



MENDOCINO COUNTY PLANNING COMMISSION

MINUTES FOR THE MEETING HELD ON: October 19, 2017

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

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

COMMISSIONERS ABSENT: Nelson

PLANNING & BLDG SVC STAFF PRESENT: Ignacio Gonzalez, Interim Director
Mary Lynn Hunt, Chief Planner
Julia Acker, Senior Planner
Sam 'Vandy' Vandewater, Planner II
Victoria Davis, Commission Services Supervisor

OTHER COUNTY DEPARTMENTS PRESENT: Matthew Kiedrowski, Deputy County Counsel
Amber Munoz, Department of Transportation

1. **Roll Call.**

The meeting was called to order at 9:02 a.m.

2. **Planning Commission Administration.**

2a. Determination of Legal Notice.

The Clerk advised the Commission that item 6a was improperly noticed and removed from the agenda, all items had been properly noticed.

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

Mr. Gonzalez presented a verbal Director's Report.

4. **Matters from Public.**

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

5. **Consent Calendar.**

6. **Regular Calendar.**

6a. **CASE#:** U_2017-0002

DATE FILED: 3/3/2017

OWNER: LONG VALLEY HEALTH CENTER INC

APPLICANT: THE HARWOOD MEMORIAL PARK, INC

REQUEST: Use permit to develop a skate park. Phase I consists of bowls and ramps constructed of reinforced concrete, enclosed in a wire fence with metal fence art, a small parking lot and water fountain. Phase II will see the addition of more bowls and ramps. A bathroom will be

constructed within first 2 years of project.

ENVIRONMENTAL DETERMINATION: Negative Declaration

LOCATION: 0.5± mi. southwest of Laytonville center, on the south side of Harwood Road (CR 319), 0.3± mi. west of its intersection with HWY 101. 351 Harwood Road, Laytonville (APN: 014-160-12).

STAFF PLANNER: Sam 'Vandy' Vandewater

This item was improperly noticed and removed from the agenda.

6b. CASE#: U_2017-0010

DATE FILED: 6/9/2017

OWNER/APPLICANT: CUSHNER ALEX & ERIS O TTEES

REQUEST: Use permit for vacation home rental.

ENVIRONMENTAL DETERMINATION: Negative Declaration

LOCATION: 1.5± mi. northwest of Philo center, on the northwest side of Whipple Ridge Road, 0.5± mi. north of its intersection with Hwy 128. Located at 7349 Hwy 128, Philo (APN: 014-160-12).

STAFF PLANNER: Sam 'Vandy' Vandewater

Mr. Vandewater, Staff Planner, noted that the applicant requested this matter be continued to the November 16, 2017.

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

Upon motion by **Commissioner Krueger**, seconded by **Commissioner Warner** and carried by the following roll call vote (6-0), IT IS ORDERED: To continue this matter to the November 16, 2017 Planning Commission meeting.

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

6c. CASE#: U_2016-0012

DATE FILED: 11/16/2016

OWNER/APPLICANT: TOLL HOUSE & BELL VALLEY FARM

AGENT: AMY WYNN, WYNN COASTAL PLANNING

REQUEST: Major Use Permit to expand an existing inn from 6 to 11 units; expand farm labor housing from 1 to 3 units; build an owner's residence, a caretaker's residence, 12 glamping units, and 8 tent camping spaces; host 10 private events and/or weddings per year with up to 100 guests per event and 5 private events and/or weddings per year with up to 150 guests per event; provide a temporary tent village with 20 camping spaces to support the 5 private events and/or weddings.

ENVIRONMENTAL DETERMINATION: Mitigated Negative Declaration

LOCATION: 6.0± miles east of the Boonville town center, lying on the north side of Highway 253, 5± miles east of its intersection with Highway 128 at 12378 Highway 253 (a.k.a. Boonville Road), Boonville, (APNs: 046-250-12, 046-250-94, and 046-250-95).

STAFF PLANNER: Robert Dostalek

Julia Acker, for the staff planner, reviewed the staff report and discussed the request to allow for a transient use types, located in grazing and farmland areas. She also noted that sensitive resources do exist on this site, biological surveys were completed and conditions were drafted to address concerns noted in the biological survey. She stated that staff recommended the adoption of a Mitigated Negative Declaration.

Ms. Acker noted the letter from Wynn Coastal Planning, dated October 17, 2017, and reviewed suggested modifications of conditions, stating that staff was in agreement.

Commissioner Warner noted the staff report and presentation was excellent.

John Rubenstein, owner, was in support of the projects approval and grateful to staff for their hard work.

Amy Wynn was in support of the project and grateful to staff for their hard work.

Commissioner Pernell noted that this seemed like a beautiful project, and asked if the 2 wells would be adequate.

Amy Wynn stated that the wells were adequate.

Commissioner Warner noted her concern for the fire danger in Rangeland and the evacuation process and asked if the project was in compliance with fire agencies.

Amy Wynn stated that they were in compliance with Anderson Valley Fire District and CalFire, and were working with both agencies, on an on-going basis, to remain in compliance.

Commissioner Warner asked if there were different requirements for the various structures.

Ms. Acker stated that the occupancy type of each structure is what would defined the fire safety guidelines that would apply to each structure, a higher burden being placed on structures used for public assembly. She also noted that conditions applied to this project required an evacuation plan and a hydrant system.

Mr. Rubenstein noted that he and a member of his staff met with **Chief Slather** a total of three times at the site to ensure the highest fire security.

Commissioner Krueger asked why Condition 42 required employees be hired prior to the issuance of the building permit.

Mr. Rubenstein noted that he also did not understand the Conditions requirement.

Mr. Gonzalez stated Condition 42 contained the standard language used, but that a modification could be made.

Mr. Kiedrowski noted that modifications made to Condition 42 could require the project to come back before the Commission at a future date if research showed that the modification made was not in compliance with State or Federal Law.

Mr. Gonzalez stated that Condition 42 could be modified to read prior to final occupancy.

Commissioner Ogle asked why the staff report noted the gallon per minute flow for one of the two wells.

Mr. Rubenstein noted that he was only required to included that information about one well, which flowed at a rate of 50 gallons per minute and the other at a rate of 30 gallons per minute.

Commissioner Kruger asked about previous rezone in the staff report.

Ms. Acker stated that there was a previous rezone completed in the 1980's and the parcels were converted to rangeland when the General Plan Amendments were done. She also noted that there is not a rezone associated with this project.

The **public hearing** was declared open.

John Cesano, Executive Director of the Anderson Valley Winegrowers Association, was in support of the project.

Andrea Rios, Guest Services Manager at the Toll House Inn, was in support of the project.

Barbara Goodell was in the support of the project being approved.

Andres Avila, Chief of the Anderson Valley Fire Department (AVFD), noted that there was no opposition to the project but that he had two concerns. (1) That CalFire was frequently mentioned but he would like to have AVFD more involved in this project and its development. (2) He also would like to have the impact of the large crowds and transient individuals coming into the community discussed and addressed with AVFD.

Commissioner Warner asked if he felt the evacuation of 115 people onto Highway 253 would be problematic.

Chief Avila noted that he would rather see a "shelter in place plan" approach be taken in relation to the project.

Ms. Acker noted that Conditions 24 and 25 required that the fire plan be reviewed and approved by the AVFD prior to issuance of the Building Permits.

Commissioner Pernell asked when public agencies would have an opportunity to submit comment during the process.

Ms. Acker stated that comment from public agencies was always welcomed but not always received.

Mr. Gonzalez noted that staff routinely urged applicants to consult early on in the project with the local fire district and public agencies to assist in the development of each project.

Ms. Wynn noted that they had reached out to the AVFD via phone call early on and that she was in agreement the Chief Avila's comments.

The **public hearing** was declared closed.

[Break 10:15 AM – 10:26 AM]

Upon motion by **Commissioner Hall**, seconded by **Commissioner Pernell** and carried by the following roll call vote (6-0), IT IS ORDERED: To approve the project by resolution, and adopt a Mitigated Negative Declaration, grant Use Permit U_2016-0012 for the Project, as proposed by the applicant, based on the facts and findings and subject to the conditions of approval subject to the final modifications by the Planning Commission as follows; Conditions 6, 7, 12, 15, 25, 34 will be revised to read as recommended in the letter from Wynn Coastal Planning dated January 17, 2017 as reviewed by staff, in addition Condition 32 will be revised to read "prior to the issuance of occupancy" and Condition 42 as recommended by the Commission.

* The above motion references revising Condition 32 to include the phrase "prior to the issuance of occupancy." In reviewing the audio from the meeting, it is clear that no change was intended to be made to Condition 32, and it is the first sentence of Condition 42 that was intended to be changed from "Prior to the issuance of Building Permits" to "Prior to the issuance of a Certificate of Occupancy." The Resolution for this item has been changed to reflect the discussion in the audio recording.

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

6d. **CASE#:** MS_2007-0023
DATE FILED: 1/1/2011
OWNER: TRUSTEES OF PINOLEVILLE

APPLICANT: MICHAEL KINNEY ESQ

AGENT: JIM RONCO

REQUEST: "Modification of Conditions of Approval"

LOCATION: In Ukiah, 2± miles northwest of the town center, lying on the north side of Orr Springs Road (CR 223), just west with its intersection with Pinoleville Drive (CR 225), 0.5± miles west from the intersection of Orr Springs Road and North State Street (CR 104), Ukiah (APNs: 156-110-21 & 169-170-04).

STAFF PLANNER: Mary Lynn Hunt

Mr. Kiedrowski noted that legal counsel for the applicant requested the project be continued to November 16, 2017.

Upon motion by **Commissioner Hall**, seconded by **Commissioner Ogle** and carried by the following roll call vote (6-0), IT IS ORDERED: to continue this matter to the November 16, 2017 Planning Commission meeting.

AYES: Pernell, Krueger, Warner, Holtkamp, Hall, Ogle

NOES: None

ABSENT: Nelson

6e. CASE#: MS_2016-0008

DATE FILED: 12/7/2016

OWNER/APPLICANT: GREEN WALLACE

AGENT: SAMUEL G. POPE

REQUEST: Minor subdivision of a 4.98± Acres lot into 3 parcels (.31± A, .37± A, .78± A) and a remainder parcel of 3.52± A. Parcel number 1 is proposed for residential use and currently has no improvements. Parcel number 2 is proposed for residential use and currently has no improvements. Parcel number 3 is proposed for residential use and currently has a barn and a shed located in the northeast and southwest portions of the lot respectively. The remainder parcel is proposed for residential use and has a SFR located on the northeast side of the lot. Remainder parcel water supplied by Millview County Water District with reserve fees paid to Millview County Water District for Lots 1, 2, and 3. Perk Tests were conducted for all lots by Pope Engineering of Willits, Ca. The remainder parcel currently has a satisfactory septic system. Also requested is an exception to Mendocino County Code Section 17-48.5 (A)(1)(e)(i), reducing the private access easement width from the required 40 ft. to 25 ft.

ENVIRONMENTAL DETERMINATION: Negative Declaration

LOCATION: 3± miles north of Ukiah, lying just northeast of Eastside Capella Rd. (CR 227), 0.4± miles north of its intersection with Lake Mendocino Dr. (CR 227B). Located at 3801 Eastside Calpella Rd., Ukiah (APN: 168-210-07).

STAFF PLANNER: Thomas Matican

Mr. Gonzalez, on behalf of Staff Planner, reviewed the staff report and noted that staff supported approval of the adoption of the Negative Declaration determination. He also noted that there was one correction on page 9 of Exhibit A attached to the Resolution, Condition 12 should read Department of Planning and Building instead of Department of Public Building Services.

Commissioner Warner noted that she did not see a discussion about easement width.

Amber Munoz, with Department of Transportation, noted that 40 feet was the standard easement required by the Department of Transportation and noted that they did not have a problem with the proposed 22 foot wide road and 25 foot wide easement. She also stated that the proposed widths were acceptable for access up to 4 parcels, and this subdivision was only creating 2 parcels.

Sam Pope was in support of the project.

Commission Pernell noted that the property was below the damn and asked what plans were in place for the residences that are below the damn.

Mr. Gonzalez stated that the Damn Mitigation plan was in place and that development cannot be denied for the area below the damn because it was zoned correctly for residential development.

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

Commissioner Ogle asked for clarification on page 3 of the staff report under key issues.

Upon motion by **Commissioner Ogle**, seconded by **Commissioner Warner** and carried by the following roll call vote (6-0), IT IS ORDERED: To approve the project by resolution, and adopt a Negative Declaration, granting Subdivision Map for the Project, as proposed by the applicant, based on the facts and findings and subject to the conditions of approval and with the modification to Condition 12 as proposed by staff at the public hearing.

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

7. **Matters from Staff.**

None.

8. **Matters from Commission.**

Commission Pernell noted an error on page 3 of the staff report for project U_2017-0002, where it stated the project was located in Ukiah Valley, and it should state Long Valley.

9. **Approval of the April 20, 2017 Planning Commission Minutes.**

Commissioner Warner read a correction into the record.

Upon motion by **Commissioner Warner**, seconded by **Commissioner Ogle** and carried by the following roll call vote (6-0), IT IS ORDERED: the April 20, 2017 Planning Commission Minutes are approved as corrected.

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

Victoria Davis stated that the November 2, 2017 would be cancelled.

Commissioner Warner noted that she would be absent from the November 16, 2017 Planning Commission meeting.

10. **Adjournment.**

Upon motion by **Commissioner Hall**, seconded by **Commissioner Ogle**, and unanimously carried (6-0), IT IS ORDERED that the Planning Commission hearing adjourn at 11:00 a.m.