



MENDOCINO COUNTY PLANNING COMMISSION

MINUTES FOR THE MEETING HELD ON:

May 17, 2018

LOCATION:

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

COMMISSIONERS PRESENT:

Krueger, Nelson, Warner, Holtkamp, Hall, Ogle

COMMISSIONERS ABSENT:

Pernell

PLANNING & BLDG SVC STAFF PRESENT:

Ignacio Gonzalez, Interim Director
Julia Acker, Senior Planner
Sam 'Vandy' Vandewater, Planner II
Eduardo Hernandez, Planner II
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 9:00 a.m.

2. Planning Commission Administration.

2a. Determination of Legal Notice.

The Clerk advised the Commission that the meeting minutes were improperly agendized and had been removed from the agenda. All other items were properly noticed.

3. Director's Report and Miscellaneous.

Mr. Gonzalez presented a verbal Director's Report and provided an update of the building permits and temporary housing permits that had been applied for and issued in the Redwood Valley Fire area. He also noted that the California Office of Emergency Services (Cal OES) should complete all the over excavation grading repair work by the end of the month.

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#: UR_2016-0008

DATE FILED: 12/14/2016

OWNER: JACKSON GRUBE FAMILY INC

APPLICANT/AGENT: RONELLE MCMAHON

REQUEST: Coastal Development Use Permit and Reclamation Plan Renewal to extend existing hillside quarry mining operation

for an additional 5 years. Extraction of up to 75,000 cubic yards (cy) of material with up to 15,000 cy per year.
LOCATION: Within the Coastal Zone, 2.5± miles south of Westport, lying 0.5± mile east of Highway One, 1± mile south of its intersection with Bruhel Point Road (private), located at 33051 North Highway One, Westport (APN: 015-070-40). AKA Wilsey Ranch Quarry
ENVIRONMENTAL DETERMINATION: Negative Declaration
STAFF PLANNER: Eduardo Hernandez

Mr. Gonzalez noted that he had worked on the initial permit that was issued and introduced Eduardo Hernandez.

Mr. Hernandez, Staff Planner, reviewed the staff report and noted that the permit must be renewed every five years because it was in the Coastal Zone. He also noted that this renewal of the use permit relied on the previously approved conditions and no new conditions had been added.

Commissioner Warner asked about the financial assurance cost estimate.

Mr. Gonzalez explained how the cost estimate is reached and described the process for approval of the estimate of assurance.

Chair Holtkamp asked if the laws governing the reclamation plan had change over the last 18 years.

Mr. Gonzalez noted that there had been reforms made to Surface Mining and Reclamation Act (SMARA) procedures in the past 3 years.

Commissioner Ogle noted that page 12 and 14 were missing from the Reclamation Plan, and requested that the missing pages be distributed to the Commission.

Mr. Kiedrowski noted the missing pages would not change the recommended motion but would be distributed to ensure complete hearing material, and it was not necessary for the Commission to stop the hearing while staff retrieved the pages to distribute.

Commissioner Ogle asked what the term of the permit would be if it was located outside the Coastal Zone.

Mr. Gonzalez noted that the term of a use permit for a similar project located outside the Coastal Zone would be determined at the discretion of the Planning Commission.

Ronelle McMahon, Owner, reviewed the various agencies that monitor different portions of the mining, and noted that other quarries located in the Coastal Zone had a permit term longer than 5 years. She also noted that the staff report was incorrect and stated that the quarry was not highly scenic

Commissioner Warner asked if the access road crossed the creek.

Ms. McMahon stated that the road did not cross the creek.

Mr. Gonzalez noted that the Local Coastal Plan (LCP) that was adopted in Mendocino County only allowed for a 5 year permit for this type of project located in the Coastal Zone. He also noted that Condition #1 needed to be modified to have an expiration date of May 17, 2023.

Mr. Hernandez distributed the missing pages of the reclamation plan to the Commission.

The public hearing was declared open, 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 a Surface Mining Use Permit and Reclamation Plan Renewal (UR_2016-0008) for the Project, as proposed by the applicants, based on the facts and findings and subject to the Conditions of Approval, modifying the expiration date in Condition #1 to May 17, 2023.

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

NOES: None
ABSENT: Pernell

6b. CASE#: U_2017-0018

DATE FILED: 6/30/2017

OWNER/APPLICANT: TIMOTHY & KHAMOOR K POEHLMANN

REQUEST: Use Permit request for transient habitation campground consisting up to 12 campsites. In addition, future development would include up to 18 canvas tents. Also requested are up to 15 private events of no more than 100 people per year.

LOCATION: 4.5± miles east of Mendocino town center, on the west side of Little Lake Road (CR 408), 0.7± miles south of its intersection with Caspar Little Lake Road (CR 408). Located at 40500 Little Lake Road, Mendocino (APN: 118-550-19)

ENVIRONMENTAL DETERMINATION: Negative Declaration

STAFF PLANNER: Sam 'Vandy' Vandewater

Mr. Vandewater, Staff Planner, reviewed the staff report and noted that the parcel was in Timber Production (TP) and Forest Land (FL) Zoning and was in compliance with the Zoning Code and General Plan. He also noted that CalFire and the Department of Transportation (DOT) responded with concerns regarding a Fire plan.

Commissioner Warner noted that Page 9 of the initial study referenced Attachment K, regarding sufficient ground water; however Attachment K was the Water Resource Map, which did not illustrate sufficient ground water, it only showed available water types.

Mr. Vandewater noted that he would revise the initial study.

Commissioner Ogle noted minor edits in the hearing packet.

Mr. Vandewater stated the documents would be corrected.

Commissioner Ogle noted that two of the Conditions stated 2 different ending times for the events.

Mr. Vandewater stated that Condition #9 would be modified to state 12:00 am (Midnight) for events, which was consistent with the times in Condition #22.

Timothy and Khamorr Poehlmann, Applicants, noted that they had met with CalFire to discuss their event notification preferences and they spoke in support of the project being approved.

Commissioner Warner asked if the "Right to Farm" language should be included.

Ms. Acker noted that the language would only be included in a residential development project.

Commissioner Warner asked what the required ratio was of people to toilets.

Mr. Vandewater noted that Environmental Health (EH) had the established ratio of 1 toilet for every 100 people.

Commissioner Warner asked about the land tax of the Timber Production Zone (TPZ).

Commissioner Krueger noted that in a TPZ area, the State Board of Equalization had established that the main bulk of the property tax would be paid when the timber was harvested from the land. He also noted that the project parcel size would not be favorable for timber harvesting.

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

Ms. Acker read proposed language into the record for Page 9 of the initial study related to Attachment K, the Water Resource Map. She also read the proposed modification to a, Where As clause, in the Resolution which would add the language "based upon the evidence in the record.", to the end of the statement.

[BREAK 10:09 AM – 10:18 AM]

Ms. Acker read all proposed modifications of the Initial Study and Resolution into the record for the Commission approval.

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 a Negative Declaration and grant Use Permit (U_2017-0018) for the Project, as proposed by the applicant, based on the facts and findings and subject to the Conditions of Approval, as modified during the public hearing, on Page 9 of the Initial Study and modifications to Conditions #6, #9, and #15a.

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

6c. CASE#: U_2017-0024

DATE FILED: 9/25/2017

OWNER: PHILLIP & KATHLEEN SHUSTER

APPLICANT: IP LAND HOLDINGS LLC

AGENT: MARISA MITCHELL

REQUEST: Use Permit to allow for a Major Impact Service and Utility Facility to include a 10 acre Solar Farm (approx. 4200 solar panels) to be utilized for public distribution.

ENVIRONMENTAL DETERMINATION: Negative Declaration

LOCATION: 1.5± mi. east of Willits town center, on the north side of Center Valley Road (CR 303), 1± mi. east of its intersection with Lenore Avenue. Located at 1660 Center Valley Rd, Willits (APN: 103-070-04)

STAFF PLANNER: Sam 'Vandy' Vandewater

Mr. Vandewater, Staff Planner, reviewed the staff report and noted that the project was in compliance with the General Plan.

Commissioner Nelson asked what a brown field site was.

Mr. Vandewater explained that a brown field site was a piece of land that had former development on it that had been removed and was in the process of, or, had completed the process of remediation.

Commissioner Ogle asked staff to explain the high population density designation.

Mr. Vandewater noted that the area had historically been highly populated by the Sherwood Valley Band of Pomo Indians.

Commissioner Nelson asked if there would be a lot of ground disturbance associated with the use permit.

Mr. Vandewater noted that the agent, Marisa Mitchel, had indicated during their last conversation that they would request the Condition that address ground disturbance be removed. He further noted that the agent was not present and that the applicant was present and would address the Commission.

Seth Israel, Applicant, requested that Condition #1 be modified to a 4 year term for the permit, instead of the proposed 2 year term. He also noted that he agreed with all other Conditions in the report.

Commissioner Nelson asked if the solar panels would be flat on the ground or elevated.

Mr. Israel explained that they would be slightly elevated and that a lawn mower would be used to cut vegetation beneath the panels.

Commissioner Ogle asked where the energy produced would be used.

Mr. Israel noted that the energy generated by the solar farm would be used and distributed by Pacific Gas & Electric (PG&E), as part of Sonoma Clean Power.

The public hearing was declared open.

Dana McKay, adjacent property owner, noted concern for a possible impact to her water supply and asked about the fence that would surround the site.

The public hearing was declared closed

The Commission agreed to modify Condition #1 to allow the term of the permit to 5 years, instead of the 2 years as originally proposed.

Upon motion by Commissioner Warner, seconded by Commissioner Ogle and carried by the following roll call vote (6-0), IT IS ORDERED: By resolution, the Planning Commission adopt a Negative Declaration and grant Use Permit (U_2017-0024) for the Project, as proposed by the applicant, based on the facts and findings and subject to the Conditions of Approval and modification to the resolution Condition #1 and Condition #6d, as made during the public hearing.

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

7. **Matters from Staff.**

Note.

8. **Matters from Commission.**

Mr. Gonzalez updated the Commission about activity at the Masonite site. He noted that a grading permit was issued to that site to raise the area out of the flood zone and noted that there were additional permits, including a grading permit and a building permit issued to parcel next to the Masonite site.

Chair Holtkamp noted that this was Commissioner Krueger's last meeting.

Commissioner Krueger thanked the Commission and Staff for such a positive experience.

9. **Approval of February 15, 2018 and April 5, 2018 Planning Commission Minutes.**

The minutes were improperly agendized and were removed from the agenda.

10. **Adjournment.**

Upon motion by Commissioner Krueger, seconded by Commissioner Hall, and unanimously carried (6-0), IT IS ORDERED that the Planning Commission hearing adjourn at 10:54 a.m.