



## MENDOCINO COUNTY PLANNING COMMISSION

**MINUTES FOR THE MEETING HELD ON:** February 19, 2015

**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 Dunncliff, Director  
Andy Gustavson, Chief Planner  
Dusty Duley, Planner III  
Fred Tarr, Planner II  
Kevin Thompson, Planner  
Graham Hannaford, Planner II  
Adrienne Thompson, Commission Services Supervisor

**OTHER COUNTY DEPARTMENTS PRESENT:** Matthew Kiedrowski, Deputy County Counsel

1. **Roll Call.**

The meeting was called to order at 9:01 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. Dunncliff presented a verbal Director's Report and discussed the Phased Moratorium on Subdivisions. He noted the County had not completed the rezoning as part of the Housing Settlement Agreement and that the Superior Court had placed a "phased moratorium" on the County, which prohibited the approval of any subdivisions within the Ukiah Valley Area. He stated the moratorium would be expanded to include rezoning, general plan amendments if the County did not complete the 24-acre rezoning by January 2016.

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 November 20, 2014, December 18, 2014 and January 15, 2015 Planning Commission Minutes.**

Commissioner Ogle submitted corrections by email for the November and December minutes.

Upon motion by Commissioner Ogle, seconded by Commissioner Little and carried by a voice vote of (6-0), the November 20, 2014 minutes are approved as corrected.

Upon motion by Commissioner Little, seconded by Commissioner Nelson and carried by a voice vote of (6-0), the December 18, 2014 minutes are approved as corrected.

Chair Holtkamp suggested the Commission take the items on the agenda out of order and proceed with 6c., R 2014-0004 (Cox).

**6. Regular Calendar.**

**6c. CASE#: R\_2014-0004 (Continued from 1/15/2015)**

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.

RECOMMENDED ACTION: Recommend Approval to the Board of Supervisors.

Mr. Gustavson discussed the refined master plan for the Brush Street area.

Fred Tarr, Project Coordinator, reviewed the staff report and previous discussion, noting the project had been continued from the January Planning Commission meeting. He discussed the two separate zoning classifications that were proposed for the area, stating a contract rezone had been prepared.

Mr. Gustavson noted several typo's on page 1 and page 2 of the contract.

**John Mayfield**, owner, commented that he spoke for all parties and felt the contract was agreeable. He noted the property owners had made an agreement regarding development and stated that Ford Road should connect to Orchard Avenue. He discussed the location of proposed easements and open space and hoped to move forward with the ministorage expansion in the near future.

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

Mr. Gustavson noted that Exhibit D had been updated since the January meeting and discussed the location of the open space easement, and potential infrastructure improvements.

Commissioner Little asked when the General Plan and UVAP would need to be updated again.

Mr. Gustavson noted there is no specific date to update these plans; however the general plan updates are typically on a 10 year cycle. He noted the UVAP may not necessarily be updated at the same time.

Upon motion by Commissioner Ogle, seconded by Commissioner Nelson and carried by the following roll call vote (6-0), IT IS ORDERED to recommend that the Board of Supervisors approve the Contract Rezone #R\_2014-0004, as recommended by the Planning Commission and with modifications to the Contract as needed to reflect property ownerships.

AYES: Little, Krueger, Nelson, Holtkamp, Hall, Ogle

NOES: None

ABSENT: Warner

**6a. CASE#: MS\_2012-0003**

DATE FILED: 12/3/2012

OWNER/ APPLICANT: SNOW MOUNTAIN TREE FARM INC.

AGENT: RON FRANZ

PROJECT COORDINATOR: DUSTY DULEY

REQUEST: Minor Subdivision to create four (4) parcels containing 4.1± acres, 5.1± acres, 5.7± acres, 6.5± acres and a remainder parcel containing 75.9± acres.

LOCATION: 3.9± miles north of Potter Valley town center, lying on the north side of Eel River Road (CR 240B) 0.1± miles east of its intersection with Van Arsdale Road (CR 242), located at 17200 Eel River Road; APN's 171-200-14 & 171-210-11.

RECOMMENDED ACTION: Approve as Recommended by Staff.

Mr. Gustavson noted the applicant had submitted a letter requesting a continuance of the project and commented that staff was working with the applicant to revise the project description. He suggested a continuance to the April 16<sup>th</sup> Planning Commission hearing to allow for staff revisions.

Upon motion by Commissioner Ogle, seconded by Commissioner Hall and carried by a voice vote of (6-0), it is ordered to continue MS\_2012-0003 to the April 16, 2015 Planning Commission meeting.

AYES: Little, Krueger, Nelson, Holtkamp, Hall, Ogle

NOES: None

ABSENT: Warner

Commissioner Little commented that he did not see a boundary map in the report noting the location of the Potter Valley Community Service District and asked for the update when the project came back before the Commission.

**6b. CASE#: R\_2014-0005**

DATE FILED: 11/7/2014

OWNER: PINOLEVILLE ECONOMIC DEVELOPMENT

APPLICANT: PLANNING & BUILDING SERVICES

PROJECT COORDINATOR: KEVIN THOMPSON

REQUEST: Approve Contract rezone on a 17.02 acre parcel from Agriculture (AG-40) to Single-Family (R-1) and Multiple-Family Residential (R-3).

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: Lying on the south side of Lovers Lane approximately 200 feet westerly of Despina Drive, located at 801 Lovers Lane, Ukiah; APN 170-060-01.

RECOMMENDED ACTION: Recommend Approval to the Board of Supervisors.

Mr. Gustavson introduced the item and noted staff had conducted a neighborhood meeting to discuss multifamily development with the community. He noted staff will present the Commission with two options for approval.

Kevin Thompson, Project Coordinator, reviewed the staff report and discussed the proposal to rezone 17 acres with a combination of R-1 and R-3, including agricultural buffers. He discussed the correspondence received and summarized the themes, as lack of infrastructure, water/sewer, traffic impacts, loss of open space, and a concern over the ultimate intent of the tribe. Mr. Thompson noted a memo had been distributed to the Commission revising the General Plan Consistency Findings, stating the project was consistent with RM 109. He continued and presented a power point of the project noting that the zoning also needed to be updated to be consistent with the UVAP, as dictated by State law. He discussed the neighborhood meeting and commented that the intent was to provide a workshop to gathered input from the community to relay to the Commission. He stated that since the neighborhood meeting, staff had revised the proposal to include two separate options for approval, which were before the Commission.

Commissioner Hall asked staff to point out the R-3 area in option 2 on the power point.

Mr. Thompson noted the locations of single family homes and multi-family homes on the power point.

Commissioner Nelson asked if option 2 would fulfill the acreage needs for the settlement agreement.

Mr. Gustavson noted the R-3 acreage (approximately 3.8 acres) would count towards the 24 acre rezoning requirement; however because the site was under a water moratorium, it was possible that in June replacement sites would be needed to comply with the settlement.

Commissioner Hall asked if the County could “undo” the rezonings in June if the water moratorium was not lifted.

Mr. Gustavson stated that if the Board approved the rezoning, the Board could rezone the parcel in the future.

Commissioner Little clarified that if the water moratorium was not lifted by June, then the rezoning would not help towards the settlement agreement.

Mr. Gustavson stated that was correct. If the moratorium was not lifted, then this rezone and another 4.4 acres in the vicinity would not count towards the settlement agreement. He stated that the County was still obligated to implement the zoning on the site, which has a General Plan designation of SR. He noted that the County was still looking for additional R-3 sites to complete the R-3 rezoning.

Commissioner Ogle noted option 1 included 11.4 acres to be rezoned to R-3 and asked if that option was approved by the Board, would it fulfill the 24 acre requirement.

Mr. Gustavson noted that if the moratorium was lifted and water services restored, option 1 would fulfill the requirement and provide a surplus of R-3 zoned acreage.

Commissioner Ogle asked if the Planning Commission was sent a notice about the neighborhood meeting.

Mr. Gustavson did not think the notice was provided to the Commission. He stated it was mailed to property owners within 300 feet of the parcel boundaries and sent to the media as a press release.

The public hearing was declared open.

**Rod Christenson** distributed a petition to the Commission of people opposed to the rezone, stating a concern with water, sewer, flooding, and the desire to keep low income residences out of their “backyard”.

**Rick Simons** was opposed to the rezone and stated low income development would destroy the neighborhood.

**John Radnich** was opposed to the rezone and felt the UVAP should be rewritten to exclude the proposed location from residential development.

**Kenneth Budrow**, of the Millview Water District Board, was opposed to the rezone and stated that infrastructure problems exist; high intensity housing would ruin the area and bring in the criminal element. He stated the moratorium would not be lifted.

**Jonathan Caledonis** was opposed to the rezone and stated the County should put some type of “mechanism” in place to ensure the land would become Trust property.

**Hollis Wood** was opposed to the rezone and concerned with congestion, infrastructure, loss of vineyard land, and water.

**Alan Nicholson** commented that he supported the effort to create more low income multifamily housing, but felt the preservation of agricultural zoning in the area was more important.

**Teri Buchanan** was opposed to the rezone and noted that if the moratorium was not lifted in June, then the entire discussion was a waste of energy.

**Mike Canales**, Pinoleville Pomo Nation, commented that the rezoning was proposed by the County Planning Commission and the tribe had not brought the item forward. He stated that no one has offered to lease the vineyard from them for an ag purpose and that Pinoleville was supporting the County in the rezone effort. He stated, that if the rezone did not go through, the tribe had submitted application to the Bureau of Indian Affairs to place the land into trust for the tribes housing needs, along with the 88± acre above the subject property.

Commissioner Ogle also noted that the rezone was not brought forward by the Planning Commission. The County was the applicant.

**Cathy Feigin**, Lovers Lane Farms, was opposed to the rezone and stated it would negatively affect their bee farm. She stated that swimming pools were already an issue and increased housing could further impact the farm.

**Phyllis Curtis**, representing the Inland Mendocino Land Trust, was opposed to the rezone and stated that thousands of acres of ag lands had been paved over in Mendocino County and the proposed ag buffer was not adequate.

**Steve Christenson** was opposed to the rezone and stated he teaches at the high school and was concerned with traffic issues.

**Robert Mothershine** was opposed to the rezone and stated that Lovers Lane floods during heavy storms. He was concerned that more structures would cause more runoff and more flooding.

**Ken Marshall** questioned whether the rezoning would be an improvement and provide the requested housing.

The public hearing was declared closed.

[Break 10:06 AM - 10:17 AM]

Commissioner Nelson commented that the area was good vineyard land and he would prefer not to see it developed. He said option 2 would be preferable, if he had to choose, but still did not think that the ag buffer was adequate.

Commissioner Hall commented that the options had seemed clear before coming into the meeting, and now he was somewhat less clear on what he would choose. He did not like that the rezone was driven by a settlement agreement, but noted the zoning was not compliant with the UVAP zoning. He also noted that the moratorium was an issue.

Commissioner Little discussed the UVAP public meetings and noted that this parcel had been selected for rezoning then, but he did not think that the public realized the parcel was singled out. He stated the Board of Supervisors approved the recommendation for rezoning and adopted the UVAP in 2010. He asked staff if that had been discussed during the neighborhood meeting.

Mr. Gustavson stated that the UVAP exhibits were explained during the neighborhood meeting and discussed the relationship between land use classification and zoning. He noted the initial configuration to rezone 11.8 acres to R-3 was discussed and based on the comments received at the public meeting, staff created option 2 that will reduce the R-3 zoning for the Commission's consideration.

Commissioner Little commented that the UVAP went on for years and felt the public forgot the previous hearings about the rezoning, which had been discussed on numerous occasions. He stated that a rezone meant nothing in terms of project development and if at some point in the future, the County received an application for a project, numerous conditions regarding access, water, ag buffer, sewer, etc. would be proposed. He stated there would not be a "blind approval".

Mr. Gustavson stated that staff had tried to distinguish that zoning was not a project and that any development would trigger additional discretionary review and this triggers requirements for improvements on the site and off-site, such as traffic, sewer, water, buffers, etc. He also stated any future proposed development would be evaluated against the UVAP policies to make sure it was consistent with County land use policies.

Commissioner Little commented that the applicant had mentioned that there is the potential for the property to be placed in trust, which would remove all County control over the land and place the authority with the Federal Government.

Mr. Gustavson stated that was correct.

Commissioner Little commented that it seemed like the County should work with the tribe so the County would maintain some form of control over future development.

Mr. Gustavson agreed that seemed like the best course of action.

Commissioner Little noted he has made his opinion clear that the settlement agreement is erroneous, but the courts have the power. He stated the Commission and the County was under a certain amount of pressure to approve these rezonings and that need weighs heavy on his decision. He also felt it was problematic that the rezoning was being pushed forward by a court action and noted that development could not occur while the moratorium was in place.

Commissioner Nelson asked if staff had any options available in Fort Bragg with water and sewer.

Mr. Gustavson noted that anything in the coastal zone would require a Coastal Development Permit and the provision in the settlement agreement pertaining to rezoning stated that any multifamily residential development opportunity created through the rezoning must be "as a right"; meaning only a building permit could be required. He also noted that the requirement for available water and sewer connections limited prospects in the outlying areas of the County.

Commissioner Nelson noted that it seemed like no housing could be developed where it was needed.

Mr. Gustavson commented that the discussion was the rezoning and no project had been proposed. He noted the zoning would simply make multifamily housing allowable, but would not restrict the development to low, moderate, income types of units.

Commissioner Holtkamp asked why the rezoning was being proposed if the moratorium was still in question and additional area might need to be found to rezone.

Mr. Gustavson noted the sense of urgency is based on staff's effort to avoid further moratorium restrictions on development. He noted staff was continuing to search for vacant or underutilized lands in effort to explore all options and commented that other properties might be brought forward at a later date. He stated that the Commission may recommend the Board of Supervisors defer action on the rezoning until after June 30, 2015 and base its action on the status of the Millview moratorium.

Commissioner Little commented on the State's requirement to fulfill the 2007 Housing Element projection and noted that 2552 housing units was completely ridiculous. He noted that since then, the State had delivered a current number of 168 housing units; however the County was forced to comply with the original Housing Element unit estimate of 2552.

Commissioner Krueger noted the obstacles before staff and commented that he was inclined to support staff in moving forward to resolve the lawsuit.

Commissioner Ogle addressed public comments and noted that the Planning Commission had not proposed the rezone and had nothing "up their sleeve". She stated the Planning Commission was trying to do their best for the County and explained further the issues between the State's allocation of housing units and the settlement agreement. She commented that the Commission had rezoned several parcels in the area and noted there were multifamily developments along Bush Street and

Lovers Lane already. She appreciated the work that had gone into the petition and noted the sewer and water issues.

Chair Holtkamp commented that the development of apartments did not automatically mean "slums" would be built. She felt it was offensive and noted that in many urban areas rich people lived in apartments also.

Commissioner Hall commented that the Commission was between a rock and a hard spot with the development moratorium and settlement agreement. He preferred option 2 for recommendation to the Board.

Commissioner Nelson agreed that if a choice must be made, he preferred option 2, but would like a larger buffer for agriculture. He felt the integration of single family units with multifamily units would work well.

Mr. Gustavson noted the ag buffer would extend 100 feet from the centerline of Lovers Lane back into the property and be developed with a 3 foot berm and planted with a mixed canopy of trees, etc. He clarified language on the second page of the contract #4b to read, "Prior to the final inspection for a building permit of any new permitted use, the applicant shall install and maintain landscape improvements ~~the commencement of any development on site including a Single Family home, or subdivision, the applicant shall install and maintain for a period of 5 years the landscape improvements~~ within the Agricultural Buffer to the satisfaction of the Planning and Building Department. The buffer shall contain a landscaped berm no less than three (3) feet in height and an automatic irrigation system supplied by a permanent water source sufficient to support no less than two (2) tiers of vegetation consisting of evergreen trees planted to form a continuous canopy at maturity and an understory of bushes spaced sufficiently to create a visual barrier. All plantings within the Agricultural Buffer shall be climate adapted species subject to approval by Planning and Building Services."

Chair Holtkamp noted the advantage with this particular rezone was to keep working with the tribal government to create a plan versus having trust property in a highly visible location.

Commissioner Krueger was in total agreement with Chair Holtkamp and thanked the public for their testimony. He repeated the advantage to having the County work with the property owners for future development and stated that the rezoning was not a development project. He reiterated that the public testimony would be more appropriate for a proposed development and did not fit with the rezone presented.

Mr. Gustavson followed up with additional comments that the proposed template for future development of R-1/R-3 was not a project and only established what was permissible on the parcel. He noted any mix of development could be built under the R-1 or R-3 zoning and stated that with a use permit, single family dwellings could be built in the R-3 zoning designation. He also noted that R-3 might allow up to 29 units per acre; however that density typically was not achieved or possible due to site constraints and improvements such as sewer, water, roadways, and the ag buffer.

Upon motion by Commissioner Ogle, seconded by Commissioner Hall and carried by the following roll call vote (5-1), IT IS ORDERED to recommend that the Board of Supervisors adopt a contract rezone and approve R 2014-0005, finding the request to be consistent with the General Plan and Ukiah Valley Area Plan, updating the findings per the memo dated 2-19-15 and noting the Planning Commission prefers Option 2 for greater single family zoning and increased agricultural buffer.

**RECOMMENDED MOTION:** The Planning Commission recommends that the Board of Supervisors adopt the proposed contract rezoning of the subject property from AG-40 to R-1 and R-3, making the following findings:

**ENVIRONMENTAL FINDINGS:** No significant adverse environmental impacts will result from the proposed rezoning; and therefore no additional environmental evaluation is required nor 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.

**GENERAL PLAN CONSISTENCY FINDING:** The proposed contract rezoning is consistent with the applicable goals and policies of the General Plan, the Housing Element, and the Ukiah Valley Area Plan. Including Policy RM-109 of the Mendocino County General Plan which allows a reduced agricultural buffer if a substantial tree stand or earthen berm exists adjacent to agricultural uses which will eliminate potential land use conflicts.

AYES: Little, Krueger, Holtkamp, Hall, Ogle  
NOES: Nelson  
ABSENT: Warner

**6d. CASE#: UM\_2014-0008 (Continued from 12/18/2014)**

DATE FILED: 10/2/2014

OWNER: BARBARA & ROBERT GARIBALDI

APPLICANT: CA RURAL SERVICE AREA #1

AGENT: FAULK & FOSTER

PROJECT COORDINATOR: DUSTY DULEY

REQUEST: Use Permit Modification/Renewal to allow for the addition of three (3) new panel antennas and associated equipment at 55 feet on an existing 60 foot tall lattice tower.

LOCATION: In the Manchester area lying outside the Coastal Zone on the east side of Highway 1, approximately ½ mile north of the intersection of Mountain View Road (CR 510) and Highway 1, located at 20001 South Highway 1, Manchester; APN 133-110-27.

RECOMMENDED ACTION: Approve as Recommended by Staff.

Mr. Duley stated that staff had been unable to meet the applicant at the site and perform the visual analysis as requested by the Commission. He stated that staff has scheduled a site view for February 24<sup>th</sup> and commented that staff was recommending the Planning Commission continue the project to the March 19<sup>th</sup> agenda

Upon motion by Commissioner Nelson, seconded by Commissioner Ogle and carried by the following roll call vote (6-0), IT IS ORDERED to continue UM\_2014-0008 to the March 19, 2015 Planning Commission Meeting.

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

**6e. CASE#: A\_2013-0004 (Continued from 12/18/2014)**

DATE FILED: 8/2/2013

OWNER/APPLICANT: DAVID SCHNEIDER

AGENT: RYAN SCHNEIDER

PROJECT COORDINATOR: SCOTT PERKINS

REQUEST: Placement of 5,660± acres into Williamson Act (Agricultural Preserve).

LOCATION: Approximately 4± miles southeast of Covelo town center, lying 2.25 miles southeast of the intersection of Hill Road (CR 327B) and Dobie Lane (CR 329), and bordering the north bank of the Middle Fork Eel River, located at 71891 Judge Webber Lane, Covelo; APN's 034-141-02, 04, 05, 06, 09, 034-145-02, 03, 04, 05, 034-146-06, 26, 27, 28, 29, 30, 034-147-05, 07, 13, 14, 034-150-10, 035-090-01, 05, 12, 19, 37, 46, 48, 49, 50, 51, 52, 53, 54, 55, 56, 035-100-02, 13, 14, 035-230-23, 24, 25, 035-240-23, 035-240-24.

RECOMMENDED ACTION: Continue to March 19, 2015.

Mr. Gustavson noted the applicant had requested a continuance to the March 19, 2015 meeting.

Upon motion by Commissioner Hall, seconded by Commissioner Ogle and carried by the following roll call vote (6-0), IT IS ORDERED to continue A\_2013-0004 to the March 19, 2015 Planning Commission Meeting.

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

**7. Matters from Staff.**

Mr. Gustavson noted that staff was continuing to search for additional sites that might satisfy the Housing Settlement Agreement. He also noted that planner Kevin Thompson would be leaving for the City of Ukiah and noted that PBS was currently recruiting to fill a Planner I position.

Commissioner Ogle asked when the parcel near the wrecking yard on North State Street had been rezoned to multifamily.

Mr. Gustavson noted that the site in question was part of the R-3 rezonings approved by the Board in 2014.

**8. Matters from Commission.**

Commissioner Little asked if a portion of the Masonite property had been considered for rezoning to multifamily. He noted a previous proposal for a substantial housing concept on the eastern portion beyond the railroad tracks.

Mr. Gustavson noted the Board would need to direct staff to modify the land use plan for the Masonite property and noted the area was constrained by the flood plain.

Commissioner Little commented that the County was not being asked to develop anything, only designate an area and felt the possibilities should be considered.

Chair Holtkamp agreed and noted a portion might be in the flood plain, but not the entire parcel.

Mr. Gustavson commented that there are additional areas along North State Street and in Hopland that are being considered.

**9. Adjournment.**

Upon motion by Commissioner Nelson, seconded by Commissioner Hall, and unanimously carried (6-0), IT IS ORDERED that the Planning Commission hearing adjourn at 11:13 a.m.