administrative Secretary Moberg

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