



MENDOCINO COUNTY PLANNING COMMISSION

MINUTES FOR THE MEETING HELD ON: August 18, 2011

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

COMMISSIONERS PRESENT: Calvert, Nelson, Warner, Holtkamp, Hall, Ogle

COMMISSIONERS ABSENT: Little

PLANNING & BLDG SVC STAFF PRESENT: Ignacio Gonzalez, Director
Roger Mobley, Chief Planner
Adrienne Thompson, Commission Services Supervisor

OTHER COUNTY DEPARTMENTS PRESENT: Tom Peters, Department of Transportation
Terry Gross, Deputy County Counsel

1. **Roll Call.**

The meeting was called to order at 9:00 a.m. Commissioner Little was absent by prior arrangement. Commissioner Calvert arrived at 9:17 am.

2. **Determination of Legal Notice.**

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

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

Mr. Gonzalez presented a verbal Director's Report and noted that U 7-2010 (Grist Creek Aggregates) had been appealed to the Board of Supervisors and was scheduled for the August 23, 2011 agenda. He noted that the Board would also begin the final budget hearing on September 13, 2011. Mr. Gonzalez also noted that the UVAP had been adopted and the Final EIR certified at the August 2, 2011 Board meeting and stated that the Department would now begin work on the Mendocino Town Plan and update of the Land Use Code with funds that had been procured from a multi-agency grant. Last, Mr. Gonzalez noted that after 30+ years with the department, Vale Wippert would be retiring in December and interviews had begun to hire his replacement and allow time for training purposes.

4. **Consent Calendar.**

4a. **CASE#: CDUM #10-2003(2011)**

OWNER: FORT BRAGG RURAL FIRE PROTECTION DISTRICT

APPLICANT: STEVE ORSI

REQUEST: Amend CDU #10-2003 as follows: Construct ~2400 sq. ft garage/storage building with a maximum height of 20 ft above natural grade. Driveway would be extended ~ 60 ft to meet the proposed structure. Existing development include water storage tanks and existing driveway.

APPEALABLE AREA: Yes

LOCATION: In the Coastal Zone, approx. 1.5 mile north of the community of Cleone, on the east side of Highway 1, ~ 20' north of its intersection with Little Valley Road (CR# 426), at 33680 Little Valley Rd (APN: 069-101-46).

PROJECT COORDINATOR: ABBEY STOCKWELL

Chairman Nelson asked if anyone would like to pull an item from the Consent Calendar.

Commissioner Ogle noted she had a question about item 4a, but was not sure she needed to pull the item to ask and wondered why the Fish and Game fee was not present in the report.

Mr. Gonzalez noted the project was Categorically Exempt from CEQA and did not require the Fish and Game fee.

Upon motion by Commissioner Hall, seconded by Commissioner Ogle and carried by the following voice vote (5-0), IT IS ORDERED:

PROJECT FINDINGS AND CONDITIONS: Pursuant to the provisions of Chapter 20.532 and Chapter 20.536 of the Mendocino County Code, the Planning Commission approves the proposed project, and adopts the following findings and conditions.

FINDINGS:

1. The proposed development is in conformity with the certified Local Coastal Program; and
2. The proposed development will be provided with adequate utilities, access roads, drainage and other necessary facilities; and
3. The proposed development is consistent with the purpose and intent of the applicable zoning district, as well as all other provisions of Division II, and preserves the integrity of the zoning district; and
4. The proposed development, if constructed in compliance with the conditions of approval, will not have any significant adverse impacts on the environment, and meets the criteria for Categorical Exemption Class 3 within the meaning of the California Environmental Quality Act; and
5. The proposed development will not have any adverse impacts on any known archaeological or paleontological resource; and
6. Other public services, including but not limited to, solid waste and public roadway capacity have been considered and are adequate to serve the proposed development.
7. The proposed use is compatible with the long-term protection of resource lands.

STANDARD CONDITIONS:

1. This action shall become final on the 11th day following the decision unless an appeal is filed pursuant to Section 20.544.015 of the Mendocino County Code. The permit shall become effective after the ten working day appeal period to the Coastal Commission has expired and no appeal has been filed with the Coastal Commission. The permit shall expire and become null and void at the expiration of two years after the effective date except where construction and use of the property in reliance on such permit has been initiated prior to its expiration.
2. The use and occupancy of the premises shall be established and maintained in conformance with the provisions of Division II of Title 20 of the Mendocino County Code.
3. The application, along with supplemental exhibits and related material, shall be considered elements of this permit, and that compliance therewith is mandatory, unless an amendment has been approved by the Coastal Permit Administrator.
4. This permit shall be subject to the securing of all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction.
5. The applicant shall secure all required building permits for the proposed project as required by the Building Inspection Division of the Department of Planning and Building Services.

6. This permit shall be subject to revocation or modification upon a finding of any one or more of the following:
 - a. The permit was obtained or extended by fraud.
 - b. One or more of the conditions upon which the permit was granted have been violated.
 - c. The use for which the permit was granted is conducted so as to be detrimental to the public health, welfare or safety, or to be a nuisance.
 - d. A final judgment of a court of competent jurisdiction has declared one or more conditions to be void or ineffective, or has enjoined or otherwise prohibited the enforcement or operation of one or more such conditions.
7. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit described boundaries. Should, at any time, a legal determination be made that the number, size or shape of parcels within the permit described boundaries are different than that which is legally required by this permit, this permit shall become null and void.
8. If any archaeological sites or artifacts are discovered during site excavation or construction activities, the applicant shall cease and desist from all further excavation and disturbances within one hundred (100) feet of the discovery, and make notification of the discovery to the Director of the Department of Planning and Building Services. The Director will coordinate further actions for the protection of the archaeological resources in accordance with Section 22.12.090 of the Mendocino County Code.

SPECIAL CONDITIONS:

1. Prior to issuance of a building permit, the applicant shall submit a signed "Agricultural Land Disclosure Statement" pursuant to Section 10A.13.040(C) of the Mendocino County Code. The disclosure statements are available at the Mendocino County Department of Planning and Building Services offices.
2. Prior to issuance of the building permit, the applicant shall submit an exterior lighting plan and design details or manufacturer's specifications for all the exterior lighting fixtures. Exterior lighting shall be kept to the minimum necessary for safety and security purposes and shall be downcast and shielded in compliance with Section 20.504.035 of the MCCZC.

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

4b. CASE#: CDUM 21-2005/2011

DATE FILED: 5/23/2011

OWNER: BERIT CATTOLICO

APPLICANT: STATE CALI GENERAL SERVICES, CHP

REQUEST: Coastal Development Use Permit Modification to add two (2) antennas to an existing 140-foot lattice communication tower and placement of radio equipment within an existing equipment cabinet located near the tower base.

LOCATION: Within the Coastal Zone, 3± miles southeast of Point Arena on the west side of Ten Mile Road (CR# 506), 1± mile south of its intersection with Eureka Hill Road (CR# 505), located at 25470 Ten Mile Road; APN# 027-306-13.

PROJECT COORDINATOR: DUSTY DULEY

Upon motion by Commissioner Hall, seconded by Commissioner Ogle and carried by the following voice vote (5-0), IT IS ORDERED:

Environmental Findings: The Planning Commission finds that the project is Categorically Exempt from CEQA, class 1b.

General Plan Consistency Finding: As discussed under pertinent sections of the staff report, the proposed project is consistent with applicable goals and policies of the General Plan and Coastal Element as subject to the conditions being recommended by staff.

Project Findings: The Planning Commission approves #CDUM 21-2005/2011 with the conditions of approval recommended by staff further finding:

1. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.
2. That the proposed use will not constitute a nuisance or be 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.
3. That such use preserves the integrity of the zoning district.
4. The proposed development is in conformity with the certified local coastal program.
5. The proposed development will be provided with adequate utilities, access roads, drainage and other necessary facilities.
6. The proposed development is consistent with the purpose and intent of the zoning district applicable to the property, as well as the provisions of this Division and preserves the integrity of the zoning district.
7. The proposed development will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.
8. The proposed development will not have any adverse impacts on any known archaeological or pale ontological resource.
9. Other public services, including but not limited to, solid waste and public roadway capacity have been considered and are adequate to serve the proposed development.

RECOMMENDED CONDITIONS:

1. Exterior light fixtures shall be designed or located so that only reflected, non-glaring light is visible from beyond the immediate vicinity of the site, and shall be turned off except when in use by facility personnel
2. Prior to development of the site the applicant shall provide to the Department of Planning and Building Services, an assessment prepared by a registered civil engineer of the condition of the existing private road, serving the site to provide baseline data on the condition of the road. The assessment may include photos or video but shall include a written narrative to document the road's current status. Promptly after the installation of the new antennas and/or support facilities, the applicant shall repair the existing private access road, from the public road to the beginning of the private driveway serving the subject parcel, to a minimum level of that which exists today.
3. Existing trees and other vegetation, which will provide screening for the proposed facility and associated access roads, shall be protected from damage. No trees that provide visual screening of the communications facility shall be removed after project completion except to comply with fire safety regulations or to eliminate safety hazards. Tree trimming shall be limited to the minimum necessary for operation of the facility.
4. If use of any portion of the proposed facility subject to this permit is discontinued for more than one year, all parts of the facility not in use, above grade, shall be completely removed from the site.

5. Prior to issuance of a building permit, the applicant shall provide an irrevocable letter of credit, bond, certificate of deposit, or other reasonable form of security satisfactory to County Counsel, sufficient to fund the removal of the applicant's equipment in the event that the applicant abandons operations or fails to comply with requirements to remove all their equipment. The expiration date of the bond can not be less than ten (10) years from the date of its execution and shall be concurrent with the facility's existence.
6. Exterior surfaces of antennas shall have subdued colors and non-reflective materials selected to blend with their surroundings.
7. In the event that archaeological resources are encountered on the site, further disturbance in the immediate vicinity of the find shall be halted until all requirements of Chapter 22.12 of the Mendocino County Code relating to archaeological discoveries have been satisfied.
8. By commencing work allowed by this permit, the applicant agrees to negotiate in good faith with third parties requesting shared use of the site. If requested, public agencies shall be permitted to co-locate their facilities.
9. Prior to the final inspection by the Building Division of the Department of Planning and Building Services, an identification sign for each company responsible for operation and maintenance of facilities at the site, no larger than one square foot, shall be mounted on an exterior wall in a location visible when approached from the street, and shall provide the name, address, and emergency telephone number of the responsible companies. The address assigned to the site by the Planning and Building Services Department shall be posted.
10. The antennas shall be inspected every ten years, and following significant storm or seismic events, by a structural engineer licensed in the State of California to assess their structural integrity, and a report of the engineer's findings shall be submitted to the Planning and Building Services Department.
11. Prior to commencement of operations, all surplus construction materials and debris, including cleared vegetation, shall be removed from the site to a proper disposal facility. Thereafter the site shall be kept free of refuse.
12. One or more warning signs consistent with FCC and ANSI regulations shall be displayed in close proximity to the antenna tower.
13. The applicant shall contact the Division of Environmental Health as to the need to complete a Hazardous Materials Business Management Plan.
14. The use and occupancy of the premises shall be established and maintained in conformance with the provisions of Title 20 of the Mendocino County Code unless modified by conditions of the use permit.
15. The application along with supplemental exhibits and related material shall be considered elements of this entitlement and compliance therewith shall be mandatory, unless the Planning Commission has approved a modification.
16. This permit is subject to the securing of all necessary permits for the proposed development and eventual use from County, State and Federal agencies having jurisdiction. Any requirements imposed by an agency having jurisdiction shall be considered a condition of this permit.
17. This permit shall be subject to revocation or modification by the Planning Commission upon a finding of any one or more of the following grounds:
 - a. That the permit was obtained or extended by fraud.

- b. That one or more of the conditions upon which the permit was granted have been violated.
- c. That the use for which the permit was granted is conducted in a manner detrimental to the public health, welfare or safety, or is a nuisance.

Any revocation shall proceed as specified in Title 20 of the Mendocino County Code.

- 18. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit boundaries. Should, at any time, a legal determination be made that the number, size or shape of parcels within the permit boundaries are different than that which is legally required by this permit, this permit shall become null and void.
- 19. This permit is issued for a period of ten years, and shall expire on August 20, 2019. The applicant has the sole responsibility for renewing this permit before the expiration date. The county will not provide a notice prior to the expiration date. Previous Use Permit entitlements #CDU 21-2005, #CDUM 21-2005/2008, and #CDUM 21-2005/2009 expiration dates shall be extended to August 18, 2021.
- 20. This permit shall become effective after all applicable appeal periods have expired or appeal processes have been exhausted. Failure of the applicant to make use of this permit within two years shall result in the automatic expiration of this permit.

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

5. **Regular Calendar.**

5a. **CASE#: OA 2-2011**

OWNER: VARIOUS

APPLICANT: DEPARTMENT OF PLANNING AND BUILDING SERVICES

REQUEST: Amend the Mendocino County Zoning Code to add the Mixed-Use District as Chapter 20.086, Division I, Title 20 of the Mendocino County Code.

LOCATION: All unincorporated areas within Mendocino County excluding the Coastal Zone.

PROJECT COORDINATOR: ROGER MOBLEY

Roger Mobley, Project Coordinator reviewed the staff report and discussed the Draft Mixed Use Ordinance and noted it was an implementation measure from the General Plan, Housing Element and UVAP. Mr. Mobley discussed the specific mixed use designations and noted the purpose of the meeting was to review the ordinance, discuss and clarify the information and take public comment. He noted the purpose of the ordinance was to create consistency with the General Plan and zoning and to satisfy the Housing settlement agreement, which included specific areas that were to be rezoned with the UVAP adoption. He continued and discussed the Intent of ordinance to create a means to reduce sprawl, allow compact development, and provide for mixed uses in the village core and transportation areas with higher intensity uses that encourage pedestrian interaction. He noted staff had used the master plan approach to integrate uses and to allow for a means to review and approve projects with greater creativity and flexibility in design. He noted the three variations of the ordinance, which had been modeled after the adopted land use designations in the UVAP and continued discussing specific features of the ordinance including the ability to modify standards, flexibility of design, unlisted uses, provision for single development, design requirement for public access, ability to reduce parking, landscape requirement, building and architectural guidelines, etc.

Commissioner Warner asked if the ordinance had been modeled after the City of Ukiah's Ordinance.

Mr. Mobley noted the ordinance had not been specifically modeled after any one ordinance, but felt the City was the best local example.

Commissioner Warner asked why development was limited to 3 stories.

Mr. Mobley noted the Commission could allow for more stories if they wished.

Commissioner Warner noted she would prefer more stories and asked the Commission's opinion. She also thought there should be an inclusion of public restrooms since the public was being encouraged to walk or bicycle instead of using cars and be outdoors more.

Mr. Mobley noted ordinances did not typically cover public restrooms because the developments would be privately funded and noted that typically parks or assemblies would provide bathrooms. He thought it was an interesting point and felt there could be some density criteria to accommodate the revision.

Commissioner Warner noted the preference to flat rooflines and asked if that could be problematic.

Mr. Mobley felt that rooflines were related to sections of commercial street frontage, but stated there did not need to be a preference.

Commissioner Ogle asked staff to clarify the last paragraph on page 2 stating that, "no one principally permitted use shall occupy more than sixty (60) percent of the total area subject to a Comprehensive Plan approval, and in no case more than sixty (60) percent of the total property area."

Mr. Mobley discussed the difference between uses and area covered by development, stating the purpose was to insure that in the mixed use zoning, a single use could not occupy 90% of a site. He commented there should be a balance between the uses, without any one dominant use, but noted he could understand the confusion and would clarify in the document.

Commissioner Ogle also felt the last paragraph on page PC 2 was confusing with the minimum lot size of 40,000 square feet and allowing single uses.

Mr. Mobley commented that mixed use developments usually work better on larger parcels and felt some smaller parcels could be used for single uses.

Commissioner Holtkamp noted smaller lots could be used for business below and dwellings above to maintain the mixed use.

Commissioner Hall noted that if there was a concentration of small lots in an area in order to provide for mixed use, single family residences would have to be discouraged.

Mr. Mobley noted that with the adoption of the UVAP, some small parcels were zone MU, which in hindsight, should have been zoned differently for an integrated design.

Commissioner Ogle noted there was little difference between the three mixed use classifications and asked if they could be combined into one MU General for simplicity.

Mr. Mobley thought the classifications could be combined and noted they had been prepared separately to coincide with the land use designations adopted in the UVAP.

The Commission agreed it would be simpler to have a single mixed use classification that allowed for the variations present in MU Brush Street, MU North State and MU General.

Commissioner Ogle noted that MU development must be located in either a water or sewer district, but not both and asked if that should be changed to make development feasible.

Mr. Mobley noted the wording was specifically copied from the 2009 General Plan and noted it would be up to the developer to solve any infrastructure issues, however there would be flexibility in design such as shared septic or treatment plants.

Commissioner Ogle commented on page PC 4 that public schools were permitted, however private schools required a use permit. She also commented on hospitals and nursing homes.

Mr. Mobley noted the County did not have control over public schools.

Mr. Gonzalez noted that the County could not regulate care homes with six or fewer patients, similar to the State regulations of public schools.

Mr. Mobley noted that hospitals could be pulled out separately as a more intensive use.

Commissioner Calvert thought the impacts would be similar and felt that either both should require a use permit, or both should be permitted uses.

Commissioner Warner noted that wineries were a permitted use in all areas.

Mr. Mobley noted wineries have the potential to produce other uses such as tasting rooms or restaurants and felt that the use would be allowable as long as the scale was appropriate.

Mr. Gonzalez commented that the focus was agritourism and "pocket wineries" or tasting facilities could be developed in a mixed use zoning.

Chairman Nelson asked staff to explain Floor Area Ratio (FAR) for calculations of space used in the mixed use district.

Mr. Mobley stated that FAR was a measure used to control intensity of development for non-residential constructions. He stated the calculation was based on floor area square footage of a building as a ratio to the square footage of a parcel.

Commissioner Calvert thought the principal should be further elaborated in the Ordinance to clearly state how FAR applied to development.

Commissioner Ogle discussed onsite tree preservation on page PC 12, # 6b and c and asked if there was a difference in tree removal on options B and C.

Mr. Mobley noted there was a difference, however option B could be removed for simplification.

Chairman Nelson noted the term "comprehensive plan" could be expanded in 6c for clarification. He also noted a concern from the public that a comprehensive plan could take a long time to review and would hold up development.

Mr. Mobley noted that site specific development was a single approval process and should not take an extended length of time.

Mr. Gonzalez commented that the idea behind the comprehensive plan was to layout what the applicant proposed to do on a property to prevent "hodge podge" development and allow for a single Planning Commission review for approval. He noted any changes after approval could be completed administratively by the Director to reduce time for the applicant; otherwise the application would have to be sent back to the Planning Commission for changes, which could lead to delay.

Commissioner Ogle asked why wood fences were prohibited on page PC 15, 13c.

Mr. Mobley noted the type of fence could be discussed during the review process and did not need to be prohibited in the Ordinance.

Commissioner Ogle discussed the allowable height of a structure on page PC 15.

Mr. Mobley stated that "stories" had not been added to allow for flexibility in design.

Commissioner Holtkamp noted there was a height restriction with the airport zone.

Chairman Nelson agreed he would prefer taller buildings.

Commissioner Warner was concerned with fire protection.

Chairman Nelson felt any issues with fire protection etc, would be reviewed and corrected with the comprehensive plan.

Commissioner Hall noted he was in favor of taller buildings.

[Break 10:10 AM -10:19 AM]

Mr. Mobley asked if the Commission would agree to combine # 2 a, b, c into one sentence with 60 feet as the total building height.

The Commission agreed to combine #2 a, b, c into one with 60 feet as the total height.

Commissioner Ogle discussed signs on page PC 18 and noted that sandwich boards and a-frame signs were not addressed.

Commissioner Holtkamp agreed and noted that signs could be an encroachment on the sidewalk if everyone put one out at the same time.

Commissioner Hall noted sandwich boards could also cause problems with parking, pedestrians and bus stops when placed near roadways.

Mr. Mobley noted he would add locational criteria to the section on signs.

Commissioner Ogle discussed window mount air conditioners on page PC 19 and noted that exterior fans in outdoor seating areas under an awning were not bad.

Commissioner Calvert suggested changing the sentence to "may".

Commissioner Holtkamp agreed that cooling misters under a patio were also fine, but the hotels with window air conditioners sticking out of every window were not attractive.

Commissioner Ogle suggested changing "shall" to "may" regarding window air conditions and asked if the sale of goods on the sidewalk should include locally produced products, such as flowers, lotions, soaps, etc.

Commissioner Warner noted the issue in the Town of Mendocino with T-shirts.

Chairman Nelson asked if a permit was needed for a sidewalk sale.

Mr. Gonzalez noted a permit was not necessary in the County, however an encroachment permit may be necessary in the right of way.

Mr. Mobley suggested that the temporary event processes in the land use code could cover the need for a permit and would not be specific to the mixed use zone.

Commissioner Ogle discussed the limitations to banners for events.

Chairman Nelson suggested changing the numbers to 5 events for 15 days.

The Commission agreed to change the number to 5 events for a maximum of 15 days.

Commissioner Ogle asked about holiday decorations on the same page.

Mr. Mobley suggested changing the sentence to traditional holiday decorations.

The public hearing was declared open.

Jack Cox stated he was a co-owner in the Brush Street Triangle and was concerned that an industrial project would be denied with the zoning change to mixed use.

Mr. Mobley noted the property was currently zoned industrial and a project could be submitted until the rezoning had been completed.

Mr. Cox felt it was impossible to master plan 90+/- acres and thought the Ordinance was impractical especially with multiple owners to accommodate.

Chairman Nelson corrected Mr. Cox and stated it was not the entire 90+/- acres that would need a master plan, only each individual legal parcel.

Commissioner Ogle asked if Mr. Cox had any recommendations for the Ordinance and how many parcels made up the Triangle.

Mr. Cox did not have any suggestions and thought there were approximately 5 parcels in the Triangle.

Mr. Gonzalez reiterated that a master plan as needed for each parcel, not the entire Brush Street area at once.

Commissioner Warner asked Mr. Cox his opinion of the 5 story height limit.

Mr. Cox approved of the height limit and noted the area would be ideal for the new courthouse.

Dan Thomas was also concerned with the requirement for a comprehensive plan. He felt it was common sense to pre-design infrastructure, but thought it was impossible to predict what would be developed on a 20 acre parcel. He encouraged staff to discuss the annexation process with the City and felt it was reasonable to have a tax sharing agreement.

Commissioner Holtkamp noted she had "heard" about the annexation for years and stated that until that time, a plan had to be made for the area.

Commissioner Ogle asked if Mr. Thomas agreed with the rezoning to mixed use.

Mr. Thomas stated he was 100% for the rezoning.

John Mayfield partial owner with Jack Cox in the Brush Street Triangle, stated that creating a master plan 90 acres was an impossible task and no one could predict what would happen. He felt the Ordinance was similar to Windsor and Rohnert Park, and more relevant to big populations.

Commissioner Ogle asked if Mr. Mayfield had any recommendations.

Mr. Mayfield stated the Ordinance should be re-written with less requirements that were not spelled out so drastically.

Mr. Gonzalez again stated that the entire 90 acres did not need a master plan, only each individual ownership that was a legal parcel. He noted there was a process to modify the master plan so an applicant would not have to predict the future.

Chairman Nelson noted he was confused by the terms and asked if a master or comprehensive plan was needed.

Mr. Mobley stated the terms were interchangeable and could be either a master plan or comprehensive plan.

Commissioner Holtkamp commented that the property owners responsibility must be clear in the Ordinance.

Mr. Mobley commented that a conceptual plan approach may be more appropriate for the mixed use zone, which was a two step process that would allow more flexibility with a provision to modify the master plan.

Commissioner noted that an area would “evolve” as things were developed; one block will generate more development and asked what the County’s role in the development would be.

Mr. Mobley noted the County would not be involved in the development. A private developer would create a master plan, which was the framework for development review to make sure that the project fit in with the existing structures. He also noted that large developments could be completed in phases and not all at once.

Mr. Cox stated the assisted living complex he had envisioned on one parcel would not be allowed in the MU district because it would encompass the entire parcel.

Commissioner Ogle asked if the Ordinance could be changed to state one or more uses, as an option.

Mr. Mobley stated the Commission could change anything that was proposed.

Commissioner Holtkamp agreed and thought development should not be prohibited because it would take one entire parcel.

Mr. Mobley noted the purpose of mixed use was to allow for higher density development that was mixed and integrated by design.

Mr. Gonzalez agreed that the market would dictate development, but noted the comprehensive plan or conceptual plan was the checks and balances for the County to make sure the plan fits together. He stated there was not an established time frame for the City annexation, and the zoning classification was needed now.

Chairman Nelson asked if a conceptual plan would allow for proposed development, but could accommodate adjustments so that there was no absolute handicap on a property owner.

Mr. Gonzalez agreed with the Chairman.

Commissioner Hall noted that the County was compelled to create housing also due to the Housing Settlement.

Mr. Mobley stated the County would not develop housing, but place the zoning on the property to allow densities for housing groups to develop housing.

Mr. Cox stated from his reading of the Ordinance, he never understood that there would be two uses on every property. He envisioned clusters of multifamily units in walking distance to commercial uses, etc. and thought it was complicated having to develop 2 different things at once.

The public hearing was declared closed.

Commissioner Ogle suggested staff modify the Ordinance to create only the Mixed Use General classification by combining and integrating the differences, making the document less specific.

Chairman Nelson asked if the item could be continued to a later date and asked staff to meet with some property owners.

Mr. Mobley asked the Commission for clarification on 2 or more, or 1 or more uses in the Ordinance and if Conceptual Plan was how the Commission would like to proceed.

The Commission agreed they preferred the Conceptual Plan approach, but were concerned that reducing the uses to 1 or more would defeat the purpose of mixed use.

Terry Gross, Deputy County Counsel, discussed the definition of mixed use in the Housing Settlement agreement and stated the County had a commitment to rezone parcels, which might limit what could be changed in the definition. Ms. Gross stated she would contact Lisa Hillegas to discuss the term before the next meeting.

Chairman Nelson suggested leaving the 2 or more uses, but creating a variance process for an applicant to request a single use if it will have greater benefit.

Mr. Mobley thought a compromise could be made so that projects with specific community benefits could be granted an exception.

Commissioner Holtkamp added that paving standards and water recharge should be considered.

Upon motion by Commissioner Hall, seconded by Commissioner Holtkamp and carried by the following voice vote (6-0), IT IS ORDERED to continue OA 2-2011 to the September 15, 2011 Planning Commission hearing.

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

6. Matters from Staff.

There were no matters from staff.

7. Matters from Commission.

Commissioner Ogle asked about the status of the Abernathy property and if any more clean-up was anticipated.

Mr. Gonzalez noted the clean-up had been completed and any debris left on the site was allowable by County Ordinance and commented that the department would be observing the property for continued compliance.

8. Approval of Minutes.

Commissioner Warner, Commissioner Calvert and Commissioner Ogle submitted corrections to the minutes.

Upon motion by Commissioner Holtkamp, seconded by Commissioner Hall and carried by a voice vote of (5-0) with Commissioner Warner abstaining, the July 21, 2011 Planning Commission Minutes are approved.

9. Matters from Public.

No one was present from the public who indicated a desire to address the Commission.

10. Adjournment.

Upon motion by Commissioner Hall, seconded by Commissioner Calvert, and unanimously carried (6-0), IT IS ORDERED that the Planning Commission hearing adjourn at 12:15 p.m.