MENDOCINO COUNTY PLANNING COMMISSION

MINUTES FOR THE MEETING HELD ON:	**October 15, 2015**
LOCATION:	Mendocino County Board of Supervisors Chambers 501 Low Gap Road, Room 1070 Ukiah, California
COMMISSIONERS PRESENT:	Little, Krueger, Holtkamp, Hall, Ogle
COMMISSIONERS ABSENT:	Warner, Nelson
PLANNING & BLDG SVC STAFF PRESENT:	Steve Dunnicliff, Director Andy Gustavson, Chief Planner Mary Lynn Hunt, Senior Planner Dusty Duley, Planner III Adrienne Thompson, Commission Services Supervisor
OTHER COUNTY DEPARTMENTS PRESENT:	Matthew Kiedrowski, Deputy County Counsel

1. Roll Call.

The meeting was called to order at 9:00 a.m. Commissioner Warner and Commissioner Nelson were absent by prior arrangement.

2. Planning Commission Administration.

2a. Determination of Legal Notice.

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

3. Director's Report and Miscellaneous

Mr. Dunnicliff presented a verbal Director's Report and discussed an urgency ordinance to establish a moratorium on formula businesses. He also noted that the Administrative Appeal for Dollar General was heard by the Board and they had tentatively voted to uphold the appeal and would be back before the Board on October 20, 2015 to allow findings of fact to support such a decision.

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#: UR_2013-0001 (Continued from 9/17/2015)
DATE FILED: 1/3/2013

DRAFT

OWNER: SEAN & AURORA STUDEBAKER AND VALERIE NORDEMAN
APPLICANT: LAYTONVILLE ROCK
AGENT: CRAWFORD AND ASSOCIATES, INC.
PROJECT COORDINATOR: JOHN SPEKA
REQUEST: Use Permit and Reclamation Plan Renewal to expand an existing hillside quarry mining operation for 30 years. Extraction would consist of up to 325,000 total cubic yards (cy) of material (avg 11,000 cy/yr) with up to 50,000 cy in any one year.
ENVIRONMENTAL DETERMINATION: Mitigated Negative Declaration.
LOCATION: 1± mile northeast of Laytonville, lying on the north side of Laytonville Dos Rios Road (CR 322), 0.75± mile from its intersection with Highway 101, located at 1136 Laytonville Dos Rios Road; APN's 035-460-02 & -06.
RECOMMENDED ACTION: Approve by Resolution as recommended.

John Speka, Project Coordinator, reviewed the staff report and presented a power point of the location, description and reclamation plan. He discussed the grading plan, benching, cross sections, and replanting as proposed in the reclamation plan. He discussed mitigation for potential removal of oak trees, noting the applicant had agreed to make a contribution to the oak woodland conversation fund and would also be replanting at a 3 to 1 ratio. Mr. Speka concluded stating staff was recommending approval of the project and certification of the Mitigated Negative Declaration.

Cathy McKeon, Agent, noted the applicant was not available, but felt staff's presentation adequately addressed the project. She was available for any specific questions from the Commission.

Commissioner Holtkamp asked how asbestos formed, as rocks or in veins.

Ms. McKeon noted that naturally occurring asbestos forms in veins and noted the locations on the grading plans.

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

Commissioner Krueger noted corrections to the Resolution, and the Reclamation Plan Attachment A.

Upon motion by Commissioner Little, seconded by Commissioner Ogle and carried by the following roll call vote (5-0), IT IS ORDERED that the Planning Commissioner certifies the Mitigated Negative Declaration for UR_2013-0001 and approves the project per the findings and conditions as contained in the Resolution and Exhibit A with the corrections as noted during the public hearing.

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

6b. CASE#: CDMS_2013-0005/CDP_2013-0014
DATE FILED: 6/28/2013
OWNER/APPLICANT: JUSTIN & MELISSA PYORRE AND CHARLES & DALPHINIA HERVILLA
AGENT: WYNN COASTAL PLANNING
PROJECT COORDINATOR: SCOTT M PERKINS
REQUEST: Coastal Minor Subdivision and a Coastal Development Permit to create two (2) parcels of 20.01± and 27.95± acres, and construct a 3,000± square foot single-family residence with an attached 576± square foot garage, and 640 square foot or less guest cottage on proposed Parcel 2. Additional development includes a 7,500± linear foot gravel driveway, and placement of septic, well and utilities, and an "exception" to subdivision road requirements to allow for an existing sixteen (16) foot street where an eighteen (18) foot street is required.
ENVIRONMENTAL DETERMINATION: Mitigated Negative Declaration.
LOCATION: In the Coastal Zone, 1± mile south of Little River, situated north of Buckhorn Cove Road East (private), and 0.5± miles east of its intersection with Highway 1, located at 40001 Buckhorn Cove Road East, Little River; APN 121-020-20.
RECOMMENDED ACTION: Approve by Resolution as recommended.

Mr. Gustavson noted that Scott Perkins had accepted a job with the City of Fort Bragg and was no longer with the department.

Ms. Mary Lynn Hunt reviewed the staff report and presented a power point presentation of the project. She discussed the request, location, private road, and noted the zoning of the parcels. She stated the applicant had requested an exception to the road width requirements, which had been referred to the fire department and Department of Transportation (DOT). Ms. Hunt stated that DOT

and the fire department had found the road to be adequate and had agreed to grant the exception request. She noted a memo had been distributed to the Commission adding the fire findings and a special condition of approval related to the proximity of timber production. Ms. Hunt noted that there had not been any correspondence received, however the Coastal Commission had called the day before the hearing to clarify the highly scenic area.

The Commission and staff discussed the Highly Scenic Area Boundary and noted that the Department of Planning and Building services provided the information to the applicant as needed.

Ms. Hunt commented that even if something was located outside of the Highly Scenic Area; it could still be visible from the highway and then considered within the "viewshed".

Mr. Gustavson commented that in a Highly Scenic Area, development was subject to a more restrictive height limit than other areas within the Coastal Zone. Also landscaping could be added to integrate the development into the setting.

Commissioner Ogle noted a correction on Page 7, #26, "pay".

Ms. Hunt noted the date was also incorrect on Condition #27 and should be updated to November 2nd 2015.

Commissioner Krueger discussed Page 4 and asked if the water tank held 4000 or 4500 gallons.

Ms. Hunt noted that CalFire had required 4000 gallons, but noted the agent would have more information.

Commissioner Krueger also asked if it was correct that there was 7500 lineal feet of gravel driveway as noted in the description and asked if on Page 9 of Attachment A the lot coverage should be square feet instead of 87163 acres.

Amy Wynn, Agent, noted the property owner was present if needed and clarified that the driveway language should read 7500 square feet. She noted that while proof of water was not required, the owner had performed a well test to be proactive in responding to potential Coastal Commission inquiries. Ms. Wynn commented that the results of the well test produced between 5.7-5.9 gallons per minute. She confirmed that the parcels had adequate septic and both a primary and secondary leach field had been approved by Environmental Health. She discussed the Highly Scenic Area and noted the proposed development was outside of the restriction, but felt it would be in character with the setting.

Commissioner Ogle asked how changes in paint color were addressed if a future property owner decided to repaint the house to something that stood out.

Mr. Gustavson commented that the County had no mechanism to monitor a change in color; even though repainting to an unapproved color may be a violation of the CDP.

Commissioner Ogle asked what would prevent a property owner from cutting down trees to get a better view of the ocean.

Mr. Gustavson noted that the County could place a covenant or deed restriction on the property to prohibit tree removal without prior approval by the County; however the same enforcement issues would apply. It would be on record for future owners that there was a need to maintain the screening of the development.

Ms. Wynn commented that the conditions of approval note that a color change would be in conflict with the CDP. She also noted that changes to paint color and vegetation removal were things that neighbors typically notice and enforcement by the County would be complaint based. Ms. Wynn noted the owner would be amenable to adding a deed restriction on the property, which would alert a new owner during title search.

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

Upon motion by Commissioner Hall, seconded by Commissioner Little and carried by the following roll call vote (6-0), IT IS ORDERED that the Planning Commission certifies the Mitigated Negative Declaration and approves CDMS_2013-0005/CDP_2013-0014 per the findings and conditions of approval contained in the Resolution and Exhibit A, further adding the fire findings and Special Condition #1 from the staff memo, Special Condition #2 requiring a deed restriction on the parcels, and correcting typographical errors as indicated by the Commission and Staff.

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

[Break 9:58 AM – 10:05 AM]

6c. CASE#: UM_2015-0001
DATE FILED: 4/20/2015
OWNER: FRANK & JUDY DUTRA
APPLICANT: CROWN CASTLE FOR VERIZON
AGENT: TIM PAGE – CROWN CASTLE
PROJECT COORDINATOR: DUSTY DULEY
REQUEST: Use Permit Modification to modify an existing wireless communication facility by replacing an existing 69 foot tall wooden monopole with a 99 foot tall "monopine" (monopole designed to resemble a pine tree) and the installation of six (6) new panel antennas, auxiliary equipment as well as ground based equipment including a 30 kilowatt diesel generator with 132 gallon fuel storage tank and a 205 square foot equipment shelter. Six (6) existing antennas would be relocated onto the new "monopine".
ENVIRONMENTAL DETERMINATION: Mitigated Negative Declaration
LOCATION: 5.25± miles south of the City of Willits, on the South side of Black Bart Drive (CR 370), 0.15± mile west of its intersection with Highway 101, located at 16901 Black Bart Drive; APN 147-180-13.
RECOMMENDED ACTION: Approve by Resolution as recommended.

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Dusty Duley, Project Coordinator, reviewed the staff report and discussed the request to modify an existing use permit. He noted that the tower was located on the top of a quarry and that the access road to the facility was used solely to service the tower. He discussed the history of the use permit and noted that the primary issue with wireless facilities was aesthetics. Mr. Duley stated that the applicant had presented a monopine to replace the wooden tower to mitigate aesthetic impacts and discussed the coverage map for the area. He commented that staff was recommending approval of the project and noted a correction to the attached Resolution and Exhibit A, which contained an incorrect project description and location.

Commissioner Krueger discussed Page 5 and noted the second paragraph states the tower will be 85 feet while Condition #2 states it will be 99 feet. He noted the height was also reference on Page 4 of Attachment A. He found an additional typo on Page 6, Condition #13, which should read "note".

Mr. Duley stated the correct height was 99 feet and should be changed on the pages as noted by Commissioner Krueger.

Commissioner Ogle noted a correction on Page 2 of the Resolution, Condition #2, facility will not be "accessed".

Commissioner Little discussed a previous hearing regarding the quarry and recalled that the wireless facility was going to be removed by the property owner.

Mr. Duley believed that information was correct from a previous hearing, but noted the applicant must have come to an agreement with the owner and had provided staff with a redacted lease agreement.

Tim Page, Agent with Crown Castle, stated Condition #7 could not be met as written and asked that it be deleted.

Mr. Duley discussed the history of the condition and commented on the need to create a "successful monopine design". He noted several approved projects that had been able to meet the condition as written, including the Albion cell tower and Orr Springs location.

Mr. Page commented that the plans were prepared to scale and that was the intended length of the branches. He stated Crown Castle could not comply with Condition #7.

The Commission discussed the potential length of the branches and intent of the Wireless Communication Facility Guidelines that had recently been adopted.

Commissioner Little suggested language for a new condition #6iii, to state, "the top branches shall not extend beyond six (6) feet, per the approved plans" and noted Condition #7 could then be deleted.

The commission agreed to the modification and deletion.

Mr. Page stated Condition #17 was unreasonable.

Commissioner Little noted Condition #17 was enforced by CalFire and did not think the Commission should modify the language.

Mr. Page felt Condition #30 should be deleted, as the project did not involve and subdivisions.

Mr. Duley noted it was a standard condition.

Mr. Gustavson agreed and stated the language was applied to all projects unless there was a requirement for a licensed land surveyor to prepare the boundaries. He noted staff relied on information from the applicant to be true and correct for project approval.

Commissioner Ogle asked if the last portion regarding "null and void" should be deleted.

Commissioner Little commented that the permit would be subject to revocation or modification by the Commission.

Commissioner Holtkamp felt the condition should be clarified to state, "…this permit shall be subject to a revocation hearing…"

Mr. Page stated Condition #19 referenced an incorrect road and Black Bart Drive would not be improved.

Mr. Duley stated the condition was from the previous permit approved in 2000 and the improvements should already have happened.

Mr. Gustavson stated the applicant was responsible to connect the edge of pavement to the roadway servicing the project site. He noted the improvements could lie in the right of way, but the point was that the driveway conforms to access standards.

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

Commissioner Hall made the recommended motion to approve the project and certify the mitigated negative declaration, noting the suggested changes to Condition #6iii, #13, #30 and to delete #7.

Commissioner Ogle seconded the motion and noted the typo on Condition #2, accessed.

Mr. Kiedrowski also noted the height correction on Condition #4 to 99 feet.

Upon motion by Commissioner Hall, seconded by Commissioner Ogle and carried by the following roll call vote (6-0), IT IS ORDERED that the Planning Commission certifies the Mitigated Negative

Declaration and approves UM_2015-0001 per the findings and conditions of approval contained in the Resolution and Exhibit A, with modifications to Conditions #6iii, #13, #30, #2, #4 and to delete #7.

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

6d. CASE#: U_2015-0012

DATE FILED: 5/28/2015
OWNER: SANHEDRIN HOLDINGS LLC
APPLICANT: CALIFORNIA RURAL SERVICES AREA DBA US CELLULAR
AGENT: LATRELLL ANDERSON – FAULK AND FOSTER
PROJECT COORDINATOR: DUSTY DULEY
REQUEST: Use permit to allow for the addition of two panel antennas to an existing 80 foot tall lattice tower.
ENVIRONMENTAL DETERMINATION: Categorically Exempt from CEQA, Class 1(b) (Minor alteration of existing facilities of both investor and publicly owned utilities used to provide electric power, natural gas, sewerage, or other public utility services.)
LOCATION: 13.5± miles north of Potter Valley town center and 6± miles northeast of the Eden Valley Ranch Road (private) and Hearst-Willits Road (CR 306) intersection on private property within Mendocino National Forest, no address assigned; APN 037-380-16.
RECOMMENDED ACTION: Approve by Resolution as recommended.

Dusty Duley, Project Coordinator, reviewed the staff report and noted the site was created prior to the need for a use permit and prior to the existence of the Wireless Guidelines and was an application to upgrade the site.

Commissioner Ogle asked if the project should have been handled ministerially based on the new guidelines.

Mr. Duley stated the project was received prior to adoption of the Ordinance Amendment; however Commissioner Ogle was correct that if the application has been submitted today, it would have been administratively approved and would not have come before the Commission unless appealed.

Nicole Goi, Agent, agreed with staffs presentation, and noted that the existing equipment would not be removed, only upgraded so the change in coverage would be the addition of 4G services.

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

Upon motion by Commissioner Little, seconded by Commissioner Ogle and carried by the following roll call vote (6-0), IT IS ORDERED that the Planning Commission approves U_2015-0012 per the findings and conditions of approval contained in the Resolution and Exhibit A.

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

7. Matters from Staff.

7a. CASE#: SA_2015-0010

DATE FILED: 09/04/2015
APPLICANT: PLANNING AND BUILDING SERVICES
PROJECT COORDINATOR: ADELE PHILLIPS
REQUEST: Informational item: Review of Fire Safety Findings for Subdivision Applications. *Recent amendments to the Map Act require that certain fire safety standards be in place in order for a subdivision application to be approved. PBS has made an estimate of the parcels that may realistically be affected by this policy change.*
ENVIRONMENTAL DETERMINATION: N/A
LOCATION: County-wide
RECOMMENDED ACTION: Accept Report.

Mr. Gustavson introduced Adele Phillips, who would be providing a powerpoint presentation on the fire safety findings required by Government Code Section 66474.02 for general discussion.

Adele Phillips, Staff Planner, reviewed the memorandum which had been mailed to the commission in their packets and reviewed one by one, the 3 new findings mandated by Section 66474.02.

Mr. Kiedrowski noted that as staff conditioned future subdivisions; the language should be based more on the statute.

Ms. Phillips noted staff should perform further review of local applicable ordinances, pertaining to finding 66474.02(a)(1).

Mr. Kiedrowski also noted that other agencies should not be included in the fire findings, 66474.02(a)(3), and referenced a previous subdivision which had included Caltrans in the finding.

Mr. Phillips continued with her presentation and discussed structural fire suppression, as mandated by 66474.02(a)(2).

Mr. Kiedrowski noted staff may need to describe the funding source of fire districts in the future as adequate.

Ms. Phillips discussed several maps detailing the location of parcels potentially divisible and located within very high fire hazard zones. She noted the next step in the process might include an update to Mendocino County Code Chapter 17, Division of Land Regulations.

The Commission discussed the number of parcels that could not be subdivided and what would happen if the fire district was found to be underfunded and was not sufficient to support a subdivision.

Staff was unsure of what constituted “substantial evidence” and felt that whether or not a fire district is adequately funded is a determination that should be made by the fire districts.

Commissioner Little discussed Insurance Services Office (ISO), and how they rate services provided by fire districts. He thought the information may become key to fire findings.

Mr. Gustavson also noted LAFCO was the organization that evaluated structure, financing, and services data.

Commissioner Holtkamp worried about placing a burden on volunteer fire departments.

Mr. Kiedrowski noted that the fire findings were relatively new and had not been tested yet.

Commissioner Little commented that the mapped areas may not accurately reflect the full scope of parcels subject to 66474.02.

Commissioner Krueger asked if there was any mechanism for exception to the SRA.

Ms. Phillips noted there was a mechanism to remove the SRA designation, provided various development criteria are met and service lines for jurisdictional boundaries are able to be moved.

Commissioner Little commented that it was improbable that a parcel would be reclassified from SRA to LRA.

Mr. Gustavson discussed the unlikely option of the County entering into a contract with the State for structural fire services.

Commissioner Ogle noted that funding of local fire districts was a key issue.

Mr. Gustavson noted that no action was needed by the Commission as the presentation was informational.

8. Matters from Commission.

Commissioner Little noted he would be absent in November.

Commissioner Ogle asked when the PC rules and procedures would be back.

Mr. Gustavson noted the PC Bylaws would be back in January.

Commissioner Krueger asked the status of the Dollar General appeal.

Mr. Gustavson discussed the Board action to overturn the decision and uphold the assertion that zoning clearance was improperly granted.

Mr. Kiedrowski noted the item was scheduled for October 20, 2015.

9. Adjournment.

Upon motion by Commissioner Hall, seconded by Commissioner Little, and unanimously carried (5-0), IT IS ORDERED that the Planning Commission hearing adjourn at 11:57 a.m.

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