



MENDOCINO COUNTY PLANNING COMMISSION

MINUTES FOR THE MEETING HELD ON: **December 1, 2016**

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

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

COMMISSIONERS ABSENT: None

PLANNING & BLDG SVC STAFF PRESENT: Steve Dunnicliff, Director
Mary Lynn Hunt, Senior Planner
Robert Dostalek, Planner III
Beth Burks, LACO Associates
Adrienne Thompson, Commission Services Supervisor

OTHER COUNTY DEPARTMENTS PRESENT: Matthew Kiedrowski, Deputy County Counsel
Chuck Morse, Agriculture Commissioner
Geoff Brunet, Department of Transportation
Marlayna Duley, Environmental Health

1. Roll Call.

The meeting was called to order at 1:00 PM.

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. Dunnicliff was available for questions.

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#: R_2015-0001 and U_2015-0008

DATE FILED: 3/20/2015

OWNER/APPLICANT: FAIZAN CORPORATION

REQUEST: Rezoning from Limited Industrial (I-1) to General Commercial (C-2) and Minor Use Permit to demolish the existing "Jensen's Truck Stop" structures and re-establish "Automotive and Equipment—Gasoline Sales" (commercial fueling station)

for large transport and passenger vehicles. The request also includes construction of two (2) new commercial office/retail buildings totaling 13,852± square feet and replacement of underground fuel tanks and distribution piping.

ENVIRONMENTAL DETERMINATION: Mitigated Negative Declaration

LOCATION: In Ukiah, just north of the Ukiah City limits, lying northwest of the intersection of Kuki Road (CR 250A) and Lovers Lane (CR 222) immediately west of its intersection with North State Street (CR 104). Located at 1460 Lovers Lane and 190 KUKI Lane, Ukiah; APNs 170-120-09 and 170-120-12.

STAFF PLANNER: ROBERT DOSTALEK

RECOMMENDED ACTION: Recommend approval to the Board.

Robert Dostalek, Staff Planner, reviewed the staff report and presented a power point of the project. He noted the proposed commercial, retail and office space was consistent with the Ukiah Valley Area Plan (UVAP) and General Plan and the current zoning was inconsistent and needed to be changed. He discussed the Community Design Guidelines that had been adopted for commercial uses in the Mixed Use General zoning (MU2) and noted the prominently visible parcel also provides the ability to modernize the street frontage to KUKI and Feedlot Lane. He discussed necessary traffic improvements and noted the comments received from Ukiah Valley Fire District (UVFD) to create a circulation from the project site to enter from Lovers Lane and exit from KUKI only. Mr. Dostalek commented that both UVFD and the Department of Transportation were available to comment on the conditions to change access, etc.; however no reduction in the level of service was expected. He noted a final site circulation plan would be submitted to the department for approval and the department was recommending the Board of Supervisors approve the project, as the approval of a Rezone was only a recommendation from the Planning Commission.

Commissioner Nelson noted there was logic in reversing the flow of traffic; however signage would be important to indicate the flow of traffic for vehicles not from the area or familiar with previous use of the road.

Geoff Brunet, Department of Transportation (DOT), stated there would be signage on site to direct vehicles and a generic gas station sign on North State to the site. He noted that DOT was supporting the UVFD on the flow of traffic.

Commissioner Ogle noted it might be easier to eliminate ingress from Lovers Lane all together and asked if the traffic issues were more DOT responsibility or the UVFD.

Mr. Brunet commented that he was not sure that changing traffic would make a difference; however DOT was working to incorporate findings from the traffic study completed by the applicant.

Kevin Jennings, UVFD, discussed the rate of travel on KUKI Lane and stated it would be easier to stack trucks emptying onto the roadway. He noted the concern was truck traffic impacting access to State Street in case of emergency and blocking the intersection. He also thought adding traffic signs would help manage the traffic.

Chair Warner asked if the future development had potential to include housing somewhere on the parcel.

Mr. Dostalek commented that the mixed use zoning was typically a mixture of developments, but he did not believe the applicant had envisioned residential use directly on this parcel. He noted that there was potential for contiguous parcels to provide some residential units.

Commissioner Ogle discussed a R3 zoned parcel that had been used as an auto dismantler on the corner of Lovers Lane with potential soil issues, and asked if it could be used for residences.

Ms. Hunt noted that at one time there had been an auto dismantler on the site, but she was unsure of the clean-up process. She noted the parcel was zoned for residential use.

Commissioner Ogle asked if the utilities would be required to match the existing utilities or could be put underground. She discussed Attachment O, the location of the dotted lines, and the description in the Negative Declaration, which should be changed from Vineyard View to Alexander Estates, and several other typos. She was unclear on the transportation and circulation section of the Resolution and asked for clarification.

Mr. Brunet noted the language reflected information from the traffic impact analysis, but could be cleaned up and made clearer.

Mr. Dostalek discussed the dotted line and thought it could be a private road, but was not sure.

Commissioner Nelson noted page 6 of the staff report said Loves lane instead of Lovers.

Mr. Brunet discussed Condition # 27 and suggested cleaning up the resolution by deleting the 2 lines after "truck plaza project" and beginning the next sentence with "Prior to issuance".

Commissioner Ogle asked if No Name/Millview Rd was a County road or a private road.

Mr. Brunet stated that No Name/Millview Road appeared on the County Road List; however Feedlot Lane appeared to be private. He noted that if Feedlot Lane were improved to County standards, it could be considered for inclusion into the road list by Board Resolution.

Commissioner Ogle discussed page 32 of the packet and asked what the sentence containing "but still owned by same entity" referenced.

Mr. Dostalek deferred to the applicant, and discussed Attachment N.

Brian Momsen, attorney for applicant, stated the entity was the Faizan Corporation, but that entity did not own the property to the north.

Commissioner Ogle commented that she was in favor of the project.

Ms. Hunt discussed the utilities from an earlier question and stated that Attachment F, item 3 noted that utilities would be underground and must meet standards. She also noted an additional memo that had been distributed.

Mr. Dostalek read Condition #24, from Environmental Health, into the record, which was discussed in the memo.

Mr. Momsen discussed the traffic flow and supported the fire departments suggestions. He noted the Faizan Corporation owned numerous establishments in the County in both Ukiah and Fort Bragg and were developing another site in Redwood Valley. He felt the project would be an integral part of the community, provide jobs and be an attractive gateway business in Mendocino County. He asked the Commission to delete Condition #13 and felt that the Community Design Guidelines should not apply to the development because the zoning was changed by the UVAP, not at the owner's request. He also felt Condition #28 should be deleted since most of the improvements would go beyond the immediate scope of work; if not deleted the condition should be modified to only include improvements to the footprint of the current project proposed.

Larry Mitchell, architect, discussed the transportation and circulation pattern. He stated the project was a needed improvement along the State Street corridor and was a clean project that would have solar panels on the rooftops and have tax benefit to the County.

The public hearing was declared open.

Tim Zimmerer, adjacent property owner, asked if the project would affect the zoning of his parcel.

Chair Warner noted the application would not affect his property.

Ms. Hunt also noted that Mr. Zimmerer had an existing legal nonconforming use that would be allowed to remain.

The public hearing was declared closed.

Commissioner Holtkamp reviewed the requested changes to the conditions and asked if Condition #32 would be deleted.

Mr. Dostalek noted he would defer to the recommendation of DOT for Condition #28; however Condition #13 related to the adopted Commercial Design Guidelines or Mixed Use development and he recommended keeping the condition to ensure that future development of the site remain consistent and compatible with the existing use. He commented that hours of operation would not apply to the gas station.

Mr. Momsen felt the Design Guidelines were confusing and commented that prior to the approval of the UVAP; the project could have been completed with a ministerial zoning review and building permit versus this new layer of regulation imposed by the rezoning.

Mr. Kiedrowski noted that regardless of the project, the General Plan and Land Use zoning were not in harmony on the parcel, and the rezone would need to be completed for compliance. He noted the goal was to utilize the attached Commercial Design Guidelines that the Commission and Board had worked to approve.

Chair Warner recalled the multiple meetings and discussion to approve the Design Guidelines and was hesitant to discard the condition.

Mr. Dostalek confirmed that hours of operation had been removed from the condition.

Commissioner Nelson was sympathetic to the property owner and asked if the condition was deleted, would any future development on the site be brought before the Commission.

Commissioner Holtkamp also asked if establishing a new use would come before the Commission.

Mr. Kiedrowski stated that if the condition was deleted, the Design Guidelines would not apply and the Commission would not see any future applications. Only the adherence of Condition #13 enforced the adopted Commercial Design Guidelines.

Commissioner Little discussed the possibility to expand a nonconforming use without using the adopted guidelines and if that would be an issue.

Mr. Dostalek noted the zoning would be I2 without the rezone.

Ms. Hunt noted the owner could expand a nonconforming use with a use permit, but the change may not be allowed. Also, if the intensity of the use was the same, no additional requirements may exist.

Mr. Dunncliff noted that the issue was the inconsistent zoning of the land use and General Plan, which had not been an oversight by the Board of Supervisors. He stated that, ultimately, the parcel was inconsistent and could be blocked from permitted development.

Commissioner Nelson asked DOT to comment on Condition #28.

Mr. Brunet noted that the owner could not place a specialty sign in the County right-of-way, but a generic gas station sign would be allowed. He suggested rewording Condition #28 to add "adjacent to future project phases" in the first line after "approaches"; this would allow the applicant to complete improvements as the parcel was developed, versus completing all road improvements ahead of the future use.

Ms. Hunt asked if the Commission would like to take a short break while staff prepared new language.

[Break 2:17 PM – 2:27 PM]

Mr. Kiedrowski read Condition #28 into the record: "Require planters, curb/gutter sidewalk and commercial road approaches onto the County Roads adjoining the project's frontage onto KUKI Lane

(CR 250A) and Lover's Lane (CR 222), designed to Mendocino County Road and Development Standards at the time of development. Require future planters, curb/gutter sidewalk and commercial road approaches onto KUKI Lane (CR 250A) and No-Name-Mill View Lane (CR 106) adjoining the parcel, designed to Mendocino County Road and Development Standards at the time of development, based on future specific site improvements and location of any connection to the County Road."

Chair Warner reviewed the edits for discussion amongst the Commissions related to Condition #13, if it should remain, Condition #21 needed the date corrected to October 15th, Condition #24, #27 and #28 to be revised and Condition #32 to be deleted.

The Commission supported staff in keeping Condition #13. They discussed adding "project frontage" to Condition #28 and agreed to all other proposed staff changes.

Upon motion by Commissioner Ogle, seconded by Commissioner Hall and carried by the following roll call vote (7-0), IT IS ORDERED that the Planning Commission adopt a Revised Resolution to recommend the Board of Supervisors certify the Mitigated Negative Declaration and grant a rezone from I-1, Limited Industrial, to C-2, General Commercial, and a minor use permit for automotive and equipment-gasoline sales, per the conditions in Exhibit A and as modified by the Planning Commission.

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

9. Approval of the October 6, 2016 Planning Commission Minutes.

Chair Warner noted corrections to the October 6, 2016 Minutes; page 2, second paragraph clarifications of conditions, page 4, third line Ed Berry, extensive negations with Buddhist "members", page 6, second paragraph from the bottom, comment by Mr. Huang burning "possibly" increasing, wetlands, page 8 matters from Commission, should access to coves be lost.

Upon motion by Commissioner Nelson, seconded by Commissioner Hall, and carried by a voice vote of (6-0) with Commissioner Ogle abstaining, the October 6, 2016 Planning Commission minutes are approved as corrected.

[Break 2:45 PM – 3:00 PM]

Chair Warner noted that no action would be taken on the next item and asked that individuals fill out speaker cards. She noted public comments would be timed to allow everyone to speak and hoped the meeting would end by 6pm.

****6b. Timed Item at 3:00 PM - CASE#: OA_2016-0003**

APPLICANT: County of Mendocino

AGENT: Department of Planning and Building Services

REQUEST: The Mendocino County Board of Supervisors proposes two amendments to the Mendocino County Code to add: (1) Chapter 10A.17, Medical Cannabis Cultivation Ordinance, to the Agriculture Code (Mendocino County Code Title 10A), which will be administered by the Agricultural Commissioner's Office; and, (2) Chapter 20.242, Medical Cannabis Cultivation Site, to the Inland Zoning Ordinance (Mendocino County Code, Title 20, Division I), which will be administered by the Department of Planning and Building Services. Together, these two regulations (referred to as "Medical Cannabis Cultivation Regulation") will govern agricultural activities related to the cultivation of medical cannabis and establish limitations on the location and intensity of cannabis cultivation in the unincorporated area of Mendocino County, not including the Coastal Zone. The Medical Cannabis Cultivation Regulation is intended to complement a variety of actions by the State of California to establish a legal framework for the cultivation of medical cannabis.

ENVIRONMENTAL DETERMINATION: Mitigated Negative Declaration

LOCATION: Unincorporated County, Outside the Coastal Zone, as defined by the County's Local Coastal Program.

RECOMMENDED ACTION: NO ACTION WILL BE TAKEN

Mary Lynn Hunt, Senior Planner, reviewed the request to add medical cannabis cultivation to the Inland Zoning Code. She commented that the changes to the zoning code coincide with changes in the Mendocino County Code Chapter 10A for the Agriculture Commissioner and noted that the proposed regulations would not include the coastal zone area. She reviewed the Initial Study/Mitigated Negative Declaration (MND) that had been prepared by LACO and they would be