



MENDOCINO COUNTY PLANNING COMMISSION

MINUTES FOR THE MEETING HELD ON: **May 21, 2020**

LOCATION: **Virtual Meeting**
Mendocino County PBS Conference Room
860 North Bush Street
Ukiah, California

COMMISSIONERS PRESENT: Perkins, Pernel, Nelson, Holtkamp, Wiedemann, Ogle, Jacobszoon

COMMISSIONERS ABSENT: None

PLANNING & BLDG SVC STAFF PRESENT: Brent Schultz, Director
James Feenan, Commission Services Supervisor
Julia Acker Krog, Chief Planner
Mark Cliser, Planner I
Sam "Vandy" Vanderwater, Planner II

OTHER COUNTY DEPARTMENTS PRESENT: Matthew Kiedrowski, Deputy County Counsel

1. Roll Call.

The meeting was called to order 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. Schultz and Ms. Acker Krog did not have a report, but were available for any questions from the Commission.

4. Matters from Public.

[Break 9:06 a.m. – 9:09 a.m.]

Public Comment: Telecomments: None received.

Written/Emails & Read into the Record: None received.

5. Consent Calendar.

None.

6. **Regular Calendar.**

Chair Ogle discussed how the Commission would proceed, and re-ordered the items on the agenda.

6b. CASE#: MS_2016-0007
DATE FILED: 11/14/2016
OWNER: DAVID TOLLINI
APPLICANT/AGENT: JAVIER RAU
REQUEST: Minor Subdivision of a 6.76± acre lot into a 2.0± acre lot and a 4.5± acre lot.
ENVIRONMENTAL DETERMINATION: Negative Declaration
LOCATION: 4.5± miles north of Ukiah center, on the south side of Parducci Road (CR 224), 520± feet west of its intersection with Tollini Lane (CR 228); located at 3550 Tollini Lane, Ukiah (APN: 169-071-29).
SUPERVISORIAL DISTRICT: 5
STAFF PLANNER: SAM "VANDY" VANDEWATER

Presenter/s: Mr. Sam Vandy Vandewater, Planner II; Ms. Julia Acker Krog, Chief Planner; Mr. Brent Schultz, Director; Mr. Matthew Kiedrowski, Deputy County Counsel.

The Commission asked questions and made corrections to the Staff Report, Initial Study and Resolution.

Applicants/Agent: None Present. (No Applicant Statement)

The public hearing was declared open.

Public Comment: Telecomments: None received.

Written/Emails & Read into the Record: None received.

[Break 9:22 a.m. – 9:27 p.m.]

Written/Emails & Read into the Record: Louie Virgil

Ms. Acker Krog stated that Mr. Javier Rau, (Agent for the Project) was on the line and asked the Commission if he could speak. They agreed to hear his statement. Mr. Rau was unable to join the meeting.

The public hearing was declared closed.

Commission discussion occurred with Commissioner Wiedemann, Commissioner Holtkamp, Commissioner Nelson, Ms. Acker Krog and Mr. Vandewater regarding adding conditions to the resolution, questions regarding ADU requirements, development requirements, and the configuration of parcels within the project area.

Commission Action: Upon motion by Commissioner Wiedemann, seconded by Commissioner Holtkamp, IT IS ORDERED that the Planning Commission adopt a Negative Declaration and grant Minor Subdivision for the Project MS_2016-0007, as proposed by the applicant, based on the facts and findings and subject to the conditions of approval, amending the date of Condition #11.

Commissioner Jacobszoon recused himself due to a conflict of interest.

The motion carried by the following vote: (6-0)

Aye: Holtkamp, Wiedemann, Pernell, Nelson, Perkins, and Ogle

Noes: None

Absent: None

Recused: Jacobszoon

Ms. Acker Krog made a statement that there was alteration to the agenda and item 6a. has been placed at the end of the agenda.

Enactment No: Resolution PC_2020-0006

6c. CASE#: U_2020-0001

DATE FILED: 1/24/2020

OWNER/APPLICANT: PETER SILVESTRI

REQUEST: Use Permit for the use of an existing Single Family Residence as a vacation home rental.

ENVIRONMENTAL DETERMINATION: Categorically Exempt

LOCATION: 2.7± miles southeast of Fort Bragg City center, lying on the east side of Swithenbank Lane (Private), 0.2± miles east of its intersection with Gravel Pit Road (CR 415C), located at 30691 West Highway 20, Fort Bragg (APN: 019-680-30).

SUPERVISORIAL DISTRICT: 4

STAFF PLANNER: MARK CLISER

Presenter/s: Mr. Mark Cliser, Planner I; Ms. Julia Acker Krog, Chief Planner

Applicants/Agent: Mr. Peter Silvestri

Commission discussion occurred with Commissioner Wiedemann, Commissioner Holtkamp, Commissioner Pernell, Mr. Silvestri and Ms. Acker Krog regarding location of the parcel, also discussed was the naming of the street noted in the report. Ms. Acker Krog noted the resolution had Condition #15 question was raised regarding driving directions that would be provided to the guests, prior to arrival at the residence.

The public hearing was declared open.

Public Comment: Telecomments: None received.

Written/Emails & Read into the Record: None received.

[Break 10:01 a.m. – 10:04 a.m.]

Written/Emails & Read into the Record: Michael Martin

Commission discussion occurred between Commissioner Pernell, Commissioner Ogle, Commissioner Wiedemann, Mr. Kiedrowski and Ms. Acker Krog regarding the letter received from the public. Discussion occurred regarding closing public hearing.

The public hearing was declared closed.

Commission discussion occurred between Commissioner Perkins, Commissioner Jacobszoon, Ms. Acker Krog, Commissioner Wiedemann, Commission Holtkamp, Mr. Schultz and Mr. Silvestri regarding maintenance of the road, access of the property, and possible violations and how complaints will be investigated. Discussion of the possible addition of a condition regarding how to advertise for the vacation rental.

Ms. Acker Krog stated she added Condition #24 to the resolution to reflect Commission comments.

Commission Action: Upon motion by Commissioner Perkins, seconded by Commissioner Pernell, IT IS ORDERED that the Planning Commission accept the Categorical Exemption and grant Major Use Permit U_2020-0001 for the Project based on the approved project description and findings and subject to the amended conditions, specifically Condition #24, in Exhibit A.

The motion carried by the following vote: (6-1)

Ayes: Pernell, Perkins, Holtkamp, Nelson, Jacobszoon and Ogle

Noes: Wiedemann.

Absent: None

Enactment No: Resolution PC_2020-0005

- 6a. CASE#: U_2019-0011
DATE FILED: 7/3/2019
OWNER: BETTE NIXON
APPLICANT: AT&T MOBILITY
AGENT: EPIC WIRELESS LLC
REQUEST: Major Use Permit to authorize construction and operation of a wireless communication facility consisting of a 143 ft. tall lattice tower with 12 antennae, various appurtenant equipment, ground equipment, generator, and equipment cabinet. Associated improvements include a gravel and paved access route to the site. The proposed lattice tower will be located within a 1,800 sq. ft. fenced compound.
ENVIRONMENTAL DETERMINATION: Negative Declaration
LOCATION: 5.1± miles southeast of City of Willits center, lying on the east side of Manzanita Drive (CR 304C), 0.5± miles east of its intersection with Ridgewood Road (CR 304A) located at 20201 Manzanita Dr., Willits (APN: 105-090-01).
SUPERVISORIAL DISTRICT: 3
STAFF PLANNER: MARK CLISER

Commissioner Nelson recused himself from this project.

[Break 10:35 a.m. – 10:45 a.m.]

Presenter/s: Mr. Mark Cliser, Planner I; Ms. Julia Acker Krog, Chief Planner; Mr. Brent Schultz, Director of Planning and Building; Mr. Matthew Kiedrowski, Deputy County Counsel.

Commissioner Holtkamp stated that she thought this matter would be continued until the Commission would be able to have live meetings and was not sure why the Commission was hearing this matter.

Ms. Acker Krog stated that the Telecomment option was explored and the public now have the option of Telecomments. Ms. Acker Krog also stated that due to shelter in place orders and current health orders the matter could not be continued to an unspecified date, given the Permit Streamlining Act requirements as well as federal shot clock requirements that must be adhered to any wireless communications facility. She also stated that if this item were to be continued beyond June 17, 2020, it would result in a deemed approved permit.

Commissioner Holtkamp stated that she has was OK with the item proceeding, however, she stated that she thought there were other ways to provide access for the public and also stated she will just vote no.

Commissioner Holtkamp, Commissioner Wiedemann, Chair Ogle, Commissioner Perkins, Commissioner Pernell, Ms. Acker Krog, Mr. Kiedrowski and Mark Cliser discussed changes to the Staff Report and Resolution. Staff answered questions from the Commission.

Commissioner Perkins and Ms. Acker Krog discussed how the fire inspections would occur during the construction of the cell tower and how complaints would be investigated.

Commission discussion occurred between Commissioner Pernell, Ms. Acker Krog, Mr. Cliser and Mr. Kiedrowski, regarding shot clock and if the Brown Act would affect the shot clock. There was a discussion of 5G and if the Applicant wished to add it, they may need to come back to the Commission to get approval. They also discussed Condition #1 of the resolution and how that should be struck from the resolution.

Agents: Mr. Jared Kearsley, Mr. Nick Tagas and Ms. Donna Davis

The public hearing was declared open.

Public Comment: Telecomments: Linda Cardana Gabrielson, Cathy Ortiz, Cynthia Raiser Jeavons, Annemarie Weibel, Ellen Drell and David Drell

Written/Emails & Read into the Record: Rain Youngstrom,

[Break 12:05 p.m. – 12:08 p.m.]

Written/Emails & Read into the Record: Rain Youngstrom

The public hearing was declared closed.

Commission Action: Upon motion by Commissioner Pernell, seconded by Commissioner Holtkamp, IT IS ORDERED that the matter be continued to June 4, 2020 with direction to staff to develop an alternate resolution for denial of the project with associated findings.

Discussion of Commission Action: Commissioner Pernell, Mr. Kiedrowski, Commissioner Wiedemann, Ms. Acker Krog, Commissioner Holtkamp, Commissioner Perkins and Commissioner Jacobszoon discussed possible findings to produce an alternate resolution for denial.

The motion was carried by the following vote: (6-0)

Ayes: Holtkamp, Pernell, Perkins, Wiedemann, Jacobszoon and Ogle
Noes: None
Absent: None
Recused: Nelson

Ms. Acker Krog stated that there would be no new notices sent since the matter was continued to a date certain and confirmed that all parties are hereby noticed for the meeting date of June 4, 2020.

7. Matters from Staff.

None

8. Matters from Commission.

Commission discussion: Commission Holtkamp, Chair Ogle, Ms. Acker Krog and Mr. Kiedrowski discussed possible alternate locations for meetings.

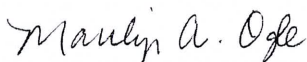
9. Minutes.

9a. None.

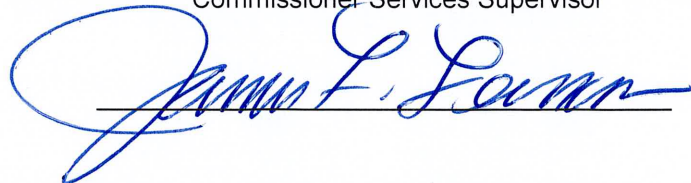
10. Adjournment.

THERE BEING NOTHING FURTHER TO COME BEFORE THE PLANNING COMMISSION, THE MENDOCINO COUNTY PLANNING COMMISSION ADJOURNED AT 12:15 P.M.

Attest: JAMES F. FEENAN
Commissioner Services Supervisor



MARILYN OGLE, Chair



NOTICE: PUBLISHED MINUTES OF THE MENDOCINO COUNTY PLANNING COMMISSION MEETINGS.

- Effective March 1, 2020, Planning Commission minutes will be produced in "action only" format. As an alternative service, public access to recorded Commission proceedings will be available on the Planning and Building website.
- LIVE WEB STREAMING OF COMMISSION MEETINGS is now available via the County's YouTube Channel. If technical assistance is needed, please contact The Mendocino County Planning & Building Office at (707) 234-6650.
- Minutes are considered draft until adopted/approved by the Planning Commission.

- The Planning Commission action minutes are also posted on the County of Mendocino website at: <https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas/planning-commission>.
- To request an official record of a meeting of the Mendocino County Planning and Building at (707) 234-6650.
- Please reference the departmental website to obtain additional resource information for the Planning Commission at: <https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas/planning-commission>.

Thank you for your interest in the proceedings of the Mendocino County Planning Commission.