

pbscommissions - Please include in packet for 10/19/21 meeting MS_2020-0007

From: "Jim Clark" <jclark.dro@gmail.com>
To: <pbscommissions@mendocinocounty.org>
Date: 10/19/2021 5:05 PM
Subject: Please include in packet for 10/19/21 meeting MS_2020-0007

Mendocino County
OCT 20 2021
Planning & Building Services

Re: MS_2020-0007

Planning commissioners:

You will be considering Mark Bohdi's request this meeting.

As best as I can understand - part of the requirements seem to be an improving the current entry way to Highlands Ridge Road.

This entry way is a common PRIVATE EASEMENT for the following property owners to my knowledge:

From the entrance off Hwy 128 the property owners are:

Pete Opatz
John Mark
The Clarks
Brian McCullough
Bohdi Mark

The Levin's – which are running businesses inviting the public to travel up this private easement, including but not limited to the Le Vin Winery, SeaWolf Winery, Weddings and now a Stage hosting musical concerts.

And then it goes to these from what I have gathered (not in order)

The Whites (which according to the Levin's) never come up here

The Walkers (which according to the Levin's) use it very infrequently.

The Palmers - which according to the Levin's; doesn't live here so is not used.

Jose Torres

My concern is this – that I think it would be ill-advised to permit this subdivision request – where a heavy financial commitment is needed for changing the Highway 128/Highlands Ridge Road intersection without Mr. Mark being able to prove that he can finance the entire process on his own.

It seems incredulous to me that the Commission could approve this sub-division, and its required entry way changes for the benefit of Mr. Mark (and the Levins) while expecting those properties below his to pick up the cost of something that directly benefits him. Since this is a requirement for his subdivision – BOTH the initial investment and the future maintenance should be his burden – not his neighbors.

What I am requesting:

- 1) that the Commission not approve this sub-division, and its required entry way changes for the benefit of Mr. Mark (and the Levins) until such time as he can cover the costs independently! Not to go into this expecting those properties below his to pick up the cost of something that directly benefits him.
- 2) Since this is a requirement for his subdivision – BOTH the initial investment and the future maintenance should be his burden – not his neighbors.

What makes me think he is not able to do this?

It was just 1 year ago in Sept. of 2020 that all of us below his property received this email. Note – he is asking us to contribute so that he and the Levins businesses can benefit!

And there is the statement (and we all have proof it exists) that the property above his – is indeed creating an environment that brings the public across all our lands... using what is supposed to be a private easement for commercial activity.

*John and I had a meeting with 2 Caltrans guys (James Schupe and his successor) and an engineer. They came up with this design for a driveway fix. It stays on our side of the property line except for some grading for the sight line. 1 large oak tree will have to be removed and a few tiny oaks and evergreens. The engineer will have to go onto Pete's property to make a survey of the existing grades and of course we will also need Pete's permission to cut the sightline. My cousin is a civil engineer working for Contra Costa county and she says that this fix is the most cost effective one possible. We already have a permit from the California Department of Fish and Wildlife to replace the culvert there, which was expensive (~\$5k with biological inspection) hard to get, and is necessary for making that turn. I got a bid from Rege Excavation that put the cost at 56k including culvert, traffic management, and paving the flare. Then engineer (Tall Tree engineering in Willits) says engineering plans will cost about \$5k. The Caltrans permit would be about \$800. We would also need to secure a \$20k bond to get the caltrans permit. So we are looking at the total cost being about \$63k (this does not include the CDFW permit that we already have). I think this is a good price considering that Dr. Lee said his new driveway entrance cost \$120k. **This driveway fix would be needed for anyone to have any kind of commercial activity where the public is coming onto the property such as an Air B&B or Winetasting.** I am motivated to make this work because my Dad and I are trying to split our property and this is required to do that. If we split it between the 5 parties that pitched in for the last roadwork project it would only be \$12.6k each. What do you all think about that?*