MENDOCINO COUNTY PLANNING COMMISSION

MINUTES FOR THE MEETING HELD ON:	**October 5, 2017**
LOCATION:	Mendocino County Board of Supervisors Chambers 501 Low Gap Road, Room 1070 Ukiah, California
COMMISSIONERS PRESENT:	Pernell, Krueger, Nelson, Holtkamp, Hall, Warner
COMMISSIONERS ABSENT:	Ogle
PLANNING & BLDG SVC STAFF PRESENT:	Ignacio Gonzalez, Interim Director Mary Lynn Hunt, Chief Planner Sam 'Vandy' Vandewater, Planner II Victoria Davis, Commission Services Supervisor
OTHER COUNTY DEPARTMENTS PRESENT:	Matthew Kiedrowski, Deputy County Counsel

1. Roll Call.

The meeting was called to order at 9:03 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. Gonzalez presented a verbal Director's Report and noted that the Board of Supervisors would review the Cannabis Facilities Ordinance in October 2017, and if approved, the Ordinance would take effect in late November. He noted various staff changes in the department and listed some long range planning projects that he hoped to address in the near future, including projects with EIRs.

Commissioner Pernell arrived after the Director began his presentation.

4. Matters from Public.

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

5. Consent Calendar.

None.

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6. Regular Calendar.

6a. CASE#: MS_2016-0006
DATE FILED: 11/10/2016
OWNER: OPATZ ALOIS PETER JR & LORNA
APPLICANT: PETER OPATZ
AGENT: JIM RONCO CONSULTING
REQUEST: Subdivision of 160+ acre parcel into three parcels of 40+ acres and a remainder parcel of 40+ acres.
ENVIRONMENTAL DETERMINATION: Negative Declaration
LOCATION: 7± miles south of Yorkville, at the intersection of SH 128 (of which it lays north of) and Mountain House Road (CR #111; of which it lays west of). 22130 Mountain House Road, Yorkville (APN: 049-370-48).
STAFF PLANNER: Sam 'Vandy' Vandewater

Mr. Vandewater, project coordinator, reviewed the staff report. He noted the project would divide 1 parcel into 3 parcels currently with no development proposed at this time, and a remainder parcel developed with a single family residence and 2 wells. He also noted that the project was heard by the Subdivision Committee on April 13, 2017.

Commissioner Warner arrived after the project coordinator had begun his presentation.

Mr. Vandewater noted the memo distributed at the hearing from the Mendocino County Department of Transportation, requesting a modifications to their conditions for the project; condition numbers 17, 21A, and removal of 22. He noted that Commissioner Warner had requested clarification prior to the hearing. He discussed Oak Woodlands, which are addressed in Condition 6, and noted the North Coast Resource Management (NCRM) botanical study, which stated that any oaks over six inch in diameter be protected from removal. He stated that staff recommended approval of the project, with modifications to conditions.

Jim Ronco, agent, noted that the owners live on the property, and had prepared Covenants, Conditions, and Restrictions (CC&R) which state the use of the property and encourage the best management for agricultural land. He discussed the regiment that each tree removed be replaced with10 trees planted, and stated that road maintenance would be coordinated across all parcels. He also noted the CC&R's established a scenic corridor easement on frontage property of Highway 128, and the owner would donate funds for a single metal shed, intended for engine storage to strengthen fire protection in the area.

Commissioner Krueger asked how the CC&R's would be implemented, and recorded.

Mr. Ronco stated it would be recorded on the deed and would run for 50 years, but could be modified if the owners have 3/4 majority vote.

Commissioner Pernell asked if there would be fencing in the wildlife corridor.

Mr. Ronco stated there would not be fencing.

Commissioner Krueger asked what a wildlife corridor was.

Mr. Ronco stated it is an area without development that allows wildlife to pass through without restriction.

The **public hearing** was declared open, seeing no one come forward, the **public hearing** was declared closed.

Mr. Gonzalez noted that the division of Land Regulations do not mandate the submittal of CC&R's with a minor subdivision, thus staff had not reviewed the proposed CC&R's.

Chair Holtkamp asked if a CC&R document exists, would it imply that there is an association to regulate the CC&Rs.

Mr. Gonzalez noted that the existence of CC&R's would not imply an association, and that anyone could enforce CC&Rs, one method of enforcement would be a civil matter in the courts.

Commissioner Nelson asked if CC&Rs can be renewed when they sunset.

Mr. Gonzalez noted that they could be renewed if the owners/members have a 3/4 majority vote, but frequently, they expire.

Chair Holtkamp asked if the modifications discussed by staff were included in the resolution before the Commission.

Mr. Vandewater stated that the Resolution had not been revised, and that **Ms. Davis** would include the modifications after the Commission approved a motion that stating the changes.

Mr. Kiedrowski stated that he had a recommendation prepared that for placement of the modifications in the resolution, as well as modified language for the motion the Commissioners could use.

Upon motion by **Commissioner Nelson**, seconded by **Commissioner Warner** and carried by the following roll call vote (6-0), IT IS ORDERED: By resolution, adopt a Negative Declaration and grant Subdivision MS_2016-0006 for the Project, as proposed by the applicant, based on the facts and findings and subject to the conditions of approval with the following modifications. Condition 17 will be changed to read as follows, Where required to provide for a minimum sixty (60) foot total right of way for the ultimate improvement of the County road, there shall be dedicated by Parcel Map up to a thirty (30) foot strip along the west side of Mountain House Road (CR 111). This width shall be measured from the centerline of the existing right-of-way of record. Condition 21A will be changed to read as follows, construct a twenty-two (22) foot wide road within both the proposed northern and southern access easements from Mountain House Road (CR 111), including eight (8) inch minimum rock base, one hundred twenty-five (125) foot minimum radius of horizontal curve, drainage culverts where necessary. Where the road grade exceeds sixteen (16) percent, the roadway shall be surfaced with a double bituminous chip seal on eight (8) inches of Class 2 aggregate base. New or replaced culverts shall be a minimum of 18 inches in diameter. Condition 22 shall be replaced by the language "intentionally omitted".

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

7. Matters from Staff.

None.

8. Matters from Commission.

Commissioner Krueger noted that the Class K Ordinance was being modified and updated by the BOS. He felt the changes would affect what happened with projects before the commission, and recommended Commissioners research proposed changes to Class K. He also noted that the Planning Commission would need to recommend approval of the Class K Ordinance Amendment to the Board of Supervisors before they could hear the item.

Mr. Kiedrowski clarified that the item was referred back to the Board of Supervisors before any further action will be taken.

Commissioner Pernell asked if it was expected that the Planning Commission would be hearing the item on a future date.

Mr. Kiedrowski stated the changes to Class K were to the Building Code and did not come within the purview of the Commission.

9. Approval of the April 20, 2017 Planning Commission Minutes.

Mr. Kiedrowski requested that the approval of the April 20, 2017 minutes be continued to a future hearing with a date uncertain. He noted some questions that needed to be resolved regarding the minutes prior to their approval.

Chair Holtkamp asked if a motion is need to continue the minutes.

Mr. Kiedrowski stated a motion was needed, and if continued to a date uncertain, the item would be noticed again for the new hearing date.

Upon motion by **Commissioner Nelson**, seconded by **Commissioner Warner** and carried by the following roll call vote (6-0), IT IS ORDERED: That the approval of the April 20, 2017 Planning Commission minutes be continued, a to date uncertain.

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

10. Adjournment.

Upon motion by **Commissioner Nelson**, seconded by **Commissioner Hall**, and unanimously carried (6-0), IT IS ORDERED that the Planning Commission hearing adjourn at 9:36 a.m.