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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 – May 19, 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.

Absent: None

Staff Present: Julia Krog, Director; Brooke Larsen, Commission Services Supervisor; Marco Rodriguez, Administrative Assistant; Matthew Kiedrowski, Deputy County Counsel; Scott Spears; Dirk Larson, Planner II; Tia Sar, Planner II; Mark Cliser, Planner II

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 Wiedemann, 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.

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 stated that there was no Directors Report but that she was available for questions.

AGENDA ITEM NO. 4 – MATTERS FROM THE PUBLIC

Public Comment: No requests for 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#: MS_2020-0006 (Rafter)

CASE#: MS_2020-0006
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 had applicant requested a continuance to a date certain of June 16, 2022.

The public hearing was declared open.

Public Comment: No Public Comment was received.

Telecomments: No telecomments were requested.

The public hearing was declared closed.

Upon motion by Commissioner Babbini, seconded by Commissioner Paulin, and carried by a roll call vote of (5-0), IT IS ORDERED, This project will be continued to a date certain of June 16, 2022.

AYES: Paulin, Babbini, Wiedemann, Jones, Pernel
NOES: NOne
ABSENT: None

6b. Noticed Public Hearing – CASE#: R_2021-0001 (Ansari)

CASE#: R_2021-0001
DATE FILED: 6/15/2021
OWNER/APPLICANT: GHULAM MURTAZA ANSARI
AGENT: WHITCHURCH ENGINEERING
REQUEST: Rezone of a portion of one parcel (.94± acres) from Limited Commercial (C1) to General Commercial (C2). The rezone would allow the addition of an automatic drive-through carwash.
ENVIRONMENTAL DETERMINATION: NEGATIVE DECLARATION
LOCATION: 1.75± miles south of Ukiah city center, lying west of South State Street (CR 104A) and north of Jefferson Lane (CR 267), located at 1550 S. State St, Ukiah, APN: 003-430-81.
SUPERVISORIAL DISTRICT: 5
STAFF PLANNER: TIA SAR

Staff Presentation: Tia Sar presented the project

Commissioner Wiedemann asked if the water at the car wash would be recycled.

Mr. Ansari responded that the water would be recycled.

Chair Pernell asked how the water is recycled.

Mr. Ansari responded that there was a storage tank installed beneath the car wash.

Agent, Darren Tully, commented that the storage tanks collect the water and there is a system in place to process the water before recycling.

Commissioner Babbini commented that a car wash that recycles water is quite efficient.

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 Babbini, seconded by Commissioner Jones, and carried by a roll call vote of (5-0), IT IS ORDERED, By resolution, the Planning Commission, recommends the Board of Supervisors Adopt the Negative Declaration and Grant the Rezone of one parcel (APN: 003-430-81) from Limited Commercial (C1) to General Commercial (C2).

AYES: Jones, Babbini, Wiedemann, Paulin, Pernell

NOES: None

ABSENT: None

6c. Noticed Public Hearing – CASE#: U_2020-0007/REC_2020-0001 (Wylatti Resources)

CASE#: U_2020-0007/REC_2020-0001

DATE FILED: 7/16/2020

OWNER: 51110 COVELO LLC

APPLICANT: WYLATTI RESOURCE MANAGEMENT

AGENT: COMPASS LAND GROUP

REQUEST: Major Use Permit and Reclamation Plan for seasonal gravel extraction and reclamation activities on an instream gravel bar, known as the Stewart Bar, located on the Middle Fork of the Eel River. The project will involve the excavation of sand and gravel with a total annual extraction limit of 20,000 cubic yards. The project activities will occur during the summer low-flow season between June 1 and October 30 with an anticipated total of 45 days per year of operation

ENVIRONMENTAL DETERMINATION: Mitigated Negative Declaration

LOCATION: 1.57± miles southeast of Dos Rios community center, lying on the south side of Hwy. 162 (SH 162, AKA Covelo Rd.), 1.1± miles east of its intersection with Laytonville-Dos Rios Rd. (CR 322), located 1.4± miles east of the confluence of the Middle Fork and the Mainstem of the Eel River, at 51111, 51110, and 50751 Covelo Road, Dos Rios (APNs 035-030-17, -49, -65) AKA Stewart Bar.

SUPERVISORIAL DISTRICT: 3

STAFF PLANNER: DIRK LARSON

Staff Presentation: Dirk Larson, Planner II presented the project, with a description of the proposed restoration of a gravel extraction site with anticipated total days of operation to be 45 days per year.

Chair Pernell asked several questions of Staff.

Mr. Larson addressed each of Chair Pernell's questions.

Assistant Director Nash Gonzalez offered clarifications to one of Chair Pernell's questions.

Commissioner Jones had multiple questions and concerns, primarily regarding the Biological Survey and the enforceability of the mitigation measures.

Mr. Larson responded to each of the concerns raised by Commissioner Jones.

Director Krog added clarification to some of the concerns raised by Commissioner Jones.

Assistant Director Gonzalez also added clarification to some of the concerns raised by Commissioner Jones.

Commissioner Paulin had several questions for Staff.

Director Krog, and Mr. Larson responded to Commissioner Paulin's questions.

Commissioner Babbini asked several questions.

Mr. Larson addressed Commissioner Babbini's questions.

Assistant Director Gonzalez added that Condition 17 on page 5 of the Resolution addresses Commissioner Babbini's concern.

Commissioner Weidemann stated that all questions she had were already addressed.

Applicant Representative Jordan Main addressed the Commission with comments that further addressed each of the Commissioners concerns and questions.

The Commission requested that Bio-1 be revised to require surveys to occur "annually prior to the start of work" rather than "immediately prior to the start of work," and that Bio-2 be revised to require a 100-foot setback for fueling, and lastly to restrict the permit to a 10 year period of time, instead of a 20 year period of time.

The public hearing was declared open.

Public Comment: No correspondence received.

Telecomments: No telecomments requested.

Commissioner Babbini expressed that her family works directly with the applicant and that she may have a conflict of interest, as such she would be abstaining.

Director Krog requested time for Staff to prepare the new conditions on the Resolution to be presented to the Commission.

[Break 10:27 am to 10:45am]

Upon motion by Commissioner Paulin, seconded by Commissioner Wiedemann, and carried by a roll call vote of (3-1 with Commissioner Babbini abstaining), IT IS ORDERED, By resolution, the Planning Commission, Adopts a Mitigated Negative Declaration and Grants approval of a Major Use Permit and Reclamation Plan.

AYES: Wiedemann, Paulin, Pernell

NOES: Jones

ABSTENTION: Babbini

ABSENT: None

6d. Noticed Public Hearing – CASE#: U_2017-0036 (AT&T Corp)

CASE#: U_2017-0036

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 an 80 foot tall monopine (monopole designed to resemble a pine tree) 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 monopine will be located within a 1,800 square-foot fenced compound.

ENVIRONMENTAL DETERMINATION: Statutory Exemption

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).
STAFF PLANNER: JULIA ACKER

Staff Presentation: Director Krog provided the project presentation, noting that the water tower design would be the least visually impactful of the possible tower designs, and addressing the concern for the impact on the Snowy Plover populations. She stated that mitigation measures are included in the design and requirements, as well as the possibility of impact on other species, without evidence found that the populations of the other species being negatively impacted.

Deputy County Counsel Mathew Kiedrowski asked for a continuance of any motion being made, due to a recent legal argument presented by the AT&T legal counsel.

Commissioner Wiedemann asked for clarification as to why this continuance was being requested.

Mr. Kiedrowski responded that the letter from AT&T legal counsel was presented with short notice, and more time would be needed review the letter submitted from the legal representative.

Agent, Jared Kearsley, stated that AT&T would be willing to renew the Tolling Agreement to allow for a continuance to a date certain of June 16, 2022.

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 Babbini, seconded by Commissioner Jones, and carried by a roll call vote of (5-0), the Planning Commission agreed to continue this project to a date certain of June 16, 2022.

AYES: Jones, Wiedemann, Paulin, Babbini, Pernell
NOES: None
ABSENT: None

AGENDA ITEM NO. 7 – MATTERS FROM STAFF

7a. Director Krog stated that there were no matters from Staff, but that we were available for questions

AGENDA ITEM NO. 8 – MATTERS FROM COMMISSION

8a. Commissioner Jones asked why the Vacation Rental Resolution was not on the agenda.

Director Krog responded that Staff understood that the item was to be added to an agenda at a later date, to allow time for review by County Counsel.

AGENDA ITEM NO. 9 – MINUTES

9a. January 6, 2022

Upon motion by Commissioner Paulin, seconded by Commissioner Wiedemann, and carried by a roll call vote of (5-0), The Commission approved the January 6, 2022 minutes.

Public Comment: None

AYE: Wiedemann, Paulin, Jones, Babbini, Pernell
NO: None
ABSENT: None

The January 6, Minutes were approved unanimously.

9b. May 5, 2022

Commissioner Babbini requested to be added to “Commissioners present” on the May 5, 2022 meeting minutes.

Public Comment: None

Upon motion by Commissioner Babbini, seconded by Commissioner Jones, and carried by a roll call vote of (5-0), The Commission approved the May 5, 2022 minutes, with the requested edits.

AYE: Jones, Babbini, Wiedemann, Paulin, Pernel

NO: None

ABSENT: None

May 5, 2022 Minutes (with addressed edits) approved unanimously.

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 Pernel

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.