



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.**

Interim Director Ignacio Gonzalez gave a brief report looking to cancel May 4 meeting. All Commissioners will be formally notified of the cancellation via email.

Mr. Gonzalez gave a brief report about the informational Cannabis meetings going on throughout County. He also noted that the Cannabis Enforcement Unit will be housed within Planning and Building Services and briefly explains how this will work.

Chair Holtkamp asks when should the Commission expect to see projects at a hearing emerging out of the Cannabis Ordinance.

Chief Planner Mary Lynn Hunt answers that regulations go into effect on May 4, 2017. The Agriculture Department is expecting many applicants and all referrals to Planning and Building Services and Environmental Health will come from them. She knows that the Agriculture Department is already scheduling appointments for the applicants, but notes that applicants will need to obtain permits from many other state departments.

4. **Matters from Public.**

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

5. Consent Calendar.

No

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.

Interim Director Gonzalez reviewed the staff report specifically noting the request to amend and repeal current coastal and inland flood plain ordinances, combining two ordinances into one, and creating new Chapter 22.17, which contains all the resource uses. The last Flood Ordinance update was in 1992. In 2008, changes were suggested, but they did not go through Local Coastal Plan (LCP) process and were not certified. The Department of Water Resources (DWR) did an audit in 2013 and we are still working under the old ordinance. New changes had not been codified because of the LCP amendment requirement. FEMA was worried.

The changes that needed to be made to meet FEMA's requirements are bulleted on page 2 of the Staff Report. Staff has verified environmental review, Categorically Exempt, with the California Environmental Quality Act (CEQA) and that it is consistent with general plan, and LCP. Staff has had numerous conversations with FEMA and (DWR) and both agree that the Ordinance meets current standards as it is currently written. As long as the Coastal Commission does not make any significant changes during the Final Certification both agencies are in support of the Ordinance. Mendocino County must be in compliance by July 18, 2017, or we will be removed from the National Flood Insurance Program. Staff is recommending Planning Commission recommend to the Board approval and making the necessary findings on page 4.

County Counsel Matthew Kiedrowski suggests minor changes to ordinance, mostly to correct formatting and grammar.

Mr. Kiedrowski comments on the suggested motion and at the moment, looking 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 advises the Commission that we want to make sure we're meeting federal requirements at this time by going before the Planning Commission and the Board of Supervisors before bringing an amendment to the LCP. The Flood Plain Ordinance will now be enforced by the Building Department, because they deal with pre and post elevation certificates. This seems consistent with his research of other cities and counties throughout the state, and should minimize errors. FEMA brought up that in field inspections, that Planning Department issues the certificates and that the the certificates are not always brought through to the Building Department.

Commissioner Nelson asks if there is a process for complaints.

Mr. Gonzalez replies yes.

Commissioner Nelson inquires who would he lodge a complaint with about the maps.

Mr. Gonzalez advises that complaints should be directed to FEMA and that all challenges of the maps are tested through the Lomar/Clomar process. If FEMA maps are proven wrong, letters are provided to all agencies. When new maps are published, the revisions and amendments are reflected at that time.

Commissioner Ogle asks what a Building Official is.

Mr. Gonzalez explains that it is a certified position that administers the State Code and reviews the permits and makes the decision whether they need an elevation certification.

Mr. Kiedrowski suggests adding a building official definition in paragraph J.

Mr. Kiedrowski suggests setting "light duty truck," as the minimum standard, versus adding "light or heavy duty." Direction from the planning commission is requested find a better way to state a minimum towing standard for recreational vehicles.

Commissioner Hall mentions on page 8 there are references to the zones. He asks, where are the zones are defined.

Director Gonzalez reads the definition given by FEMA of zones.

Mr. Kiedrowski changes title to "Flood Plain Ordinance."

Mr. Kiedrowski recommends entirely new language for the first paragraph that starts 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 informs the Commission that the May 4, 2017 meeting is cancelled.

8. Matters from Commission.

None

9. Adjournment. 7 ayes

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.