



MENDOCINO COUNTY PLANNING COMMISSION

MINUTES FOR THE MEETING HELD ON:

April 19, 2018

LOCATION:

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

COMMISSIONERS PRESENT:

Krueger, Nelson, Holtkamp, Hall, Ogle, Pernell

COMMISSIONERS ABSENT:

Warner

PLANNING & BLDG SVC STAFF PRESENT:

Ignacio Gonzalez, Interim Director
Julia Acker, Senior Planner
Eduardo Hernandez, Planner II
Izzy Doughty – Planner I
Victoria Davis, Commission Services Supervisor

OTHER COUNTY DEPARTMENTS PRESENT:

Matthew Kiedrowski, Deputy County Counsel
Marlayna Duley, Department of Environmental Health (EH)

1. Roll Call.

The meeting was called to order at 9:02 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 introduced Izzy Doughty a new planner with Planning and Building Services. He also updated the Commission about direction the Board of Supervisors gave related to Accessory Dwelling Units (ADU), and noted that an Ordinance Amendment was being prepared and would come before the Planning Commission in June 2018. He also shared that the debris clean-up from the Redwood Complex Fire was nearing completion.

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#:** MS_2016-0001

DATE FILED: 5/23/2016

OWNER/APPLICANT: DUANE A. & MARLENE G. BLACK

AGENT: RON FRANZ

REQUEST: Subdivision of a 4.83± acre parcel creating four (4) parcels, ranging in size from 0.92± to 1.35± acres.

LOCATION: 1± mile southwest of the Redwood Valley town center, lying east of Uva Dr. (CR 239) just south of its intersection with Bel Arbres Dr. (CR 238B). Located at 8087 Uva Drive, Redwood Valley (APN: 165-010-11).

ENVIRONMENTAL DETERMINATION: Negative Declaration

STAFF PLANNER: Eduardo Hernandez

Mr. Hernandez, staff planner, reviewed the staff report and noted that the project was in compliance with the General Plan and Zoning Code.

Commissioner Ogle asked what the Wildland Urban Interface Map was.

Ms. Acker explained that this map related to the building permit phase of a project.

Commissioner Ogle noted her concern related to the water moratorium in Redwood Valley and a subdivision being approved creating 4 parcels that each would need water.

Commissioner Ogle asked what the setback was between a septic system and well.

Mrs. Duley noted that 100 feet was required between a septic system and a well.

Commissioner Ogle asked about the existing modular home and out building that existed on the site which were not shown and was not on the tentative map, and wanted to know where the well and septic were located for the existing home.

Mr. Black, the applicant, noted that they applied for a permit to build a second residence while they waited for the subdivision to be approved. He also noted that the second residence had a septic system, which he pointed out on the tentative map, and stated that there was no well.

Mrs. Duley noted that the water supply designated for Redwood Valley was Lake Mendocino, the residents used wells which used ground water.

The **public hearing** was declared open.

Gail Nivros was not in support of the project and expressed concern related to the water shortage and increased parcels that would require water.

Michelle McQueen was not in support of the project and expressed concern related to the water shortage. She also noted that as an adjacent owner, to the project, she was concerned that the new well would negatively affect her well.

Chair Holtkamp noted that water testing would be required measure water flow.

The **public hearing** was declared closed.

Commissioner Pernell asked Mrs. Duley to explain the water testing required by **Condition 13**.

Ms. Duley explained what the Proof of Water Test included in **Condition 13** measured the stress on the aquifer and water flow, and was the only test required for this inland project. She also noted that the Hydrological Study Test was required only in the Coastal Zone.

Commissioner Pernell asked if all of Redwood Valley used the same aquifer as a water supply.

Ms. Duley noted that she did not know.

Chair Holtkamp noted that the project was a subdivision located in an area that had experienced a water moratorium and noted that information about the aquifer was needed.

Mr. Kiedrowski noted that there was a separate agency that legislated water and testing requirements.

Commission Ogle asked if it was a state agency.

Mr. Kiedrowski noted that the agency had committees assigned to individual water basins, included applicable water districts, and had procedures and hearings that they followed to legislate this issue.

Chair Holtkamp asked if the Commission could require the addition of the Hydrological Study Test in the Conditions.

Mr. Kiedrowski noted that he did not know if they could require a hydro study on an inland project. He also noted that staff would need to request direction from the Board of Supervisors if the Commission wanted to require that additional water test.

Commissioner Nelson noted that he needed clarity, and asked if they could require the additional water test?

Ms. Acker noted that there would need to be an additional study completed before staff would be able to answer the question. She continued and read into the record the addition of **Condition 22** to read as follows: The applicant shall provide a revised map showing the existing residence on proposed parcel 2 including leach field and easement between the well on parcel 1 for the benefit of parcel 2, acknowledging that if a well is constructed on parcel 2 there is no requirement for the easement.

Mrs. Duley read in to the record the addition of **Condition 23** to read as follows: To require a Deeded Easement for the sharing of water and maintenance of the well between parcels 1 and parcels 2 to be approved by Environmental Health and County Counsel. Upon the drilling of a well on parcel 2 the deeded easement would not be required.

Ms. Acker read into the record the modification of **Condition 10** which would remove the language, parcel 2, and the modification of **Condition 11** to add the language, parcel 2.

Commissioner Ogle asked the applicant if they understood and were in agreement with the conditions.

Mr. Black stated that he understood and agreed.

Upon motion by **Commissioner Ogle**, seconded by **Commissioner Nelson** and carried by the following roll call vote (6-0), IT IS ORDERED: By resolution, the Planning Commission adopt a Negative Declaration and grant MS_2016-0001 for the Project, as proposed by the applicant, based on the facts and findings and subject to the Conditions of Approval with modifications during the public hearing to Condition 10 and Condition 11, and the addition of Condition 22 and Condition 23.

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

7. **Matters from Staff.**

Ms. Acker reviewed the status of past projects heard by the Planning Commission.

Commissioner Nelson asked how the cement factory project had progressed.

Mr. Kiedrowski noted that the cement factory project was involved in 2 law suits.

8. **Matters from Commission.**

Commissioner Pernell asked if the cost of housing on the coast was related to the higher cost of water testing.

Mrs. Duley noted that the required water testing did cost upwards of \$10,000.

Ms. Acker noted that both water tests were only required in 2 critical areas of the coast.

Commissioner Hall and **Commissioner Pernell** expressed concern related to the approval of subdivisions when there was a low water table in the County.

Commissioner Pernell also noted that she would not want to require additional water tests for housing development projects, if it would only increase the expense of the process.

9. **Approval of February 1, 2018 Planning Commission Minutes.**

Mrs. Davis read 2 corrections into the record.

Upon motion by **Commissioner Ogle**, seconded by **Commissioner Hall** and carried by the following roll call vote (6-0), IT IS ORDERED: The approval of the February 1, 2018 Planning Commission minutes are approved as revised at hearing.

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

10. **Adjournment.**

Upon motion by **Commissioner Hall**, seconded by **Commissioner Hall**, and unanimously carried (6-0), IT IS ORDERED that the Planning Commission hearing adjourn at 9:10 a.m.