



MENDOCINO COUNTY PLANNING COMMISSION

MINUTES FOR THE MEETING HELD ON: **November 21, 2019**

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

COMMISSIONERS PRESENT: Perkins, Jacobszoon, Holtkamp, Wiedemann, and Ogle

COMMISSIONERS ABSENT: Nelson, Pernell

PLANNING & BLDG SVC STAFF PRESENT: Julia Acker Krog, Chief Planner
James Feenan, Commission Services Supervisor
Adrienne Thompson, Administrative Services Manager
Jesse Davis, Senior Planner
Keith Gronendyke, Planner III
Susan Summerford, Planner III

OTHER COUNTY DEPARTMENTS PRESENT: Matthew Kiedrowski, Deputy County Counsel
Amber Munoz, Department of Transportation

1. **Roll Call.**

The meeting was called to order at 9:02 a.m.

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. Schultz was not available to present the Director's Report. Ms. Acker Krog stated that she was available to answer any questions from the Commission.

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#:** U_2017-0032

DATE FILED: 12/13/2017

OWNER: KYLE RAND & STACY SQUIRE

APPLICANT: STACY SQUIRE

REQUEST: Use Permit to formalize an existing short-term rental in an accessory residential structure. The short-term rental is processed under Mendocino County Code Section 20.164.015 (L): Room and Board.

ENVIRONMENTAL DETERMINATION: Categorically Exempt, Section 15301 (Existing Facilities).Categorically Exempt

LOCATION: 1.5± miles east of the Navarro town center, lying at the end of a private unnamed access easement, 1.4± miles east of its intersection with Wendling Soda Creek Road (CR134), located at 973 and 975 Highway 128, Philo, CA 95466 (APN: 026-030-40).

SUPERVISORIAL DISTRICT: 5

STAFF PLANNER: JESSE DAVIS

The staff report is located at: <https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas/planning-commission>

Presenter/s: Jesse Davis, Senior Planner

Applicant: Stacy Squires

The public hearing was declared open.

Public Comment: Terry Gross, Don Shanley, Laura Quatrochi, Darcie Mahoney, Peter Lit, Thomas McFadden, Ishvi Aum,

Public hearing was declared closed.

[Break 10:20 am to 10:30 am]

Tentative Motion: Upon motion by Commissioner Wiedemann seconded by Commissioner Jacobszoon and carried by the following roll call vote (5-0), that the Planning Commission denies the application for a Use Permit U_2017-0032.

The motion passed by the following vote: (5-0)

AYES: Perkins, Holtkamp, Jacobszoon, Wiedemann, Ogle

NOES: None

ABSENT: Pernell, Nelson

Discussion occurred regarding return in the afternoon for staff and County Counsel to present the amended resolution. Matter is continued to afternoon session after Code Enforcement Presentation. **(See Page 8 for formal motion by Commission).**

6b. CASE#: MS_2018-0004

DATE FILED: 6/19/2018

OWNER/APPLICANT: KENNETH & ROSWIHTA SCHAFFER

AGENT: AMY WYNN, WYNN COASTAL PLANNING

REQUEST: Parcel division modification to amend a specific condition of approval of a subdivision approved in 1972. The modification of the condition of approval would allow flexibility to move the existing approved encroachment from State Route 1, and on a sharp curve, to a location approximately 150 feet to the south along a straight section of State Route 1. This application is being processed concurrently with Coastal Development Permit CDP_2018-0018 to construct a single-family residence.

ENVIRONMENTAL DETERMINATION: Categorically Exempt

LOCATION: In the Coastal Zone, 0.8± mile north of the town of Albion, 0.3± miles northwest of the intersection of State Route 1 (SR1) and Albion Little River Road (CR 403), lying on the west side of SR 1, located at 3980 N. Highway 1, Albion (APN: 123-030-09).

SUPERVISORIAL DISTRICT: 5

STAFF PLANNER: KEITH GRONENDYKE

The staff report is located at: <https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas/planning-commission>

Presenter/s: Keith Gronendyke, Staff Planner; Julia Acker Krog, Chief Planner

Agent: Amy Wynn

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

Public Comment: None received.

Upon motion by Commissioner Wiedemann, seconded by Commissioner Holtkamp, and carried by a roll call vote of (5-0), IT IS ORDERED that the Planning Commission recommends the Planning Commission grant MS_2018-0004 for the Project, as proposed by the applicant, based on the facts and findings and as amended by the memo presented to the Commission.

The motion passed by the following vote: (5-0)

AYES: Perkins, Holtkamp, Jacobszoon, Wiedemann, Ogle
NOES: None
ABSENT: Pernell, Nelson

6c. CASE#: U_2019-0001

DATE FILED: 1/8/2019

OWNER/APPLICANT: MENDOCINO ROTARY FOUNDATION

AGENT: JEROLD KARABENSH

REQUEST: Coastal Development Use Permit to establish a park, classified as MCC Section 20.620.030, and to allow for annual events on Easter Sunday, Independence Day, and the second Friday in December.

ENVIRONMENTAL DETERMINATION: Categorically Exempt

LOCATION: In the Town of Mendocino, one block bounded by Albion Street (CR 407D), Howard Street (CR 407N), Main Street (CR 407E), and Lansing Street (CR 500), located at 44960 and 44920 Main St. (CR 407E), Mendocino (APN's: 119-250-07, -08).

SUPERVISORIAL DISTRICT: 5

STAFF PLANNER: JULIANA CHERRY

The staff report is located at: <https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas/planning-commission>

Presenter/s: Julia Acker Krog, Chief Planner

Agent/s: Jerold Karabvensh, Debra Lennox

The public hearing was declared open.

Public Comment: None received.

The public hearing was declared closed.

Upon motion by Commissioner Wiedemann, seconded by Commissioner Perkins and carried by the following roll call vote (5-0), IT IS ORDERED: By resolution, grant a Coastal Development Use Permit U_2019-0001, Mendocino Rotary Foundation, establishing a park classified under MCC Section 20.620.030 and allowing annual events on eight dates including Easter Sunday, Independence Day and the second Friday in December. Pursuant to the provisions of Chapter 20.720 and Chapter 20.760 of the Mendocino Town Zoning Code (MCC) the Planning Commission approves the proposed Community Recreation use and adopts the following based on the conditions listed in the Resolution.

The motion passed by the following vote: (5-0)

AYES: Perkins, Holtkamp, Jacobszoon, Wiedemann, Ogle
NOES: None
ABSENT: Pernell, Nelson

[Lunch 12:03 pm to 1:04 pm]

6d. CASE#: U_2019-0007

DATE FILED: 4/30/2019

OWNER/APPLICANT: REDWOOD COAST MEDICAL SERVICES

AGENT: DIANE AGEE, CEO RCMS

REQUEST: A request to legalize an existing emergency medical services helipad that operates in conjunction with the Redwood Coast Medical Services health center.

ENVIRONMENTAL DETERMINATION: Negative Declaration

LOCATION: In the Coastal Zone, within the town of Gualala, at the terminus of Ocean Drive (CR 523), 0.15± miles east of its intersection with State Route 1 (SR 1), located at 46900 Ocean Dr., Gualala (APN: 145-200-67).

SUPERVISORIAL DISTRICT: 5

STAFF PLANNER: SUSAN SUMMERFORD

The staff report is located at: <https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas/planning-commission>

Presenter/s: Susan Summerford, Staff Planner

Agent: George Provencher

The public hearing was declared open.

Public Comment: None received.

The public hearing was declared closed.

Upon motion by Commissioner Jacobszoon, seconded by Commissioner Wiedemann and carried by the following roll call vote (5-0), It is ordered that the Planning Commission hereby adopts the Mitigated Negative Declaration and Mitigation Monitoring set forth in the Conditions of Approval for Use Permit U_2019-0007, and certifies the Mitigated Negative Declaration has been completed, reviewed, and considered, together with the comments received during the public review process, in compliance with CEQA and State and County CEQA Guidelines, and finds that the Mitigated Negative Declaration reflects the independent judgement and analysis of the Planning Commission and added amendments herein.

The motion passed by the following vote: (5-0)

AYES: Perkins, Holtkamp, Jacobszoon, Wiedemann, Ogle
NOES: None
ABSENT: Pernell, Nelson

[Break 1:45 pm to 1:57]

7. Matters from Staff.

7a. Presentation by Code Enforcement Interim Manager, Trent Taylor.

7b. Return to Item 6a. Mr. Kiedrowski read the revised resolution into the record.

The public hearing was re-opened.

Public Comments: Terry Gross

The public hearing was declared closed.

Motion Restated: Upon motion by Commissioner Wiedemann seconded by Commissioner Jacobszoon and carried by a voice vote of (5-0), IT IS ORDERED: the Planning Commission approves the Resolution prepared by staff, denying Use Permit, U_2017-0032, based on current findings below.

The motion passed by the following vote: (5-0)

AYES: Perkins, Holtkamp, Jacobszoon, Wiedemann, Ogle
NOES: None
ABSENT: Pernell, Nelson

1. **Use Permit Findings:** The project does not fulfill the following use permit findings:
 - a. Mendocino County Code section 20.192.020(B): Contrary to this requirement, an adequate access road has not been provided. The condition of the existing, steep, largely unpaved private road is inadequate to serve the applied for short term rental. The road presents safety concerns because transient occupants will likely have difficulty navigating the steep, unpaved road, particularly at night.
 - b. Mendocino County Code section 20.192.020(C): Contrary to this requirement, the proposed use would be considered detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in or passing through the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the county.

The proposed use would compromise the safety, peace and comfort, including privacy, of the persons residing or working in the neighborhood. Transient guests would have access to private properties and will likely not be familiar with driving rural roads, increasing the risk of vehicle accidents and fire. The lack of an on-site property manager able to address neighborhood concerns about transient occupants further heightens safety and comfort concerns of neighbors.

8. **Matters from Commission.**

Chair Ogle confirmed that there would be no meeting on December 5, 2019, but there would be a meeting on December 19, 2019.

Ms. Acker Krog confirmed the meeting dates.

9. **9a.** Approval of the February 21, 2019 Planning Commission Minutes.

Upon motion by Commissioner Holtkamp seconded by Commissioner Wiedemann and carried by the following roll call vote (4-1), IT IS ORDERED: That the February 21, 2019 Planning Commission minutes have been approved.

AYES: Holtkamp, Jacobszoon, Wiedemann, Ogle
NOES: None
ABSTAIN: Perkins
ABSENT: Pernell, Nelson

9b. Approval of the July 3, 2019 Planning Commission Minutes.

Upon motion by Commissioner Wiedemann, seconded by Commissioner Holtkamp and carried by the following roll call vote (4-1), IT IS ORDERED: That the July 3, 2019 Planning Commission minutes have been approved.

AYES: Holtkamp, Jacobszoon, Wiedemann, Ogle
NOES: None
ABSTAIN: Perkins
ABSENT: Pernell, Nelson

10. **Adjournment.**

Upon motion by Commissioner Perkins, seconded by Commissioner Wiedemann, and carried by a voice vote (5-0), IT IS ORDERED that the Planning Commission hearing adjourn at 2:30 p.m.