



## MENDOCINO COUNTY PLANNING COMMISSION

**MINUTES FOR THE MEETING HELD ON:** June 16, 2016

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

**COMMISSIONERS PRESENT:** Krueger, Nelson, Holtkamp, Hall, Ogle

**COMMISSIONERS ABSENT:** Little, Warner

**PLANNING & BLDG SVC STAFF PRESENT:** Steve Dunnicliff, Director  
Andy Gustavson, Chief Planner  
Mary Lynn Hunt, Senior Planner  
John Speka, Planner III  
Fred Tarr, Planner II  
Adrienne Thompson, Commission Services Supervisor  
Danielle Fitts, Staff Assistant III

**OTHER COUNTY DEPARTMENTS PRESENT:** Matthew Kiedrowski, Deputy County Counsel

1. **Roll Call.**

The meeting was called to order at 9:04 a.m. Commissioner Warner and Commissioner Little were absent by prior arrangement.

2. **Planning Commission Administration.**

2a. Determination of Legal Notice.

The Clerk advised the Commission that all items had been properly noticed.

3. **Director's Report and Miscellaneous.**

None.

4. **Matters from Public.**

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

5. **Consent Calendar.**

5a. **Approval of the May 19, 2016 Planning Commission Minutes.**

Upon motion by Commissioner Nelson, seconded by Commissioner Ogle and carried by a voice vote of (5-0), the May 19, 2016 Planning Commission Minutes are approved.

6. Regular Calendar.

6a. **CASE#: AA\_2016-0002**

DATE FILED: 4/14/2016

OWNER: GARD & WHITNEY COOKSON

PROJECT COORDINATOR: ANDY GUSTAVSON

REQUEST: Administrative Appeal of the Planning Staff's interpretation of Section 20.168.020 (E) of the Mendocino County Inland Zoning Ordinance: "Exclusions. The provisions of this Section are not intended to include or regulate private gatherings such as weddings, housewarmings, family gatherings, barbeque, etc"; and Section 20.168.020 (B): "Duration. The period of operation of the circus, carnival, concert, rodeo, community festival, lecture, art or antique show, religious assembly or other similar activities shall not exceed five (5) days in any six (6) month period" also applies to temporary gatherings of fewer than 99 people.

ENVIRONMENTAL DETERMINATION: Categorically Exempt.

LOCATION: 6± miles northwest of Cloverdale, lying on the south side of Highway 128, 1000± feet west of its intersection with Mountain House Road (CR 111), located at 33430 Highway 128, Yorkville; APN 049-380-38.

RECOMMENDED ACTION: Uphold Staff's Determination of the Zoning Code.

Andy Gustavson, Chief Planner, introduced the item and noted Mr. Fred Tarr would be discussing a related permit pertaining to the background of the appeal. He noted the appeal was of an administrative determination that temporary events for less than 100 people were subject to limitations covered in the Zoning Code under the Temporary Event Ordinance, which stated that events could occur no more than 5 days in 6 month period. He discussed the permitting requirements and exemptions listed in the code and noted that staff viewed Mr. Cookson's events as a commercial venue since a fee was required to schedule the events, they were private, by invitation only, and not open to the general public. Mr. Gustavson read Section 20.168.020e into the record and stated that while the facility operated as a Bed and Breakfast under a major use permit for transient housing, hosting events was considered a separate use that required a permit. He stated Mr. Cookson had the option of applying for an Administrative permit for events or he could modify his existing use permit to allow for events exceeding 5 days in a 6 month period, which would allow staff to review the uses and neighborhood for compatibility prior to hosting events. Mr. Gustavson further elaborated on how the ordinance defines private versus public events and noted that the use of the facility would have to be ordinary, incidental and subordinate to the primary use of the facility to be subject to the exemption.

Commissioner Nelson noted that he owned a similar type of facility and would recuse himself from the project.

Mr. Gustavson continued and discussed Mr. Cookson's letter and exhibits.

Commissioner Ogle asked how action was initiated on the project.

Mr. Gustavson noted the appeal was filed by Mr. Cookson after having a discussion with staff regarding applicability of temporary uses and events of less than 100 people for his approved Administrative Permit.

Mr. Tarr discussed the approved Administrative Permit for the property, which allowed up to 200 people per event, limited to 5 days in any 6 month period. He noted during his site view of the property, he had met with the applicant and discussed the limitation for under 100 people; however Mr. Cookson had disagreed and felt there were no limitations on events under 100 people. Mr. Tarr noted he brought up the issue during a planning staff meeting, at which time it was discussed and planning staff agreed on the interpretation that there were limitations and Mr. Cookson was subject to regulations that would allow up to 5 events in a 6 month period for events up to 100 people.

Commissioner Ogle asked what was required for a use permit.

Mr. Tarr noted Mr. Cookson would only need to apply for a modification since he had an existing use permit.

Mr. Gustavson noted it would require an application and public hearing process similar to the current discussion that would address project description number of events on site, etc.

**Gard Cookson**, owner/appellant, discussed his interpretation of Code Section 20.168.020 and public vs. private events. He read portions of the code into the record and discussed Exhibit G from his correspondence. He believed weddings were exempt from the regulation as they were private, invitation only events.

Commissioner Ogle asked why Mr. Cookson had not applied for a use permit modification.

Mr. Cookson felt a modification to his use permit was not needed for wedding events and felt under 100 people was exempt from the code. He discussed the various improvements he has made to the property and noted he has an approved Administrative Permit for events up to 200 people and Use Permit for his Bed and Breakfast. He commented that all his construction has been done with permits and he has the necessary permits for large events; however he felt the code was clear that there were no limitations to events under 100 people and his events were exempt.

The public hearing was declared open.

**Tom Johnson**, Attorney for Mr. Cookson, stated staff's interpretation of the Zoning Code was completely wrong and referred to Temporary Use, Section 20.168.020a. He stated there was no possible way to consider weddings as "similar activities" that require permits in the code. He noted the only reference to weddings in the code section was found in the exemption paragraph. He concluded that if weddings were to be regulated, they would have specifically been listed in the code section.

Chair Holtkamp noted Mr. Cookson received money for the weddings, which was a business; it was not scheduled for free or for family and friends weddings.

Mr. Johnson noted his client did run a business and had a use permit for the facility. He stated the Cookson's had spent hundreds of thousands dollars on upgrading and had permits for all items. He noted they had not completed any work illegally and all permits had been approved by the County. He stated the issue was the interpretation of the code section.

**Dave Roderick** noted he owned land near Mountain House Road and Highway 128 and felt the County should be a "yes" organization and find a way to approve the project. He noted other wedding venues in the area that have 30-40 events per year and promoting business in the County should be the primary focus.

**Hale Allen** noted he was the immediate neighbor of Mr. Cookson and was opposed to the wedding events, but not the Bed & Breakfast. He stated weddings were a commercial business, which Mr. Cookson received money for and was not a residential use that was appropriate for the neighborhood. He commented on the amount of parking needed, loud music and guests that inadvertently trespassed on his property. He commented that Mr. Cookson had promised to notify neighbors of events and post "no trespassing" sign for his events, which had never been done. He stated that renting a hall for a wedding was a commercial use, just like the wedding events hosted by the Cookson's.

**Michell Rege** noted she was also an immediate neighbor of the Cookson's and was opposed to the wedding events, but not the Bed & Breakfast. She noted she had moved to the area to enjoy the peace and quiet of the country and felt her privacy was being taken away by the multiple gatherings, cars, and commercial trucks that deliver products for the weddings. She agreed with the previous speaker that weddings were a commercial transaction with money being spent to rent the location and pay for advertising. She noted that "temporary" was not the correct word to describe the ongoing events hosted at the site and felt the neighbors should be considered during permit approval. She also noted that people traveling to the site were often confused and drove through her gate instead of the Cookson's and was concerned for her livestock.

Commissioner Ogle asked if Ms. Rege was aware of a new access road being developed solely for the Cookson's property.

Ms. Rege was not aware of a new access road.

Mr. Johnson stated that Commissioner Ogle was correct and a private road for the Cookson's was being developed.

**Kurt Feichtmeir** was in favor of the project and noted the County had based its economic development on tourism. He noted his previous tenure on the County's Business Improvement District (BID) Advisory Board and felt Mendocino County would benefit from more business and lodging establishments in the area.

Commissioner Ogle noted she had been to the site and noted other business in the area and asked staff if they had permits.

Mr. Feichtmeir believed the business was called Mountain House Estates; located near the intersection of Mountain House Road.

**Gerald Reis**, owner Ravenridge Cottages, noted his support of the support Cookson's development and stated it was a beautiful project.

[Break 10:12 AM – 10:28 AM]

The public hearing was declared closed.

Mr. Gustavson discussed the difference between a transient lodging resort recreation, and transient lodging limited, which allowed up to 6 rooms. He noted that while both require a major use permit, resort recreation was not limited in unit or room size and had more flexibility for recreational assembly than Mr. Cookson's permit. He noted the business on Mountain House road had such a permit, and other establishments in the area were in the process of acquiring a major use permit for multiple events.

Commissioner Hall felt there were two issues; that PBS had made the distinction between hosting a wedding for family vs. scheduled weddings for individuals that paid to reserve the facility and whether the Cookson's were hosting the event or if it was a guest hosting the event on the Cookson's property.

Mr. Gustavson noted the distinction was who initiates the event. He noted the Cookson's property was a commercial facility, not a private home, where a fee transaction was taking place to reserve space for an event.

Commissioner Krueger commented that the Ordinance language seemed simple and did not require much analysis; there was no mention of commercial or non-commercial nor was there a mention of cumulative events. He agreed with the appellants.

Commissioner Ogle noted the easy way around the issue was to have the applicant apply for a use permit as other property owners have done, but supported the appellant. She noted from her site view that the area was changing and felt the Cookson's improvements made for a wonderful facility in an excellent location.

Chair Holtkamp noted the County Code language was confusing and felt the language should be clarified in the interim. She felt it was clear that a time limit was established and noted other facilities are getting use permits for weddings. She commented that the events were clearly commercial and not for the Cookson's family and hoped some middle ground could be established. She appreciated the investments that had been made on site, but wanted a uniform permitting process in the County.

Commissioner Hall agreed with Chair Holtkamp and was not against the business; however he felt that uniform permitting requirements should be enforced and did not think the appeal could be granted.

Commissioner Hall made a motion to uphold staffs determination, and deny the appeal, stating the Mendocino County Zoning Code section 20.168.020e applies to project. The motion was seconded by Chair Holtkamp and failed by the following roll call vote:

AYES: Holtkamp, Hall  
NOES: Krueger, Ogle  
ABSENT: Little, Warner  
RECUSED: Nelson

Mr. Kiedrowski noted in previous history the Commission allowed an applicant to continue their project to a later date in hopes that a full Commission might be present. He noted any absent Commissioners would need to listen to the tapes to vote at a future meeting.

Commissioner Ogle noted there might be some events scheduled and asked if the Cookson's could proceed while the weddings that were planned.

Mr. Gustavson noted the Cookson's had an approved Administrative Permit, so any scheduled weddings would count towards their 5 events in any 6 month period, but were not barred from using site.

Commissioner Ogle asked if the typical processing time for a major use permit was 6 months.

Mr. Gustavson agreed that was the typical turnaround time frame; however the time could be shorter for expedited cases.

**Commissioner Hall made a motion to continue the hearing to August 18, 2016, seconded by Commissioner Ogle and carried by a voice vote of (4-0).**

**6b. CASE#: OA\_2016-0001/R\_2016-0002**

DATE FILED: 5/9/2016

APPLICANT: COUNTY OF MENDOCINO

AGENT: PLANNING AND BUILDING SERVICES

PROJECT COORDINATOR: MARY LYNN HUNT

REQUEST: Amend the Mendocino County Zoning Code – Division I, Title 20 (Inland) to add Chapter 20.147, Community Character (CC) Combining District and Rezone all the C-1 (Limited Commercial) and C-2 (General Commercial) zoning districts to apply the CC Combining Zoning in the County. The areas not included are, the city limits of Ukiah, Fort Bragg, Willits and Point Arena. Not applicable to those areas within the designated Coastal Zone Areas of the County. The proposed amendments will replace the formula business moratorium set by the Board of Supervisor's on September 22, 2015 and require a formula business use permit to establish a formula business by locating a new use either on a vacant lot or within a substantially renovated structure.

ENVIRONMENTAL DETERMINATION: Categorically Exempt per CEQA Guidelines Section 15308.

LOCATION: All unincorporated inland areas within Mendocino County. The areas not included are, the city limits of Ukiah, Fort Bragg, Willits and Point Arena. Not applicable to those areas within the designated Coastal Zone Areas of the County.

RECOMMENDED ACTION: Recommend the Board adopt the Ordinance.

Mr. Gustavson introduced the item and noted that Mary Lynn Hunt and Nash Gonzalez, as a consultant, had prepared the ordinance.

Mary Lynn Hunt, Project Coordinator, reviewed the staff report and discussed the process staff had used to determine the appropriate regulations for formula businesses. She stated that a new combining district within the C1 and C2 inland zoning district would be added and read the definition of a formula business into the record and noted the project would also include a rezoning to apply the Community Character (CC) combining district. She discussed the general site considerations, such as architecture, landscape and any new construction on a vacant parcel, and noted the regulations would not apply to an existing structure. She noted there was an exclusion area on North State Street and commented that the coastal process was in place via the Coastal Development Permit (CDP) process.

Commissioner Ogle asked why the exclusion area was added.

Ms. Hunt noted the exclusion area had been added by the Board during the urgency ordinance and was excluded from the rezoning, but could be added at a later date if needed. She also noted that the ordinance would not apply to building permits that had been issued prior to September 2015, or for permits issued to address fire safety, ADA requirements, reconstruction, or additions to a property. She discussed how the process would work by requiring a minor use permit that would be heard by the Zoning Administrator (ZA) and noted the project would be treated like any other planning application. Ms. Hunt noted that she had contacted the new Redwood Valley and Hopland Municipal Advisory Council's (MAC's) for comment and their comments had been included in the draft.

Mr. Gustavson commented that the Zoning Administrator (ZA) could move a potential project up to the Planning Commission if he deemed it necessary.

Ms. Hunt noted that the hearings would start at the ZA level to reduce the burden to the Planning Commission for minor review. She also noted that in the case of appeal, the project would go to the Board of Supervisors for review. She summarized comments from the MAC's and noted Laytonville MAC had been concerned with industrial sites, which already required a use permit for commercial use.

Nash Gonzalez, consultant, noted the purpose of the ordinance was to create a tool for staff to use in their review of proposed applications. He discussed the need to preserve community character and adhere to General Plan policies.

Chair Holtkamp thought the guidelines regarding signage were not clear enough in the draft ordinance.

Commissioner Ogle clarified that the Cleone parcel was not in the coastal zone.

Commissioner Nelson discussed site improvements.

Mr. Kiedrowski noted that some site improvements could be commercial trademarks, and could be difficult to regulate.

Ms. Hunt noted the language could also reference the existing sign regulations in the code.

The public hearing was declared open.

**Dave Roderick**, property owner, noted that he generally agreed with staff comments; however he felt the new Hopland MAC should have more time to respond. He was concerned that the ordinance may have been "rushed" through the process and thought all Formula Business items should be heard by the Planning Commission, not a single staff member. He asked the Commission to continue the item to a later date to allow the MAC's to provide further comment.

**Alison Pernel**, Laytonville MAC vice chair, noted she had been involved in the process since 2015 and commented that in general, Laytonville supports the approach. She commented that formula business could be an important part of the community, and an all-out ban was not appropriate. She noted Laytonville's concern with industrial zoned parcels and also felt that this type of development should be heard at the Planning Commission level rather than by the Zoning Administrator.

**Alex De Grassi**, Redwood Valley MAC, felt the key issue was General Plan consistency.

**Sheilah Rodgers** addressed the intent section and thought smart growth principles should be the basis for the policy language, promoting locally owned business that provide economic vitality.

**John Mayfield**, Employers Council member, thought the ordinance was a step in the right direction and noted that a number of parcels were proposed for rezoning. He urged the Commission to slow down and take time to complete the ordinance so mistakes weren't made or problems created for potential business that tried to move to Mendocino County.

Mr. De Grassi also commented that the process required more review of a proposed project, which he felt was one legitimate reason to adopt the ordinance.

The public hearing was declared closed.

Commissioner Nelson commented that the involvement of the new MAC's was important and thought a continuance would be appropriate.

Chair Holtkamp asked if the County was up against any deadlines to complete the ordinance.

Mr. Kiedrowski noted that the urgency ordinance adopted by the Board was valid for one year and expired in September. He noted that staff could request an extension of the timeline in order to present a final document at a later date.

Chair Holtkamp commented that she would like to continue the item to allow for more community involvement.

Commissioner Ogle noted she would also like further review by the Planning Commission and asked staff for a definition of community character.

Commissioner Krueger stated he would prefer to hear from the MACs and agreed with a continuance.

Upon motion by Commissioner Nelson, seconded by Commissioner Ogle and carried by the following roll call vote (5-0), IT IS ORDERED to continue the hearing to August 18, 2016.

[Break 11:52 AM – 12:00 PM]

**7a. CASE#: SA\_2015-0002**

DATE FILED: 9/10/2015

PROJECT COORDINATOR: MARY LYNN HUNT

REQUEST: Review and Update of the Planning Commission Bylaws and Rules of Procedure, including additions such as procedure for correcting Minutes.

RECOMMENDED ACTION: Approve the Update to the Bylaws and Rules of Procedure.

Ms. Hunt noted the item had been moved to the regular agenda for action and reviewed the history of the document. She noted County Counsel had been able to review the changes and they were available for questions.

Commissioner Hall noted a section that referenced a majority of the quorum could pass a vote and asked for clarification.

Mr. Kiedrowski noted that such a decision could apply to a procedural motion, like moving an item on the agenda; however it would not apply to projects that required action by the Commission.

Upon motion by Commissioner Hall, seconded by Commissioner Nelson and carried by the following roll call vote (5-0), IT IS ORDERED to adopt the changes to the Planning Commission Bylaws and Rules of Procedure.

AYES: Krueger, Nelson, Holtkamp, Hall, Ogle

NOES: None

ABSENT: Little, Warner

**7. Matters from Staff.**

**7b. Cancellation of the July 7, 2016 Planning Commission Meeting.**

Ms. Hunt noted that the Planning Commission Bylaws and Rules of Procedure state that the Commission meets on the first and third Thursday of each month; therefore staff would be formally cancelling the

meetings that had no projects. She commented staff would prefer not to use the title of "special meeting" as that indicated additional fees that would be charged to the applicant for such a process.

Mr. Kiedrowski noted that the fee for holding a special meeting could also be removed from the fee schedule to avoid unnecessary charges, but procedurally, a motion should be made to cancel a future meeting.

Upon motion by Commissioner Nelson, seconded by Commissioner Hall and carried by a voice vote of (5-0), the July 7, 2016 Planning Commission meeting is cancelled.

Mr. John Speka presented a Resolution of Appreciation for Fred Tarr.

**8. Matters from Commission.**

None.

**9. Adjournment.**

Upon motion by Commissioner Nelson, seconded by Commissioner Ogle, and unanimously carried (5-0), IT IS ORDERED that the Planning Commission hearing adjourn at 12:13 p.m.