



MENDOCINO COUNTY PLANNING COMMISSION

MINUTES FOR THE MEETING HELD ON: April 20, 2017

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: Ignacio Gonzalez, Interim Director
Victoria Davis, Commission Services Supervisor
Danielle Fitts, Staff Assistant III
Mary Lynn Hunt, Chief Planner

OTHER COUNTY DEPARTMENTS PRESENT: Matthew Kiedrowski, Deputy County Counsel
Geoff Brunet, Department of Transportation

1. **Roll Call.**

The meeting was called to order at 9:07 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.**

Ignacio Gonzalez gave a brief report addressing the cancellation of the May 4, 2017, meeting, and noted all Commissioners would be notified of the cancellation via email. He discussed the informational cannabis meetings that went on throughout the County. He also noted that the Cannabis Enforcement Unit would be housed within Planning and Building Services and explained how it would work.

Chair Holtkamp asked when the Planning Commission would see projects at a hearing related to the Cannabis Ordinance.

Mary Lynn Hunt noted that regulations would go into effect on May 4, 2017, and commented that the Ag Department was expecting many applicants and all referrals to Planning and Building Services and Environmental Health would come from them. She also noted the Ag Department was scheduling appointments to review applications, but noted that applicants may need to obtain permits from various state departments.

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#:** OA_2017-0002

DATE FILED: 3/14/2017

REQUEST: Amend and repeal the Flood Plain Combining District Ordinance within Chapter 20.120 (Inland) of Division I of Title 20 and Chapter 20.420 (Coastal) of Division II of Title 20 of the Mendocino County Code and move and replace with Chapter 22.17 combining both coastal and inland ordinances into one ordinance. The Flood Plain Combining Districts provide County guidelines for development within Federal Emergency Management Agency designated flood plain and floodways. The amendments are proposed to comply with recent changes in federal and state regulations primarily dealing with the establishment of lowest floor, defining alternative methodologies for determining base flood elevation in areas not specifically studied, development criteria for areas designated "coastal high hazard areas," accessory structures and clarifying and adding definitions within the ordinance.

ENVIRONMENTAL DETERMINATION: Categorically Exempt

STAFF PLANNER: IGNACIO GONZALEZ

LOCATION: All unincorporated areas within Mendocino County. The ordinance will be adopted for those areas within the designated Coastal Zone and the inland area of the County.

Mr. Gonzalez reviewed the staff report, and noted the request to amend and repeal the current coastal and inland flood plain ordinances, combining two ordinances into one, and creating a new Chapter 22.17, for resource uses. He noted the last Flood Plain Ordinance update was in 1992; in 2008, changes did not go through a Local Coastal Program (LCP) process and were not certified by the California Coastal Commission. He stated Department of Water Resources (DWR) conducted an audit in 2013 of the County's flood plain regulations and program, and FEMA had expressed concerns and noted that new FEMA maps would go into effect on July 18, 2017, and the County's ordinance would need to be updated before that date. He discussed changes as bulleted on page 2 of the Staff Report, and noted the ordinance was Categorical Exempt, from (CEQA) and that it was consistent with General Plan, and LCP. He noted numerous conversations with FEMA and (DWR), both agreed that the revised Ordinance met current standards, and as long as the Coastal Commission did not make any significant changes during the Final Certification, both agencies were in support of the Ordinance. Mr. Gonzalez stated that Mendocino County must be in compliance by July 18, 2017, or they would be removed from the National Flood Insurance Program, and concluded that staff recommended that the Planning Commission recommend approval to the Board of Supervisor's making the necessary findings on page 4 of the staff report.

Mr. Kiedrowski suggested minor changes to ordinance, mostly to correct formatting and grammar, and commented on the suggested motion, to recommend the Board approve adoption of Chapter 22.17 and the amendment of the inland code to reflect the deletion of Chapter 20.120.

Mr. Gonzalez advised the Commission that staff wanted to make sure the County was meeting federal requirements by going before the Planning Commission and the Board of Supervisors prior to processing an amendment to the LCP. The Flood Plain Ordinance would now be enforced by the Building Department, because they deal with pre and post elevation certificates

and construction. He noted that this seemed consistent with his research of other cities and counties throughout the state, and should minimize errors. He noted that FEMA brought up that in field inspections, that Planning Department issued the certificates and that the certificates are not always brought through to the Building Department.

Commissioner Nelson asked if there was a process for complaints.

Mr. Gonzalez replied yes.

Commissioner Nelson inquired who complaints would be lodged with regarding the maps.

Mr. Gonzalez advised that complaints would be directed to FEMA and that all challenges of the maps were tested through the LOMAR/CLOMAR process. If FEMA maps were proven incorrect, letters would be provided to all agencies. He stated that when new maps were published, revisions and amendments would be reflected at that time.

Commissioner Ogle asked the definition of Building Official.

Mr. Gonzalez explained that it was a certified position that administered the State Codes, reviewed the permits, and made decisions whether an elevation certification was needed.

Mr. Kiedrowski suggested adding a building official definition in paragraph J, and suggested setting "light duty truck," as the minimum standard, versus adding "light or heavy duty."

Commissioner Hall mentioned that on page 8 there were references to the "zones", and asked where the zones were defined.

Director Gonzalez read the definition given by FEMA of zones.

Mr. Kiedrowski changed the title to "Flood Plain Ordinance." And recommended new language for the first paragraph on page 3.

Upon motion by **Commissioner Ogle**, seconded by **Commissioner Hall** and carried by the following roll call vote (7-0), IT IS ORDERED:

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

7. **Matters from Staff.**

Director Gonzalez informed the Commission that the May 4, 2017 meeting is cancelled.

8. **Matters from Commission.**

None

9. **Adjournment.**

Upon motion by **Commissioner Ogle**, seconded by **Commissioner Hall**, and unanimously carried (7-0), IT IS ORDERED that the Planning Commission hearing adjourn at 9:45 a.m.