



MENDOCINO COUNTY PLANNING COMMISSION

MINUTES FOR THE MEETING HELD ON: March 17, 2016

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

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

COMMISSIONERS ABSENT: Nelson

PLANNING & BLDG SVC STAFF PRESENT: Steve Dunicliff, Director
Andy Gustavson, Chief Planner
Mary Lynn Hunt, Senior Planner
Fred Tarr, Planner II
Adrienne Thompson, Commission Services Supervisor

OTHER COUNTY DEPARTMENTS PRESENT: George Valenzuela, Deputy County Counsel

1. **Roll Call.**

The meeting was called to order at 9:01 a.m. Commissioner Nelson was 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.**

Mr. Dunicliff presented a verbal Director's Report and discussed current projects the department was working on, including the Annual Report on General Plan, UVAP and Housing Element Implementation items. He discussed the formula business restrictions and marijuana summit; noting the latter still had significant questions remaining and he would keep the Commission informed.

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 January 21, 2016 Planning Commission Minutes.**

Upon motion by Commissioner Little, seconded by Commissioner Ogle, and carried by a voice vote of (6-0) the January 21, 2016 Planning Commission Minutes are approved.

6. Regular Calendar.

6a. **CASE#: R_2015-0003**

DATE FILED: 5/28/2015

OWNER: CANANDAIGUA CALIFORNIA ACQUISITION

APPLICANT: CANANDAIGUA WEST INC.

AGENT: NORMAN L. DEVALL

PROJECT COORDINATOR: FRED TARR

REQUEST: Rezone of approximately 27.7+/- acres from General Commercial (C2) to General Industrial (I2).

ENVIRONMENTAL DETERMINATION: The project was fully evaluated by the Ukiah Valley Area Plan EIR, no additional analysis is required (CEQA Section 15162(a)).

LOCATION: 0.5± miles north of the City of Ukiah, lying on the east side of North State Street (CR 104), 0.25 mile north of its intersection with Orr Springs Road (CR 223). Located at 2399 North State Street; APN 169-242-11 and -12.

RECOMMENDED ACTION: Recommend approval to the Board.

Fred Tarr, Project Coordinator, reviewed the staff report and presented a power point of the project. He noted that the rezone would bring the zoning into conformance with the General Plan land Use designation. He also explained that the Ukiah Valley Area Plan process had changed the land use designation. Mr. Tarr discussed the memo that had been distributed to the Commission. The memo noted that a key issue had been omitted from the staff report and that issue pertained to moratoriums which were a result of the County – Legal Services law suit. He commented that the Commission should consider this as a key issue, even though the County had fulfilled the obligations to rezone parcels to multi-family residential. He also noted that the subject property would not qualify as a suitable parcel to rezone for multi-family residential since it was partially in a flood plain and partially developed with a winery. He noted that staff was recommending that the Planning Commission recommend approval of the rezone to the Board and noted that no further environmental analysis was needed as the parcel was fully evaluated in the UVAP EIR.

Chair Warner asked if multifamily housing could be developed in the C2 zoning.

Mr. Tarr stated a use permit would be required to develop multifamily housing, which was contrary to the orders of the moratorium.

Mr. Gustavson commented that ordinarily, staff would have requested Legal Services of Northern California (LSNC) review the request prior to the meeting for a given action; however as the Planning Commission is not the deciding body and is only making a recommendation, he felt it was appropriate to move forward. He stated the Board of Supervisors hearing would not be scheduled until staff had heard from LSNC.

Commissioner Ogle noted she had visited the site and spoken to the manager, George Phelan. She asked why the rezoning was not included in the UVAP similar to that of the General Plan process.

Mr. Dunicliff was not sure of the specific reasoning behind the Board of Supervisors decision to include the rezoning with the General Plan adoption, but felt that the issue lied with the discrepancy in land use and zoning, which was viewed as an accident or oversight. He stated that the Board had not “bundled” the rezonings into adoption of the UVAP and it was up to the individual applicants to request a rezone of their parcel.

Commissioner Ogle noted there could be other parcels that should be rezoned.

Mr. Dunicliff believed there were other parcels that had inconsistent zoning compared to the UVAP.

Commissioner Holtkamp commented that the Commission did know there would be rezonings coming forward from adoption of the UVAP.

Commissioner Ogle was concerned that the applicant was paying for the rezone and asked about the referral list in the report, which had not listed Legal Services.

Mr. Gustavson commented that Legal Services had received a referral, but was not added to the list since the process had only commenced with the moratorium.

Mr. Dunicliff also noted that the moratorium had escalated into tiers and initially, rezones had not been part of the moratorium for the county.

Chair Warner commented that she had remembered that the land use changes from the UVAP were mostly requested by property owners and it was decided that the burden of completing the rezone process should be placed on the owners.

Norman DeVall, agent, approved of 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 Ogle, seconded by Commissioner Little and carried by the following roll call vote (6-0), IT IS ORDERED to recommend the Board of Supervisors adopt the proposed rezoning of the subject property from C-2 to I-2, adding Key Issue #4 to the Staff Report, regarding the Subdivision Moratorium, and making the following findings:

GENERAL PLAN CONSISTENCY FINDING: This project to rezone the subject property to General Industrial (I-2) will bring the zoning into consistency with the General Plan land use designation of Industrial (I) and the Ukiah Valley Area Plan land use designation of Industrial (I).

ENVIRONMENTAL FINDING: No additional environmental evaluation is required, nor necessary pursuant to Section 15162 (a) of the California Environmental Quality Act, since the environmental impacts have already been evaluated by the Environmental Impact Report (EIR) prepared for the 2011 Ukiah Valley Area Plan.

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

7. Matters from Staff.

7a. Review and Discussion of the Planning Commission By-Laws and Procedures.

Ms. Mary Lynn Hunt discussed documents the Commission had received in their packets. She noted that County Counsel had not been able to review the documents and no formal action would be taken; however any additional comments or corrections would be helpful.

Commissioner Hall agreed with the changes illustrated in the document.

Chair Warner commented she appreciated the informality of some of the Planning Commission's procedures and hoped the format could remain.

Commissioner Ogle noted a typo on page 2 of the strikeout version of the Bylaws and discussed Section 9, regarding minutes of previous meetings and Section 10, posting the agenda prior to the meeting date.

Mr. George Valenzuela, Deputy County Counsel, noted he would be taking notes in Mr. Kiedrowski's absence.

Ms. Hunt noted she would discuss the items with County Counsel before bringing the document back to the Planning Commission.

Commissioner Ogle noted the word "be" was missing on page 4, Rule #7, top of page, all sessions shall be recorded.

Chair Warner commented that more common English would help to make the document readable, as long as it met the required standards.

Commissioner Holtkamp agreed and asked if there was a more simple way to illustrate Rule #9 on page 5.

Commissioner Little thought a word was missing from the sentence and suggested "undone".

Chair Warner also felt Rule #4 could use more plain English and discussed recognizing the person speaking.

The Commission discussed various ways to note recognition of who would be speaking.

Ms. Hunt noted the Board of Supervisors would leave the highlighter standing when they wished to speak.

Commissioner Little noted that the Planning Commission has always been more informal when it came to discussion and he did not see a problem with interruptions or Commissioners being cut off during their comments. He hoped that this was an informality that would remain in the Planning Commission.

Mr. Gustavson commented that during review of the motion from recordings, it could be difficult to identify who was speaking if there was a heated discussion. Moving forward, he suggested the Chair recognize who was speaking in the conversation.

Chair Warner commented that the voting discussion in Rule #7 was confusing.

Mr. Valenzuela stated he would have staff review the language.

Commissioner Little discussed Rule #12 and felt the reference to voting could be deleted if the Commission relied on Roberts Rules.

Ms. Hunt noted she would make the suggested edits and review the document with County Counsel before bringing a finalized version back for review.

8. Matters from Commission.

Commissioner Little noted he had been watching the hearings on the marijuana ordinance and asked if use permits might be coming before the Commission for approval.

Mr. Dunicliff discussed his understanding of the ordinance and noted marijuana was being compared to an agricultural product such as timber or grapes, but would be different and he thought discretionary review would be included. At this point, he was unsure of where the discussion would lead and stated he would keep the Commission informed.

Chair Warner noted she had heard rumors of the Fjords building being purchased.

Mr. Dunicliff noted that a local realtor had said the building was in escrow for a potential In and Out restaurant.

Chair Warner asked if there were design standards.

Mr. Dunicliff noted that the only design standards that had been adopted were for mixed use.

Commissioner Krueger discussed the email that had been forwarded to the Commission by staff regarding the Gitlin subdivision.

Mr. Gustavson commented that staff had responded to the inquiry from Mr. Gitlin's neighbors and Environmental Health had issued permits for several wells. He stated there was no requirement placed on the subdivision to limit wells on the proposed parcels and the findings for the subdivision demonstrated adequate water consistent with County regulations.

Commissioner Ogle commented she had contacted the owner/neighbor to discuss the situation with them and noted the owner had talked to Environmental Health about drilling wells.

9. Adjournment.

Upon motion by Commissioner Ogle, seconded by Commissioner Holtkamp, and unanimously carried (6-0), IT IS ORDERED that the Planning Commission hearing adjourn at 9:57 a.m.