



## MENDOCINO COUNTY PLANNING COMMISSION

**MINUTES FOR THE MEETING HELD ON:** January 15, 2015

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

**COMMISSIONERS PRESENT:** Little, Krueger, Nelson, Warner, Holtkamp, Hall

**COMMISSIONERS ABSENT:** Ogle

**PLANNING & BLDG SVC STAFF PRESENT:** Andy Gustavson, Chief Planner  
Fred Tarr, Planner II  
Adrienne Thompson, Commission Services Supervisor

**OTHER COUNTY DEPARTMENTS PRESENT:** Geoff Brunet, Department of Transportation  
Matthew Kiedrowski, Deputy County Counsel

1. **Roll Call.**

The meeting was called to order at 9:07 a.m. Commissioner Ogle was absent by prior arrangement.

2. **Planning Commission Administration.**

**2a.** Election of the 2015 Chair and Vice Chair.

Commissioner Hall made a motion to nominate Commissioner Warner as Chair, and Commissioner Holtkamp as Vice Chair. The motion was seconded by Commissioner Nelson and approved by a voice vote of (6-0) with Commissioner Warner and Holtkamp accepting the nominations.

**2b.** Determination of Legal Notice.

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

**2c.** Calendar for the 2015 Meetings.

Chair Warner commented that having a draft calendar of Commission meeting dates, potential special meeting dates and conference dates was nice to have for future reference.

Mr. Gustavson commented that he hoped it was a helpful tool for the Commission and noted that the conference dates were tentative and subject to change later in the fall.

3. **Director's Report and Miscellaneous.**

None.

7. **Matters from Staff.**

Mr. Gustavson continued, under matters from staff, and noted that the department had signed a contract with LACO for preparation of the CEQA document for the Wireless Guideline's Update. He noted that item should be before the Commission in May. He also discussed the settlement agreement and stated that the Ukiah Valley area was placed under a moratorium on December 18, 2014, which restricted action on any subdivision applied for in the Ukiah Valley area after that date. He stated that the department would be unable to bring any applications forward until the 24 acre rezoning had been completed. Mr. Gustavson deferred to County Counsel for further elaboration.

Matt Kiedrowski, Deputy County Counsel, discussed the subdivision map act and stated the moratorium applied to the entire Ukiah area until June 2015. At that time, if the County still had not complied with the settlement agreement, the moratorium would be expanded to sites outside of the UVAP area and the entire county would be restricted. Mr. Kiedrowski stated that as time went on, more restrictions would be placed on the County and if the 24 acre rezone had not been completed by January of 2016, the moratorium would be County-wide and expand to include general plan amendments, rezones, etc.

Commissioner Little asked if the Housing Element was 10 years old.

Mr. Gustavson stated the Housing Element was about 6 years old.

Commissioner Little asked if a parcel could be rezoned to multifamily or mixed use by the County to comply with the settlement agreement and then, if the landowner wished, could be rezoned back to their original zoning.

Mr. Gustavson did not think that it would be possible to revert the zoning, as the zoning may not be consistent with the General Plan Housing Element, and the County is required to maintain a certain level of R3.

Commissioner Little commented that the County might want to bring forward some of the rezonings that had not previously been approved, as the Commission might have changed their mind on recommending approval in order to comply with the settlement agreement satisfy the 24 acre rezone.

Mr. Gustavson noted that additional rezonings would be presented at the February meeting which could fulfill the requirement, if they are approved by Board of Supervisors.

Commissioner Nelson asked if a property was rezoned by the County and the property owner wanted to rezone again, would a fee be applied.

Mr. Gustavson stated that a fee would apply and noted that only the Board could waive a fee.

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#: R 4-2014 (Continued from 12/18/2014)**

DATE FILED: 10/23/2014

OWNER: JACK COX, et al AND CVH INVESTMENTS, LLC

APPLICANT: PLANNING AND BUILDING SERVICES

PROJECT COORDINATOR: FRED TARR

REQUEST: Rezoning of 4.13± acres (APN 002-050-16 and -17) from I-1 (Limited Industrial) to R-3:CR (Multi-Family Residential-Contract Rezone) and rezoning of 20± acres (APN 002-010-10, 002-020-05, 002-040-40, -41, 002-050-14 and -15) from I-1 (Limited Industrial) to C-2:CR (General Commercial-Contract Rezone).

ENVIRONMENTAL DETERMINATION: No additional environmental evaluation is required, or necessary pursuant to Section 15162 (a), California Code of Regulations, Title 14, Chapter 14, Guidelines for the California Environmental Quality Act, since

the environmental impacts have already been evaluated by the Environmental Impact Report (EIR) prepared for the Ukiah Valley Area Plan.

LOCATION: North of the Ukiah City Limits, lying on the north side of Brush Street (CR 217) 200± feet east of its intersection with Orr Street (CR 216), located at 915 Orr Street, Ukiah; APN's 002-050-14, -15, -16, -17, 002-010-10, 002-020-05, 002-040-40, and -41.

Mr. Gustavson provided an introduction to the project noting it was a contract rezoning in the Brush Street Triangle (BST). He discussed the previous hearing and noted that the property owners were present; however he recommended that the Planning Commission continue the item after accepting testimony. He stated that the contract and master plan required additional revisions to the illustrated traffic circulation/infrastructure improvements and that the method to extract those improvements needs to be refined. He stated that staff would be working with the property owners and Department of Transportation to complete the document. He also provided a handout noting a correction to page 2 of the existing staff report.

Fred Tarr, Project Coordinator, reviewed the staff report and discussed a power point of the project. He noted that the General Plan designation was Mixed Use Brush Street Triangle (MUBST) and the zoning was I1, which was inconsistent with the General Plan. He discussed the staff recommendation to change to zoning to Multiple-Family Residential/Contract Rezone/Flood Plain (R3/CR/FP) for one portion and General Commercial/Contract Rezone/Flood Plain (C2/CR/FP) for the remainder of the parcel. He discussed the location of the Ukiah Valley Sanitation service and noted the property owner had an existing agreement with the City of Ukiah for water service. Mr. Tarr further noted that additional environmental evaluation was not necessary at this time because it was addressed in the Ukiah Valley Area Plan EIR.

Mr. Gustavson discussed the Master Plan and noted that would depict the entirety of the BST and the contract rezone would obligate development only in the defined area. He stated the property owners had an agreement to fulfill shared improvements on-site and noted the dedication of easements for construction of appropriate infrastructure. He noted the document was a draft, and was not the final master plan; stating it was all part of the contract.

Commissioner Nelson commented that the north/south easement for utilities could interfere with development and asked if there was an alternative down the roadway.

Mr. Gustavson noted that the alignment of any future roads was tentative, but noted the easement does follow the existing road. He noted a secondary access may be needed and a reservation for a roadway had been added parallel to the freeway.

Commissioner Holtkamp noted that Millview Water District was still under a moratorium and asked if they would have the capacity to serve the area.

Mr. Gustavson noted that while Millview was under a moratorium, the BST was not part of that water district. He noted it was possible that with development, the sites could be annexed into a district.

Commissioner Holtkamp asked about the settlement agreement.

Mr. Gustavson stated that 4.2 acres on the east side of the proposed rezoning area would be served by an existing agreement with the City of Ukiah for water and sewer service.

Chair Warner clarified that staff was requesting a continuance in order to revise the contract with the property owners.

Mr. Gustavson stated that was correct, specifically that the timing of infrastructure in relation to development within the rezone area. He noted the Mixed Use compatibility standards for development and commented that the revised proposal would be similar to that presented to the Commission, but a few more details needed to be worked out.

Commissioner Little commented on the master plan, and noted a previous traffic plan that had been submitted several years prior for a development that included connection to Lake Mendocino Drive through portions of Brush Street and had been recommended adding off-ramps along Hwy 101. He

noted the major expense the City would be undertaking with the Costco development and felt it would be appropriate to suggest that with future development, an off-ramp be added on the south side of Brush Street. He also felt there was value to adding a continuation of Orchard Avenue under the freeway to the railroad tracks that could extend onto the Masonite property.

Chair Warner also recalled the traffic plan and thought it was in DDR's housing plan. She also asked why the rezoning was to commercial and multi-family vs. mixed use.

Mr. Gustavson commented that a specific mixed use zoning still needed to be adopted for the Brush Street area, which was identified in the UVAP as MUBST. He stated that several other zoning categories were consistent with the General Plan designation on the properties, such as C1, C2, R3, PF, MU, and development could move forward under any of those zonings. He discussed the use of the Contract Rezone as a means to establish the mix of uses and zonings to fulfill the intent of the UVAP.

Commissioner Nelson asked if the mixed use zoning would provide greater flexibility in future for land owners.

Mr. Gustavson expected that to be true.

Commissioner Nelson asked why portions were being zoned commercial versus mixed use if the landowner could develop under that zoning.

Mr. Gustavson commented that the only adopted mixed use zoning was MU2, which was Mixed Use General and was not consistent with the UVAP mixed use land use classification for the Brush Street Triangle.

**John Mayfield**, owner, noted he had discussed the contact with staff and was in agreement with the conditions. He commented that he would continue to discuss the proposal with staff for the future hearing so that the matter could be completed. He also noted that he had a contract with the City of Ukiah to provide water and felt there was room to extend the road to Ford Road.

**Dan Thomas**, owner of Moreno and Company, commented that he owned a section of property near the freeway and would cooperate with development allowing a dedicated right of way for roads. He discussed the possibility of a main terminus of Orchard/Brush Street that would extend to the Raley's shopping center area.

Mr. Gustavson noted the exact alignment of a north/south road was flexible and will move to accommodate future development.

Commissioner Nelson asked if a road could parallel the freeway.

Mr. Thomas stated that had been considered for a project with a large development footprint. He noted that if an off-ramp was installed, the area would change dramatically and felt the project would determine and fund the infrastructure. He felt staff and the property owners had come along way and agreed with the staff report and contract proposal.

Commissioner Little commented that the master plan was still in draft form, and felt the property was the key element for future development. He hoped the project would not be tied down to a particular scheme and asked that all options be left open to allow development to occur.

Commissioner Nelson asked the location of the flood plain.

Mr. Thomas stated the southern portion had been in the flood plain, but was lifted out of that designation; however the northern portions still had some flood plain area.

The public hearing was declared open. No one from the public indicated a desire to speak and the Chair stated that the public hearing would remain open for the next meeting.

Upon motion by Commissioner Holtkamp, seconded by Commissioner Nelson, and carried by the following roll call vote (6-0), IT IS ORDERED to continue R 4-2014 to the February 19, 2015 Planning Commission meeting.

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

**6b. CASE#: MS 9-2014**

DATE FILED: 7/31/2014

OWNER/APPLICANT: JACK A & PATRICIA ROSSETTI

AGENT: MARK D. VOGEL

PROJECT COORDINATOR: FRED TARR

REQUEST: Minor Subdivision creating 2 parcels of 26,844 and 24,183 square feet in size.

ENVIRONMENTAL DETERMINATION: Mitigated Negative Declaration

LOCATION: Within the "Old" Hopland community, on the west side of McDowell Street (CR 115E), 400± feet north of its intersection with Sanel Street (CR 115B). Located at 13000 McDowell Street, Hopland; APN 048-220-23.

Fred Tarr, Project Coordinator, reviewed the staff report and discussed a power point of the project. He noted the size of the proposed parcels, location in "old" Hopland and suburban residential (SR). He noted that the parcel already had permitted 4 dwellings and was accessed from McDowell Street. He stated that the rear units had an access easement that would remain in use. He further discussed the Williamson Act parcel that was adjacent to the site and stated that since no further residential development could occur on the parcel; he felt the buffer was adequate. Mr. Tarr noted that a portion of the property was also in the flood plain; however, since a deed restriction was being recorded on the parcel map restricting development due to the proximity to Williamson Act and flood plain, staff was recommending approval with conditions.

Commissioner Nelson asked the distance between the house and the vineyard.

Mr. Tarr was not sure of the exact distance, but noted it was less than 200 feet.

**Mark Vogel**, agent, stated that he disagree with Condition #21, establishing a road maintenance agreement, and felt it was unnecessary.

Chair Warner asked if the houses would all be sharing the road.

Mr. Vogel commented that the only owner was the beneficiary of the property and his driveway was before the subject road.

Commissioner Nelson noted the previous issues and lawsuit that had resulted from the lack of a road maintenance agreement and stated he was in favor of requiring the condition.

Mr. Vogel stated the purpose of the subdivision was "estate planning" and felt the condition was not needed.

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

Commissioner Krueger noted that some road maintenance agreements area not recorded and just placed on file with the Department of Transportation. He didn't think that requiring an agreement would create hardship for the applicant.

Upon motion by Commissioner Hall, seconded by Commissioner Holtkamp and carried by the following roll call vote (6-0), IT IS ORDERED to approve MS 9-2014 per the findings and conditions of approval contained on pages PC 5 through PC 8.

**Environmental Findings:** The Planning Commission finds that the environmental impacts identified for the project can be adequately mitigated through the conditions of approval or features of the project design so

that no significant adverse environmental impacts will result from this project; therefore, a Mitigated Negative Declaration is adopted.

**Project findings:** The Planning Commission, making the above findings, approves #MS 9-2014 subject to the following conditions of approval as recommended within the staff report, further finding:

Pursuant to California Government Code Section 66445(e) the Planning Commission finds that division and development of the property in the manner set forth on the approved or conditionally approved tentative map will not unreasonably interfere with the free and complete exercise of the public entity or public utility right-of-way or easement.

The proposed minor subdivision complies generally with all requirements of the Subdivision Map Act and of the Mendocino County Code, specifically with respect to area improvement and design, flood and water drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, water supply availability and environmental protection.

### **CONDITIONS OF APPROVAL:**

#### Aesthetics

1. The following note shall be placed on the **Parcel Map**:

“All future external lighting, whether installed for security, safety or landscape design purposes, shall be shielded, downcast or shall be positioned in a manner that will not shine or allow light glare to exceed the boundaries of the parcel on which it is placed.”

#### Agricultural

2. The following notes shall be placed on the **Parcel Map** for compliance with Mendocino County General Plan Policy RM-109:

“No further division of the proposed Parcels shall be permitted.” and

“The subject property is located within 300 feet of Agricultural land and residents of the property may be subject to inconvenience or discomfort arising from use of agricultural chemicals, and from the pursuit of agricultural operations including, but not limited to, cultivation, plowing, spraying, pruning, harvesting, crop protection, which occasionally generate dust, smoke, noise, and odor, and protecting animal husbandry from depredation, and should be prepared to accept such inconvenience or discomfort as normal and necessary to farm operation.”

3. The following statement shall appear on the **Parcel Map**:

“All structures (existing and proposed) shall maintain a minimum setback of 50 feet from all property boundaries contiguous with lands under a Williamson Act contract.”

4. The following statement shall appear on the **Parcel Map**:

“Detached bedrooms, guest cottages, and any temporary living unit (i.e. family care units etc.) shall not be allowed due to close proximity to agriculturally zoned property (adjacent lands) and the potential for hazard from flooding and inundation.”

#### Air Quality

5. A note shall appear on the **Parcel Map** that the access road, driveway and interior circulation routes be maintained in such a manner as to insure minimum dust generation subject to Air Quality Management District Regulation 1 Rule 430. All grading must comply with Air Quality Management District Regulations Rule 430. Any rock material, including natural rock from the property, used for surfacing must comply with Air quality Management District regulations regarding asbestos content.

Biological Resources

6. This entitlement does not become effective or operative and no work shall be commenced under this entitlement until the California Department of Fish and Game filing fees required or authorized by Section 711.4 of the Fish and Game Code are submitted to the Mendocino County Department of Planning and Building Services. Said fee of \$2,260.00 (or current fee after January 1<sup>st</sup>) shall be made payable to the Mendocino County Clerk and submitted to the Department of Planning and Building Services prior to January 20, 2015 (within 5 days of the end of any appeal period). Any waiver of the fee shall be on a form issued by the Department of Fish and Game upon their finding that the project has “no effect” on the environment. If the project is appealed, the payment will be held by the Department of Planning and Building Services until the appeal is decided. Depending on the outcome of the appeal, the payment will either be filed with the County Clerk (if the project is approved) or returned to the payer (if the project is denied). Failure to pay this fee by the specified deadline shall result in the entitlement becoming null and void. **The applicant has the sole responsibility to insure timely compliance with this condition.**

Cultural Resources

7. A note shall appear on the **Parcel Map** that: “In the event that permits (building, grading, etc.) for any future development on any portion of the subject property are applied for, a new archaeological survey shall be required.”

Geology & Soils

8. The subdivider shall acknowledge in writing to the Department of Planning and Buildings Services that all grading activities and site preparation, at a minimum, shall adhere to the following “Best Management Practices”. The applicant shall submit to the Department of Planning and Building Services an acknowledgement of these grading and site preparation standards.
  - a. That adequate drainage controls be constructed and maintained in such a manner as to prevent contamination of surface and/or ground water, and to prevent erosion.
  - b. The applicant shall endeavor to protect and maintain as much vegetation on the site as possible, removing only as much as required to conduct the operation.
  - c. All concentrated water flows, shall be discharged into a functioning storm drain system or into a natural drainage area well away from the top of banks.
  - d. Temporary erosion and sediment control measures shall be established and maintained until permanent protection is established.
  - e. Erosion control measures shall include, but are not limited to, seeding and mulching exposed soil on hill slopes, strategic placement of hay bales below areas subject to sheet and rill erosion, and installation of bioengineering materials where necessary. Erosion control measures shall be in place prior to October 1<sup>st</sup>.
  - f. All earth-moving activities shall be conducted between May 15<sup>th</sup> and October 15<sup>th</sup> of any given calendar year unless wet weather grading protocols are approved by the Department of Planning and Building Services or other agencies having jurisdiction.
  - g. Pursuant to the California Building Code and Mendocino County Building Regulations a grading permit will be required unless exempted by the Building Official or exempt by one of the following:
    1. An excavation that (1) is less than 2 feet (610 mm) in depth or (2) does not create a cut slope greater than 5 feet (1524 mm) in height and steeper than 1 unit vertical in 1½ units horizontal (66.7% slope).
    2. A fill less than 1 foot (305 mm) in depth and placed on natural terrain with a slope flatter than 1 unit vertical in 5 units horizontal (20% slope), or less than 3 feet (914 mm) in depth, not intended to support structures, that does not exceed 50 cubic yards (38.3 m<sup>3</sup>) on any one lot and does not obstruct a drainage.

9. A notation shall be placed on the **Parcel Map** stating that, "Future development of building site(s), access roads or driveways may be subject to the grading requirements and drainage control measures identified in the Conditions of Approval".

#### Hydrology and Water Quality

10. All areas within the subdivision subject to flooding shall be clearly identified on the **Parcel Map**. The information on the parcel map shall be based on a flood hazards report prepared by a Civil Engineer and filed with the Planning and Building Services Department and the Mendocino County Department of Transportation. The flood hazards report, using data developed by the Federal Emergency Management Agency, shall clearly identify the magnitude of the flood potential as such relates to the subdivision. A reference to the report shall be made on the **Parcel Map**.
11. A note shall appear on the **Parcel Map** that "Development within the flood plain as identified on this map, is subject to those restrictions in the Flood Plain Regulations of the Mendocino County Code."

#### Public Services

12. Written verification shall be submitted from the **Sanel Valley Fire District** which indicates that the proposed minor subdivision meets their required fire protection standards.

#### Transportation

13. There shall be provided an access easement of a minimum of forty (40) feet in width (as per tentative map) from a publicly maintained road to each parcel being created. Documentation of access easement(s) shall be provided to the Mendocino County Department of Transportation for their review prior to final approval.
14. If a Parcel Map is filed, all easements of record shall be shown on the parcel map. All utility lines shall be shown as easements with widths as shown of record or a minimum of ten (10) feet, whichever is greater.
15. If approval of the tentative map is conditioned upon certain improvements being made by the subdivider, the subdivider shall notify the Mendocino County Department of Transportation when such improvements have been completed.
16. If a Parcel Map is filed, all natural drainage and water courses shall be shown as easements on the final parcel map. Minimum width shall be twenty (20) feet, or to the high water level plus five (5) feet horizontal distance, whichever is greater.
17. The eastern portions of Parcels 1 and 2 fronting on the existing access easement shall be paved with double bituminous seal for a width of eighteen (18) feet from southern property line of Parcel 1 to the northern property line of Parcel 2.

#### Utilities/Service Systems

18. The applicant shall either (1) submit to the Division of Environmental Health, a letter from the district(s) or agency(s) stating that water services and/or sewer services (and main extensions, where required) have been installed to the satisfaction of the district or agency to serve each lot in said subdivision and connected to the system providing the service(s) and has been accepted by the district or agency for maintenance by said district or agency (Mendocino County Code 17.55 & 17.56); or (2) the applicant shall submit a letter to the Division of Environmental Health from the district(s) or agency(s) stating that engineered improvement plans for the future installation of services (and main extensions, where required) for each lot and the connection to the system providing the service are acceptable to the district, including maintenance of the system by the district and the applicant shall submit a letter to Division of Environmental Health from the County Engineer stating that performance bonds or other adequate surety have been secured, to the satisfaction of the county engineer, to cover the cost of the installation of services (and main extensions, where required) for each lot and the connection to the system providing the service per Mendocino County Code Chapter 17 Article VIII.

19. The applicant will provide a letter from the Hopland Public Utility District to indicate their satisfaction with any requirements that they may have.
20. Pursuant to Government Code Section 66492 & 66493, prior to recordation of the **Parcel Map**, the subdivider must: (1) Obtain a Certificate from the Mendocino County Tax Collector stating that all current taxes and any delinquent taxes have been paid and; (2) Pay a security deposit (or bond) for taxes that are a lien, but not yet due and payable.
21. The applicant and/or subsequent grantees shall create to the satisfaction of Mendocino County Counsel and the Department of Planning and Building Services an organization or association for the maintenance of the private roads and appurtenant drainage systems, water systems and sanitation sewer systems within the subdivision or show evidence of the existence of such an agreement or organization.

**THIS DIVISION OF LAND IS DEEMED COMPLETE WHEN ALL CONDITIONS HAVE BEEN MET, AND THE APPROVED PARCEL MAP IS RECORDED BY THE COUNTY RECORDER.**

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

**8. Matters from Commission.**

Chair Warner asked the status of the Mendocino Town Plan update.

Mr. Gustavson discussed the ongoing work with the Coastal Commission to address their questions and edit minor corrections. He stated the item was a standing Board item that allows him to present updates and stated the more substantial issues raised by the Coastal Commission concerned the coastal development issues related to the proposed land use changes and rezonings and the proposed water tank on the Fire District property.

Commissioner Nelson asked if the split zoning issues had been worked out.

Mr. Gustavson commented that the applications were being held until after the Mendocino Town Plan was certified.

Chair Warner noted she would be absent for the February meeting.

**9. Adjournment.**

Upon motion by Commissioner Nelson, seconded by Commissioner Holtkamp, and unanimously carried (6-0), IT IS ORDERED that the Planning Commission hearing adjourn at 10:22 a.m.