



## MENDOCINO COUNTY PLANNING COMMISSION

**MINUTES FOR THE MEETING HELD ON:** April 21, 2016

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

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

**COMMISSIONERS ABSENT:** None

**PLANNING & BLDG SVC STAFF PRESENT:** Steve Dunicliff, Director  
Andy Gustavson, Chief Planner  
Mary Lynn Hunt, Senior Planner  
John Speka, Planner III  
Adele Phillips, Planner I  
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 9:00 a.m.

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.**

Mr. Dunicliff presented a verbal Director's Report and noted several new staff members that had joined the department; Michael McMinn, Planner, and Danielle Fitts, Staff Assistant. He noted a conclusion to the Coplen Settlement Agreement, which the judge had accepted. Mr. Dunicliff also discussed several larger projects that would be coming before the Commission including the Coastal Wireless Ordinance, the Formula Business Moratorium and the Marijuana Ordinance. He noted there was potential to hold special meetings and commented on the calendar the Commission had received at the beginning of the year highlighting the first and third Thursday of the month for potential meetings.

Commissioner Ogle asked the status of Bylaws Rules and Procedures.

Mr. Dunicliff believed the item would be back in the next few months.

4. **Matters from 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#: MS\_2014-0010/ U\_2015-0003**

DATE FILED: 12/16/2014

OWNER/APPLICANT: MARIETTA HOPLAND LLC

AGENT: BEN KAISI

PROJECT COORDINATOR: JOHN SPEKA

REQUEST: Minor Subdivision of a 269± acre parcel to create 4 parcels of 40±, 28±, 161± and 40± acres, respectively. Also a use permit is requested to implement a Planned Development (PD) on the subject property.

ENVIRONMENTAL DETERMINATION: MITIGATED NEGATIVE DECLARATION

LOCATION: 3.9± miles northeast of Hopland, lying on the east side of Old River Road (CR 201), 3± miles north of its intersection with University Road (CR 116B), located at 9801, 10275 and 10501 Old River Road; APN 047-310-05.

RECOMMENDED ACTION: Approve project as recommended.

Mr. John Speka, Project Coordinator, reviewed the staff report and presented a power point of the project. He discussed the request for an exception to County Code to create a "flag lot" and discussed the location, site characteristics, and existing developments on site including, a winery and event center and several single family residences. He noted the available building envelopes on site and stated little future development would be allowed due to the limited area. He discussed the background of project and noted a General Plan and Rezoning had been completed in 2011 which had added the Planned Development designation, which allowed for smaller parcel sizes, thus the 28± acre parcel. He continued and discussed the key issues from the staff report, noting the subdivision was consistent with the General Plan Policy RM 109. He discussed regulations from the Division of Land Regulations regarding the flag lot and noted staff was recommending approval with the findings and conditions as noted in the Resolution and Exhibit A.

Commissioner Nelson clarified that no second units would be allowed on the parcels and asked about the notation on the map for 2 building envelopes.

Mr. Speka stated there would be no second residences allowed, however there were various locations on the parcel that a residence could be built and the property owner might also want an accessory structure.

Commissioner Nelson asked if the vineyard and winery building could be located on separate parcels.

Mr. Speka noted offsite grapes could be used for a winery and the County Code allowed for a winery without a vineyard.

Commissioner Nelson noted the water tank and asked which parcel it served.

Mr. Speka believed the irregular parcel configuration was related to keeping the water tank on the same parcel as the vineyards it served.

Commissioner Ogle discussed the Assessor Parcel Lines on the aerial map.

Commissioner Nelson noted that Attachment E was only the tax parcels and the tentative map was proposed legal parcels.

Mr. Speka clarified the difference between the maps and the Assessor Parcel Numbers (APN).

Commissioner Nelson asked if the subdivision was approved, would new APN's be assigned.

Mr. Speka stated that if the subdivision was approved, new APN's would be aligned to the tentative map.

Commissioner Ogle was concerned with the parcel configuration and the 28± acre parcel. She was also concerned with proof of water for the subdivision.

Mr. Speka noted that the standards from the Division of Environmental Health was to demonstrate proof of water for 1 parcel in a subdivision.

Commissioner Hall asked if the property had riparian rights to the Russian River.

Mr. Speka deferred to the applicant.

**Glenn McGourty**, Plant Science Advisor for UC California, stated the parcel would have riparian rights, but not during the “no flow” season from May to October.

Commissioner Ogle was not sure how to change the standards, but she felt demonstrating proof of water on 1 parcel was inadequate.

Commissioner Holtkamp asked if there were any limitations on expansion of the event center and was worried what future owners might do with the property.

Mr. Speka noted the parcel would be constrained by existing building envelopes. He thought expansion might be possible, but noted that the use permit and PD designation would provide restrictions and oversight for development.

Mr. Gustavson stated that the parcel had been subject to a contract rezone, which also provided some restrictions. He stated the event center would be limited by the parking spaces required and septic development for future use. He noted the frequency of events per year may not have been limited.

Commissioner Ogle asked where the water for the winery and event center came from since there was no notation of wells on the tentative map.

Mr. Speka believed there were wells on the site, but deferred to the applicant.

Commissioner Nelson discussed the barrier between the building envelope and the event center. He was concerned with the proximity of development to ag uses.

**Ben Kaisi**, applicant, noted the parcel did have riparian rights and he pumped water for the vineyards and neighboring property. He stated during the no flow season, there was a metered well he paid for water from. He also stated that there were 2 other wells on the parcels that had been tested at approximately 40 gpm. He noted the ponds were not used for irrigation and were just natural ponds.

Commissioner Hall clarified that only the wells were used for irrigation.

Mr. Kaisi stated the wells and water tank were used for irrigation.

Commissioner Ogle asked about moving the parcel lines on proposed parcel 2 to increase the amount of acreage to the 40 acre minimum.

Mr. Kaisi noted the parcel lines had been drawn to keep the water tank on the parcel it was used for and also to follow the natural contour of the land. He stated the boundary of proposed parcel 2 was aligned with an existing creek and tree stand.

The public hearing was declared open.

**Glenn McGourty** stated his concern with fragmentation of agricultural lands and did not agree with allowing the nonconforming parcel size. He was concerned with the precedent it could set for the County. He also noted that the parcels contained a rare ecotype along the Russian River of riparian forest, which would be lost if developed for any use. He also felt that erosion could be an issue due to the soil types in the area.

The public hearing was declared closed.

Mr. Gustavson clarified with the applicant that the portion west of Old River Road, future parcel 1, was undeveloped.

Mr. Kaisi stated it was not developed and was sandy soils where the river naturally shifts and floods. He did not see any potential for vineyard on the parcel and noted there were no water rights on that parcel.

Commissioner Hall stated he would like to add a restriction to the parcel for future owners so they could not develop an ag use.

Mr. Speka commented that there was no restriction in the regulations for tree removal inland, however CalFire had regulations for conversions of less than 3 acres. He noted with the PD designation, the Commission had greater liberty assigning additional conditions to the use permit.

Mr. Gustavson noted the Commission had the authority to add additional conditions as need for factual aspects of the project that were concerned with health, safety or public welfare.

Mr. McGourty commented that the parcel was also within the flood plain and flood way and FEMA would have regulations limiting development to non-flow obstructing. He also felt Department of Fish and Wildlife could be concerned with habitat loss.

The Commission and staff discussed potential conditions to protect and preserve the land in its natural state; maintain flood control and protect riparian habitat.

Commissioner Nelson commented that he had a serious concern with the application and agreed with the Farm Advisor to recommend denial. He was not convinced that the barrier between parcel 2 and the building envelope was adequate to protect the vineyard and felt it was a dangerous precedent to approve the application. He disagreed with the exception for the flag lot and the nonconforming parcel size and stated the purpose of the PD designation was to prevent cluster housing.

Commissioner Ogle echoed Commissioner Nelson's concerns and did not support the project.

Commissioner Krueger stated he did not have an issue with the boundary lines and felt there were sufficient conditions within flood plain regulations and the County Code to protect the area west of the road.

Commissioner Hall discussed the lack of protection for the riparian zone and felt additional conditions were needed to approve the project or recommended denial.

Commissioner Little asked staff if the General Plan and Rezone in 2011 was requested by the applicant or County and if it was known at that time that a subdivision would be requested in the future.

Mr. Speka stated the application was at the request of the land owner and believed that the intent to subdivide was expressed at that time as the final stage of development.

Chair Warner commented that nonconforming parcel sizes and use of the PD designation might be appropriate for a subdivision, but she did not feel making the exception for this project was appropriate. She noted opposition from the Farm Advisor and felt she could not support the project.

Commissioner Hall made a motion to deny minor subdivision and use permit, which was seconded by Commissioner Nelson.

Mr. Gustavson interjected that a motion to continue would be recommended by staff and scheduled for a date certain to avoid renoting the hearing.

Commissioner Hall amended his motion to recommend the hearing be continued to the May 19, 2016 Planning Commission meeting to allow staff time to prepare findings to support the denial of MS\_2014-0010/U\_2015-0003.

Commissioner Nelson as the second concurred.

Under discussion, Commissioner Little noted that he tended to agree with the majority of the Commission, but felt an obligation to be consistent and if it was understood during the rezone that a subdivision was coming forward, he felt obligated to follow through and support the project.

Chair Warner commented that during the General Plan/Rezone hearing, the nonconforming parcel size probably had not been anticipated.

Upon motion by Commissioner Hall, seconded by Commissioner Nelson and carried by the following roll call vote (5-2), IT IS ORDERED to continue the public hearing to the May 19, 2016 Planning Commission Meeting to allow staff time to prepare findings to support the denial of MS\_2014-0010/U\_2015-0003.

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

[Break 10:08 AM– 10:21 AM]

**6b. CASE#: MS\_2015-0002**

DATE FILED: 3/26/2015

OWNER: DONALD SUNDSTROM AND EMANI SEEFELDT AND DAVID & DIANA HILLMER

APPLICANT: EMANI SEEFELDT

AGENT: RICHARD SEALE

PROJECT COORDINATOR: MARY LYNN HUNT

REQUEST: Subdivision of a 23.9± acre parcel into two (2) parcels of 10± acres and 13.97± acres.

ENVIRONMENTAL DETERMINATION: MITIGATED NEGATIVE DECLARATION

LOCATION: 2± miles north east of Gualala, lying on the east side of Old Stage Road (CR 502) just north of its intersection with Pacific Woods Road (private), located at 38701 Old Stage Road, Gualala; APN 145-011-01.

RECOMMENDED ACTION: Approve project as recommended.

Ms. Mary Lynn Hunt reviewed the staff report, which had been written by Graham Hannaford and discussed the request and location in Gualala, just outside the coastal zone. She noted the proximity of the airport and stated the applicant had originally requested 4 parcels, but had reduced the request to 2 parcels to comply with the density requirements near in the flight zone. She discussed the improvements on the property and discussed Condition #20 and 21, which were related to comments from the Airport Land Use Commission. Ms. Hunt noted the key issue related to the subdivision moratorium could be deleted and staff was recommending approval.

Commissioner Ogle noted a typo on Exhibit A, Condition # 9b, removing only as much as needed.

Commissioner Krueger discussed Condition #18 regarding private roads, easements and the offer to dedicate.

Mr. Gustavson noted that type of condition was normally placed on a subdivision road that served 4 or more parcels.

Ms. Hunt commented that the condition may have been added when the original request was for a 4 parcel division.

Commissioner Krueger felt the condition was unnecessary.

Mr. Gustavson thought the condition could be changed or deleted.

Ms. Hunt commented that the conditions were related to the Department of Transportation (DOT) and would prefer not delete them while DOT staff was unavailable for discussion.

**Donald Sundstrom**, owner, commented that he had an encroachment permit off of Old Stage Road and would meet the road standards proposed DOT.

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

Chair Warner asked if any wording should be added to Condition #18.

Mr. Gustavson noted the Commission could add "subject to Department of Transportation requirements", to ensure all standards were met.

Upon motion by Commissioner Hall, seconded by Commissioner Nelson and carried by the following roll call vote (7-0), IT IS ORDERED to approve MS\_2015-0002 per the revised Resolution and Exhibit A, noting that the subdivision moratorium findings can be deleted and modifying Condition #18 to add "subject to Department of Transportation requirements".

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

**6c. CASE#: UR\_2015-0001**

DATE FILED: 11/23/2015

OWNER: WILSON MICHELLE

APPLICANT: SHRABEL CHARLES & KATHLEEN

PROJECT COORDINATOR: ADELE PHILLIPS

REQUEST: Renewal of Use Permit #U 11-93 to authorize the continued operation of a 17 space mobile home park known as Little Lake Mobile Estates.

ENVIRONMENTAL DETERMINATION: CATEGORICALLY EXEMPT

LOCATION: 1± mile north of Willits, lying on the west side of Highway 101, 1.5± miles north of the intersection of Highway 101 and Sherwood Road (CR 311), and in the vicinity of the State weigh station, located at 24800 N. Hwy 101, Willits; APN 038-020-46.

RECOMMENDED ACTION: Approve project as recommended.

Ms. Adele Phillips, Project Coordinator, reviewed the staff report and noted the location of the project north of Willits. She reviewed the zoning of the parcel, flood plain area, and discussed the CEQA exemption for existing facilities. She discussed the comments that had been received from Environmental Health and Caltrans and stated a copy of the parks HCD permit had been attached to the report. She also noted that some special species existed in the vicinity of the site, but unlikely on the site, and reviewed the key issues of the report. Ms. Phillips noted staff was recommending approval of the use permit with standard conditions contained in Exhibit A.

Commissioner Little commented that the mobile home park contributed to affordable housing in the County and asked if the Inclusionary Housing fund could be used to pay permit fees for applicants, such as the proposed renewal.

Mr. Dunicliff noted he was unsure if the funds could be used in that manner, but felt it was an interesting concept. He commented that in an effort to minimize the process for applicants that had been operating without complaints, the department had removed the expiration date on the use permit. He noted the applicant would not need to renew the use permit in the future, which would save them an additional expense.

Commissioner Little appreciated the removal of the expiration date and commented that he felt providing a relief of the renewal fees would meet the intent of the fund.

The applicant was not present.

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

Upon motion by Commissioner Little, seconded by Commissioner Ogle and carried by the following roll call vote (7-0), IT IS ORDERED to adopt a Resolution, finding the project has a Categorical Exemption, Class 1, from CEQA and grant a Use Permit based on the facts and findings and subject to the conditions of approval found in Exhibit A.

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

**6d. CASE#: UR\_2016-0001**

DATE FILED: 1/11/2016

OWNER: FASHAUER JOSEPH F & JOANNE V T

APPLICANT: CALIFORNIA RURAL SERVICE AREA

AGENT: FAULK AND FOSTER/TRACEY MALONE

PROJECT COORDINATOR: JOHN SPEKA

REQUEST: Renew Use Permit U 28-97, allowing for the operation of a wireless communications facility, which expired April 1, 2014.

ENVIRONMENTAL DETERMINATION: CATEGORICALLY EXEMPT

LOCATION: 10± miles southwest of Philo, lying on the south side of Signal Ridge Road (CR 133), 4± miles south of its intersection with Philo Green Road (CR 132), located at 10551 Signal Ridge Road; APN 026-450-42.

RECOMMENDED ACTION: Approve project as recommended.

Mr. John Speka, Project Coordinator, reviewed the staff report and discussed several maps displayed on the projector. He reviewed the project history on the site and stated any new modifications would be subject to the new Wireless Communication Facility guidelines and would be processed administratively.

Commissioner Hall asked if there were 3 towers on the parcel.

Mr. Speka noted the CalFire tower was on a different parcel and thought the parcel lines in the map were slightly off.

**Tracey Malone**, agent with Faulk and Foster, agreed with the staff report and was available for questions.

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

Upon motion by Commissioner Hall, seconded by Commissioner Holtkamp and carried by the following roll call vote (7-0), IT IS ORDERED approve UR\_2016-0001 by resolution, and adopt a Categorical Exemption, Class 1b, and grant Use Permit Renewal UR\_2016-0001 for the Project based on the facts and findings and subject to the conditions of approval contained in Exhibit A.

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

**7. Matters from Staff.**

Mr. Gustavson reviewed the various items that would be coming before the Planning Commission in the future, including the Wireless Ordinance in the coastal zone, Formula Business Ordinance and a Marijuana Ordinance.

Ms. Hunt also noted that the Rules of Procedure and Bylaws needed to be reviewed by County Counsel and should be back to the Commission in June.

8. **Matters from Commission.**

Chair Warner noted she would like to review the balance in the affordable housing fund on a future agenda.

Commissioner Nelson noted he would like to see if the fund could be used to provide farm labor housing.

Chair Warner noted she would be absent for the May 19, 2016.

9. **Adjournment.**

Upon motion by Commissioner Holtkamp, seconded by Commissioner Hall, and unanimously carried (7-0), IT IS ORDERED that the Planning Commission hearing adjourn at 11:13 a.m.