MENDOCINO COUNTY PLANNING COMMISSION

MINUTES FOR THE MEETING HELD ON:	**October 3, 2019**
LOCATION:	Mendocino County Board of Supervisors Chambers 501 Low Gap Road, Room 1070 Ukiah, California
COMMISSIONERS PRESENT:	Perkins, Pernell, Jacobszoon, Holtkamp, Ogle
COMMISSIONERS ABSENT:	Wiedemann, Nelson
PLANNING & BLDG SVC STAFF PRESENT:	Brent Schultz, Director Julia Acker-Krog, Chief Planner James Feenan, Commission Services Supervisor Adrienne Thompson, Administrative Services Manager Sam "Vandy "Vandewater, Planner II
OTHER COUNTY DEPARTMENTS PRESENT:	Matthew Kiedrowski, Deputy County Counsel

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. Schultz presented a verbal Director's Report and introduced the new Planning Commissioner, Scott Perkins. Mr. Schultz discussed the Housing Element Update and encouraged the Commission to review the document and have their questions ready for the next meeting. He also noted that the Board of Supervisors would be hearing Coastal Cannabis and Coastal Accessory Dwelling Units on November 5, 2019 in the Town of Mendocino. Mr. Schultz discussed the continued implementation of online permitting and noted that the department now had ten permit types available for the public to use. He concluded the report by discussing the use of satellite images for both Code Enforcement and Cannabis permitting, noting its use in Humboldt County.

Chair Ogle asked about the Senior Planner position recruitment.

Commissioner Perkins noted that he was excited to be appointed by Supervisor Gjerde.

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#: U_2019-0010

DATE FILED: 5/31/2019
OWNER: 16000 S HIGHWAY 1 LLC
APPLICANT: RTI INFRASTRUCTURE, INC.
AGENT: BRIAN BERGFALK
REQUEST: Coastal Development Use Permit request for a trans-oceanic fiber optics cable. The cable will land on the northern parcel (APN 132-170-11) through landing manholes (to be constructed). The cable will then travel south along State Route 1 to between one and three Cable Landing Station at the following APN's: 133-010-04, 133-010-28, and 133-090-06. Development includes ground disturbance via bore holes for placing the cable and construction of land structures on landing parcel. Additional ground disturbance will be required at each Cable Landing Station, also completed via bore holes. A full project description is provided with the application.
ENVIRONMENTAL DETERMINATION: The Lead Agency; California State Lands Commission has prepared a Mitigated Negative Declaration (SCH#2019049159) for the above project. The County, as a Responsible Agency, has reviewed the project to determine the adequacy of the environmental document.
LOCATION: In the Coastal Zone, several parcels will host components of the cable. The landing parcel is located 3± miles north of Manchester center, on the west side of State Route 1 (SR 1), 0.5± miles south of its intersection with Irish Beach Dr (CR 539), located at 16000 S Hwy 1, Manchester (APN 132-170-11). Cable Landing Stations are located at the following sites: 44601 Kinney Road (133-010-04), 18650 S Hwy 1 (133-010-28), and 19700 S Hwy 1 (133-090-06).
SUPERVISORIAL DISTRICT: 5
STAFF PLANNER: SAM VANDEWATER

Sam "Vandy" Vandewater, staff planner, reviewed the staff report and noted that the item was a Coastal Development Use Permit. Mr. Vandewater discussed the request for a trans-oceanic fiber optics cable located on several parcels on the coastal, north of Manchester and South of Irish Beach. Mr. Vandewater reviewed several maps, which were displayed on the projector screen, of how the cable would travel, as well as the landing locations, and manhole that would be constructed. Mr. Vandewater discussed agency comments that had been received and noted that the Department of Fish and Wildlife had a concern with the Morning Glory flower located on the parcel. He noted a study had been performed by the applicant and a map was provided that showed the route of the cable, as well as staff adding a condition to ensure that the plant would be protected. Mr. Vandewater noted that staff found the project was consistent with the Zoning district as well as the LCP and General Plan, and the State Lands Commission was the lead agency that conducted the Initial Study and Mitigated Negative Declaration. He stated that staff was recommending adoption of the mitigated negative declaration.

Commissioner Holtkamp asked about the page 5 of the staff report regarding the dormancy of the morning glory plant.

Mr. Vandewater stated that the morning glory produced its seeds during the dormant cycle, which was why ground disturbance had been limited to just as an access road.

Commissioner Jacobszoon asked who operated the site south of Manchester.

Mr. Vandewater stated AT&T operated that site.

Commissioner Pernell asked where the cable was coming from.

Mr. Vandewater stated it was coming from Hong Kong.

Commissioner Perkins asked about Condition #12 for mitigation of the habitat.

Mr. Vandewater stated that he believed that Planning and Building would have to approve a plan before the project could move forward.

Chair Ogle noted various corrections to the staff report #4 under item #2 second paragraph the "building" should be "built", and clarification of #5 Page 4, 1st paragraph.

The Commission discussed the corrections to the staff report.

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Commissioner Holtkamp noted another correction to the staff report on Page 4, Section #3 "sited" should read "seen".

Chair Ogle noted on Page 5, Item 5d. Should read "occur" not "occurring", and 5f needed wordsmithing.

Ms. Acker Krog stated that structures that are less than 10 x 12, or with a 120 square foot floor area or smaller, do not require a building permit, which was the underlying meaning in the sentence.

Commissioner Pernell clarified if the requirement was foot print or roof line.

Ms. Acker Krog noted that there was a height structure limit of 15 feet.

Chair Ogle noted a correction on Page 5 of the Resolution to read "throughout".

Ms. Acker Krog stated that a corrected Resolution has been provided to the Commission to clarify language and several other items, such as adding the State Clearing House number and the lead agency.

Chair Ogle noted several further corrections in the first paragraph to read "on several parcels, in the Coastal Zone.", and on Page 2 of the Resolution on Item #8 to change "by" to "but", and "improves" to "improvement".

Chris Brungardt, agent from RTI, stated that the wildlife report was ready to submit to the County and had already been submitted to the Department of Fish and Wildlife (DFW). Mr. Brungardt stated that he had received a response from DFW that they were satisfied with the plan that had been submitted.

Commissioner Jacobszoon asked if the cable would become part of the AT & T infrastructure.

Mr. Brungardt and the Commission discussed the location and service areas of the cable and manholes, and how they would be accessed.

Mr. Vandewater commented that one of the reasons the project landing was moved to the north was due to more challenging regulations with State Parks.

The Commission and staff discussed the size of the cable, the technical capabilities, and how it would lay on the ocean floor.

Commissioner Pernell asked how the cable would serve the local, state, or national networks.

Mr. Brungardt explained how the cable would route services to networks in different areas within California, and how it would tie into the bay area.

Commissioner Jacobszoon asked how many cable locations were on the coast.

Mr. Brungardt stated there were already cables in San Luis Obispo and in the Los Angeles area, and also along the Oregon and Washington coastline.

Commissioner Pernell asked as technology advanced, would there be an increase in the number of cable landings.

Mr. Brungardt commented that California had six cable landings in the last six years and anticipated another location in the Manchester area within the next year.

Mr. Brungardt discussed his previous projects with the Commission.

The public hearing was declared open

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Mr. Vonn Scott wanted to know more about the project.

Mr. Brungardt explained how the boring machines would be used, where they would be working in relationship to the map on the projector and the time frame for the work to be completed, based on Caltrans regulations.

Commissioner Pernell asked how much noise would result from the construction.

Mr. Brungardt stated that it would be general construction noises consisting of a diesel engine.

Chair Ogle asked about ground movement.

Mr. Brungardt stated the hole was very small and there would be very little ground movement, or vibration.

Commissioner Jacobszoon asked if there would be traffic control on Highway 1.

Mr. Brungardt stated there would be traffic control, since they would need to block one lane of traffic for construction.

Chair Ogle asked to see the parcel on the map on the screen.

The Commission and staff discussed the location of the project and the general location of Mr. Scott's parcel.

The public hearing was declared closed.

Ms. Acker Krog noted a correction to Condition #12, submitted by Commissioner Perkins and asked the Commission's consensus on the change.

Upon motion by Commissioner Holtkamp, seconded by Commissioner Jacobszoon and carried by the following roll call vote (5-0), IT IS ORDERED that the Planning Commission adopt, by resolution, a Mitigated Negative Declaration (State Clearinghouse #2019049159) and grant Coastal Development Use Permit U_2019-0010, for the Project, as proposed by the applicant, based on the facts and findings and subject to the amended conditions in the Resolution and Exhibit A as read into the record.

AYES: Perkins, Pernell, Holtkamp, Jacobszoon, Ogle
NOES:
ABSENT: Wiedemann, Nelson

7. Matters from Staff.

None.

8. Matters from Commission.

Commissioner Pernell requested information regarding 2020 Planning Commission goals and a presentation by Code Enforcement.

Mr. Schultz noted he would provide copies of the PBS priorities list.

Ms. Acker Krog noted she would check with Code Enforcement regarding their availability for a presentation.

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Mr. Schultz discussed the Board of Supervisors request to utilize satellite imagery within the department for Code Enforcement and Cannabis permits.

Commissioner Pernell asked if the ordinances in Muni code were current.

Mr. Kiedrowski stated that the ordinances would have an effective date listed, but there may be some older chapters that would not have dates.

9. Minutes

None.

10. Adjournment.

Upon motion by Commissioner Holtkamp seconded by Commissioner Jacobszoon, and carried by a voice vote of (5-0), IT IS ORDERED, that the Planning Commission hearing adjourn at 10:07 a.m.

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