



## MENDOCINO COUNTY PLANNING COMMISSION

**MINUTES FOR THE MEETING HELD ON:** January 18, 2018

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

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

**COMMISSIONERS ABSENT:** None

**PLANNING & BLDG SVC STAFF PRESENT:** Ignacio Gonzalez, Interim Director  
Mary Lynn Hunt, Chief Planner  
Julia Acker, Senior Planner  
Eduardo Hernandez, Planner II  
Victoria Davis, Commission Services Supervisor  
Kayla Miles, Staff Assistant II

**OTHER COUNTY DEPARTMENTS PRESENT:** Matthew Kiedrowski, Deputy County Counsel  
Amber Munoz, Department of Transportation

1. **Roll Call.**

The meeting was called to order at 9:02 a.m.

2. **Planning Commission Administration.**

2a. Election of Chair and Vice Chair.

Commissioner Holtkamp was elected Chair, Commissioner Ogle was elected Vice Chair.

2b. Determination of Legal Notice.

2c. Acceptance of the 2018 Planning Commission Calendar.

The calendar was not included in the hearing material and will be moved to the February 1, 2018 agenda.

3. **Director's Report and Miscellaneous.**

Mr. Gonzalez presented a verbal Director's Report and discussed staff vacancies within the Department, as well as current fire recovery numbers; 9 building permits issued, 14 permits in process, and 116 properties released by the Army Corp. back to the County, which means that approximately 54% of the cleanup has been completed.

Chair Holtkamp asked if the process was being completed as expected with the Army Corp.

Mr. Gonzalez commented that the County had thought the process would go quicker, however the Army Corp had additional contractors in place, which should expedite the process. He noted the department was

sending out Building Inspectors after clean up to ensure that proper Best Management Practices (BMPs) were followed prior to the sites being returned to the property owner. He also noted a concern with over excavation on some of the parcels in Redwood Valley where up to six feet of dirt had been removed from the site.

Commissioner Nelson asked if Mr. Gonzalez knew if there would be out of area contractors coming to Mendocino County to complete the necessary work.

Mr. Gonzalez was unsure of which contractors may be available to complete rebuilds in Redwood Valley. He commented that the North Coast Builders Exchange was pushing to keep local contractors in the area.

**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.**

Ms. Mary Lynn Hunt noted that the Commission had received a memo related to MS\_2007-0023 (Pinoleville) that was continued to today's meeting, but had not been included on the agenda. She noted that applicant was informed of the error and the project would be renoticed for a later date.

**6a. CASE#: UR\_2014-0003**

DATE FILED: 6/12/2014

OWNER: MENDOCINO REDWOOD COMPANY LLC

AGENT: GEORGE RAU

REQUEST: Renewal of a Use Permit and Reclamation Plan to allow for continued extraction of up to 100,000 cy/yr (reduced avg. of 50,000 cy/yr) over a 30 year period.

ENVIRONMENTAL DETERMINATION: Mitigated Negative Declaration

LOCATION: 4± miles northeast of Manchester, situated 1.5± miles east of State Hwy 1 via a private haul road, 1± mile north of its intersection with Kinney Rd. (CR 512) (APN: 132-220-05).

STAFF PLANNER: Julia Acker

Commissioner Krueger recused himself from the hearing.

Ms. Julia Acker reviewed the staff report and memo that had been distributed to the Commission. She continued and discussed the phased mining on site and reclamation to forest land. She noted there was one comment received from Department of Fish and Wildlife (DFW) acknowledging the timing restriction related to blasting and processing on the site. They also noted that any work near the stream or bank may require a 1600 permit from DFW. Ms. Acker discussed the environmental document and noted that there were potential hazards on the site related to geology and soils and that mitigation was required, which were listed in the staff report on page PC 7. She continued her presentation and discussed the additional findings in the Staff Memo as well as the modification to conditions of approval and correction, as needed in the report and resolution. She discussed the comments that were received as well as the applicant's comments to update portions of the staff report.

Commissioner Ogle discussed the Fish and Wildlife Condition #27 and again noted that the fee increases every year.

Commissioner Warner noted the new warning related to fire danger, "Red flag warning", and asked if that should be added into Condition # 18 or 19.

Ms. Acker noted she would review and provide further information.

Commissioner Pernell discussed the expiration of the permit prior to the hearing.

Ms. Acker noted that the applicant had filed their renewal application prior to the expiration of the permit, which allowed the continued operation of the quarry.

Mr. Gonzalez discussed the policy regarding the expiration of use permits and noted that while the applicant continued to operate, they would be subject to the previous permit until a new permit was issued.

**George Rau**, Agent, discussed the Conditions of approval and felt they were more streamlined than the previous use permit. He noted Conditions #29-31, and #39 specifically, and felt they were more comprehensive and strict than previous use permits and required ongoing monitoring of the site. He requested the length of the permit continue at the 30 year expiration due to the expense required and noted the increase in costs.

Chair Holtkamp asked how the best management practices (BMP) had changed since the 1993 permit.

Mr. Rau stated that the BMP's had not changed significantly since 1993, however the monitoring and reporting had become a more comprehensive process.

Commissioner Warner noted the previous issue with sediment control and asked if that had occurred under a different operator.

Mr. Rau noted that due to the complexity of the systems used with the pond and depending upon the intensity of the storm, it was possible for any operator to have a problem and he did not think that the change in operator was necessarily the reason for the improved sediment control.

Commissioner Pernell asked if the monitoring and reporting ease the concerns of the public related to the site.

Mr. Rau was unsure, but believed there was a way for the public to register on the site and gain access to the reports submitted by the operator.

Commissioner Warner noted her concern with the location of the site and its proximity to the San Andreas Fault.

Mr. Rau reviewed the processes to address earthquake concerns on site and noted Condition #16 and #17 required ongoing monitoring and inspection of the slope stability during operation.

Mr. Gonzalez discussed the monitoring process and changes that occurred in the process at the state level in 2013 that required the lead agency to ask more questions and look at more areas related to the site, conditions of approval and slope stability.

Chair Holtkamp discussed the level of scrutiny provided at the state and local level.

Mr. Gonzalez noted that review occurred at the state, federal and local level. He noted the annual inspection was completed by the County; however the County could require an inspection on slope by a geologist if the inspector felt there is an issue.

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

Chair Holtkamp asked if staff had time to review the conditions related to fire danger.

Ms. Acker noted she had reviewed the CalFire web page and it appeared that "extreme" and "red flag" were used interchangeably; she did not have an issue adding on to Condition #18 and #19. Ms. Acker did state that she would prefer CalFire weigh in on the additional language or perhaps County Counsel or the Director.

Mr. Kiedrowski commented that it was actually the National Weather Service that issued the red flag warning and not CalFire. He stated that he could not provide any certainty regarding the language at this time, unless the applicant agreed to the additional phrasing that no blasting would occur on a day deemed a red flag warning.

**Mr. Dennis Tebo**, Executive Vice President for Mendocino Redwood Co., stated he was registered professional forester with over 25 years in the field and discussed the fire danger rating system. He noted the various reasons a red flag warning could be issued, including lightening fire, low humidity, etc. and thought the language could be overly restrictive, since those types of red flag warnings would not affect the operation. Ultimately, he believed the addition of the language would have little effect on the operation and agreed that if the Commission wanted to add the language for approval, he could agree.

Commissioner Nelson noted he was less concerned with the blasting in a quarry since it was not grasslands. He commented he was in favor of the project.

Mr. Gonzalez noted blasting was heavily regulated by ATF and stated blasting was well planned. He noted the purpose was to fracture the rock not make them explode or implode. He felt it was the most overly regulated aspect of the mining industry due to the 9-11 incident.

Commissioner Warner commented that Mr. Gonzalez had provided a good reminder and she had a picture of an explosion in mind, which appeared inaccurate.

Commissioner Pernell commented that she agreed with Commissioner Nelson and was not concerned with blasting and the addition of the red flag warning language. She commented that if a condition was modified, it should be useful, clear and specific and for those reasons she asked if it would be pertinent to add the phrase "red flag" to Condition #18.

Commissioner Warner commented that she did not see a need to prevent blasting and she would be satisfied with the addition of the language.

Ms. Acker noted that she had found a document on CalFire's website that addressed red flag warnings and read the information into the record.

The Commission asked if the applicant was satisfied with the addition of the language.

Mr. Rau stated that he would agree to the addition, but was unsure of how to verify if they were in compliance with the Conditions; there was no location listed to check fire rating in the condition.

Mr. Gonzalez offered modified language for the Commission and added, "red flag" and "fire danger rating levels as determined by CalFire".

Mr. Kiedrowski commented that the additional language should be replicated for Condition #19 also, and stated for clarification that the "red flag" was determined by the National Weather Service.

The Commission agreed to the modification of language for Condition #18 and #19.

Mr. Kiedrowski noted the Commission had not discussed changing Condition #30a from "will not" to "shall not".

The Commission agreed to the change.

Upon motion by Commissioner Hall, seconded by Commissioner Nelson and carried by the following roll call vote (6-0), IT IS ORDERED: By resolution, adopt a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program and grant a Surface Mining Use Permit and Reclamation Plan Renewal for the Project, as proposed by the Applicant, based on the facts and findings in the record and subject to the conditions of approval, as revised at the January 18, 2018 public hearing to modify Condition #18, #19, #30a and all other modifications as listed in the Staff Memo dated January 18, 2018.

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

7. **Matters from Staff.**

None.

8. **Matters from Commission.**

Chair Holtkamp reminded all Commissioners to complete their 700 forms.

Commissioner Ogle noted she would be available for the first meeting in February and then would be absent until early April.

9. **Adjournment.**

Upon motion by Commissioner Hall, seconded by Commissioner Ogle, and unanimously carried (6-0), IT IS ORDERED that the Planning Commission hearing adjourn at 10:00 a.m.