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1ST DISTRICT
COMMISSIONER

ELORA BABBINI
2ND DISTRICT
COMMISSIONER

ALISON PERNELL
3RD DISTRICT
COMMISSIONER
CHAIR

MARIE JONES
4TH DISTRICT
COMMISSIONER

DIANA WIEDEMANN
5TH DISTRICT
COMMISSIONER
VICE-CHAIR



JULIA KROG, DIRECTOR
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MENDOCINO COUNTY PLANNING COMMISSION

ACTION MINUTES – June 16, 2022

**BEFORE THE PLANNING COMMISSION
COUNTY OF MENDOCINO – STATE OF CALIFORNIA
FAIR STATEMENT OF PROCEEDINGS
(PURSUANT TO CALIFORNIA GOVERNMENT CODE §25150)**

AGENDA ITEM NO. 1 – OPEN SESSION AND ROLL CALL 9:04 A.M.

Present: Commissioner Clifford Paulin, Commissioner Marie Jones, Commissioner Elora Babbini, Vice Chair Diana Wiedemann, Chair Alison Pernell presiding.

Absent: None

Staff Present: Julia Krog, Director; Brooke Larsen, Commission Services Supervisor; Marco Rodriguez, Administrative Assistant; Matthew Kiedrowski, Deputy County Counsel; Scott Spears, Information Technologies; Alex Sequeira, DOT; Russ Ford, Senior Planner; Tia Sar, Planner II; Matt Goines, Planner II; Steven Switzer, Planner I.

AGENDA ITEM NO. 2 - PLANNING COMMISSION ADMINISTRATION

- 2a.** Discussion and Possible Action Including Adoption of Resolution of the Mendocino County Planning Commission Finding that State or Local Officials Continue to Recommend Measures to Promote Social Distancing in Connection with Public Meetings.

Upon motion by Commissioner Jones, seconded by Commissioner Babbini, and carried by a roll call vote of (5-0), IT IS ORDERED, that the Planning Commission adopts the Resolution of the Mendocino County finding that State or Local Officials Continue to Recommend Measures to Promote Social Distancing in Connection with Public Meetings.

AYES: JONES, BABBINI, WIEDEMANN, PAULIN, PERNELL
NOES: NONE

ABSENT: None

2b. Determination of Legal Notice – The Clerk advised the Commission that all items on the agenda had been properly noticed.

AGENDA ITEM NO. 3 – DIRECTOR AND ASSISTANT DIRECTOR REPORT

Director Krog -Noted that the Department was currently hiring multiple positions in Ukiah.

Chair Pernell asked about the Zoning Code Ordinance updates.

Director Krog responded that there would be a report presented in July.

Commissioner Jones asked if the report would be presented in small installments.

Director Krog stated that staff would accommodate the Commission as much as possible.

AGENDA ITEM NO. 4 – MATTERS FROM THE PUBLIC

Public Comment: No Public Comment

AGENDA ITEM NO. 5 – CONSENT CALENDAR

No items were set for the consent calendar.

AGENDA ITEM NO. 6 – REGULAR CALENDAR

6a. Noticed Public Hearing – CASE#: U_2017-0036 (Continued from 5/19/22)

CASE#: U_2017-0036 (Continued from 5/19/22)

DATE FILED: 12/22/2017

OWNER: AT&T CORP

APPLICANT: AT&T MOBILITY

AGENT: EPIC WIRELESS GROUP, LLC

REQUEST: Coastal Development Use Permit to authorize construction and operation of a wireless communication facility consisting of a 76 foot tall faux water tank with various appurtenant equipment and ground equipment including a generator and equipment cabinet. Associated improvements include establishment of access to the site via a gravel road and trenching of power and fiber to the site location. The proposed faux water tank will be located within a 1,800 square-foot fenced compound. Fencing is proposed to be 6 foot tall redwood fencing.

ENVIRONMENTAL DETERMINATION: MITIGATED NEGATIVE DECLARATION

LOCATION: In the Coastal Zone, 1± miles north of the community of Manchester, on the north side of Kinney Road (CR 512), 1± miles west of its intersection with Highway 1, at 44601 Kinney Road (APN 133-010-04).

SUPERVISORIAL DISTRICT: 5

STAFF PLANNER: JULIA KROG

Staff Presentation: Director Julia Krog presented a request for continuance to a date certain of August 18, 2022, and noted that the applicant had requested the continuance and signed a new Tolling agreement.

Upon motion by Commissioner Jones, seconded by Commissioner Babbini, and carried by a roll call vote of (5-0), IT IS ORDERED, the Planning Commission, agreed to a continuance to a date certain of August 18, 2022.

AYES: BABBINI, JONES, WIEDEMANN, PAULIN, PERNELL

NOES: NONE

ABSENT: NONE

6b. Noticed Public Hearing – CASE#: MS_2020-0006 (Continued from 5/19/22)

CASE#: MS_2020-0006 (Continued from 5/19/22)

OWNER: JACK RAFTER LLC

APPLICANT: VANCE RICKS

AGENT: JIM RONCO

REQUEST: Minor Subdivision of one legal 6 acre parcel, comprised of APNs 167-190-08 and 167-230-03, creating two separate legal parcels of 2.1± acres and 3.9± acres.

ENVIRONMENTAL DETERMINATION: NEGATIVE DECLARATION

LOCATION: 4.5± miles north of Ukiah City center, lying on the east side of North State Street (CR 104), 0.3± north of its intersection with Pomo Lane (CR 228A); located at 4681 and 4661 North State Street, Ukiah; APNs: 167-190-08 and 167-230-03.

SUPERVISORIAL DISTRICT: 1

STAFF PLANNER: MARK CLISER

Staff Presentation: Director Krog stated that the applicant requested a continuance to review the conditions of approval in the Staff Report, and requested a date certain of July 21, 2022.

Upon motion by Commissioner Wiedemann, seconded by Commissioner Jones, and carried by a roll call vote of (5-0), IT IS ORDERED, the Planning Commission agreed to a continuance to a date certain of July 21, 2022.

AYES: JONES, WIEDEMANN, BABBINI, PAULIN, PERNELL

NOES: NONE

ABSENT: NONE

6e. Noticed Public Hearing – CASE#: U_2021-0013

CASE#: U_2021-0013

DATE FILED: 9/16/2021

OWNER/APPLICANT: FELICIA RICE

AGENT: KELLY GRIMES

REQUEST: Coastal Development Use Permit to remove an existing 135 square foot shed and construct a new 360 square foot shed for use as a Cottage Industry.

ENVIRONMENTAL DETERMINATION: CATEGORICALLY EXEMPT

LOCATION: In the Coastal Zone, in the Town of Mendocino, lying on the east side of Heeser Street (CR 4071) at its intersection with Calpella Street (CR 407B), located at 45320 Calpella Street, Mendocino, APN: 119-213-11.

SUPERVISORIAL DISTRICT: 5 (Williams)

STAFF PLANNER: STEVEN SWITZER

Staff Presentation: Planner, Steven Switzer presented the project.

No questions were asked from the Commissioners.

The applicant, Felicia Rice commented briefly.

The public hearing was declared open.

Public Comment: No correspondence received.

Telecomments: No telecomments requested.

The public hearing was declared closed.

Upon motion by Commissioner Wiedemann, seconded by Commissioner Jones, and carried by a roll call vote of (5-0), IT IS ORDERED, By resolution, the Planning Commission, Adopts a Resolution to Grant a Major Use Permit to Remove an Existing 135 Square Foot Shed and Construct a New 360 Square Foot Shed for use as a Cottage Industry.

AYES: PAULIN, JONES, WIEDEMANN, PERNELL, BABBINI

NOES: NONE

ABSENT: NONE

6c. Noticed Public Hearing – CASE#: MS_2021-0003

CASE#: MS_2021-0003

DATE FILED: 6/18/2021

OWNER APPLICANT: BARBARA GENE WILLENS

AGENT: SAM POPE

REQUEST: Two lot minor subdivision of a 40.28± acre parcel to create one parcel of 20.14± acres (Lot 1) and one parcel of 20.14± acres (Lot 2).

ENVIRONMENTAL DETERMINATION: NEGATIVE DECLARATION

LOCATION: 5± miles northwest of the City of Willits, between Sherwood Road (CR 311) and Timberline Road (private), located at 29301 Timberline Rd, Willits; APN: 037-680-38.

SUPERVISORIAL DISTRICT: 3
STAFF PLANNER: TIA SAR

Staff Presentation: Planner Tia Sar presented the project.

Director Krog presented an amended Redline Resolution.

Chair Pernell summarized the CDFW letter.

Commissioner Wiedemann asked about the division of the lot in depth and width ratio.

Director Krog responded.

Commissioner Jones brought attention to the maps provided in the Staff Report.

Commissioner Wiedemann acknowledged that it made sense as presented.

The Applicant stated an appeal to the requirement from the Department of Transportation (DOT), and asked the Planning Commission to strike the condition from the DOT requirements to improve the road.

Sam Pope, the agent, agreed with the applicant.

Alex Sequeira, DOT, responded to the concern for the condition.

Commissioner Wiedemann asked for clarification from DOT.

[Break at 10AM-10:10AM]

The public hearing was declared open.

Public Comment: Correspondence received was posted online.

Telecomments: No telecomments requested.

The public hearing was declared closed.

Chair Pernell commented in support of the subdivision, without Condition 14.

Commissioner Paulin agreed with Chair Pernell.

Commissioner Jones agreed with Chair Pernell and Commissioner Paulin.

Commissioner Babbini defined why the condition was included from DOT.

Commissioner Wiedemann agreed with all other Commissioners.

Chair Pernell asked about Condition 12.

Mr. Sequiera agreed that Condition 12 could be deleted.

Upon motion by Commissioner Jones, seconded by Commissioner Paulin, and carried by a roll call vote of (4-1), IT IS ORDERED, By resolution, the Planning Commission, Adopts a Negative Declaration and Grants the Minor Subdivision, as modified during the public hearing.

AYES: PAULIN, JONES, WIEDEMANN, PERNELL
NOES: BABBINI
ABSENT: NONE

CASE#: U 2021-0007
DATE FILED: 5/24/2021
OWNER/APPLICANT: ALBERT DUNNE
REQUEST: Major Use Permit to use an existing single-family residence as a short-term rental per Mendocino County Code Section 20.164.015 (L): Room and Board.
ENVIRONMENTAL DETERMINATION: Statutory Exemption
LOCATION: 2.25± miles northwest of Fort Bragg City center, Thomas Ln (private) runs through the middle of the property, 525± feet east of its intersection with Bush Creek Road (private), located at 31201 Thomas Ln, Fort Bragg; APN: 019-700-18.
SUPERVISORIAL DISTRICT: 4
STAFF PLANNER: MATT GOINES

Staff Presentation: Planner, Matt Goines presented the project.

Commissioner Babbini asked about the term “Room and Board.”

Chair Pernell asked what modifications would be required to adjust the definition of use.

Director Krog responded.

Mr. Goines provided comments from the Applicant.

The public hearing was declared open.

Public Comment: All correspondence received was posted online and provided to Commissioners.

Telecomments: No telecomments requested.

The public hearing was declared closed.

Chair Pernell commented that the current updates to the Vacation Rental Ordinance made it difficult for a decision on this project.

Commissioner Jones agreed with Staff recommendation.

Commissioner Babbini also agreed with Staff.

Commissioner Paulin expressed concern that this decision would not contribute to an improvement of the residential situation in the County.

Commissioner Wiedemann agreed that a denial made sense.

Chair Pernell asked if approval with a condition of limiting the rental to 5 days each month made sense.

[Break at 10:40-10:50AM]

Commissioner Jones commented that the applicant did not change their application to meet the current County requirements.

Commissioner Wiedemann reminded the Commission that the reason this type of project was brought before the Commission was to allow the neighbors to contribute comments on the potential project.

Upon motion by Commissioner Jones, seconded by Commissioner Wiedemann, and carried by a roll call vote of (4-1), IT IS ORDERED, By resolution, the Planning Commission, Denies a Major Use Permit for a Short-Term Rental.

AYES: WIEDEMANN, JONES, PAULIN, PERNELL
NOES: BABBINI
ABSENT: NONE

AGENDA ITEM NO. 7 – MATTERS FROM STAFF

7a. None

AGENDA ITEM NO. 8 – MATTERS FROM COMMISSION

8a. Discussion and Possible Action Regarding Presentation by Planning Commission Ad Hoc Committee on Short Term Rentals Including Possible Direction to Staff.

The Commission, Director Krog, and Mr. Kiedrowski discussed the status of the Resolution and summarized up to this point.

The Public Hearing was declared open.

Public Comment: Public Comments received were posted online.

Steve Gomes Commented.

Public Hearing was declared closed.

The Commission discussed possible ways to regulate short term rentals in inland Mendocino County.

The Public Hearing was declared open (due to the high level of public interest in this topic, the Chair wanted to make sure that everyone who wanted to speak, had that opportunity)

Suzanne Lemley Schein commented.

Public Hearing was declared closed.

AGENDA ITEM NO. 9 – MINUTES

9a. April 21, 2022

Upon motion by Commissioner Jones, seconded by Commissioner Wiedemann, and carried by a roll call vote of (5-0), the Planning Commission Approved the April 21, 2022 minutes, with no edits.

AYES: WIEDEMANN, JONES, PAULIN, BABBINI, PERNELL
NOES: NONE
ABSENT: NONE

9b. May 19, 2022

Upon motion by Commissioner Babbini, seconded by Commissioner Paulin, and carried by a roll call vote of (5-0), the Planning Commission Approved the May 19, 2022 minutes, with no edits.

AYES: PAULIN, BABBINI, WIEDEMANN, JONES, PERNELL
NOES: NONE
ABSENT: NONE

AGENDA ITEM NO. 10 – ADJOURNMENT

THERE BEING NOTHING FURTHER TO COME BEFORE THE PLANNING COMMISSION, THE MENDOCINO COUNTY PLANNING COMMISSION ADJOURNED AT 10:20 A.M.

Attest: Brooke Larsen
Commission Services Supervisor

Alison Pernelle
ALISON PERNELL, CHAIR

Brooke Larsen

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 Mendocino County Planning & Building Services 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 contact the Mendocino County Planning and Building Department 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.