



MENDOCINO COUNTY PLANNING COMMISSION

MINUTES FOR THE MEETING HELD ON: December 7, 2017

LOCATION: Mendocino County Board of Supervisors Chambers
501 Low Gap Road, Room 1070
Ukiah, California

COMMISSIONERS PRESENT: Krueger, Nelson, Warner, Holtkamp, Hall, Ogle, Pernell

COMMISSIONERS ABSENT: None

PLANNING & BLDG SVC STAFF PRESENT: Ignacio Gonzalez, Interim Director
Julia Acker, Senior Planner
Eduardo Hernandez, Planner I
Victoria Davis, Commission Services Supervisor

OTHER COUNTY DEPARTMENTS PRESENT: Matthew Kiedrowski, Deputy County Counsel
Beth Burks, LACO Representative

1. Roll Call.

The meeting was called to order at 9:02 a.m.

2. Planning Commission Administration

2a. Determination of Legal Notice.

The clerk advised that all items had been properly noticed.

3. Director's Report.

Mr. Gonzalez presented a verbal director's report and discussed the progress of the Army Corp of Engineers regarding fire clean up from the Redwood Complex Fire. He also noted several grants that Planning and Building Services (PBS) was researching that could assist with long term planning projects, such as the LCP Amendment. He also noted that he and Bill Kinser, Senior Planner in Fort Bragg, had started work on long term planning projects in the Coastal Zone, and that would come before the Commission at a later date.

4. Matters from the Public.

No one was present from the public who indicated a desire to address the Commission.

5. Consent Calendar.

None.

6. Regular Calendar

6a. CASE#: UR_2016-0002

DATE FILED: 1/11/2016

OWNER: MCCUTCHAN JAMES F JR & GLORIA

APPLICANT: SYAR INDUSTRIES, INC

AGENT: CRAWFORD AND ASSOC

PROJECT COORDINATOR: Eduardo Hernandez

REQUEST: A Surface Mining Use Permit Renewal/Modification and Reclamation Plan Amendment for the existing Blue Ridge Rock Quarry (CA MINE ID 91-23-0039) Use Permit U 10-95 to allow for: the extraction of up to 200,000 CY/year of in situ aggregate; the import of up to 40,000 CY/year of recycled asphalt, concrete, and/or other aggregate materials; the importation of up to 10,000 CY/year of soil; processing of a maximum of 220,000 CY/year (crushing, screening, and sorting) of virgin and recycled materials; production of up to 348,000 CY (441,400 tons) of finished product annually; a 30-year term for the entitlement; and a minimum 35-year term for the reclamation plan to account for post-reclamation monitoring until success criteria are achieved.

ENVIRONMENTAL DETERMINATION: Mitigated Negative Declaration

LOCATION: 3.5± miles north of Cloverdale and 10± miles south of the community of Hopland. The entrance to the project site is located 0.25± miles east of Highway 101 and the quarry is located 1.0± mile northeast of the site entrance via a private haul road, at 24951 Geysers Road (CR 101A), Hopland (APNs: 050-350-23, -24; 050-410-40, -41; 050-450-26; 050-460-05, -06, -07, -09, -11, and -20).

Ms. Beth Burks, planner with LACO & Associates, presented the staff report and discussed the revised resolution that had been distributed to the Commissioners. She explained that the applicant had requested modifications in a letter to staff dated December 1, 2017 and after review of the letter, staff agreed with the proposed modifications contained in the revised resolution. She also noted that the Department of Fish & Wildlife (DFW) had commented on the project and requested that a condition be added that would require the removal of the yellow-legged frog and the bull frog from the project site. In addition she noted that each Oak Tree that would be removed from the site was required to be replaced at a 2 to 1 ratio, in accordance with the General Plan.

Mr. Gonzalez noted that the mining reclamation plan completed by the applicant had to be submitted to the Division of Mine Reclamation (DMR), and that DMR would closely monitor the process until the reclamation plan was completed.

Commissioner Hall asked how the long term monitoring of the Oak trees would be completed.

Ms. Burks discussed the Oak monitoring plan as outlined in the Reclamation Plan.

Mr. Gonzalez noted that the typical monitoring of a reclamation plan was 3 – 5 years, and mandated the involvement of State, County, and other agencies to complete inspections and provide various approvals.

Chair Holtkamp asked where the frogs would be moved to.

Commissioner Pernell asked if Condition # 23 could be modified to make the applicants financial contribution to an agency benefiting Mendocino County and not the State agency that had been designated.

Mr. Gonzalez noted that the Condition stated a specific agency or any other agency that the County approved.

Michael Corrigan, Assistant General Counsel for Syar Industries, shared some history about his company, introduced his colleagues that were present, and spoke in support of his project.

Julie Price, Planner at Crawford & Associates, noted that Syar Industries had taken a proactive approach to the project, which included eight technical reports and assessments. She also noted that the frogs would be relocated from the mining area to an appropriate environment on the same property. She also stated that the reclamation plan completed by the applicant required that the oak trees be replaced at a 4 to 1 ratio, which was double the minimum requirement, and that the trees planted would need to exhibit an 80% success rate for the applicant to receive a financial incentive.

Commissioner Nelson commented that the first trees planted would have ten years to grow.

Commissioner Pernell noted that the timeline for replanting and growth of the Oak trees would cause a depleted eco habitat for generations of species that depend on the Oak trees, and asked if it would be difficult to find areas to plant the trees in.

The public hearing was declared open, seeing no one come forward, the public hearing was declared closed.

Commissioner Pernell stated that she wanted the financial contributions in Condition # 23 to be made to an agency in Mendocino County so that the County would benefit.

Mr. Kiedrowski asked if the Commissioners would take a short break so that he and staff could prepare the modified language for Condition # 23.

[Break 9:52 AM – 10:02 AM]

Mr. Kiedrowski reviewed the modified language for Condition # 23, and noted that it would allow the Commission to request that the money from the financial contribution stay in, and benefit the County. He also noted that it would have the flexibility that is required for the California Environment Quality Act (CEQA).

Mr. Gonzalez agreed with Mr. Kiedrowski that there needed to be flexibility in Condition # 23.

Commissioner Pernell expressed gratitude to Mr. Kiedrowski for his assistance.

Commissioner Warner asked if Ms. Price could review the oak tree replanting with visual aids.

Ms. Price reviewed the replanting process with the Commission from the maps contained in the staff report.

Commission Ogle asked when the first tree would be planted.

Ms. Price stated that planting would begin five years before mining ended, and that test plots would be planted ten years before the mining ended.

Mr. Corrigan noted that the company would be mandated by the State to complete the reclamation plan, which included a successful replanting of the Oak trees.

Commissioner Pernell expressed support for the test plots and the reclamation plan, but noted concern about the sixty years it would take to return the site to pre-mining status.

Mr. Kiedrowski reviewed the language of the modified motion.

Upon motion by Commissioner Hall, seconded by Commissioner Nelson and carried by the following roll call vote (7-0), IT IS ORDERED, by resolution, that the Planning Commission adopt a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program and grant a Surface Mining Use Permit Renewal/Modification and Reclamation Plan Amendment for the Project, as proposed by the applicant, based on the facts and findings and subject to the Conditions of Approval in Exhibit A, as revised at the hearing.

AYES: Krueger, Nelson, Warner, Holtkamp, Hall, Ogle, Pernell
NOES: None
ABSENT: None

7. Matters from Staff.

None.

8. Matters from Commission.

Commissioner Ogle noted that Chair Holtkamp, Mrs. Davis, and Mr. Kinser had attended the Planning Commission Annual Conference and reviewed the subject matter covered. She also noted that Mrs. Davis had contacted the conference facilitator and had requested copies of the slide presentations used at the conference if anyone wanted to review them.

Commissioner Nelson asked if any stipulation had been developed to address cannabis being smoked outside and the odor drifting through residential areas, creating a bad odor in the air, he also noted that other types of drifts in the air were illegal.

Mr. Gonzalez stated that staff would research that question and provide the information to the Commission at a later date.

Mr. Kiedrowski suggested the Air Quality agency as a contact regarding odor drift.

9. Adjournment.

Upon motion by Commissioner Hall, seconded by Commissioner Pernell, and unanimously carried (7-0), IT IS ORDERED that the Planning Commission hearing adjourn at 10:48 a.m.