



MENDOCINO COUNTY PLANNING COMMISSION

MINUTES FOR THE MEETING HELD ON:

November 3, 2016

LOCATION:

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

COMMISSIONERS PRESENT:

Little, Krueger, Nelson, Warner, Holtkamp, Hall, Ogle

COMMISSIONERS ABSENT:

None

PLANNING & BLDG SVC STAFF PRESENT:

Steve Dunncliff, Director
Andy Gustavson, Chief Planner
Adele Phillips, Planner II
Sam Vandewater, Planner I
Monique Gil, Planner I
Danielle Fitts, Staff Assistant III

OTHER COUNTY DEPARTMENTS PRESENT:

Matthew Kiedrowski, Deputy County Counsel

1. Roll Call.

The meeting was called to order at 2:01 p.m. Commissioner Nelson entered the meeting at 2:12 pm.

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.

Steve Dunncliff, Director, presented a verbal Director's Report and noted there will be a public meeting on CEQA regarding the cannabis ordinance on December 1, 2016. He also informed the Commission that Planning has two new staff planners, Monique Gil and Sam "Vandy" Vandewater. Mr. Dunncliff continued by stating there will be two additional Planners joining the team later in the month of November.

Chair Warner welcomed the new staff planners.

4. Matters from Public.

Barbara Mc Lean, stated that she believes that the role of Planning Commission is one of advising the Board of Supervisors and the role of Planning and Building Services is enforcement and administration; she is concerned as to why the Board of Supervisors is the only Commission acting upon the Cannabis Ordinance.

Mrs. Mc Lean provided the clerk a copy of a newspaper article published in the Press Democrat Newspaper.

Chair Warner informed Mrs. Mc Lean that the Planning Commission deals primarily with zoning and land usage and cannot/does not have the authority to approve County ordinances.

Matthew Kiedrowski, Deputy County Counsel, stated that this is not a public question and answer time regarding the upcoming Cannabis Ordinance; however there are two scheduled meetings on December 1st and December 15th that will open public discussion regarding the Cannabis Ordinance.

Jerilyn Harris stated she is concerned about the cannabis ordinance due to what is already occurring in her Regina Heights neighborhood. She feels that others are against the ordinance as well, however have not attended every meeting to voice their opinion. Mrs. Harris continued by informing the Commission that she started a petition and every neighbor with exception of one, have all agreed. Deerwood Estates, El Dorado Estates, Russian River Estates, and many other communities want to petition, but are scared for safety reasons. In conclusion her main concerns are cannabis grow smells, heighten noises, and traffic. She would like to ensure that the Planning Commission is aware that even if they are not making a large statement they are not in favor of AF, and would like to see a good ordinance that protects them in their residential neighborhood.

Chair Warner, requested copies of the signed petition.

Evan Johnson thanked the Planning Commission for questioning language of Board of Supervisors. He would like to see reliable code enforcement. Currently, he feels there is no enforcement upon growers.

Mike Sweeny stated that currently, there are no rules of enforcement on cannabis growers, other than being a public nuisance. He feels, no rules are worth the paper they are printed on unless there is adequate enforcement. He hopes that the Planning Commission will object to the cannabis ordinance as there is not enforcement.

5. **Consent Calendar.**

None.

6. **Regular Calendar.**

6a. **CASE#:** A_2016-0002

DATE FILED: 4/7/2016

OWNER/APPLICANT: PEÑA FRANCISCO E & ESTER H TTE

AGENT: RANDY WESTON

REQUEST: Agricultural preserve application requesting the placement of 200± acres into Agricultural Preserve "Williamson Act" Contract.

ENVIRONMENTAL DETERMINATION: Categorically Exempt

LOCATION: West of Willits, 5.5± miles on Highway 20, and 0.5± miles north, located at 4400 West Hwy 20, Willits; APN 038-110-73.

STAFF PLANNER: ADELE PHILLIPS

RECOMMENDED ACTION: Recommend approval to the Board.

Adele Phillips, Staff Planner, reviewed the staff report with the Commission pointing out that the current location is zoned for rangeland and has a history of rangeland use. Ms. Phillips continued by showing the Commission the Location and Lands in Williamson Act Contract Maps. She informed them that the applicant has met the criteria for eligibility for entrance into a Williamson Act Contract for nonprime ag land.

Chair Warner, stated that the staff report was a nice report, well thought out, and very easily understood.

Elizabeth Pena, daughter of owners/applicants started by thanking Ms. Phillips for her help with their project. She continued by stating that her family has been in the cattle industry for over 20 years and as the next generation of the cattle business she would really appreciate the Planning Commissions consideration for the project.

Chair Warner confirmed the location is approximately ½ mile up access road off of Highway 20.

Commissioner Hall questioned how many parcels were being requested to rezone as there are two being mentioned in the staff report. The Report stated that another parcel is already being used for ranching.

Mrs. Pena informed the Commission that the other parcel is located in a different area of Willits, is their current Ranch location, and is not part of this project request.

The public hearing was declared open.

No members from the public wished to speak regarding this project.

The public hearing was declared closed.

Upon motion by Commissioner Little, seconded by Commissioner Ogle and carried by the following roll call vote (7-0), IT IS ORDERED: The Planning Commission recommends that the Board of Supervisors, by resolution, adopt a Categorical Exemption, Class 17, and grant an Agricultural Preserve for the Project, as proposed by the applicant, based on the facts and findings.

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

7. Matters from Staff.

Andy Gustavson, Chief Planner informed the Commission that he will be resigning from the Mendocino County Planning and Building Services Department. He thanked the Planning Commission for their work they have done as a group, his fond memories and the trust in the Planning staff they have built.

Mr. Gustavson stated that administrative staff will be noticing medical cannabis, for a Dec. 1st, 2016 public hearing per CEQA Guidelines. There will also be an additional public hearing on Dec 15th.

Chair Warner, confirmed with Mr. Gustavson that the Planning Commission is still only dealing with medical cannabis zoning.

Commissioner Holtkamp asked Mr. Gustavson about the effects of Prop 64 and AF, should they pass at the upcoming election, on the Mendocino County cannabis ordinance.

Mr. Gustavson stated that Prop 64 and AF will certainly change the context on the way cannabis is treated. Zoning regulations would be null and void should AF be approved; however, even if the State decriminalizes cannabis, it still will be a controlled substance, and the Planning Commission will still need to assist in the guidelines to regulate where cultivation will take place. But, the Planning Commission will need to go back to original environmental documents to include recreational usage.

Commissioner Ogle questioned if we should be bringing the meeting forward even without having the election results on Prop 64 and AF.

Mr. Gustavson stated that the Board of Supervisors have directed staff to bring forward the ordinance to the Planning Commission regardless of what takes place during election.

Commissioner Holtkamp requested the meeting be an afternoon meeting so those who have a morning job can still attend.

Commissioner Little agreed with Commissioner Holtkamp and feels that if it goes into evening, it is what it is.

Mr. Gustavson stated that the intent of the meeting is for informational purposes and not to create rules. The meeting should help clarify things. At that time, Planning Staff or LACO will have a presentation and public comment will open. He continued by reminding the Commission that Brown Act law prohibits the

Commission from engaging in discussion, making decisions or findings which lead to a decision regarding a case.

Matthew Kiedrowski continued by stating that much of the purpose of the upcoming meeting is to hear public comment and not to make a decision.

8. Matters from Commission.

Commissioner Holtkamp stated that she could not get all documents to open regarding the changes to Building code changes.

Mr. Dunncliff stated that he can provide hard copy to her however it is always available online on our website.

Chair Warner asked whether any progress had been made by the applicant of U_2015-0009 (gasoline sales) toward the required ordinance needed to be approved by the Board.

Ms. Phillips stated that at this time, Planning does not have any information from the applicant stating if they have submitted to the Department of Transportation, the material required for the Board of Supervisors to pass such an ordinance.

Chair Warner questioned if there will be a site view for Blackbird Farms?

Matthew Kiedrowski, stated that we still need to coordinate a meeting date.

Ms. Phillips informed the Commission that as of this date, Planning has not received adequate additional information from the applicant, based on the request from the initial July 21st hearing and that it may be requested to continue the project at the December 15, 2016 meeting.

Commissioner Ogle stated she visited site individually and would like to do a group tour as she would not like to drive the road again alone.

Commissioner Ogle questioned who are the new employees.

Mr. Gustavson informed Commissioner Ogle that currently, Vandy and Monique are new Planner I's however Planning and Building does have professional contracts for larger projects, should assistance be needed to bring down back log.

Mr. Dunncliff informed the Commission that as one of his goals, he would like to build a department strong enough that he could be gone 3 months before anyone would notice. The Fort Bragg and Ukiah offices really depend on Mary Lynn Hunt and Bill Kinser (Senior Planners). Juliana Cherry and Robert Dostalek are Planner III's. Mr. Dunncliff assured the Commission that Planning will be ok taking the hit of losing Mr. Gustavson, and Nash will be in our office periodically to help, who many people have already worked with.

9. Approval of the September 15, 2016 Planning Commission Minutes.

Commissioner Holtkamp moved to approve the meeting minutes with the corrections emailed to the clerk. Commissioner Nelson seconded the motion. Motioned unanimously carried (7-0).

10. Adjournment.

Upon motion by Commissioner Nelson, seconded by Commissioner Hall, and unanimously carried (7-0), IT IS ORDERED that the Planning Commission hearing adjourn at 2:56 p.m.