



MENDOCINO COUNTY PLANNING COMMISSION

MINUTES FOR THE MEETING HELD ON: **April 5, 2018**

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

COMMISSIONERS PRESENT: Krueger, Nelson, Warner, Holtkamp, Hall, Pernell

COMMISSIONERS ABSENT: Ogle

PLANNING & BLDG SVC STAFF PRESENT: Ignacio Gonzalez, Interim Director
Mary Lynn Hunt, Chief Planner
Julia Acker, Senior Planner
Jesse Davis, Planner III
Susan Summerford, Planner III
Sam 'Vandy' Vandewater, Planner II
Victoria Davis, Commission Services Supervisor

OTHER COUNTY DEPARTMENTS PRESENT: Matthew Kiedrowski, Deputy County Counsel
Marlayna Duley, Department of Environmental Health
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.**

Mr. Gonzalez presented a verbal Director's Report and updated the Commission about the fire clean-up, the number of issued building permits and temporary housing Administrative Permits in the Redwood Valley fire area. He also noted that an Accessory Dwelling Unit item would be on a future agenda to receive direction from the Commission.

4. **Matters from Public.**

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

5. **Information Item.**

5a. Presentation by Little Lake Fire District Chief, Chris Wilkes, regarding the cannabis extraction process. No action will be taken on this matter, this is merely an informational item only.

Mr. Wilkes was not present and no presentation was made.

5. Consent Calendar.

None.

6. Regular Calendar.

6a. **CASE#:** U_2017-0020

DATE FILED: 6/30/2017

OWNER/APPLICANT: WANDA ARDEN CHANNEL

REQUEST: Coastal Development Use Permit to legalize Sprouts Montessori Children's House, a Daycare Facility/Small School pursuant to Section 20.376.015 (B).

LOCATION: 1.9 + miles southwest of Fort Bragg City Center, lying on on the east side of Del Mar Drive (CR 56), 131+ ft. north of its intersection with Ocean View Drive (CR 439), located at 19201 Del Mar Drive (CR 440d), (APN: 018-440-47).

ENVIRONMENTAL DETERMINATION: Categorically Exempt

STAFF PLANNER: Susan Summerford

Mrs. Summerford, staff planner, reviewed the staff report and noted that the daycare was state licensed, had existed at this location for years, and was compliant with the Zoning.

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

Commissioner Warner noted her support of this project, and that daycare was needed on the coast.

Upon motion by **Commissioner Warner**, seconded by **Commissioner Hall** and carried by the following roll call vote (6-0), IT IS ORDERED: By resolution, the Planning Commission grants Use Permit U_2017-0020 for the project, as proposed by the applicant, based on the facts and findings and subject to the Conditions of Approval.

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

NOES: None

ABSENT: Ogle

6b. **CASE#:** MS_2017-0003

DATE FILED: 2/14/2017

OWNER/APPLICANT: CLARK J MCGEHEE

AGENT: MATT HERMAN

REQUEST: Subdivision of a 9.34± acre parcel into two new parcels and a remainder parcel. The new parcels would be 3.10± acres and 0.91± acres, with the remainder parcel being 5.33± acres.

LOCATION: 3.5± miles north of Ukiah center, on the east side of N State Street (CR 104). Immediately southeast of the intersection of N State Street and Parducci Road (CR 224). Located at 3401 N State Street. (APN: 169-080-01).

ENVIRONMENTAL DETERMINATION: Categorically Exempt

STAFF PLANNER: Sam 'Vandy' Vandewater

Mr. Vandewater, staff planner, reviewed the staff report and noted the general inconsistencies with the zoning on the parcel, and noted that Condition 20 stated that any future development of the parcel would require a Rezone or a General Plan Amendment.

Commissioner Pernell asked who would have the monetary responsibility related to Condition 20.

Mr. Vandewater stated that the applicant would be responsible.

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

Mrs. Hunt noted that when the Ukiah Valley Area Plan (UVAP) was adopted, it did not include the rezone of properties it only changed the General Plan designation, which resulted in inconsistencies similar to this project.

Upon motion by **Commissioner Hall**, seconded by **Commissioner Nelson** and carried by the following roll call vote (6-0), IT IS ORDERED: By resolution, the Planning Commission adopt the Categorical Exemption and grant Minor Subdivision MS_2017-0003 for the Project based on the approved project description facts and findings and subject to the Conditions of Approval in Exhibit A, as modified at hearing.

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

6c. CASE#: MS_2017-0008

DATE FILED: 6/29/2017

OWNER/APPLICANT: JIM & VALEND A APPERSON

AGENT: RON FRANZ

REQUEST: Minor subdivision of a 5.81± acre lot into 2 parcels (2.15± A, and 3.65± A,).

LOCATION: South of the Redwood Valley town center, lying directly east of East Side Rd. (CR 230) 1± mile north of its intersection with Hwy 20, located at 930 Lone Pine Rd. (APN: 166-020-23).

ENVIRONMENTAL DETERMINATION: Negative Declaration

STAFF PLANNER: Jesse Davis

Mr. Davis, staff planner, reviewed the staff report and noted that the parcel complied with the General Plan Zoning requirement. He also noted that the parcels created by the subdivision would use the same well and that the addition of Condition 28 was to address the shared well and require the applicant to have a legal document prepared to establish the use of the well.

Ms. Duley noted that any time a subdivision had a private water source the Department of Environmental Health (EH), requested a Quality Test and a Quantity Test. She also noted that the Conditions being added had been included in previous documents from EH but had not been included in the Resolution distributed prior to hearing.

Commissioner Warner asked about the location of the driveway and if everyone supported where the driveway was currently placed.

Mr. Davis noted that the applicant, the Department of Transportation (DOT), and all agencies involved with easement rights, agreed with the Conditions.

Amber Munoz, Department of Transportation (DOT), stated that she agreed with the Conditions of Approval.

Jim Apperson, the applicant, stated he had planned on drilling an additional well, agreed with the Conditions, and would appreciate the approval of this project.

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

Upon motion by **Commissioner Warner**, seconded by **Commissioner Hall** and carried by the following roll call vote (6-0), IT IS ORDERED: By resolution, the Planning Commission adopt a Negative Declaration and grant Subdivision MS_2017-0008 for the Project, as proposed by the applicant, based on the facts and findings and subject to the conditions of approval as modified at hearing adding Conditions 27 and 28.

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

[Break 9:40 AM – 10:00 AM]

6d. CASE#: OA_2018-0005

DATE FILED: 2/26/2018

APPLICANT: COUNTY OF MENDOCINO

AGENT: DEPARTMENT OF PLANNING AND BUILDING SERVICES

REQUEST: The Mendocino County Board of Supervisors proposes to amend Mendocino County Code Chapter 20.243 Cannabis Facilities and Chapter 6.36 Cannabis Facilities Businesses of the Inland Mendocino County Code. Making multiple changes to the ordinances including but not limited to both Medical and Adult Use Cannabis Businesses.

LOCATION: All unincorporated inland areas within Mendocino County. The areas not included are, the city limits of Ukiah, Fort Bragg, Willits and Point Arena. Not applicable to those areas within the designated Coastal Zone Areas of the County.

ENVIRONMENTAL DETERMINATION: Section 15061(b)(3)- General Rule Exemption

STAFF PLANNER: Mary Lynn Hunt

Mrs. Hunt, staff planner, reviewed the staff report and noted that “medical and adult use” would be removed from chapter 20 and that this project was exempt under the general rule.

Commissioner Nelson asked for an example of a reduced set back.

Mrs. Hunt stated that the setback assigned would be on a case by case basis, evaluating many contributing factors.

Mr. Kiedrowski noted that the State had a mandatory setback of 600 feet.

Commissioner Nelson asked why there was a setback.

Mrs. Hunt noted that a setback is determined based on variables including zoning, location of property, environmental concerns, etc.

Commissioner Pernell noted support of setbacks related to public safety.

Commissioner Hall asked why cannabis had a determined setback.

Commissioner Nelson noted he would support a reduced setback.

The **public hearing** was declared open.

Hannah Nelson spoke in support of the project and had numerous recommendations.

Paul Hansbury spoke in support of the project and proposed changes to microbusinesses.

Jude Tihlman was in support of the project, and stated that an Ordinance Amendment was needed to assist small farmers.

Susan Tibbon was in support.

Rick Soderlind was in support of a reduced or eliminated setback.

Jude Tihlman encouraged the Commissioners to review feedback provided by the working groups.

The **public hearing** was declared closed.

Commissioner Nelson supported removing medical and adult use language from Chapter 6.36.

Chair Holtkamp supported flexibility in the setback language.

Commissioner Warner asked how the word church was added to the setback language.

Mr. Kiedrowski stated he would research when the word church originated in the setback language and report back to the Commission.

Commissioner Nelson spoke in support of “odor control” related to cannabis, and noted that there was a law that applied to activities such as composting.

Chair Holtkamp noted her support for odor control in residential zoning but not in Commercial or Industrial areas.

Commissioner Warner asked staff what the process would be if an odor complaint was made.

Mr. Kiedrowski noted that it would be handled by the Agriculture Department as part of permitting.

Commissioner Nelson spoke in support of the setback language being flexible, and asked if the temporary permit deadline could be extended.

Mr. Kiedrowski noted that the Board of Supervisors would need to provide direction to change the temporary permit deadline. He also noted that the issue and process is more complicated than the addition of suggested language.

Commissioner Warner asked staff to take the Commissioners concerns to the Board of Supervisors for their consideration.

Commissioner Krueger and **Commissioner Pernell** agreed to have staff research the Commissioner’s concerns, and incorporate their findings into the material they would present to the Board of Supervisors.

[Break 11:31 AM - 11:47 AM]

Upon motion by **Commissioner Pernell**, seconded by **Commissioner Hall** and carried by the following roll call vote (6-0), IT IS ORDERED: Adopt resolution making the Planning Commission's report and recommendation to the Board of Supervisors recommending that the Board of Supervisors approve Ordinance Amendment No. OA 2018-0005 which will modify Chapters 6.36 and 20.243 of the Mendocino County Code, finding that the actions as proposed do not have the potential to cause a significant effect on the environment, and is therefore not subject to CEQA pursuant to the General Rule Exemption of Section 15061(b)(3) of the CEQA Guidelines.

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

7. Matters from Staff.

Mrs. Hunt asked the Commissioners for any feedback that they had heard about the Planning and Building Services Department.

Commissioner Nelson noted that he had recently applied for a Use Permit and found that staff was helpful.

8. Matters from Commission.

Commissioner Warner requested that in the future staff updated the Planning Commission on the status of projects they had approved.

Mrs. Hunt agreed to update the Commission.

Commissioner Pernell asked about the mitigation funds collected as a condition of approval for the mining project that was heard by the Planning Commission.

9. **Approval of October 19, 2017 and March 1, 2018 Planning Commission Minutes.**

Upon motion by **Commissioner Warner**, seconded by **Commissioner Pernell** and carried by the following voice vote (6-0), IT IS ORDERED: The approval of the October 19, 2017 Planning Commission minutes are approved as corrected.

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

Upon motion by **Commissioner Nelson**, seconded by **Commissioner Warner** and carried by the following voice vote (6-0), IT IS ORDERED: The approval of the March 1, 2018 Planning Commission minutes are approved as corrected.

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

10. **Adjournment.**

Upon motion by **Commissioner Hall**, seconded by **Commissioner Nelson**, and unanimously carried (6-0), IT IS ORDERED that the Planning Commission hearing adjourn at 12:03 p.m.