



MENDOCINO COUNTY AIRPORT LAND USE COMMISSION

MINUTES FOR THE MEETING HELD ON: **September 18, 2014**

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

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

COMMISSIONERS ABSENT: None

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

OTHER DEPARTMENTS: Matt Kiedrowski, Deputy County Counsel

1. Roll Call.

The meeting was called to order at 2:10 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

RECOMMENDATION: CONSISTENT

Mr. Fred Tarr, staff for the Airport Land Use Commission (ALUC), summarized the previous hearing and public comment, noting the final vote had been tied and a motion had not been received for ALUC 2-2014. He stated staff was recommending that the Commission find the parcel consistent with the County's Airport Comprehensive Land Use Plan (ACLUP), which was a valid, enforceable planning document. Mr. Tarr commented that a letter had been received prior to the previous meeting from Caltrans Division of Aeronautics, stating the request for consistency was clearly incompatible with the Division of Aeronautics Land Use planning hand book. Mr. Tarr noted that the proposed rezoning to Mixed Use General/Airport Zone (MU-2/AZ) would result in the ability for multi-family units to be built to a maximum density of 15 units per acre by right. He concluded noting staff had prepared a motion on Page 4 of the report with conditions relating to height of future development, overflight easements and noise compatibility.

Mr. Gustavson commented that a letter from Legal Services of Northern California written to the Board had been included in the Commission's packet.

Commissioner Crane asked why the letter was not included in the July meeting packet, since it had been date stamped on 7-21-2014.

Mr. Gustavson noted the letter had been sent to the Board of Supervisors and had not reached staff until recently.

Chair Shelton commented he was agreeable to staff's recommendation.

Commissioner Crane stated that Legal Services of Northern California was the group that had sued the County for the 24 acre rezone.

Chair Shelton asked how the letter would affect the motion.

Mr. Tarr stated that, based on the adopted ACLUP, the recommended motion finds the proposed rezoning to be compatible with the ACLUP and is not affected by the letter.

The public hearing was declared open.

Devon Jones, Farm Bureau, commented that "farmers" were opposed to taking any producing agricultural lands out of operation. She agreed that the more restrictive B2 was an appropriate designation and stated that the parcel was in the direct overflight path from the airport. The public hearing was declared closed.

Commissioner Gawthrop commented on the Division of Aeronautics letter and stated he was concerned that recommending consistency would jeopardize future funding from the State under the improvement plan.

Mr. Tarr noted there was a three year waiting list for funds from the Division of Aeronautics; however the Ukiah Airport Manager had a concern about future funding if the ALUC did not follow the Division of Aeronautics 2011 California Airport Land Use Planning Handbook Guidelines.

Commissioner Crane stated that withholding funds was a very real and present danger since the Division of Aeronautics "holds the purse strings".

Chair Shelton asked staff how the letter from Caltrans would affect the motion.

Mr. Kiedrowski stated that the Commission was only tasked with completing a motion; staff had recommended a motion for consistency, however if the result failed and the motion did not pass, that would also result in finality.

Commissioner Crane asked if findings for inconsistency would serve the same purpose.

Mr. Kiedrowski stated that the motion for inconsistency had been made during the previous meeting, which resulted in a tie vote and noted staff would prefer a different motion.

Commissioner Crane commented that Caltrans felt the rezone was a bad idea, the farmers said it's a bad idea and even the people suing the County think it's a bad idea.

Commissioner Krueger stated he was not disagreeing that the rezone was a bad idea; however the Commission is not making a decision on the rezone. The Commission was being asked if the proposed rezoning was compatible with the County's existing ACLUP. He felt all comments regarding the potential rezoning should be directed to the Board of Supervisors, who would make the final decision. Commissioner Krueger stated that he did not see anything incompatible with the proposal and the adopted ACLUP.

Commissioner Crane stated that the description of the B2 Zone clearly should be placed on the subject parcel and the map included in the ACLUP was not reflective of the true area.

Commissioner Krueger noted it was fine to state the map is incorrect, but the Commission does not have the authority to change the map under the current circumstances. He stated any Commissioner

that disagreed with the plan should either abstain from the vote or submit findings for how the parcel was incompatible with the County ACLUP and let the Board make findings on the rezoning.

Commissioner Holtkamp made staff's recommended motion on Page ALUC-4, finding the proposed rezoning consistent with the County Airport Comprehensive Land Use Plan, seconded by Commission Krueger.

AYES: Holtkamp, Shelton, Krueger
NOES: Gawthrop, Crane, Clark
ABSENT: None

The motion failed without a majority.

Mr. Kiedrowski asked for a motion of reconsideration so the Commission could produce findings.

Commissioner Holtkamp was not sure that any discussion would change the vote and noted the potential for a building moratorium in the County might be for the greater good of the County.

Commission Clark made a motion to reconsider, seconded by Commissioner Gawthrop: (5-1)

AYES: Krueger
NOES: Holtkamp, Shelton, Gawthrop, Crane, Clark
ABSENT: None

3. Matters from Staff.

Mr. Tarr noted there would be a special meeting on October 2, 2014.

4. Matters from Commission.

Commissioner Krueger commented that several Commissioners had voted against the adopted ACLUP and asked that they provide a proposed amendment to plan, so any future applications could be reviewed appropriately. He noted plan amendments could be placed on future agendas.

Commissioner Crane stated the maps were inconsistent with the words.

Commissioner Krueger thought the Commission should review maps and have the areas redrawn for discussion.

Mr. Tarr noted he would contact the Division of Aeronautics and verify the procedure to move forward.

The Commission agreed they would like to review amendments to the plan, rather than tackle rewriting the entire document.

Mr. Gustavson noted a work program for the Department would be discussed by the Board of Supervisors and stated he would communicate the Commission's desire to update the ACLUP to the Board.

The Commission noted they would like to complete an entire plan revision in the future.

Commissioner Holtkamp commented that she had attended the memorial service for Chuck Simon and conveyed the Commission's condolences to the family.

5. Approval of Minutes.

Commissioner Crane stated he had spoken to Greg Owen, the Ukiah Airport Manager and Mr. Owen stated that he was speaking under his capacity as the manager during the public hearing, which should be corrected on Page 2 of the minutes.

Upon motion by Commissioner Holtkamp, second by Commissioner Clark, and carried by a voice vote of (6-0), the July 17, 2014 Airport Land Use Commission Minutes are approved as corrected.

6. Matters from Public.

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

7. Adjournment

Upon motion by Commissioner Crane, seconded by Commissioner Clark, the meeting adjourned at 2:38 p.m.