



MENDOCINO COUNTY PLANNING COMMISSION

MINUTES FOR THE MEETING HELD ON: June 4, 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: Steve Dunicliff, Director
Andy Gustavson, Chief Planner
John Speka, Planner III
Dusty Duley, Planner III
Adrienne Thompson, Commission Services Supervisor

OTHER COUNTY DEPARTMENTS PRESENT: Matthew Kiedrowski, Deputy County Counsel
Chuck Morse, Agriculture Commissioner
Sue Ranochak, Assessor/Clerk Recorder

1. **Roll Call.**

The meeting was called to order at 9:02 a.m. Commissioner Ogle 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. Dunicliff presented a verbal Director's Report and noted that the Department was receiving a high level of interest regarding the building permit application for a Dollar General store.

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#: OA_2014-0005**

DATE FILED: 12/10/2014

OWNER: NUMEROUS

APPLICANT: MENDOCINO COUNTY

AGENT: PLANNING AND BUILDING SERVICES

PROJECT COORDINATOR: JOHN SPEKA

REQUEST: Amend Chapter 22.08 Resource Preserves of the Mendocino County Code and adopt uniform policies and procedures for Agricultural Preserve Contracts.

ENVIRONMENTAL DETERMINATION: The project has been determined to be Categorically Exempt under Class 7 of the California Environmental Quality Act (CEQA). Section 15307 of the CEQA Guidelines states that "actions taken by regulatory agencies as authorized by state law or local ordinance to assure the maintenance, restoration, or enhancement of a natural resource where the regulatory process involves procedures for protection of the environment" are considered to be exempt.

LOCATION: All unincorporated areas within Mendocino County, which does not include areas within the city limits of Ukiah, Fort Bragg, Willits and Point Arena.

RECOMMENDED ACTION: Recommend approval to the Board of Supervisors.

[Commissioner Nelson recused himself from the Commission and took a seat in the audience.]

John Speka, Project Coordinator, introduced the members of the Resource Lands Protection Committee (RLPC) that had worked on the Ordinance Amendment and participated in the Community Meetings. He presented a power point of the update; summarized correspondence received and discussed the potential changes before the Commission.

Chair Warner asked if the State had reinstated 100% subvention payments.

Sue Ranochak, Assessor/Clerk-Recorder, stated the payments had not commenced from the State and she did not think the County would receive any payments in the future. She commented that most jurisdictions had adopted AB1265 because the State was not paying, which allowed the County to recoup 10% of the previously foregone property tax revenue.

The Commission and staff discussed the difference between Agricultural Preserve and Williamson Act Contract, which had been used interchangeably in the past.

Commissioner Little commented on Attachment D, 9.3.A, Policies and Procedures, that it would be easy to "collectively occupy 15% or 5 acres" and that an applicant would be forced to receive approval from the County.

The public hearing was declared open.

Devon Jones, Mendocino County Farm Bureau, discussed grazing on prime land; income requirements; Table 5.2; the Resolution process and the sewage/septage disposal facilities on contracted lands.

Peter Bradford was concerned with the income requirements and the lack of discretion to reduce amounts in case of emergency.

Wendy Babbie stated the income she received on the south coast was much lower than inland and was concerned with income requirements. She was also concerned with potential issues from overgrazing land as a result of increased income requirements.

Ilene Pronsolino was concerned with how timber harvesting would qualify for income requirements.

Mark Biaggi asked how trading work on leased property versus payments would qualify in the income requirements.

Greg Nelson discussed how forestland was treated and stated that without having other activities on his property, such as a cell tower lease, he would not meet the income requirements on nonprime land.

Jennifer Pronsolino asked about adding agritourism as a way to generate income without livestock, such as events, etc.

Greg Nelson added that he was disappointed camping was not allowed.

The public hearing was declared closed.

[Break 10:08 AM – 10:17 AM]

Chair Warner asked staff's response to comments.

Mr. Speka deferred to Ms. Ranochak regarding the income reporting as the Assessor's Office would make the determination.

Ms. Ranochak stated that the Assessor's Office would mail a statement to contract holders every 4 years, as information provided to the Assessor was not subject to a public records act request and could remain confidential. She agreed that presenting items to the Board was not necessary and felt the RLPC could make the appropriate determination and report their findings to the Board for resolution.

Commissioner Little asked how the income information could be shared with other County committees if it was confidential.

Ms. Ranochak noted that a landowner can grant permission to share the document with the committee.

Mr. Speka discussed staff's concern with restricting industrial sewage disposal operations from contracted lands.

The Commission and staff noted the issue might be linked to building size and could be restricted by prohibiting the development of structures.

Trey Strickland, Environmental Health, discussed how small septage systems worked and noted a building would not be necessary and only a pond to collect the material was needed.

Chair Warner asked about the coast receiving lower income than inland areas.

Ms. Ranochak commented that the asterisks were an attempt to acknowledge that some leases were based on dollar per year/month, or exchange of goods, or maintenance. She commented that there were unique ways to exchange goods.

Chuck Morse, Agricultural Commissioner, commented that staff had "run the numbers backwards" to determine what kind of income would need to be generated to keep legitimate ag operations in business.

Commissioner Little asked how income could be measured if land was leased and subleased.

Ms. Ranochak commented that the asterisks were used as an attempt to capture the various exchange of goods that could be counted as income and noted value could be captured within business property statements.

Commissioner Holtkamp commented that the lessor could choose to release such information.

Ms. Ranochak noted that under certain circumstances, the department might request that supplemental information be provided.

Commissioner Little noted forestry was not applicable in Table 5.2.

Ms. Ranochak commented that a timber harvest plan, or timber management plan would be sufficient as normal harvests were every 15 years. She stated that if a person had other information, that could be provided and determined sufficient.

Commissioner Krueger asked how an applicant could receive credit for maintenance, such as building fences.

Ms. Ranochak noted there was an hourly rate for contractors that could be applied if a landowner built a fence himself.

The Commission discussed the 50% rule for continued maintenance or operation of agriculture.

Mr. Speka discussed the proposed policies and noted that the Board of Supervisors could make findings to relieve the landowner from the requirement, due to topographical constraints, hardship, etc. He stated it was not the intention to exclude individuals from Agricultural Preserves.

Chair Warner asked how agritourism could be applied.

Mr. Speka noted that several new policies had been added for compatible uses, such as transient habitation and lodging limited, which further tailor Williamson Act contracts to agritourism.

Chair Warner noted the reference to camping from the public.

Mr. Speka commented that the RLPC did not feel camping was compatible with agriculture on a permanent basis.

The Commission discussed how camping would be incompatible, noting bathrooms would be required and permanent structures that were not compatible with Williamson Act contracts.

Matt Kiedrowski, Deputy County Counsel, discussed the 5 acre or 15% limit.

The Commission and staff discussed allowed uses.

Commissioner Little discussed multiple contracts under a single ownership and the need to go before the Board to make findings.

Ms. Ranochak stated that the RLPC could review and make a determination of findings for an applicant, and if the committee felt it was necessary, present an item to the Board for review.

Chair Warner asked where the exception for income should be noted.

Mr. Kiedrowski noted language could be added to the first asterisk on Table 5.2.

Commissioner Krueger discussed page 11 of the strikeout version and noted that paragraph 6.2 stated the Board had implemented 9 year contract terms.

Mr. Speka noted that was correct. Contracts were set as 9 years, but not permanently; it was an annual decision by the Board.

[Break 11:03 AM – 11:15 AM]

The Commission reviewed the 10 proposed changes to the document.

Mr. Kiedrowski revised the sewage, septage paragraph by accepting staff's proposed changes and adding: "Excluding uses such as sewage disposal facilities, septage disposal facilities that include buildings, sanitary landfills, and water treatment plants."

Mr. Speka discussed additions to Table 5.2 to clarify requirements.

The Commission discussed the \$2.50 per acre for prime and nonprime lands and noted further research should be conducted with the Agriculture Commissioner before moving forward to the Board of Supervisors for approval. They agreed that the price for prime land could be accurate, but was too high for nonprime soils.

Mr. Kiedrowski noted the following language should be added to the asterisk/double asterisk of Table 5.2:

* The Assessor's Office, in consultation with other County departments, may propose to adjust the monetary thresholds based on environmental or other factors that may have affected the production capacity of property. The Assessor's Office shall submit for authorization to the Board of Supervisors the proposed adjustment to monetary thresholds.

** Evidence of substantial investment/development, including capitalized improvements, maintenance and other costs, may be substituted for annual income. The County may consider all income generated by the property and all costs of capital improvements or maintenance incurred by the property.

Mr. Speka continued with staff's suggested corrections to section 8.1, 9.3B7, 10.1C2, and 12.2A.

Upon motion by Commissioner Holtkamp, seconded by Commissioner Hall and carried by the following roll call vote (5-0), IT IS ORDERED to recommend that the Board of Supervisors approve Ordinance Amendment #OA_2014-0005, as revised by staff and the Commission requesting income requirements be investigated with the Agriculture Commissioner prior to the Board hearing.

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

Mr. Gustavson commented that staff hoped to have the item ready for the Board by August to be completed and in effect for the 2016 calendar year.

[Commissioner Nelson returned to his seat]

6b. OWNER: NUMEROUS

APPLICANT: MENDOCINO COUNTY

AGENT: PLANNING AND BUILDING SERVICES

PROJECT COORDINATOR: DUSTY DULEY

REQUEST: Review and consider a resolution amending the Guidelines for the Development of Wireless Communication Facilities.

ENVIRONMENTAL DETERMINATION: The project has been determined to be Categorically Exempt under Class 8 of the California Environmental Quality Act (CEQA). Section 15308 of the CEQA Guidelines states that "actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment." are considered to be exempt.

LOCATION: All unincorporated areas within Mendocino County, which does not include areas within the city limits of Ukiah, Fort Bragg, Willits and Point Arena.

RECOMMENDED ACTION: Recommend approval to the Board of Supervisors.

Dusty Duley, Project Coordinator, reviewed the staff report and discussed the previous meeting on September 18, 2014. He reviewed the changes and reorganization of the documents since the last meeting and stated that a comment letter had been received from Michael Maltis.

Commissioner Little asked how item C (5)a would be enforced.

Mr. Duley commented that work was not exempt from a building permit and a planner would review the project for consistency during the building application review process prior to signing that the permit could be issued.

Andy Gustavson noted that the Wireless Guidelines were "guidelines" and subject to flexibility. He commented that several additions had been made to the preamble on Section C.

The Commission discussed the changes and additions to the Wireless Guidelines, noting the information had been reviewed by the Adhoc working committee and thought the guidelines were acceptable as is.

Commissioner Little asked about mesh networks.

Mr. Duley provided a recap of the information.

The public hearing was declared open.

Trish Steele, Chair of the Broadband Alliance, reviewed the past meeting and was strongly in support of the Wireless Guidelines.

Mr. Gustavson noted additional changes recommended by staff.

Mr. Kiedrowski suggested the following language be added to Section 1, applicability; Government owned communications facilities used exclusively to protect public health, safety and welfare (which do not require a Use Permit), are encouraged to follow these guidelines to the extent possible or practicable.

The public hearing was declared closed.

Upon motion by Commissioner Nelson, seconded by Commissioner Holtkamp and carried by the following roll call vote (6-0), IT IS ORDERED to recommend approval to the Board of Supervisors of the Wireless Guidelines as modified by staff during the public hearing.

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

Chair Warner commented that the adhoc committee helped to provide focus and was pleased with the document.

7. Matters from Staff.

None.

8. Matters from Commission.

Commissioner Nelson noted he would be absent for the June 18, 2015 meeting.

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 12:31 p.m.