



MENDOCINO COUNTY PLANNING COMMISSION

MINUTES FOR THE MEETING HELD ON:

February 7, 2019

LOCATION:

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

COMMISSIONERS PRESENT:

Nelson, Warner, Holtkamp, Ogle, Wiedemann, Jacobszoon

COMMISSIONERS ABSENT:

Pernell

PLANNING & BLDG SVC STAFF PRESENT:

Brent Schultz, Director
Julia Acker Krog, Chief Planner
Sam 'Vandy' Vandewater, Planner II
Adrienne Thompson, Administrative Services Manager
Caitlin Schafer, Staff Assistant III

OTHER COUNTY DEPARTMENTS PRESENT:

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

1. Roll Call.

The meeting was called to order at 9:01a.m. Newly appointed Commissioners, Diana Wiedemann and Randall Jacobszoon, were announced. Commissioner Pernell was absent by prearrangement.

2. Planning Commission Administration.

2a. Election of Chair and Vice Chair

Upon motion by Commissioner Holtkamp, seconded by Commissioner Nelson and carried unanimously by a voice vote (6-0), IT IS ORDERED: Commissioner Ogle is nominated Chair, and Commissioner Pernell is nominated as Vice Chair.

The Chair accepted the nomination. Chair Ogle had previously discussed the potential nomination of Commissioner Pernell and received confirmation that the nomination would be accepted if the motion carried.

2b. Determination of Legal Notice.

The Clerk advised the Commission that all items had been properly noticed.

3. Director's Report and Miscellaneous.

Director Brent Schultz presented a verbal Director's Report and updated the Commission on the department's priority list from the Board of Supervisors. He introduced Matt Goines, a newly hired Planner I, and, congratulated the new Commissioners on their appointments to the Planning Commission.

Matters from Public.

Kelly Grimes, Architect, congratulated Matt Goines on his new position. He also expressed his concern about Mr. Goines's previous position in Code Enforcement being vacant.

Julia Acker Krog, Chief Planner, shared that the position vacated by Mr. Goines has been filled by Code Enforcement Officer Gretchen McLaughlin.

4. **Consent Calendar.**

None.

5. **Regular Calendar.**

6a. **CASE#: MS_2018-0005**

DATE FILED: 7/6/2018

OWNER: ERIK J LARSON & ILIANA MORENO

APPLICANT/AGENT: ERIK LARSON

REQUEST: Subdivision of a 4.9± acre parcel into 2 parcels of 2.4± and 2.5± acres.

LOCATION: In Laytonville town center, on the west side of US Hwy. 101 (Hwy 101), 200± ft. north of its intersection with Branscomb Road (CR 429). Located at 45020 N. Hwy. 101, Laytonville (APN: 014-040-23).

ENVIRONMENTAL DETERMINATION: Negative Declaration

STAFF PLANNER: SAM VANDEWATER

Mr. Sam 'Vandy' Vandewater, staff planner, reviewed the staff report and noted that the subdivision would divide a 4.9± acre parcel into two parcels of 2.4± and 2.5± acres. He stated that the Department of Transportation requested additional conditions, which were added during a hearing before the Subdivision Committee on December 13, 2019. He also noted the California Department of Fish and Wildlife requested that any future development be reviewed by their department due to a rare plant species in the vicinity of the area, which resulted in the addition of Condition 4. Mr. Vandewater stated the project was consistent with the General Plan and C2 Zoning District. He added that a Negative Declaration was prepared for the project and it was determined that the project would have no significant environmental impact. Commissioner Pernell upon prior review of the project expressed concern regarding the potential removal of the heritage oak located on the parcel with a subsequent additional condition to be evaluated and decided by the Planning Commission. Staff recommends approval of the subdivision.

Ms. Acker Krog informed the Commission that in accordance with the Character Combining District and Land Use Regulations that uses of the property would undergo a heightened review process.

Chair Ogle commented that there was previously a project submitted including a mini-mart, gas station and charging stations that would be constructed north of the town of Laytonville.

Ms. Acker Krog stated that the use permit had expired and that the applicant never conducted activities that would have vested the use permit; future improvement would be subject to departmental review under a new use permit.

Chair Ogle requested clarity on Condition 16 and whether it would be in addition to the conditions or replacing the original condition.

Mr. Vandewater informed the Commission that the new wording would replace the original condition.

Chair Ogle inquired about the addition of Condition 19.

Mr. Eric Larson submitted a statement of fact to be read by the Commission into the record. He stated that he had no intention of removing the heritage oak, but would like to take into account that the tree may become sick or die and removal or treatment may need to occur due to safety hazards.

Commissioner Holtkamp request alteration to the wording of Condition 19.

Commissioner Jacobszoon suggested that the condition include that an arborist or licensed tree expert be consulted upon determination that the heritage oak becomes diseased or has come to the end of its natural lifespan.

Ms. Acker Krog requested a recess to work with County Counsel to rewrite the language of Condition 19.

Break 9:38 a.m. – 9:59 a.m.

Mr. Matthew Kiedrowski, Deputy County Counsel, submitted the language for Condition 19. "Condition 19: The tree identified in Attachment 1 shall be identified on the parcel map. A note shall appear on the parcel map that reads as follows: The removal of the large oak tree identified on the parcel map shall be prohibited. This prohibition shall not include the pruning of any such trees for maintenance, or the removal of such trees if necessary to address safety or disease concerns. Removal of the tree for safety or disease concerns shall be determined by a certified arborist or registered professional forester."

Mr. Larson agreed to the language of Condition 19.

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

Upon motion by Commissioner Holtkamp, seconded by Commissioner Nelson, and carried by the following roll call vote (5-0), IT IS ORDERED: By resolution, the Planning Commission approve MS_2018-0005 per the findings and conditions of approval contained in Exhibit A with the proposed amendment to Condition 16 and the addition of Condition 19.

AYES: Nelson, Warner, Holtkamp, Ogle, Jacobszoon
NOES: None
ABSTAINS: Wiedemann
ABSENT: Pernell

6b. CASE#: U_2016-0015 & V_2017-0001

DATE FILED: 11/18/2016

OWNER/APPLICANT: CHRISTOPHER J. HOUGIE

AGENT: KELLY B. GRIMES

REQUEST: Coastal Development Use Permit to refurbish 60 existing campsites at the Mendocino Campground, construction of a new barn, a new caretakers residence, and remodel of the existing bathhouse and construction of two new bathhouses. Associated work consists of construction of additional parking, BBQ area with fire pit, breakfast preparation screened area, installation and repair of path lights, and two new signs. A Coastal Development Variance is requested to allow parking within the required yard setback and additionally to increase the allowed sign area for the parcel.

LOCATION: In the Coastal Zone, 0.5± mile south of the Town of Mendocino, located on the south side of Comptche-Ukiah Road (CR 223), 0.1± mile east of its intersection of State Route 1 (SR 1), located at 9601 N. Hwy. 1, Mendocino (APNs: 119-310-02, 119-310-03, 119-310-04, 119-310-05, 119-310-10, 119-320-07).

ENVIRONMENTAL DETERMINATION: Mitigated Negative Declaration.

STAFF PLANNER: JULIA ACKER

Ms. Acker Krog, Chief Planner, reviewed the staff report and noted that the application was originally submitted in 2016; the site is known as the Mendocino Grove Campground. She noted the parcel was highly constrained and contained portions of Bishop Pine Forest and Grand Fir Forest that cover the majority of the site, which was established before the plant communities were recognized as sensitive. She stated that the site is designated and zoned RR, with the combining districts *5C that would allow for a visitor serving and accommodation facility with the approval of a Coastal Development Permit. She discussed limitations to signage, and the request for the allowance based on the topography and similar signs near the project. Ms. Acker Krog reviewed agency comments related to the request, and noted that conditions were included based on archaeological surveys conducted in 1976 and 1990 requiring that an archaeologist be present if any ground disturbance occurred. Ms. Acker Krog recommends the adoption of the Mitigated Negative Declaration with the addition of Condition 36.

Commissioner Wiedemann expressed concerns regarding the proposed new construction being within the Environmentally Sensitive Habitat Areas (ESHA).

Ms. Acker Krog responded that the new construction is in the only area that meets the ESHA setback requirements.

Commissioner Wiedemann noted that there was a kitchen within the barn and inquired what the use of the building would be.

Ms. Acker Krog deferred to the applicant and agent as to the occupancy of the structure.

Commissioner Wiedemann was concerned that the sign was too large to be placed in a highly scenic area.

Commissioner Warner noted that the views from the bluff were previously a concern of residents, and inquired about tree removal if the Bishop Pines became a safety hazard to the visitors.

Ms. Acker Krog responded that the trees could be removed through the use permit process, but that an Emergency Permit could be granted by the Planning and Building Services Director should it become necessary. Following an Emergency Permit, a Standard Coastal Development Permit or a Discretionary Permit would then be reviewed to determine if mitigation may be required. She also noted that typically there was a replant ratio of 3:1 for trees removed.

Commissioner Warner inquired about the size of the signage.

Ms. Acker Krog responded that the current sign was 48 sq ft and the replacement sign would be 35 sq. ft. with an additional 35 sq. ft sign on the north side of the property.

Commissioner Warner inquired as to composition of the roof material.

Ms. Acker Krog answered that the roofing material would be a matte corrugated metal roof.

Commissioner Holtkamp requested that the finish be matte and a natural color that would blend in with the surroundings.

Commissioner Jacobszoon asked if the tents were semi-permanent.

Ms. Acker Krog informed the Commission that they were canvas tents placed on permanent foundations that would be stored during winter.

Commissioner Jacobzoon inquired about the potential for future selective timber harvesting.

Ms. Acker Krog in response directed to Commission to Condition 11 and read the condition into the record.

Chair Ogle asked if there were any other comments or questions from the Commission or staff.

Ms. Acker Krog noted that two public comment letters were submitted; one for support and the second expressed concern regarding the eastern boundary and requested that the Commission add as a condition a property line survey. She read into the record Condition 34, regarding a map being required for the parking portion of the project, but did not include the entire eastern property line and deferred the item to the Commission's discretion.

Chair Ogle inquired whether the applicant or agent would like to address the Commission.

Mr. Grimes thanked the Commission for reviewing the project. He stated that the current owner purchased the property approximately 3 years ago and that the campground had been in need of improvements, which the owner was addressing. He stated that the neighbor to the east and his client have been in contact regarding the surveying of the property line and the campground owner is open to further discussion and resolution with the neighbor. He addressed concerns posed by the Commission stating that the placement of permanent platforms was to limit the impact to botanical resources of the property and that the roofing material would be a dark bronze or charcoal shingle to blend into the scenery. Additionally, Mr. Grimes spoke to the use of the barn building.

Commissioner Wiedemann suggested the movement of the sign to the opposite side of the driveway to allow it to be seen in both directions.

Ms. Acker Krog stated that the sign could not be permitted on the opposite side of the driveway as it would be in the Caltrans right of way.

Commissioner Wiedemann asked for clarification of the usage of the barn kitchen in the summer months.

Ms. Acker Krog stated that the barn was labeled as such in reference to the style of the structure and described in the staff report as an accessory structure with the use defined when applying for the building permit. Additionally, she noted that a condition could be added designating the use of the barn style structure.

Chair Ogle noted that the Commissioners were in agreement with the project with the exception of the signage and asked if further discussion could occur in order to come to full agreement.

Commissioner Wiedemann stated that she would support the project with the exception of the sign.

Commissioner Warner inquired of Mr. Grimes the reasons the applicant would like the sign on the Comptche-Ukiah Road side of the property.

Mr. Grimes stated that it was requested due to the geography of the road in relation to the property. He stated that when visitors were traveling from the north, they were not able to find the campground until they had passed it.

Commissioner Wiedemann asked if a sign could be placed offsite.

Ms. Acker Krog informed the Commission that off-site signs were not permitted in the area due to the zoning.

Commissioner Wiedemann preferred a "sign free corner."

Mr. Grimes stated there were dead standing trees, power poles, and other signs nearby. They would like people to know that a business is there.

Commissioner Holtkamp inquired if the design of the sign was available for review.

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

Ms. Acker Krog requested a recess to obtain printed copies of the proposed sign for the Commission.

Break 11:09 a.m. – 11:16 a.m.

Ms. Acker Krog described the design that was handed out and made available to the public.

The Commission discussed the sign design and location of the sign extensively.

Commissioner Wiedemann made a motion to approve U_2016-0015/V_2017-0001 with addition of Conditions 36 and 37, and approval of the Variance for the parking area, but without the approval of the sign.

Chair Ogle asked if there was a second. Seeing none, the motion died due to lack of a second.

Upon motion by Commissioner Warner, seconded by Commissioner Nelson and carried by the following roll call vote (6-0), IT IS ORDERED: By resolution, the Planning Commission adopt the Mitigated Negative Declaration and approve U_2016-0015/V_2017-0001 with the addition of Conditions 36 and 37.

AYES: Nelson, Warner, Holtkamp, Ogle, Wiedemann, Jacobszoon
NOES: None
ABSENT: Pernell

7. Matters from Staff.

None.

8. Matters from Commission.

Commissioner Nelson requested an update from staff regarding new buildings following the 2017 fires.

Ms. Acker Krog stated that staff would report on the item at a future meeting under the Directors Report.

Commissioner Holtkamp requested information regarding the Inland Water Study.

Ms. Acker Krog informed the Commission that staff had requested Environmental Health present information regarding the study at the February 21, 2019 meeting.

Commissioner Warner requested a list of the Board of Supervisors priorities for the Planning and Building Department.

Ms. Acker Krog stated that they would bring forward the list of priorities at the next meeting.

Commissioner Warner informed the Commission that she would not be able to attend the February 21, meeting.

Chair Ogle informed the Commission that she would not be available for the April 18, May 2, May 16, June 6, or June 20, 2019 meetings. Additionally, a request was made to have a new Planning Commission District Map. She also reminded the Commissioners to submit their 700 forms by March 1.

Ms. Acker Krog shared that the form is available at the Clerk Recorder's Office and that a fine of up to \$12,000 may be imposed if the form is not filed.

9. Approval of Minutes.

9a. July 6, 2017

Upon motion by Commissioner Holtkamp, seconded by Commissioner Nelson and carried by the following voice vote (4-0), IT IS ORDERED: That the July 6, 2017 Planning Commission minutes have been approved as corrected.

AYES: Nelson, Warner, Holtkamp, Ogle
NOES: None
ABSTAINS: Wiedemann, Jacobszoon
ABSENT: Pernell

9b. December 7, 2017

Upon motion by Commissioner Holtkamp, seconded by Commissioner Nelson and carried by the following voice vote (4-0), IT IS ORDERED: That the December 7, 2017 Planning Commission minutes have been approved as corrected.

AYES: Nelson, Warner, Holtkamp, Ogle
NOES: None
ABSTAINS: Wiedemann, Jacobszoon
ABSENT: Pernell

9c. March 15, 2018

The approval of the March 15, 2018 Planning Commission minutes will be continued, to a date uncertain.

9d. May 17, 2018

The approval of the May 17, 2018 Planning Commission minutes will be continued, to date a uncertain.

9e. September 20, 2018

The approval of the September 20, 2018 Planning Commission minutes will be continued, to a date uncertain.

9f. November 27, 2018

The approval of the April 20, 2017 Planning Commission minutes will be continued, to date a uncertain.

10. Adjournment.

Chair Ogle noted the meeting was adjourned at 11:37 a.m.