



MENDOCINO COUNTY PLANNING COMMISSION

MINUTES FOR THE MEETING HELD ON: November 17, 2011

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

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

COMMISSIONERS ABSENT: None

PLANNING & BLDG SVC STAFF PRESENT: Ignacio Gonzalez, Director
Roger Mobley, Chief Planner
Fred Tarr, Planner II
John Speka, Planner II
Vale Wippert, Cartographer 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 9:01 a.m.

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 a permit application had been received to remodel the Raley's shopping center and he anticipated that sometime in the future a discussion would ensue regarding the Fjords sign. He noted that the Board of Supervisors had approved the grant to develop the Land Use Code and the grant would be managed by Health and Human Services Agencies. Mr. Gonzalez commented that the grant would be paid out over a three year period and he anticipated that it would take approximately 18 months to complete the update process. He noted there would be a minimum of four public outreach meetings beginning after the 1st of the year and asked if the Commission had any specific items they would like to discuss. He also noted that the department would be applying for further grant funding in 2012 to work on a Green House Gas study and Climate Action Plan that would be a county wide plan and include the Coastal Zone. He noted that if that funding was secured, it may be possible to acquire additional funding for a Local Coastal Plan Update. Last, Mr. Gonzalez discussed the first Mendocino Town Plan Update meeting, stating the process had commenced smoothly and was received well by the public. He noted there was information and photos on the department website for review.

On a different note, Mr. Gonzalez noted that Teresa Spade in the Fort Bragg office had accepted a job with the City of Fort Bragg and would be leaving Planning and Building. He also informed the Commission that he had resigned as Director and had accepted a job in Santa Clara County, but would be with Planning and Building until January 6, 2012.

Also, Mr. Gonzalez announced that after 32 years of County Service, Vale Wippert, would be retiring and offered the Commission a Resolution for adoption.

Chairman Nelson read the Resolution into the record as the Planning and Building Services Department entered the Board Chambers.

Upon motion by Commissioner Little, seconded by Commissioner Holtkamp and carried by a voice vote of (7-0), a Resolution honoring Vale Wippert for his 32 years of service to Mendocino County is adopted.

Each Commission member thanked Vale for his dedicated service to the County.

Mr. Gonzalez thanked the Commission and staff for their time and noted he would miss the county.

Commissioner Little noted that the Commission had accomplished a lot in the 3 years that Nash had been Director and noted that he had comments regarding the Wal-Mart and Costco EIR's. He asked if the County had made any formal comments on the EIR's, stating he had read the Wal-Mart EIR online.

Mr. Gonzalez stated he did not think the County had submitted any comments and stated he was in the process of reviewing the Courthouse EIR. He felt the City's documents were falling through the cracks because they usually send out electronic notifications without a copy of the document.

Commissioner Little felt the County should be provided with such regional documents, especially since they impact the County as whole. He commented that there was no reference to the UVAP in the Wal-Mart EIR or any of the studies that had been completed for the UVAP. He read a section of the Fiscal Economic Impact Analysis from the preparation of the UVAP, which indicated that the area affected would be from Willits through Hopland and stated he was surprised that the Wal-Mart EIR only discussed a small impact area surrounding Ukiah. He was also concerned with the traffic assessment, stating only the Talmage Road and Airport Park Blvd. intersections were discussed. He stated the total potential traffic impact should be assessed in the EIR with improvements and mitigation measures, because the impacts will stretch beyond the immediate intersection. Commissioner Little also discussed the proposed traffic improvement fees from the UVAP, noting the City had pushed to have the UVAP completed, but failed to reference the document or any of the studies used to produce the document. He understood that the Wal-Mart EIR was completed, but stated the County should make a considerable effort to review the Costco EIR and provide comments on the process.

Mr. Mobley stated the City was having a scoping session for the Costco EIR on Monday, November 21st and he planned to attend.

Commissioner Little stated, that at a minimum, the EIR should reference the UVAP, recommendations and studies done in UVAP.

Mr. Gonzalez commented that the Courthouse did not mention the UVAP either.

Chairman Nelson asked if the County had requested a hard copy of the document to review.

Mr. Gonzalez noted he would try and get copies for the Planning Commission also.

Commissioner Little commented that it appeared the City of Ukiah expected the County to carry the burdens of development and was disturbed by their lack of communication with the County.

4. **Regular Calendar.**

4a. **CASE#: OA 2-2011 (Continued from 10/20/2011)**

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, noted staff was requesting to continue the discussion to the January 19th meeting in order to finish meeting with the various landowners in the Brush Street Triangle. He noted that several meetings and discussions had been conducted and potential revisions to the ordinance were underway. He hoped that after a couple more meetings, everything would be ironed out and ready for adoption.

Commissioner Little asked if any other property owners had been included in the discussion besides the Brush Street Triangle owners.

Mr. Mobley noted that only the Brush Street owners had expressed interest in working with the County. He noted a general notice was sent to the newspapers, but it was not specific to owners of the mixed use parcels. He noted a specific notice could be sent to the property owners before the January meeting.

Commissioner Calvert agreed that a special notice should be sent to the property owners prior to the January meeting.

Commissioner Little asked when the Harris Quarry EIR would be back before the Commission, hoping that it would not be on the same agenda as the Mixed Use Ordinance, since both had the potential to be controversial.

Mr. Gonzalez noted the final EIR should be to the department before the end of the year, but he was not sure what agenda the item would be on yet.

Upon motion by Commissioner Holtkamp, seconded by Commissioner Ogle and carried by the following voice vote (7-0), IT IS ORDERED to continue OA 2-2011 to the January 19, 2012 Planning Commission meeting.

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

4b. CASE#: R 6-2011

DATE FILED: 8/8/2011

OWNER/ APPLICANT: JAMES ROBERTS

REQUEST: Rezone a 2+/- acre parcel from I-1 (Limited Industrial) to C-2 (General Commercial).

LOCATION: Approximately 1.5+/- miles southeast of Philo, lying on the south side of Highway 128, approximately 500 feet south of its intersection with Indian Creek Road (CR# 129), located at 9000 Highway 128; AP# 046-080-14.

PROJECT COORDINATOR: FRED TARR

Fred Tarr, Project Coordinator, reviewed the staff report and discussed the request to rezone a property in the Philo area from industrial to general commercial. He discussed the surrounding zoning and previous use permit on the property. He noted the property owner had proposed several new businesses on the property, which required a commercial zoning change or a use permit if it was to be permitted in limited industrial. Mr. Tarr noted that there was an excess of industrial zoned land in the area being underutilized and staff was comfortable rezoning the proposed parcel to commercial, stating it was not a major change. He added that some future uses or expansions would be subject to further environmental review if it was more intense than the current use and would also be reevaluated by Environmental Health and Building Services prior to issuance of building permits.

Commissioner Hall asked if Caltrans had submitted a response regarding traffic with the proximity of 4 tasting rooms and various wineries in the vicinity.

Mr. Tarr stated Caltrans had not commented on the rezone, but had responded in 2009 to the Use Permit, requesting adequate encroachment for development

Commissioner Hall discussed policy CPAV1, from the General Plan and asked if the proposed development was in conformance with the intent of development near the four towns.

Mr. Tarr did not think the rezone would compromise the policy since the development was pre-existing and only the zoning was recommended for change at this point.

Commissioner Hall commented that he understood the intent that the rezoning would not make any visible changes, and was not strip development, but he asked what was gained from the rezoning.

Mr. Tarr stated that the commercial zone opened up several retail uses, but the main change was that inns/lodging were allowed without a use permit.

Mr. Gonzalez noted that if a use was requested outside of the designated zoning, a use permit would be required, which would allow for further environmental review, etc. such as parking and access requirements.

Commissioner Ogle also commented on the vagueness of Goal CPAV1 and what the definition of the "four towns " was.

Chairman Nelson agreed and noted that at some point there may need to be a discussion to fine tune "vicinity of town" in the policy.

Mr. Tarr noted that the General Plan designation of Rural Community (RC) indicated that the subject property was in the vicinity of the town of Philo.

James Roberts, owner, commented that he had owned the property for 25 years and the original industrial zoning made sense at that time. In order to maintain his livelihood, however, he needed more flexibility with regards to retail business and a commercial zoning seemed to be a more logical zoning.

Commissioner Warner asked if Mr. Roberts planned to hold any special events.

Mr. Roberts noted he had held one small event during the past year, but the Golden Eye Winery generally held the larger events and would arrange with Caltrans traffic mitigations and parking for attendees. He stated it was not his intent to do special events.

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

Commissioner Calvert discussed page PC 2, noting a use permit for an inn/guest rooms and asked the location of the parcel.

Mr. Tarr noted the property was behind the subject parcel and had only developed 5 of the 15 units which were permitted under the approved use permit.

Commissioner Warner commented that it was important to be mindful of compliance with the General Plan, but in this case, she felt comfortable that the rezoning would not promote sprawl.

The Commission further discussed the surrounding zoning, definition of "vicinity of town" and noted that Caltrans was responsible for maintaining the highway.

Upon motion by Commissioner Hall, seconded by Commissioner Warner and carried by the following roll call vote (7-0), IT IS ORDERED to recommend approval of R 6-2011 to the Board of Supervisors, noting the language should be modified as stated, making the following findings versus conditions of approval.

RECOMMENDED MOTION FOR THE PLANNING COMMISSION: The Planning Commission recommends that the Board of Supervisors adopt a Negative Declaration and approve Rezone #R 6-2011 making the following findings ~~and subject to the following conditions of approval:~~

Environmental Findings: No significant adverse environmental impacts will result from the proposed rezoning; therefore, a Negative Declaration may be adopted.

General Plan Consistency Finding: The proposed rezoning is consistent with the applicable goals and policies of the General Plan.

Fish and Game Finding: The Planning Commission has evaluated the Initial Study and other information pertinent to the potential environmental impacts of this project and finds that, based upon the existing use of the project site and the possibility of future commercial development on the property; 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 \$2094.00 (or the current fee in effect at the time of approval) shall be made payable to the Mendocino County Clerk and submitted to the Department of Planning and Building Services within 10-days after approval by the Board of Supervisors. 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 approved entitlement becoming null and void. **The applicant has the sole responsibility to insure timely compliance with this condition.**

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

[Break 10:19 AM – 10:29 AM]

4c. CASE#: MS 12-2010

DATE FILED: 9/15/2010

OWNER/APPLICANT: JOHN THOMAS O'CONNOR

AGENT: RAU & ASSOCIATES- JAVIER RAU

REQUEST: Minor Subdivision of a 320.9+/- acre parcel to create 2 parcels of approximately 160.3+/- acres and 160.6+/- acres.

LOCATION: Approximately 3.5 miles northeast of Boonville, lying on the north side of State Highway 253, approximately 3.25 miles from its intersection with State Highway 128, located at 13010 Boonville Road; AP#'s 046-250-91 and 046-250-92.

PROJECT COORDINATOR: JOHN SPEKA

John Speka, Project Coordinator, reviewed the staff report and discussed the request, location and minimal improvements including a single family residence on proposed Parcel 2, barn and ponds; noting proposed Parcel 1 was vacant. He discussed the potential impacts, which he stated should be minimum given the larger parcel size and noted that no rare species had been discovered. He stated the property was in an Ag Preserve Contract and the standard rescind/reenter condition had been applied to ensure that each newly created parcel would have its own contract. Last, he discussed the revised map that had been distributed to the Commission, noting the driveway access would now be completely contained on a single parcel instead of crossing over both parcels. He also noted several conditions that could be deleted after a discussion with the Department of Transportation, noting Condition #13 and #9 could be deleted and #1g should be modified per the memo.

George Rau, agent for applicant, stated he was satisfied with the recommended conditions and current changes and noted he had discussed Condition #19 with Environmental Health and they felt that condition could also be deleted because a mineral analysis was not required for parcels larger than 160 acres.

Darla Pimlott, Environmental Health, nodded agreement that the condition could be deleted.

The Commission further discussed the location of the parcels for clarity.

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

Mr. Speka noted staff also agreed that Condition #19 could be deleted.

Upon motion by Commissioner Hall, seconded by Commissioner Warner and carried by the following roll call vote (7-0), IT IS ORDERED to approve MS 12-2010 per the findings and conditions of approval contained on pages PC 4 through PC 7, deleting Conditions # 9, #13, #19, and modifying Condition #1g per the memo submitted by the Department of Transportation to eliminate the grading exemptions.

RECOMMENDED MOTION FOR THE PLANNING COMMISSION: The Planning Commission approves Minor Subdivision #MS 12-2010 making the following findings and subject to the following conditions of approval:

Environmental Findings: No significant adverse environmental impacts will result from the proposed project that cannot be adequately mitigated through the Conditions of Approval. Therefore, a Negative Declaration may be adopted.

Agricultural Preserve Findings: Each of the parcels resulting from the approved subdivision meets the minimum eligibility qualifications for agricultural preserve status.

General Plan Consistency Finding: The proposed project is consistent with the applicable goals and policies of the General Plan.

Project Findings: The Planning Commission, making the environmental and General Plan findings above, approves #MS 12-2010, 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.

RECOMMENDED CONDITIONS OF APPROVAL: For a Minor Subdivision, which has been approved according to the Mendocino County Code, the following "Conditions of Approval" shall be completed prior to filing a Parcel Map.

- ** 1. The subdivider shall acknowledge in writing to the Department of Planning and Building Services that all grading activities and site preparation, at a minimum, shall adhere to the following "Best Management Practices (BMPs)." 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 control measures shall be in place at the end of each day's work, and shall be 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 1st.
 - f. All earth-moving activities shall be conducted between May 15th and October 15th of any given calendar year.

- 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 (1,524 mm) in height and steeper than 1 unit vertical in 1.5 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 m³) on any one lot and does not obstruct a drainage.~~
- ** 2. 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 above."
- ** 3. All grading activities must comply with District Regulation 1 Rule 430 regarding fugitive dust emissions.
- ** 4. All roads shall be covered with an impermeable sealant or rocked at a bare minimum. Any rock material used for surfacing, including rock from onsite sources, must comply with Regulations regarding asbestos content.
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.
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 \$2,094.00 shall be made payable to the Mendocino County Clerk and submitted to the Department of Planning and Building Services prior to December 2, 2011. 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 project is approved) or returned to the payer (if 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 ensure timely compliance with this condition.**
7. Pursuant to Mendocino County Code Chapter 10A.13 (Nuisance and Consumer Disclosure), a notation shall appear on the Parcel Map that the property is adjacent to or within 300 feet of an Agricultural Preserve or Timber Production Zoning and may be subject to inconvenience or discomfort arising from practices which occasionally generate dust, noise, smoke, and odors.
8. The subdivider shall have the existing Agricultural Preserve Contract #79 rescinded and simultaneously reentered into new and separate contracts for each of the newly created parcels as well as the remaining property subject to the contract, enforceably restricting the same acreage for an initial term at least as long as the un-expired term of the contract being rescinded, but not less than 10 years, per California Government Code Section 51254.
- ~~** 9. There shall be provided an access easement of 40 feet in width (as per tentative map) from Highway 253 to each parcel being created. Documentation of access easements(s) shall be provided to the Mendocino County Department of Transportation for their review prior to final approval.~~
- ** 10. 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.

- ** 11. 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.
- ** 12. All natural drainage and water courses shall be considered as easements. Minimum width shall be twenty (20) feet, or to the high water level plus five (5) feet horizontal distance, whichever is greater. If a Parcel Map is filed, such easements shall be shown on the final parcel map. (All parcels 5 acres and less.)
- ~~** 13. Construct a ten (10) foot wide all-weather driveway from the existing driveway approach on Parcel 1 to the existing roadway near the easterly property line (approximately 1200 lineal feet as per tentative map), including a four (4) inch minimum rock base, fifty (50) foot minimum radius of horizontal curvature, grade not to exceed sixteen (16) percent, and drainage culverts where necessary. New or replaced culverts shall be a minimum 18 inches in diameter. Road improvements shall be constructed in accordance with improvement plans prepared by a Civil Engineer and approved by the Mendocino County Department of Transportation.~~
- ** 14. Improve the existing driveway approaches at State Highway 253 (if required by CalTrans) in accordance with encroachment permit procedures administered by the California Department of Transportation. New or replaced culverts shall be a minimum of 18 inches in diameter. Written verification shall be submitted from Caltrans to the Department of Planning and Building Services that this condition has been met to the satisfaction of that agency.
- ** 15. The subdivider shall comply with those recommendations in the California Department of Forestry (Cal Fire) letters of September 23, 2010 (CDF# 294-10) or other alternatives as acceptable to the Department of Forestry. Written verification shall be submitted from the Department of Forestry to the Department of Planning and Building Services that this condition has been met to the satisfaction of the Department of Forestry.
- ** 16. The subdivider shall comply with those recommendations of the Anderson Valley Community Services District or other alternatives as acceptable to the Fire District. Written verification shall be submitted from the Fire District to the Department of Planning and Building Services that this condition has been met to the satisfaction of the Fire District.
- ** 17. The applicant shall submit to the Division of Environmental Health an acceptable site evaluation report (DEH FORM # 42.04) for Parcels 1 and 2 completed by a qualified individual demonstrating compliance with the North Coast Regional Water Quality Control Board's Basin Plan Policy for On-Site Waste Treatment and Disposal and Mendocino County Division of Environmental Health's Land Division Requirements (DEH FORM #26.09).
- ** 18. The applicant shall submit to the Division of Environmental Health an acceptable site evaluation report (DEH FORM # 42.04) for a replacement system for the existing structure located on Parcel 2 completed by a qualified individual demonstrating compliance with the North Coast Regional Water Quality Control Board's Basin Plan Policy for On-Site Waste Treatment and Disposal and Mendocino County Division of Environmental Health's Land Division Requirements (DEH FORM #26.09).
- ~~** 19. The applicant shall submit to the Division of Environmental Health an acceptable standard mineral analysis performed by a certified public health laboratory from a source of water on the subdivision.~~
- ** 20. A note shall appear on the Parcel Map that in the event that archaeological resources are encountered during development of the property, work 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.
21. Verification shall be submitted by a licensed civil engineer or surveyor that each parcel created is a minimum of 160 acres.
22. Pursuant to Government Code Section 66492 & 66493, prior to the 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.

ALL CONDITIONS OF APPROVAL MUST BE MET PRIOR TO EXPIRATION OF TWENTY-FOUR (24) MONTHS FROM DATE OF APPROVAL, UNLESS RENEWED PURSUANT TO THE MENDOCINO COUNTY CODE.

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

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

4d. CASE#: U 15-92

DATE FILED: May 7, 1992

OWNER/ APPLICANT: LAYTONVILLE ROCK- TAYLOR WHITLEY

REQUEST: REVOCAION OF A USE PERMIT AND RECLAMATION PLAN to allow extraction and processing (crushing/screening) of up to 325,000 cubic yards of rock over a 20 year period, with an annual average of 15,000 to 20,000 cubic yards per year from a hillside quarry. Revocation is being considered due to the projects non-compliance with financial assurance requirements of the State's Surface Mining and Reclamation Act, Article 5, Section 2773.1 and the County's Surface Mining Ordinance, Chapter 22.16, Section 22.16.120.

LOCATION: 0.75± mile east of Central Laytonville, lying adjacent to the northeast side of Laytonville-Dos Rios Road (CR# 322); AP# 035-460-06& -02.

PROJECT COORDINATOR: JOHN SPEKA

Commissioner Little noted he was an acquaintance of the owners of quarry, but he did not feel there would be a conflict and could review the items impartially.

John Speka, Project Coordinator, reviewed the previous hearings and noted the purpose of the current hearing, to revoke the use permit if the financial assurance had not been provided. He noted the owner had provided some documentation that an increased certificate of deposit (CD) was on hold at the bank and had been tentatively approved at Planning and Building, but had a mandatory 45 day review period at the Department of Conservation before becoming final.

The Commission discussed the types of financial assurance available and asked if staff was comfortable with the chosen mechanism.

Mr. Speka noted he was comfortable with the CD and asked the Commission to continue the item to the next meeting for an update.

Upon motion by Commissioner Little, seconded by Commissioner Holtkamp and carried by the following roll call vote (7-0), IT IS ORDERED to continue U 15-92 to the January 19, 2012 Planning Commission Meeting.

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

5. Matters from Staff.

Mr. Mobley noted staff would begin working on the Land Use Code update and asked that the Commissioners submit any comments they would like investigated in the next 30 to 60 days.

Chairman Nelson asked if Ag Preserve would be part of the code update.

Mr. Gonzalez noted that the Williamson Act was part of the State Law, but to a certain degree the County would review for consistency and include in the update.

Chairman Nelson commented that he would like to see horses included and also commented on the boundaries of rural towns.

Mr. Gonzalez agreed and noted that the buffer to resource land should be included in the discussion.

Commissioner Warner asked if the Land Use Code would involve any land use changes.

Mr. Gonzalez stated there would not be any land use changes.

Commissioner Calvert asked that no unnecessary pictures be added to the land use code for decoration because it makes access difficult for people with dial up internet access.

6. Matters from Commission.

Commissioner Little noted that the Board of Forestry had adopted new regulations implement the SRA fee with a maximum allowed fee \$150 per structure suitable for occupancy. He stated that a \$25 deduction would be assessed to those individual that lived in fire district and estimated that the fee would produce \$3.5 million, which was more than the combined budget for all the fire services in Mendocino County. He stated that a separate bill would be mailed out by the state at the beginning of next year.

Commissioner Ogle congratulated Mr. Gonzalez on his new job and thanked him for his years of service.

The Commission agreed and thanked Mr. Gonzalez for his time and noted all that had been accomplished in the past three years.

7. Approval of Minutes.

Commissioner Ogle, Calvert and Warner submitted corrections by email.

Upon motion by Commissioner Holtkamp, seconded by Commissioner Warner and carried by a voice vote of (7-0), the October 20, 2011 Planning Commission Minutes are approved as corrected.

8. Matters from Public.

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

9. Adjournment.

Upon motion by Commissioner Hall, seconded by Commissioner Warner, and unanimously carried (7-0), IT IS ORDERED that the Planning Commission hearing adjourn at 11:14 a.m.