



MENDOCINO COUNTY PLANNING COMMISSION

MINUTES FOR THE MEETING HELD ON:

NOVEMBER 16, 2017

LOCATION:

Mendocino County Board of Supervisors Chambers
501 Low Gap Road, Room 1070
Ukiah, California 95482

COMMISSIONERS PRESENT:

Pernell, Krueger, Nelson, Warner, Holtkamp, Hall, Ogle

COMMISSIONERS ABSENT:

None

PLANNING & BLDG SVC STAFF PRESENT:

Ignacio Gonzalez, Interim Director
Julia Acker, Senior Planner
Sam 'Vandy' Vandewater
Victoria Davis, Commission Services Supervisor

OTHER COUNTY DEPARTMENTS PRESENT:

Matthew Kiedrowski, Deputy County Counsel
Amber Munoz, Department of Transportation

1. Roll Call.

The meeting was called to order at 9:06 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.

Ms. Acker noted that the Sonoma State University, Planning Commission Conference was scheduled for December 2, 2017, any Commissioners interested need to contact **Victoria Davis**.

4. Matters from Public.

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

5. Consent Calendar.

None.

6. Regular Calendar.

6a. **CASE#:** U_2017-0010 (**Continued from October 19, 2017**)

DATE FILED: 6/9/2017

OWNER/APPLICANT: CUSHNER ALEX & ERIS O TTEES

REQUEST: Use permit for vacation home rental.

ENVIRONMENTAL DETERMINATION: Negative Declaration

LOCATION: 1.5± mi. northwest of Philo center, on the northwest side of Whipple Ridge Road, 0.5± mi. north of its intersection with Hwy 128. Located at 7349 Hwy 128, Philo (APN: 014-160-12).

STAFF PLANNER: Sam 'Vandy' Vandewater

The project coordinator, **Sam Vandewater**, reviewed the staff report and noted that a memo and resolution had been distributed to the commission that revised the findings. He also stated that all of the conditions have been met.

Eris Cushner expressed support for approval of the use permit.

Commissioner Pernell arrived after the project coordinator had already started his presentation.

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

Commissioner Nelson asked if this use permit would be appropriate to include the Right to Farm Act.

Mr. Kiedrowski stated he would research the question if the Commission wanted to move to the next item on the agenda.

The Commission continued to item 6b on the agenda.

After item 6b was completed the Commission returned to item 6a.

Mr. Kiedrowski stated that the Right to Farm Act did not apply in this matter.

Upon motion by **Commissioner Hall**, seconded by **Commissioner Ogle** and carried by the following roll call vote (6-0), IT IS ORDERED: To adopt the Categorical Exemption and grant Use Permit (U_2017-0010) for the Project, by Resolution as revised at the hearing, based on the approved project description and findings, and subject to the conditions of approval in Exhibit A and including the use permit findings.

AYES: Pernell, Krueger, Nelson, Holtkamp, Hall, Ogle

NOES: None

ABSENT: Warner

6b. **CASE#:** MS_2007-0023 (**Continued from October 19, 2017**)

DATE FILED: 1/1/2011

OWNER: TRUSTEES OF PINOLEVILLE

APPLICANT: MICHAEL KINNEY ESQ

AGENT: JIM RONCO

REQUEST: "Modification of Conditions of Approval"

LOCATION: In Ukiah, 2± miles northwest of the town center, lying on the north side of Orr Springs Road (CR 223), just west with its intersection with Pinoleville Drive (CR 225), 0.5± miles west from the intersection of Orr Springs Road and North State Street (CR 104), Ukiah (APNs: 156-110-21 & 169-170-04).

STAFF PLANNER: Mary Lynn Hunt

Julia Acker noted that **Mary Lynn Hunt** was absent and requested a continuance to a later hearing.

Commissioner Ogle requested clarity as to the statement "sovereign immunity".

Mr. Kiedrowski stated that staff was still working on the meaning of sovereign immunity and the end result will be noted in the report when it comes before the Planning Commission at a future date.

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

Upon motion **by Commissioner Nelson**, seconded by **Commissioner Ogle** and carried by the following roll call vote (6-0), IT IS ORDERED: To continue this matter to the January 18, 2018 Planning Commission meeting.

AYES: Pernell, Krueger, Nelson, Holtkamp, Hall, Ogle

NOES: None

ABSENT: Warner

6c. CASE#: U_2017-0002

DATE FILED: 3/3/2017

OWNER: LONG VALLEY HEALTH CENTER INC

APPLICANT: THE HARWOOD MEMORIAL PARK, INC

REQUEST: Use permit to develop a skate park. Phase I consists of bowls and ramps constructed of reinforced concrete, enclosed in a wire fence with metal fence art, a small parking lot and water fountain. Phase II will see the addition of more bowls and ramps. A bathroom will be constructed within first 2 years of project.

ENVIRONMENTAL DETERMINATION: Negative Declaration

LOCATION: 0.5± mi. southwest of Laytonville center, on the south side of Harwood Road (CR 319), 0.3± mi. west of its intersection with HWY 101. 351 Harwood Road, Laytonville (APN: 014-160-12).

STAFF PLANNER: Sam 'Vandy' Vandewater

The project coordinator, **Sam Vandewater**, reviewed the staff report and noted the various phases related to the project. He noted the septic and water uses involving a separate parcel, the approval by Environmental Health, and that all findings were met.

Commissioner Nelson asked if the right to farm applied to this project.

Mr. Kiedrowski noted the right to farm ordinance is an absence of nuisance and Condition 4 covered it.

Commissioner Pernell noted that the parcel is located in Long Valley and in a response received from Sonoma State University, it noted Ukiah Valley.

Mr. Vandewater stated that it was a mistake on his part and that all the conditions surrounding the typo were correct.

Ms. Acker noted that the project was a negative declaration, and stated all of the double asterisks could be stricken from Exhibit A of the resolution.

Commissioner Pernell noted the project had great community support and was included in the Laytonville Town Plan.

Spence Rowland was in support of the project.

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

Commissioner Ogle asked if Laytonville Municipal Advisory Counsel (MAC) supported it.

Mr. Vandewater noted that Laytonville MAC had responded to the agency referral and was in support.

Upon motion by **Commissioner Pernell**, seconded by **Commissioner Nelson** and carried by the following roll call vote (6-0), IT IS ORDERED: By resolution, adopt a Negative Declaration and grant Use Permit for the Project, striking all references to Mitigated and all double asterisks "***" in Exhibit A of the resolution, as proposed by the applicant, based on the facts and findings, and subject to the conditions of approval.

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

6d. CASE#: R_2017-0003

DATE FILED: 5/12/2017

OWNER/APPLICANT: BAYNHAM WAYNE

AGENT: JIM RONCO

REQUEST: Rezone privately owned parcel from PF (Public Facilities) to FL (Forest Land) to be consistent with the General Plan designation.

ENVIRONMENTAL DETERMINATION: Categorically Exempt. Article 12: Special Situations. Section 15183: Projects Consistent with a Community Plan, General Plan, or Zoning Categorically Exempt

LOCATION: 6.0± miles east of the U.S. 101 and Spyrock Road (CR 323) intersection, at the terminus of Fitzhugh Road (private), 6,000± ft. southeast of its intersection with Iron Creek Road (private), located at 6820 Fitzhugh Road, Laytonville (APNs: 033-040-48 & 033-040-49)).

STAFF PLANNER: Julia Acker

Ms. Acker, Project Coordinator, reviewed the staff report and noted that all requirements were met for the rezone to be compliant with the general plan.

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

Upon motion by Commissioner Pernell, seconded by Commissioner Ogle and carried by the following roll call vote (6-0), IT IS ORDERED: The Planning Commission recommends that the Board of Supervisors approve the Rezone and approves the resolution.

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

7. Matters from Staff.

None.

8. Matters from Commission.

Chair Holtkamp stated that both meetings scheduled in December were confirmed.

Commissioner Ogle stated that she would be out of the country for February 10 – April 8, 2018.

9. 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 9:53 .m.