MENDOCINO COUNTY PLANNING COMMISSION

MINUTES FOR THE MEETING HELD ON:	**May 19, 2016**
LOCATION:	Mendocino County Board of Supervisors Chambers 501 Low Gap Road, Room 1070 Ukiah, California
COMMISSIONERS PRESENT:	Little, Krueger, Nelson, Holtkamp, Hall, Ogle
COMMISSIONERS ABSENT:	Warner
PLANNING & BLDG SVC STAFF PRESENT:	Steve Dunnicliff, Director Andy Gustavson, Chief Planner John Speka, Planner III Julia Acker, Planner II Adrienne Thompson, Commission Services Supervisor Danielle Fitts, Staff Assistant III
OTHER COUNTY DEPARTMENTS PRESENT:	Matthew Kiedrowski, Deputy County Counsel

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1. Roll Call.

The meeting was called to order at 9:02 a.m. Commissioner Warner was absent by prior arrangement.

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. Dunnicliff was available for questions.

4. Matters from Public.

No one was present from the public who indicated a desire to address the Commission.

5. Consent Calendar.

5a. Approval of the March 17, 2016 Planning Commission Minutes.

Upon motion by Commissioner Nelson, seconded by Commissioner Ogle and carried by a voice vote of (6-0), the Consent Calendar is approved.

6. Regular Calendar.

6a. CASE#: MS_2014-0010/ U_2015-0003 (CONT. 4-21-2016)

DATE FILED: 12/16/2014
OWNER/APPLICANT: MARIETTA HOPLAND LLC
AGENT: BEN KAISI
PROJECT COORDINATOR: JOHN SPEKA
REQUEST: Minor Subdivision of a 269± acre parcel to create 4 parcels of 40±, 28±, 161± and 40± acres, respectively. Also a use permit is requested to implement a Planned Development (PD) on the subject property.
ENVIRONMENTAL DETERMINATION: MITIGATED NEGATIVE DECLARATION
LOCATION: 3.9± miles northeast of Hopland, lying on the east side of Old River Road (CR 201), 3± miles north of its intersection with University Road (CR 116B), located at 9801, 10275 and 10501 Old River Road; APN 047-310-05.
RECOMMENDED ACTION: Continue to a date uncertain.

John Speka, Project Coordinator, reviewed the previous hearing and the motion for denial. He noted staff had prepared a memo and resolution, which had been delivered to the Commission; however the applicant had requested revisions to the project. Mr. Speka commented that staff was recommending the project be continued to a date uncertain to allow the applicant to submit his revisions and go back to Subdivision Committee and then proceed to a future Planning Commission hearing.

Commissioner Ogle asked if there would be further revisions to the map that had been included in the packet.

Mr. Speka thought most of the changes had been completed, but deferred to the applicant.

Commissioner Hall noted the riparian habitat on the map and asked if that would be sufficient to protect the area.

Mr. Gustavson noted that the request for continuance was the matter at hand and further discussion of the subdivision should not be deliberated at this point.

Commissioner Nelson made a motion to continue the project, which was seconded by Commissioner Hall.

Scott Bilbro, owner, formally requested a continuance of the project to address the Commission's concerns with the subdivision.

Upon motion by Commissioner Nelson, seconded by Commissioner Hall and carried by the following roll call vote (6-0), IT IS ORDERED to continue MS_2014-0010/U_2015-0003 indefinitely.

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

6b. CASE#: OA 2015-0003

DATE FILED: 8/27/2015
APPLICANT: COUNTY OF MENDOCINO
PROJECT COORDINATOR: JULIA ACKER
REQUEST: Review and consider an amendment of the Coastal Zoning Code (Title 20, Division II) to modify the permit process for certain types of wireless communication facilities.
ENVIRONMENTAL DETERMINATION: NEGATIVE DECLARATION
LOCATION: Within the unincorporated areas of Mendocino County located inside the Coastal Zone boundary (Title 20, Division II), excluding the Town of Mendocino (Title 20, Division III).
RECOMMENDED ACTION: Recommend approval to the Board of Supervisors.

Mr. Gustavson introduced Julia Acker, who had presented items for numerous Coastal Permit Administrator hearings, and noted this was her first Planning Commission hearing.

Julia Acker, Project Coordinator, reviewed the staff report and presented a power point of the project. She reviewed the history of the project and noted an inland ordinance had been adopted by the Board in August of 2015. She discussed the public meeting and workshops that had been held on the coast and stated she had discussed the modifications with the Coastal Commission. She noted

the purpose of the ordinance was to provide a streamlined process for certain types of wireless communication facilities in the Coastal Zone, but excluding the Town of Mendocino.

Mr. Gustavson added that it would be cumbersome at this stage of approval for the Town Plan to include a wireless ordinance.

Commissioner Ogle and Commissioner Hall asked about existing wireless facilities in the Town of Mendocino.

Mr. Gustavson was not aware of any facilities in town, but noted one located across Big River.

Ms. Acker was aware of 2 facilities just outside of the town. She continued with her presentation and discussed the alternate permitting process, exemptions, eligible facilities requests and noted that those projects that did not meet the standards would still be subject to a coastal development use permit. She reviewed the exemption categories and noted those projects would still be subject to a building permit, and discussed the application criteria. Ms. Acker noted several examples of building mounted antennas, roof mounted antennas and successfully stealthed antennas as monopines. She noted there were additional requirements and findings for projects in the coastal zone to protect the visual resources/sensitive habitats, etc and maintain compliance with the Federal Communication Commission standards.

The Commission asked the major differences between the inland and coastal ordinance.

Ms. Acker noted the Coastal Zone had a more stringent review process and most applications would require a public hearing; however inland had the ability to issue administrative permits. She noted the Coastal Zone processing would add more time to the review and allow for Coastal Commission staff to review the requests also.

Mr. Kiedrowski stated that similar to inland, those applications on the coast that complied with the eligible facility would not require a CDP and would be issued in an expedited manner.

Commissioner Ogle noted the use of a fuel powered generator was prohibited and asked how a back-up generator would be addressed.

Ms. Acker stated it was not addressed in ordinance, but could be added in for emergency use if the Commission wished.

Commissioner Ogle thought it would be a good idea to have a back-up power source in case of power outages or for emergency services (EMS).

Commissioner Nelson agreed and thought it might be more important on coast, especially for emergencies.

Mr. Gustavson noted page 6, Condition #11 stated it was prohibited unless it could be demonstrated that it was not audible from outside the property lines, which was an indirect way to comply with noise standards.

Commissioner Ogle recommended adding something specifically for EMS backup.

Mr. Gustavson noted a statement would be added to provide backup power in case of power outages/EMS.

The public hearing was declared open.

Trish Steele, Mendocino County Broadband Alliance, stated they were in support of the revisions, as they had supported the inland ordinance and hoped the discussion would move forward quickly. She noted that the withdrawal of landlines was eminent and people would need alternative services in place. She discussed SB2395 and felt the County must be proactive in order to provide services to

communities; noting the coastal areas were unique. She also felt expanded service was important to protect the viability of communities and business throughout the County.

Shirley Freriks, Coast Broadband Alliance, felt the resistance to cell towers and wireless communication had lessened on the coast and was encouraged to make an easier process. She reiterated the need for broadband on the coast and thought the cell companies' coverage maps were wrong. She noted satellite was not affordable to most residents and hoped existing broadband sites that had been developed prior to the need for a permit could be "grandfathered" in rather than charged violation fees.

Mr. Gustavson noted some locations could be considered legal nonconforming uses if the intensity continued to be the same and was not increased. He noted a key aspect of the project would be if the site was built to code.

Chair Holtkamp asked how many nonconforming sites were in the County.

Ms. Acker believed there were only a few sites that predate the need for a use permit.

Charlie Acker discussed the pole located on top of the Elk Community Center.

Mr. Gustavson cautioned against discussing any single location specifically as it was not on the agenda.

Mr. Kiedrowski noted the Commission was off topic for the agenda discussion.

Mr. Acker concluded his comments in support of the wireless ordinance and a streamlined permit process.

Diane Simmons, Broadband Mendocino, discussed the challenges and opportunities available in the County and noted that the lack of broadband access was a challenge that should be prioritized. She emphasized the basic needs of the public for access.

The public hearing was declared closed.

Commissioner Little discussed potential exemptions and alternatives.

Ms. Acker discussed the required findings that had to be met for an Eligible Facility Request and noted that an application that could not meet the streamlined process would be subject to a coastal development use permit, but would not necessarily be turned down as a potential project location.

Upon motion by Commissioner Hall, seconded by Commissioner Nelson and carried by the following roll call vote (6-0), IT IS ORDERED to recommend the Board of Supervisors adopt Ordinance Amendment OA_2015-0003; the proposed revisions to the Coastal Zoning Code (Title 20, Division II) to modify the permit process for certain types of wireless communication facilities and certify the Negative Declaration, finding:

1. That an Initial Study has been prepared for the project in accordance with the California Environmental Quality Act and that potential environmental impacts identified for the project can be adequately addressed by the identified development standards so that no significant adverse environmental impacts will result from adoption of the proposed amendment; and that a Negative Declaration be adopted by the Board of Supervisors.

2. That the proposed amendment is consistent with the applicable goals and policies of the Local Coastal Plan.

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

[Break 10:00 – 10:10 AM]

06c. CASE#: OA_2015-0001

DATE FILED: 2/20/2015
APPLICANT: County of Mendocino
PROJECT COORDINATOR: JOHN SPEKA
REQUEST: Amend the Zoning Code Ordinance to modify the definitions of "family," "supportive housing," transitional housing," "emergency shelter;" and the "group care" use type; to allow supportive and transitional housing the same rights as other residential units of the same type; and allow emergency shelters in C-1 and C-2 zoning districts by right, consistent with the 2014 Housing Element Update and State law.
ENVIRONMENTAL DETERMINATION: Categorically Exempt, Type 3 Sec. 15061(b)
LOCATION: All unincorporated areas of Mendocino County outside of the Coastal Zone.
RECOMMENDED ACTION: Continue to June 2, 2016 and Re-notice.

Mr. Gustavson noted staff had requested a continuance of project to the June 2, 2016, Special Meeting to allow the project to be renoticed to include Division II, the Coastal Zoning Code, as well as the Inland Zoning Code.

Upon motion by Commissioner Ogle, seconded by Commissioner Nelson and carried by the following roll call vote (6-0), IT IS ORDERED to continue OA_2015-0001 to the June 2, 2016 Planning Commission Meeting.

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

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7. Matters from Staff.

7a. Discussion of the Inclusionary Housing fund balance and potential uses.

Mr. Gustavson noted the Inclusionary Housing fund balance was approximately $65,926, and growing. He commented that the Commission should agendize the item for a later discussion to update the ordinance to comply with changes to State law.

Chair Holtkamp asked if any affordable housing projects were coming forward.

Mr. Gustavson noted that the June 2nd agenda would include a proposed senior housing project submitted by Rural Communities Housing Development Corporation (RCHDC) and there had been an inquiry to the department about developing a mixed use project along Brush Street. He felt the possibility of two such developments was encouraging for the local economy.

Commissioner Little commented that circulation was an issue in area and in any development, he anticipated the roads being of substantial discussion.

Mr. Gustavson commented that any building permit could come forward without a public hearing and would not necessarily include street improvements.

Commissioner Nelson commented on the potential expenditure of the Inclusionary Housing fund and what the process was should a project be selected.

Mr. Gustavson noted the fund was intended to directly support affordable housing and could report back on the status of eligible recipient projects.

Chair Holtkamp asked if the fund could be used to abate fees for existing developments or to renew use permits as discussed at a previous hearing.

Mr. Gustavson commented that he could report back so the Commission could have the discussion in conjunction with making the necessary modifications to be consistent with State law.

Mr. Kiedrowski commented that part of the issue with mobile home parks is that the dwelling would need a have covenant for some length of years, which would be difficult to fulfill.

Commissioner Nelson discussed the need for ag employee housing and noted it was difficult for farm workers to find affordable housing. He noted the benefit of having onsite housing to workers as well as property owners.

Chair Holtkamp was concerned with segregation in mixed use developments that could be perceived as “low income ghettos”.

Mr. Gustavson noted the reason for inclusionary housing law was to put new units in existing developments to comingle the structures.

Commissioner Ogle asked if there were still requirements for water and sewer.

Mr. Gustavson noted that higher density developments would be possible within water and sewer districts, but development was not precluded if a well or septic system was used. He also asked if the Commission would be interested in having a presentation from County Counsel to address changes in CEQA and planning law.

The Commission agreed they would like the presentation on an agenda.

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8. Matters from Commission.

Commissioner Ogle asked about the construction on N. State Street.

Mr. Dunnicliff noted he had read in the Ukiah Daily Journal that a problematic sewer line had been replaced.

9. Adjournment.

Upon motion by Commissioner Hall, seconded by Commissioner Nelson, and unanimously carried (6-0), IT IS ORDERED that the Planning Commission hearing adjourn at 10:36 a.m.