

**CHRISTOPHER J. NEARY**

ATTORNEY AT LAW

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May 7, 2007

Charles A. Rich  
State Water Resources Control Board  
Division of Water Rights  
P.O. Box 2000  
1001 "T" Street, 14th Floor  
Sacramento, CA 95812-2000

Re: 363:CAR:262.0 (23-03-06)  
Reply to Letter dated April 30, 2007

Dear Mr. Rich:

Millview County Water District (the "District") has asked me to respond to your letter dated April 30, 2007.

Contemporaneously upon receiving a copy of your letter, the District received a copy of Barbara Spazek's letter.

The District has no way of determining whether the comments attributed to Mr. Wood at the March 10, 2003 meeting accurately reflect statements made by Mr. Wood, or if Mr. Wood even made any statements. A notable observation would be that the subject matter would be outside the jurisdiction of the Russian River Flood Control and Water Conservation Improvement District. It may be a case where the preparer of the minutes may have misunderstood Mr. Wood's comments.

I believe that to be the case as I personally spoke with Mr. Wood concerning the subject matter in the fall of 2001 in the presence of another Russian River Flood Control and Water Conservation Improvement District trustee, Tom Mon Pere, and on another occasion in a telephone conversation. He expressed completely different sentiments to me on both occasions.

Fortunately, we need not resort to third party sources to determine whether or not Mr. Wood "abandoned" a water right which he considered to be very valuable.

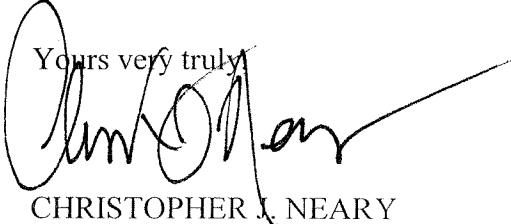
Charles A. Rich  
May 7, 2007  
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Contemporaneous with the grant of the real property in question, Mr. Wood executed an Assignment of Water Rights dated January 7, 1998 so there would be no question that he was assigning the rights in question. A copy of that assignment dated January 7, 1998 is attached, along with the Grant Deed recorded on January 8, 1998.

Furthermore, it is clear that the County of Mendocino did not enter into an agreement with Mr. Wood to abandon the Waldteufel claim. In connection with the subdivision, a negative declaration was issued, a copy of which is enclosed. There are no references either in the negative declaration nor in the notice of determination to an abandonment of any water right. To dispel any doubt as to the existence of such conditions, I am also enclosing the final conditions of approval for the subdivision which contain absolutely no reference to abandonment of these important water rights.

It is significantly in doubt that Mr. Wood made the statement attributed to him because the statement is not supported by the record and is inconsistent with a written conveyance of the water right by Mr. Wood to Millview's grantors.

Please call if you have any questions.

Yours very truly  
  
CHRISTOPHER J. NEARY

CJN:jen  
File: 3188

encs: 1. Assignment of Water Rights  
2. Grant Deed  
3. Negative Declaration  
4. Conditions of Approval  
5. Subdivision Map (hard copy only)

cc: Millview County Water District Board of Directors (w/enc.)  
Tim Bradley  
Honorable Patricia Wiggins  
Tom Hill  
Steven Gomes

Charles A. Rich  
May 7, 2007  
Page 3

bcc: Brett A. Williams, Senator Wiggins Office  
State Capitol  
Room 4081  
Sacto CA 95814

Wiggins; 200 S School St  
PO Box 785  
Ukiah CA 95482

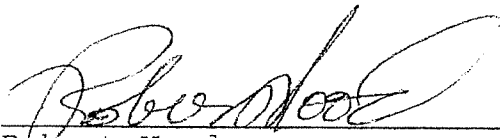
Hill: not Highland Ave address, 54925 Rivieria, La Quinta CA 92253

Gomes: PO Box 1418 Ukiah

ASSIGNMENT OF WATER RIGHTS

Robert Wood, as Trustee of The Robert Wood Living Trust dated December 13, 1993, ASSIGNOR, hereby assigns all rights, title and interest that ASSIGNOR may have in and to any water rights or claims of title to water in adjacent to or in the vicinity of the lands described in Attached Exhibit "A"; unto Thomas P. Hill, a married man as his sole and separate property as to an undivided 1/2 interest; and Steven L. Gomes, an unmarried man, as to an undivided 1/2 interest, ASSIGNEES.

This Assignment includes rights acquired by use, grant, or other means and includes all riparain or other rights to the waters of the Russian River and also includes the rights created in the document recorded March 24, 1914 in Book 3 of Deeds, Page 17.



Robert Wood

Dated; Jan. 7, 1998

Order No.  
scrow No. 203707 DN  
Loan No.

WHEN RECORDED MAIL TO:

Thomas P. Hill  
Steven L. Gomes  
110 S. Highland Avenue  
Ukiah, CA 95482

00000386  
Recorded at the request of  
FIRST AMERICAN TITLE CO  
Book 2470 Page 699  
01/08/1998 02:49P  
Fee: \$16.00 No of Pages:4

	\$20.00 PAID
X	PCO FILED
	Exempt

OFFICIAL RECORDS  
MENDOCINO COUNTY CALIF  
MARSHA A. YOUNG, RECORDER

DOCUMENTARY TRANSFER TAX \$ 1,047.75

SPACE ABOVE THIS LINE FOR RECORDER'S USE

X Computed on the consideration or value of property conveyed; OR  
Computed on the consideration or value less liens or encumbrances remaining at time of sale.

As declared by the undersigned Grantor  
Signature of Declarant or Agent determining tax - Firm Name

169-130-17,  
178-010-01

# GRANT DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

Robert Wood, as Trustee of The Robert Wood Living Trust dated December 13, 1993

hereby GRANT(S) to

Thomas P. Hill, a married man, as his sole and separate property, as to an undivided one-half interest; and  
Steven L. Gomes, an unmarried man, as to an undivided one-half interest

the real property  
County of

Unincorporated Area  
Mendocino

State of California, described as

SEE LEGAL DESCRIPTION ATTACHED HERETO AND MADE A PART HEREOF

Dated January 5, 1998

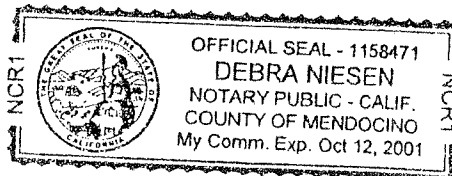
STATE OF CALIFORNIA }  
COUNTY OF Mendocino }ss.

*Robert Wood*  
Robert Wood

On Jan. 6, 1998 before me,  
*Debra Niesen*  
personally appeared Robert Wood

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.  
WITN my hand and official seal.

Signature *Debra Niesen*  
*Debra Niesen*



IL TAX STATEMENTS TO:

SAME AS ABOVE

(This area for official notarial seal)

*Legal*

Order No. 203707 DN

DESCRIPTION

The land referred to herein is situated in the State of California, County of Mendocino, and is described as follows:

Parcel One:

Commencing at the Northeast corner of Lot 82 of the Yokayo Rancho, where the third standard line crosses Russian River; thence running West along said standard line and the North line of said Lot 82, South 89° 50' West 16.80 chains to a stake from which a white oak tree 10 inches in diameter marked "XBT" bears West 36 links distant; thence North 0° 16' East along the East line of the land of W. P. Burk, 11.12 1/2 chains to the County road leading from Ukiah to Potter Valley; thence North 86° 46' East 2.73 chains to a stake from which a black oak tree 36 inches in diameter, marked "LR4BT" bears South 65 1/2° West 41 links distant; thence North 69° 30' East 11.82 chains; thence North 74° 2' East 1.63 chains; thence North 88° 50' East 12.05 chains to the center of the channel of the West branch of Russian River; thence down the center of said channel, South 6° 21' West 3.77 chains; thence South 26° 12' West 6.13 chains; thence South 34° 52' West 2.22 chains; thence South 50° 41' West 8.03 1/2 chains to the point of beginning.

together with the following described parcel of land:

Beginning at a 6" x 6" CHC monument on the Southerly line of Lake Mendocino Drive (County Road 227B) at the easterly terminus of the course "North 70° 22' 03" East, 916.13 feet" as shown on a map filed in Map Case 2, Drawer 41, Page 92, Mendocino County Records; thence along the said Southerly line South 70° 22' 03" West, 301.95 feet; thence leaving the said southerly line South 16° 00' East 200.00 feet; thence North 74° 00' East, 429.32 feet; thence 213.95 feet to the said southerly line; thence along the said southerly line South 87° 31' 30" West, 85.69 feet; thence South 70° 22' 03" West, 103.85 feet to the point of beginning.

Excepting from the above described land any portion thereof lying North of the South line of the Ukiah Tahoe State Highway, (County Road #227-B)- Lake Mendocino Drive; as described in that Deed to the State of California, recorded July 6, 1921 in Book 160 of Deeds at page 76.

Also excepting therefrom that portion thereof conveyed in the Deed to the County of Mendocino, recorded July 28, 1986 in Book 1571 Official Records, Page 109, Mendocino County Records.

Also excepting therefrom an undivided one-half interest "in and to all oil, gas, petroleum, naphtha, other hydrocarbon substances and minerals of whatever kind and nature in, upon or beneath the property hereinabove described, together with the right of entry and all other rights, including all rights of way and easements, which may be necessary for the development, production and removal of all such substances and minerals and the full enjoyment of the Grantor's interest herein " as reserved in the Deed from The Federal Land Bank of Berkeley, a corporation, recorded February 19, 1947 in Book 210 Official Records, Page 137, Mendocino County Records.

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Also excepting therefrom that parcel of land more particularly described as follows:

Commencing at a ½" iron pipe marked R.C.E. 15311 on the Southerly line of Lake Mendocino Drive (County Road 227B) at the Westerly terminus of the course "North 70°22'03" East, 916.13 feet" as shown on a map filed in Map Case 2, Drawer 41, page 92, Mendocino County Records; thence along said Southerly line North 70°22'51" East, 657.09 feet to the point of beginning of this description; thence continuing along said Southerly line North 70°23'20" East, 365.79 feet; thence South 89°18'47" East, 192.84 feet; thence South 85°16'55" East, 141.73 feet; thence from a tangent that bears South 8°31'50" East, through the arc of a curve to the right with a radius of 35.00 feet, a central angle of 13°14'55" and a length of 8.09 feet; thence leaving said Southerly line South 4°43'05" West, 76.98 feet; thence through the arc of a curve to the right with a radius of 35.00 feet, a central angle of 90°00'00" and a length of 54.98 feet; thence North 85°16'55" West, 91.05 feet; thence through the arc of a curve to the left with a radius of 352.00 feet; a central angle of 4°01'52" and a length of 24.77 feet; thence North 89°18'47" West, 91.74 feet; thence through the arc of a curve to left with a radius of 352.00 feet, a central angle of 20°18'13" and a length of 124,74 feet; thence South 70°22'59" West, 281.24 feet; thence North 19°37'01" West, 120.03 feet to the point of beginning and the end of this description.

N 169-130-17

Parcel Two:

All that portion of the land conveyed by A. E. Garaventa, et ux to C. MacKintosh by Deed dated October 4th, 1929 and recorded in Book 46, Official Records, page 311, Mendocino County Records, as follows:

Beginning at the Northwest corner of said MacKintosh land and running Easterly along the Northerly line thereof to the center of the channel of the East branch of the Russian River; thence Southwesterly along the center of the channel of the East branch of the Russian River to its intersection with the center of the channel of the West branch of the Russian River; thence Northerly along the center of said West branch to the point of beginning.

Parcel Three:

All that portion of the parcel of land designated as Parcel "A" on the map entitled River Wood Terrace Unit No. 2, which map was filed in the office of the Recorder of the County of Mendocino, State of California on November 22, 1967 in Map Case 2, Drawer 10, at page 20 that lies West of the following described line:

Beginning at a point in the center of the East branch of the Russian River, said point being on the South line of said Parcel "A" distant thereon 130 feet West of the West line of Lot 1 as designated on said map of Riverwood Terrace Unit No. 2; thence from said point of beginning along said centerline as follows:

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Order No. 203707 DN

North 50° 38' 55" East, 267.60 feet; North 34° 45' 16" East, 219.04 feet; North 57° 57' 20" East, 324.13 feet and North 20° 44' 52" East, 323.24 feet to a point on the North line of said parcel "A" distant thereon North 89° 47' West, 206.73 feet from the West line of Lot 9 as designated on said map of Riverwood Terrace Unit No. 2.

Excepting therefrom all that portion thereof described in Parcel Three hereinabove described.

A. P. No. 178-010-01

TOGETHER WITH all water rights and claims of title to water of the grantors in or adjacent to the above parcels 1,2 and 3.

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Page : 702



## NEGATIVE DECLARATION

For Review by Interested Agencies and the Public in Accordance with Mendocino County Environmental Review Guidelines and the California Environmental Quality Act, an analysis has been made of possible environmental impacts of the following project by Staff:

Applicant: TOM HILL & STEVE GOMES  
110 S. HIGHLAND AVE  
UKIAH CA 95482

Case #: S 1-97

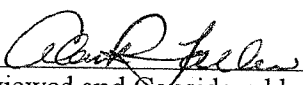
Project Title & Description: Major Subdivision to create, in four phases, 125 single family residential lots ranging in size from 6,000+- to 13,000+- square feet, as well as a 17,500+- square foot remainder parcel, and three other parcels which shall provide landscaped frontage along Lake Mendocino Drive, a riparian buffer along the West Fork of the Russian River, and a small park/open space area. Also, an exception to Division of Land Regulations regarding lot width.

Project Location: 1.5+- miles north of Ukiah, lying west of the West Fork of the Russian River, and south of Lake Mendocino Drive (CR# 227B), 1/4+- mile east of the intersection of Lake Mendocino Drive and North State Street (a.k.a., the Forks); AP# 169-130-14, 15.

Findings Which Support A Negative Declaration: After conducting an Initial Study, the Lead Agency has determined that the project will not have a significant, substantial adverse effect on the environment for the following reasons:

1. The project will not have impacts which have the potential to degrade the quality of the environment or curtail the range of the environment.
2. The project will not have impacts which achieve short-term, to the disadvantage of long-term, environmental goals. A short-term impact on the environment is one which occurs in a relatively brief, definite period of time while long-term impacts will endure well into the future.
3. The project will not have impacts which are individually limited, but cumulatively considerable. A project may affect two or more separate resources where the impact on each resource is relatively small. If the effect of the total of those impacts on the environment is significant, an EIR must be prepared. This mandatory finding of significance does not apply to two or more separate projects where the impact of each is insignificant.
4. The environmental effects of a project will not cause substantial adverse effects on human beings, either directly or indirectly.

Attached hereto is a copy of the Initial Study documenting reasons to support the above findings. Also attached are any mitigation measures proposed to avoid potentially significant effects.

  
\_\_\_\_\_  
Reviewed and Considered by Lead Agency

9-24-97  
\_\_\_\_\_  
Date

FILING REQUESTED BY  
County of Mendocino  
Planning & Building Services Dept  
501 Low Gap Road, Room 1440  
Ukiah, CA 95482

FILED

9700085  
SEP 24 1997

AND WHEN FILED MAIL TO  
County of Mendocino  
Planning & Building Services Dept  
501 Low Gap Road, Room 1440  
Ukiah, CA 95482

MARSHA A. YOUNG  
MENDOCINO COUNTY CLERK  
By E. Schatz Deputy

NOTICE OF DETERMINATION

SUBJECT: Filing of Notice of Determination in compliance with pertinent sections of the Public Resources Code.

Project Title & Description:

CASE#: S 1-97  
DATE FILED: April 29, 1997  
OWNER: ROBERT & LAURA WOOD  
APPLICANT: TOM HILL & STEVE GOMES  
AGENT: T.M. HERMAN & ASSOCIATES  
REQUEST: Major Subdivision to create, in four phases, 125 single family residential lots ranging in size from 6,000+- to 13,000+- square feet, as well as a 17,500+- square foot remainder parcel, and three other parcels which shall provide landscaped frontage along Lake Mendocino Drive, a riparian buffer along the West Fork of the Russian River, and a small park/open space area. Also, an exception to Division of Land Regulations regarding lot width.

State Clearinghouse Number (SCH)	Contact Person	Telephone Number
	Frank Lynch	707-463-4281

Project Location: 1.5+- miles north of Ukiah, lying west of the West Fork of the Russian River, and south of Lake Mendocino Drive (CR# 227B), 1/4+- mile east of the intersection of Lake Mendocino Drive and North State Street (a.k.a., the Forks); AP# 169-130-14, 15.

This is to advise that the Board of Supervisors (Lead Agency) has made the following determinations regarding the above described project:

1. The project has been approved (Date of Approval: 9/22/97).
2. The project will not have a significant effect on the environment.
3. An Environmental Impact Report was not prepared for this project.
4. A Negative Declaration was prepared for this project. A copy of the Negative Declaration may be examined and/or obtained at 501 Low Gap Road, Room 1440, Ukiah.
5. Mitigation measures, which were adopted by the Lead Agency to reduce adverse impacts of the project are attached hereto and are incorporated herein by reference.
6. A statement of Overriding Considerations was not adopted for this project.

Date of Filing \_\_\_\_\_

Alan R. Falleri  
Signature Alan Falleri, Chief Planner

POSTED FROM 09/24/97 TO 10/23/97

## FINAL CONDITIONS OF APPROVAL

### #S 1-97, WOOD

#### CONDITIONS OF APPROVAL:

1. Subdivision improvements shall include the extension of water, and public utility (gas, electricity, telephone, cable television) services to each parcel. Street lighting shall also be installed. All utilities within the subdivision shall be placed underground. Water or gas lines which will be installed across the fault trace identified on the tentative map shall include the installation of shut-off valves positioned such that no service laterals are located between the shut-off valve and the fault trace.
2. CC&R's shall be submitted for review and approval by the Department of Planning and Building Services, the Department of Real Estate, and County Counsel which shall include provisions for the following:
  - a. Disclose the presence of the earthquake fault that transverses the property including a description of its most accurately described location.
  - b. Disclose the proximity of the floodplain and those areas subject to inundation during a 100-year flood.
  - c. Prohibit wood stove and/or wood burning fireplaces (pellet stoves are allowed).
  - d. Disclose the need for interior noise mitigation measures as described in Section IV, B, 3 a-d of the report "Noise Impacts in Connection with the West Fork Subdivision, Mendocino County, California" by T.A. Barnebey dated November 2, 1994, as may be amended with approval of Planning and Building Services.
  - e. Provide for ongoing maintenance of approved landscaping consistent with the provisions of the Preliminary Landscape Documentation package prepared by Green Lion Landscape Services, under cover of February 19, 1995, as may be amended with approval of Planning and Building Services.
  - f. Provide for establishment and maintenance of the street tree program consistent with that described in the Preliminary landscape Documentation Package, prepared by Green Lion Landscape Services, under cover of February 19, 1995. However, the number of trees shall be 1.5 per parcel overall for each phase, with no lot having less than one tree.
  - g. Provide for the ongoing maintenance of the street lighting facilities to be established. Such facilities shall be installed to industry accepted standards to be determined by the Department of Public Works and Planning and Building Services.
  - h. Residential units shall be equipped with provisions for charging electric vehicles.
3. Surface drainage facilities appurtenant to the subdivision streets shall be designed and constructed in accordance with the following minimum standards:

- a. Culverts shall be designed to accommodate a "50 year" storm ("100-year" storm when failure will result in lot flooding) using all available head at the inlet;
- b. Minimum culvert size shall be 18 inch diameter (24 inch when failure will result in lot flooding), or an equivalent arch pipe;
- c. Curbs and gutters shall be designed to accommodate a "50-year" storm without encroaching onto the traffic lane;
- d. Drainage easements for culverts shall have a minimum width of 10 feet;
- e. Drainage easements for ditches shall have a minimum width of 20 feet;
- f. Minimum allowable ditch grade shall be 0.5 percent;
- g. Ditch lining or other acceptable measures may be required to control erosion where ditch grade exceeds 5 percent.

Drainage improvements shall include design features as needed to adequately conduct runoff from completed phases across future phases to satisfactory point of disposal.

4. Subdivision improvement plans shall include the storm drainage facility from Kennwood Drive, across Parcel B to the Russian River, to be completed (or the completion made the subject of a Subdivision Improvement agreement in conformance with Article VIII of the County Division of Land Regulations) prior to the filing of the final map for Phase I. The storm drainage facility shall include an energy dissipating outfall structure, located within appropriate drainage easement on Parcel B and/or Parcel C. Drainage plans shall be subject to review and approval by the Regional Water Quality Control Board. A General Construction Activity Storm Water Permit shall be secured.
5. Subdivision improvement plans shall include a perimeter surface drain or other design feature (to be constructed within appropriate easement) to capture surface water along the north boundary and conduct it to the subdivision storm drainage system.
6. Where public water and sewer systems are to be utilized, the subdivider must submit to the Division of Environmental Health, a letter from the districts indicating a willingness and ability to supply services to the proposed parcels.
7. Where land divisions lie either partially or wholly within 500 feet of a public water and sewer systems, the subdivider shall submit to the Division of Environmental Health a letter from the district stating that: (1) services (and main extensions, where required) have been installed to the satisfaction of the district or agency, to serve each lot in said subdivision and connected to the system providing the service; or (2) sufficient fees have been paid, to the satisfaction of the district, to cover the cost of the installation of services (and main extensions, where required) for each lot and the connection to the system providing the service.
8. Prior to performing any work within the Russian River floodplain, subdivider shall secure all applicable permits from the California Department of Fish and Game, the U.S. Army Corps of Engineers, as well as any other agencies which may have control or authority.

9. Subdivision improvement plans shall include bank slope protection along the full length of the leading edge of the fill along the Russian River, in conformance with the recommendations contained in the Fault Study and Preliminary Geotechnical Evaluation, dated September 16, 1994, prepared by John T. Phillips, Certified Engineering Geologist No. 1482. The plans shall be accompanied by a design report prepared by a certified engineering geologist or a geotechnical engineer establishing the design parameters. The bank slope protection shall be completed as the fill is placed for each phase of development. Upon completion of each segment of bank protection, a written statement by a Registered Civil Engineer shall be submitted to the Department of Public Works and Planning and Building Services demonstrating that the work has been completed in accordance with the approved design plans.
10. Pursuant to provisions in Section 17-43(D)(6) of the County Division of Land Regulations, all areas within the subdivision subject to inundation in the event of a "100-year" storm/flood shall be clearly identified on the final map. Data shown on the final map shall be supported and verified by a report prepared by a registered civil engineer and submitted to the Department of Public Works concurrently with final map check prints. The report shall take into account any grading to be utilized to raise the ground elevation above the base flood elevation. The report shall verify that the ground elevations of all lots or building pads are in compliance with Condition Number 12. Placement of fill shall be accomplished pursuant to a grading permit administered by the Department of Planning and Building Services, and in conformance with the recommendations contained in the Fault Study and Preliminary Geotechnical Evaluation, dated September 1994, prepared by John T. Phillips, Certified Engineering Geologist No. 1482.
11. Minimum elevations of building pads shall be one foot above the 100 year flood elevation. Building pads are defined as the area inside the building setback lines on each lot.
12. Prior to filing the final map for any phase of the subdivision, the subdivider shall make application to FEMA for a Conditional Letter of Map Revision for those areas being elevated above the base flood elevation.
13. A permanent six foot fence shall be constructed prior to recording the Final Map for any phase which shall run along the north, south, and west boundary of Parcels B and C as depicted on the tentative map. Fence design shall be reviewed and approved by the Department of Fish and Game and the Department of Planning and Building Services.
14. A noise barrier shall be constructed to the satisfaction of the Division of Environmental Health and the Department of Planning and Building Services. The portion of the noise barrier for each phase having frontage on Lake Mendocino Drive shall be constructed prior to filing the final map for that phase according to the design specifications described in Section IV, A, of the report "Noise Impacts in Connection with the West Fork Subdivision, Mendocino County, California", by T.A. Barnebey, dated November 2, 1994. If the barrier is bonded with the improvement plans, the barrier shall meet the same design specifications and may be constructed after filing the final map. The barrier shall be constructed of materials (or painted) with a natural earth-tone color. The barrier shall not be constructed with concrete or cement blocks.
15. A final landscape plan shall be submitted consistent with the conceptual landscape plan for the projects frontage along Lake Mendocino Drive. (This requirement shall also apply to the median strips indicated to be within West Fork Drive and Tamarisk Drive if allowed.) The plan shall further be consistent with the packet included with the letter submitted from Green Lion Landscape Services dated February 19, 1995. Such plan shall be reviewed and approved by Planning and Building Services and the Department of Public Works.

16. Prior to recording the final map for any phase, approved landscaping shall be established with provisions for future maintenance in place. Should landscaping improvements be bonded, a detailed landscaping plan including irrigation plans, based on the preliminary Landscape Documentation package, prepared by Green Lion Landscaping, shall be submitted for review and approval of Planning and Building Services.
17. Prior to filing the final map for any phase, the applicant shall file a Certificate of Substantial Completion for the Landscape Documentation Package on file in Planning and Building Services. Should landscaping improvements be bonded for sufficient information shall be provided in the landscape and irrigation plans required as part of Condition Number 17 to insure compliance with the Water Efficient Landscape Ordinance.
18. Prior to site development, a complete inventory of all major vegetation (e.g., trees or shrubs with a diameter of twelve (12) inches or a circumference of thirty-eight (38) inches or more measured at four and one half (4 1/2) inches vertically above the ground) shall be submitted to Planning and Building Services. The subdivider shall develop final improvement plans which shall endeavor to preserve as much natural, existing vegetation as possible. Some minor changes to subdivision design shall be allowed to preserve existing vegetative features.
19. In the event that archaeological resources are encountered during construction on the property, work in the immediate vicinity of the find shall be halted until all requirements of Chapter 22.12 of the Mendocino County Code relating to archaeological discoveries have been satisfied.
20. From the lands to be subdivided, subdivider shall dedicate sufficient right-of-way along the southerly side of Lake Mendocino Drive, CR# 227B, to establish a 40 foot one-half width right of way measured from the existing corridor centerline.
21. Direct access onto Lake Mendocino Drive (CR# 227B) from the subdivision lots shall be restricted by dedication of access rights on the final map.
22. West Fork Drive and Tamarisk Drive shall be designed and constructed in accordance with procedures prescribed in the County Division of Land Regulations, and the following design standards:

Minimum Right of Way Width	60 feet
Minimum Street Width (Curb to Curb)	40 feet
Minimum Radius of Curb Return	35 feet
Maximum Grade	10 percent
Minimum Grade	0.3 percent
Minimum Traffic Index	5.0
Minimum Thickness of Asphalt Concrete Surfacing	2 inches

Street improvements shall include concrete curb and gutter (step type) and 4 foot wide concrete sidewalk on both sides. In all areas where road alignments are underlain by natural soils, the design shall include over-excavation to 1 foot below regular subgrade elevation. Such areas shall be brought to subgrade elevation by the placement of suitable fill material with a minimum R value of 50, compacted to 95 percent relative compaction. Subdivision street improvements shall be completed by phase, as indicated on the tentative map.

23. The design of the road approaches for West Fork Drive and Tamarisk Drive onto Lake Mendocino Drive (CR# 227B) shall include a clearing as necessary to provide sufficient

stopping sight distance to accommodate a design speed of 40 miles per hour on Lake Mendocino Drive.

24. Kennwood Drive, Briarwood Drive, Vintage Drive, and Twin Rivers Drive shall be designed and constructed in accordance with procedures prescribed in the County Division of Land Regulations, and the following design standards:

Minimum Right of Way Width	52 feet
Minimum Street Width (Curb to Curb)	36 feet
Minimum Radius of Right of Way at Bulb	50 feet
Minimum Radius of Curb at Bulb	38 feet
Minimum Radius of Curb Return at Bulb	100 feet
Minimum Radius of Curb Return at Intersection	30 feet
Maximum Grade	10 percent
Minimum Grade	0.3 percent
Minimum Horizontal Curve Radius	250 feet
Design Speed	25 miles/hour
Minimum Traffic Index	4.5
Minimum Thickness of Asphalt Concrete Surfacing	2 inches

Street improvements shall include concrete curb and gutter (step type) and 4 foot wide concrete sidewalks on both sides. In all areas where road alignments are underlain by natural soils, the design shall include over-excavation to 1 foot below regular subgrade elevation. Such areas shall be brought to subgrade elevation by the placement of suitable fill material with a minimum R value of 50, compacted to 95 percent relative compaction. The minimum horizontal curve radius requirement shall not apply to the corners of Kennwood Drive located adjacent to Lot 44, Lot 66, and Lot 102. Subdivision street improvements shall be completed by phase, as indicated on the tentative map.

25. Subdivision road plans shall include cross sections with templates at a maximum interval of 50 feet.
26. An encroachment permit issued by the Department of Public Works will be required for any work within the County Road right of way.
27. Damage to the County Maintained Road System attributable to hauling of material and equipment in connection with subdivision grading and construction of subdivision improvements shall be repaired by the subdivider to the satisfaction of the Director of Public Works.
28. The subdivider shall create an entity such as a home owners association acceptable to the County of Mendocino to accept fee title for the ownership of, and to provide for a mechanism for the development and maintenance of a neighborhood park within Parcel B, as identified on the Tentative Map. Design and development within the park shall be approved by the homeowners association with consultation with the Department of Fish and Game. The park shall be developed to the satisfaction of Planning and Building Services prior to the recordation of the final map for Phase IV. Park design should include, at a minimum, provisions for protection and enhancement of existing riparian habitat. Further, landscaping and park amenities should be designed to serve neighborhood recreational needs. All lawn areas shall be created with proper soil preparation and seed mix to create an appropriate surface for passive outdoor recreation. Handicapped accessibility shall be provided to park facilities in conformance with State law. The entity or association created shall also provide for the long term maintenance of landscaping

along Lake Mendocino Drive frontage, median strips at the entrance, and the street tree program as otherwise approved under Conditions 2e and 2f. Further, at the subdividers expense, a lighting district or other entity shall be created to maintain street lighting installed per Condition Number 1.

29. Fire hydrants shall be installed per the Uniform Fire Code and to the satisfaction of the Ukiah Valley Fire District.
30. A note shall be provided on the final map that provides notification that the following building standards shall apply to the project development.
  - a. A grading plan and inspections will be required by the Building Department for all site work, including, but not limited to the sound wall, compaction, pad cuts or fills, rip rap placement and accessibility features in the common areas.
  - b. House foundations must be designed by a soils engineer based on the geotechnical report and must be approved by the geotechnical engineer.
  - c. The geotechnical engineer shall categorize the soil profile per Uniform Building Code Section 2333(f)3D and UBC Table Number 1 23-J.
31. The 4+- acre buffer parcel, labeled as Parcel C on the tentative map, shall be designated "Open Space/Riparian Corridor" on the Final Maps for any phase of the subdivision.
32. That a bus stop(s) be developed for the project to the satisfaction of the Ukiah Unified School District (UUSD), the Mendocino Transit Authority (MTA), and the California Highway Patrol. If no bus stop is required by the UUSD and/or MTA, letters shall be provided to Planning and Building Services notifying of their decision not to require same.
33. Prior to recording the final map for any phase, the subdivider shall create an organization capable, in the opinion of County Counsel, of maintaining all storm drainage facilities located outside of street rights of way accepted into the County Maintained Road System, as well as any filtration devices installed within rights of way. Any maintenance within said rights of way shall be performed pursuant to encroachment permit procedures administered by the Department of Public Works. The encroachment permit fees shall be waived.
34. This entitlement does not become effective or operative and no work shall be commenced under this entitlement until a fee of \$25.00 is submitted to the Department of Planning and Building Services to cover the cost of filing the Notice of Determination with the County Clerk. The fee must be submitted to the Department of Planning and Building Services by September 26, 1997.
35. The subdivider shall enter into an agreement for fire protection services to the satisfaction of the Ukiah Valley Fire District. Written clearance of this condition from that agency shall be provided to Planning and Building Services.
36. The subdivider shall establish a vegetation barrier along the southerly borders of lots 14 through 17 as deemed necessary by the Ag Commissioner.