



MENDOCINO COUNTY AIRPORT LAND USE COMMISSION

MINUTES FOR THE MEETING HELD ON: July 17, 2014

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

COMMISSIONERS PRESENT: Simon, Crane, Holtkamp, Shelton, Krueger, Clark

COMMISSIONERS ABSENT: Hall

PLANNING & BLDG SVC STAFF PRESENT: Andy Gustavson, Chief Planner
Fred Tarr, Planner II
Adrienne Thompson, Commission Services Supervisor

OTHER DEPARTMENTS: Matthew Kiedrowski, County Counsel

1. **Roll Call.**

The meeting was called to order at 2:00 p.m. Roll call was established by the Clerk.

2. **Regular Calendar.**

2a. **CASE#: ALUC 2-2014**

DATE FILED: 5/20/2014

OWNER: ZAINA VINEYARDS, LLC

APPLICANT: MENDOCINO COUNTY PLANNING AND BUILDING SERVICES

REQUEST: Airport Comprehensive Land Use Plan Consistency Review of a proposed rezoning of 9 (more or less) acres from Suburban Residential to Mixed Use – General (MU-2) for property located within the C Compatibility Zone of Ukiah Municipal Airport.

LOCATION: 3150 South State Street, Ukiah; APN 184-140-14.

ALUC COORDINATOR: FRED TARR

Chair Simon introduced Rex Smith, his new proxy.

Mr. Fred Tarr, staff for the Airport Land Use Commission (ALUC), discussed the proposed rezoning and noted that the Division of Aeronautics letter, which had been submitted last month, had been distributed to the Commission to review. He summarized the staff report and noted the parcel was located in Compatibility Zone C, of the Mendocino County ACLUP and the current Suburban Residential/Airport Zone (SR/AZ) zoning allows a maximum density of 6-7 residential units per acre. Mr. Tarr stated that the Planning Commission had recommended that the Board of Supervisors rezone the subject property to Mixed Use General- Airport Zone (MU-2 AZ) to bring the 9+/- acres into conformity with the General Plan Land Use classification of Mixed Use (MU). He noted that the ALUC had reviewed the General Plan (UVAP) Land Use classification of MU and found it to be compatible with the Mendocino County Airport Comprehensive Land Use Plan (ACLUP). (This action was taken on May 19, 2011-CLUP 1-2011). Staff had indicated at that time that the ALUC would be requested to review again at the time the rezoning was considered. Mr. Tarr further noted that the proposed zoning of MU-2 would permit a maximum density of 29 dwelling units (d.u.) per acre but that the Compatibility Zone C allowed for a maximum density of 15 d.u.s per net acre. Mr. Tarr indicated that, with the proposed zone of MU-2 AZ, future residential development in this area would be limited to a maximum residential density of 15 d.u.s per net acre in order to be compatible with the Zone C. Mr. Tarr noted that the State Division of Aeronautics had reviewed the proposed rezoning and indicated that the 2011 version of the Caltrans Airport Land Use Planning Handbook-Guideline

recommended that the maximum residential density for this area to be either 1 d.u per 10 to 20 acres in Safety Compatibility Zone 2 and 1 d.u. per 1 to 2 acres in Safety Compatibility Zone 4. Mr. Tarr commented that the Handbook was a guideline which State-wide ALUCs should utilize when they update their ACLUPs. He then commented that the State Division of Aeronautics based its comment on the proposed rezoning on its expanded and stricter airport land use safety compatibility zones without regard to current aircraft operations and terrain unique to the Ukiah Municipal Airport. Mr. Tarr also mentioned that the Ukiah Airport Manager, Greg Owen, had indicated that operations at Ukiah Municipal Airport had not changed in over 20 years and the Mendocino County ACLUP for the City of Ukiah environs was adopted 18 years ago. The Department of Planning and Building Services confirmed that the County's ACLUP continues to be a valid planning document that is enforceable by the ALUC. Mr. Tarr noted that County Counsel reviewed the Public Utilities Code and noted that Section 2164.7 provides that the State Division of Aeronautics Handbook is "guidance to the extent that the criteria has been incorporated" into the ACLUP. Mr. Tarr recommended that the ALUC find that the proposed rezoning to MU-2 AZ is consistent with the Mendocino County ACLUP with certain findings including future review of specific developments, requirement of over flight easements and a limit of 15 d.u.s per net acre for future residential development.

The public hearing was declared open.

Greg Owen, Ukiah Municipal Airport Manager, stated he was opposed to the project and stated it would jeopardize future funding from the Division of Aeronautics.

Chair Simon commented that he was not sure Mr. Owen had spoken to the issue at hand and noted that the ALUC only discussed whether a request was consistent with the ACLUP. He noted that as long as the request was compatible with Zone C, findings should be made for compatibly.

Commissioner Crane disagreed and felt there was a potential risk of losing future funding to the airport if the consistency findings were made. He argued that the project area was more consistent with the B2 zone than the C zone and preferred to be conservative.

The public hearing was declared closed.

Commissioner Crane continued and stated that finding consistency to meet the terms of the Housing Element Settlement Agreement was not good.

Mr. Gustavson commented that to gain compliance with the Housing Element Settlement Agreement, the County must rezone 24 acres where multifamily can be developed by right. He noted that both the R3 or MU-2 would satisfy that purpose, and if the current project was approved by the Board, the County will have met the requirement. He also commented that rezoning a parcel does not require development and stated there was no guarantee that multifamily would be developed in the near future. Mr. Gustavson also noted that outside of the airport zone, a mixed use parcel would be able to develop up to 29 units per net acre; however the density was reduced in the airport zone to 15 units or less.

Chair Simon noted that the airport zone designation was not being changed; therefore the lawsuit did not affect the Commission's decision. He felt the airport zoning simplified the discussion. He commented that he does agree in principle that lawsuit planning is a bad idea, but his personal preference didn't matter for the consistency determination.

Mr. Gustavson commented that rezoning a parcel did not necessarily predict development. He noted that any future development would be considered for consistency by the Commission. He also noted that with the current SR zoning, multifamily could be built if a use permit was approved.

Chair Simon agreed, but noted that nothing could be developed if the standards were not met and every potential project would be reviewed by the ALUC.

Commissioner Crane made a motion to deny consistency findings, stating the project as proposed was inconsistent with the Airport Land Use Plan. The motion was seconded by Commissioner Clark.

Commissioner Krueger commented, under discussion, that the rezoning of the parcel was not part of the discussion for compatibility and stated the residential density of the parcel was in question. He noted the potential future use was not up for question. He felt the proposal was consistent with the Airport Comprehensive Land Use Plan.

Commissioner Crane commented that the State was threatening to revoke future funding to the airport because of the rezoning and felt using an out of date ACLUP was like "walking off a cliff".

Chair Simon agreed that the Commission was not involved in rezoning a parcel, but felt the Commission was being imposed upon by the proceedings.

Mr. Tarr reiterated that the Commission was discussing the compatibility of the proposed MU-2/AZ zoning with Compatibility Zone C from the current ACLUP. He stated that only the Board of Supervisors could rezone a parcel.

Chair Simon agreed that the Board rezones the parcel, but he felt the proposal was hazardous. He noted that the County did have an ACLUP that could allow the density, but he agreed with Commissioner Crane that if the product had been updated, the parcel might not comply. He did not want to allow "advance approval" of a density that could be inconsistent in the future.

Mr. Gustavson clarified that the maximum density limit could be hindered by other factors and stated there were no guarantees that up to 15 units per net acre could be developed. He noted that with factors such as setbacks, drainage, agricultural endeavors adjacent to the parcel, etc. density would be reduced. He felt that staff was correct in stating the parcel is compatible with the ALUCP Zone C.

Chair Simon asked what would happen if the Commission did not make the consistency findings.

Mr. Gustavson noted that the determination would be taken to the Board for discussion. He stated the Board had the ability to override the ALUC's findings for consistency. He commented that there was a review process for development that had safeguards in place so that standards were not exceeded.

Commissioner Holtkamp noted that the current owner does not intend to develop mixed use on the land; therefore the rezoning would be of little consequence.

The Chair called for the vote.

AYES: Simon, Crane, Clark
NOES: Holtkamp, Shelton, Krueger

The motion failed with Commissioners Crane, Clark and Chair Simon voting that the parcel was inconsistent with the ACLUP and Commissioners Holtkamp, Shelton and Krueger finding the parcel consistent with the ACLUP.

Mr. Gustavson suggested further deliberation so that the Commission could reach a decision.

Commissioner Clark commented that he was not comfortable with the question. He felt the only reason the item was before the Commission was due to the lawsuit.

Commissioner Crane stated the parcel was the very definition of a B2 Zone and he did not see how consistency could be found.

Commissioner Holtkamp noted she would be willing to make staff's recommended motion.

Chair Simon commented that the vote would still be 3-3 if the recommended motion was made; it did not seem possible to change anyone's mind on the vote and felt any future motion would conclude in a stalemate. He related the proposal to an older application for a daycare facility near the runway, which was a safety issue and caused problems for the ALUC.

3. **Matters from Staff.**

None.

4. **Matters from Commission.**

Chair Simon noted that Commissioner Holtkamp had created a preliminary budget for the Commission.

Commissioner Holtkamp discussed the proposal and noted that each Commissioner was allotted \$300 for continuing education, which she felt would include conferences, online courses, etc. She stated that mileage had also been included for coastal commissioner and she thought that adding compensation for travel might entice more proxies.

Chair Simon summarized the remainder of the document and noted that the Commission would need a budget to start updating the ACLUP. He noted the Commission would need a consultant for the work.

Mr. Tarr noted the budget for the department had been approved for the current year, but he would note the issue for the next year.

Mr. Gustavson agreed and noted the budget would be considered moving forward.

Chair Simon noted that the time would allow staff and the Commission to become more familiar with the current ACLUP and process of updating.

Mr. Gustavson noted that it would probably take about one year to pull the scope of the project together and arrange associated costs for a full rewrite of the document.

Chair Simon commented he would like to start working on the information within a few months and noted that traveling meetings would not be necessary this time around since many airports specific plan information had not changed excessively.

Commissioner Shelton agreed that most established airports would have general up to date information.

Commissioner Crane stated that the glaring deficiencies were in the maps.

Commissioner Krueger introduced his proxy, Dewayne Wells.

5. **Approval of Minutes.**

Chair Simon noted one correction in the minutes regarding the conference he had attended and noted that he had spoken to individuals from other counties, not other states.

Upon motion by Commissioner Shelton, seconded by Commissioner Clark and carried by a voice vote of (6-0), the June 19, 2014 Airport Land Use Commission Minutes are Approved.

6. **Matters from Public.**

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

7. **Adjournment**

Chair Simon stated the meeting was adjourned at 2:56 p.m.