



---

**PLANNING COMMISSION  
STAFF REPORT- REZONE**

---

**NOVEMBER 19, 2015  
#R 2013-0006**

**OWNER:** STEPHEN ARIETTA, DAVID ARIETTA AND  
THERESA WALSH-ARIETTA  
2301 OAKDALE ROAD  
WALNUT CREEK, CA 94597

**APPLICANT:** DAVID ARIETTA  
2301 OAKDALE ROAD  
WALNUT CREEK, CA 94597

**AGENT:** MARK D. EDWARDS  
PO BOX 435  
CALPELLA, CA 95418

**PROJECT COORDINATOR:** DUSTY DULEY

**REQUEST:** Rezone of approximately 80 acres property from the  
Forestland (FL-160) zoning district to the Timberland  
Production (TP-160) zoning district.

**DATE DEEMED COMPLETE:** March 2, 2015

**RECOMMENDATION:** Recommend approval to the Board of Supervisors

**LOCATION:** 4.5± miles west of Philo, lying on the south side of Philo-  
Greenwood Road (CR 132), 0.5± mile west of its  
intersection with Signal Ridge Road (CR 133), located at  
21491 Philo-Greenwood Road; APN 026-600-28.

**TOTAL ACREAGE:** 80± acres

**GENERAL PLAN:** FL-Forest Lands

**ZONING:** Forestland (FL-160)

**SUPERVISORIAL DISTRICT:** 5

**ENVIRONMENTAL DETERMINATION:** Statutory Exempt from CEQA Section 15264 (Local  
agencies are exempt from the requirement to prepare an  
EIR or negative declaration on the adoption of timberland  
preserve zones under Government Code Sections 51100  
et seq. (Gov. Code, Sec. 51119)).

**BACKGROUND** In general, the purpose of the Timberland Production Zoning District (TPZ) is to protect land capable of producing timber and forest products consistent with the Forest Taxation Reform Act of 1976 (1976 Act) which was subsequently renamed the Timberland Productivity Act of 1982 (1982 Act). The 1976 Act was adopted by the State Legislature in recognition of the importance of timberland and the forest products industry to the State economy and environment, potential erosion of the State timberland base due to conversion/urbanization of timberlands; and the importance of a continued and predictable commitment of land and investment capital for the growing and harvesting of timber. The 1976 Act requires counties to provide for the assessment of parcels used for the growing and harvesting of timber as Timberland Preserve Zones, renamed timberland production zones under the 1982 Act. The TPZ

restricts the use of land to the growing and harvesting of timber and compatible uses approved by the County in return for tax assessment benefits. The County subsequently designated many parcels as TPZs in the late 1970s.

**PROJECT DESCRIPTION:**

The project proposes to rezone approximately 80 acres of land currently zoned as Forestland (FL-160) to Timberland Production. No improvements are proposed as part of the application.

**APPLICANT'S STATEMENT:**

*"Applicant requests that Mendocino County Assessor Parcel #026-600-28-00 be rezoned from FL (FL 160) to TP (TP 160 – Timber Preserve). No construction activities are proposed as part of this application. The 80 acre property contains 62 acres of Site III timberland. The property contains an approximately 12 acre vineyard within an approximately 18 acres improvement area."*

**RELATED APPLICATIONS:**

**On-Site**

- On June 15, 2009 the applicant submitted application #A 2009-0003 requesting that the subject 80 acre property be placed into an Agricultural Preserve under the Williamson Act. Staff as well as the County Resource Lands Protection Committee and the Department of Conservation determined that the property did not meet the minimum requirements to enter into a Williamson Act Contract. The application was withdrawn on June 13, 2013.

**PROJECT SETTING:**

The property is located in a relatively rural area of Mendocino County near the community of Philo. Surrounding lands range in size from 24 to 112 acres and are primarily used to support timber production. Adjacent properties share the Forestland General Plan designation and with the exception of the adjacent parcels to the north, are within the TPZ zoning district.

**SITE CHARACTERISTICS:**

The property slopes from north to south. Approximately 40 percent of the property exceeds a 35 percent slope with 15 percent being relatively flat with less than a 5 percent grade. Several seasonal watercourses run through the property before connecting with Greenwood Creek to the south. Access is provided by an existing private driveway extending from Philo-Greenwood Road (CR 132). The following is an excerpt from the April 15, 2013 Forest Management Plan prepared by Mark D. Edwards for the project,

*There are approximately 62 acres of commercial conifer forest on the 80 acre property, and an approximately 18 acre improved area which contains two residences and their ancillary structures, a 12 acre vineyard containing Zinfandel and Chardonnay vines, two ponds, a barn/shop building, and a small feed barn and animal enclosure.*

**SURROUNDING LAND USE AND ZONING:**

	<b>GENERAL PLAN</b>	<b>ZONING</b>	<b>LOT SIZES</b>	<b>USES</b>
<b>NORTH</b>	FL	FL-160	24± - 28± acres	Residential
<b>EAST</b>	FL	TPZ-160	82± acres	Timber Production
<b>SOUTH</b>	FL	TPZ-160	50± acres	Timber Production
<b>WEST</b>	FL	TPZ-160	80± - 112± acres	Timber Production

**SERVICES:**

Access: Private driveway off Philo-Greenwood Road (CR 132)  
 Fire District: Anderson Valley Community Service District (structure fires) + California Department of Forestry and Fire Protection (wildland fires)  
 Water District: None  
 Sewer District: None  
 School District: Anderson Valley Unified School District

**REFERRAL AGENCY COMMENTS:**

Agency comments relevant to this application are listed within the Issues Section of this report and are noted within the Conditions of Approval. Otherwise, most of the reviewing agencies had no comment regarding the proposed project.

REFERRAL AGENCIES	NOT RETURNED	"NO COMMENT"	COMMENTS
Department of Transportation			X
Assessor	X		
Building Services-Ukiah			X
Farm Advisor	X		
Agriculture Commissioner	X		
CalFire – Resource Division	X		
CalFire	X		
Dept. of Fish & Wildlife	X		
Anderson Valley CSD	X		
Forestry Advisor	X		
Resource Lands Committee		X	

**KEY ISSUES:**

**Key Issue #1 General Plan and Zoning Consistency:** The property has a designated General Plan land use category of Forest Lands. General Plan Policy DE-18 states the intent of the Forest Lands land use category as follows.

*The Forest Lands classification is intended to be applied to lands which are suited for and are appropriately retained for the growing, harvesting and production of timber and timber-related products. The classification should include lands eligible to be zoned Timberland Production; intermixed smaller parcels and other contiguous lands, the inclusion of which is necessary for the protection and efficient management of timber resource lands. The policy of the County and the intent of this classification shall be to protect these lands from the pressures of development and preserve them for future use as designated.*

The applicant is requesting the property be rezoned to Timberland Production (TPZ) zoning district which is identified in Table 3-I of the General Plan as an appropriate zoning designation within the Forest Lands General Plan land use category. A General Plan amendment is not required to support the requested rezone.

County Code Section 20.068.005 states the intent of the TPZ zoning district as follows,

*This district is intended to be applied to areas of the County which because of their general soil types, location and timber growing capabilities are suited for and should be devoted to the growing, harvesting, and production of timber and timber related products and are taxed as such.*

The applicant has submitted a Forest Management Plan dated April 25, 2013 and prepared by Registered Professional Forester (RPF), Mark D. Edwards, which provides a description and inventory of existing

timber resources as well as recommendations for the long term management of the on-site timber resources. The Plan concludes that the property, based on its location and soil types, is suited for the growing, harvesting and production of timber. Further discussion of applicable code is provided below.

County Code Chapter 22.07 identifies procedures and minimum qualifications for incorporating land into the TPZ zoning district. Section 22.07.020(2)(c) requires the applicant to provide,

*A statement signed by applicant(s) and registered professional forester stating the parcel(s) under consideration currently meets timber stocking standards as set forth in Section 4561 of the California Public Resources Code and the forest practice rules adopted by the State Board of Forestry for the district in which the parcel is located.*

If the above statement cannot be provided Section 22.07.020(2)(d) provides the following alternative,

*If condition 2c cannot be immediately met, owner shall sign an agreement with the Board of Supervisors to meet such stocking standards and forest practice rules by the fifth anniversary of the signing of the agreement. At that time, condition 2c shall be met. Upon the fifth anniversary of the signing of such an agreement, the Board shall determine whether the parcel meets the timber stocking standards in effect on the date the agreement was signed. If the parcel fails to meet the timber stocking standards, the Board shall immediately rezone the parcel and specify a new zone for such parcel which is in conformance with the county General Plan and whose primary use is other than timberland.*

Mr. Mark Edwards, a licensed registered professional forester has provided a statement acknowledging that the property meets the timber stocking standards as set forth in Section 4561 of the California Public Resources Code and the forest practice rules adopted by the State Board of Forestry for the district in which the parcel is located

Section 22.07.020(4) states,

*Prior to rezoning pursuant to this section, all uses on property shall be in compliance to those uses as established under Section 20-121, et seq., which govern permitted and compatible uses.*

County Code Section 20-121 has been replaced by Section 20.068.010 which does identify the permitted and compatible uses in the TPZ zoning district. The property is currently used to support multiple single-family residences and a vineyard operation. Both uses are permitted and compatible uses in the TPZ zoning district.

Pursuant to Section 22.07.030(A), the ownership must contain at least 40 acres of Site Quality III or better as defined in Rule 1021 Title 18 (Public Revenues), California Administrative Code to be eligible for incorporation into the TPZ zoning district. The following language is excerpted from a April 25, 2013 letter prepared by RPF Mark D. Edwards for this project.

*In order to assess timber site quality on the property, the Soil Survey of Mendocino County Western Part was examined to determine if sufficient site quality III timberland existed on the property. According to the Soil Survey approximately 42 acres of the timberland areas is located on the Ornbaun-Zeni soils complex. The remaining approximately 20 acres is located on the Cassabonne-Wholy soils complex.*

*Both of these soil types are classified as site class III timberland or better in the soil descriptions. A field inspection of the property confirmed that the timberlands on the Arietta property are Site Class III timberland.*

Section 22.07.030(C) notes in part,

*Parcels zoned as timberland production (TPZ) shall be zoned as such for an initial term of ten years. On the first and each subsequent anniversary date of the initial zoning, a year shall be added to the*

*initial term of ten years unless a notice of rezone has been given...*

Upon approval by the Board of Supervisors, the permit shall be granted consistent with Section 22.07.030(C)

**Key Issue #2- Environmental Protection:** The project is Statutory Exempt from CEQA Section 15264 whereby local agencies are exempt from the requirement to prepare an EIR or negative declaration on the adoption of timberland preserve zones under Government Code Sections 51100 et seq. (Gov. Code, Sec. 51119).

**RECOMMENDATION:**

Recommend the Board of Supervisors adopt a resolution approving Rezone #R 2013-0006 based on the following findings, and subject to the recommended conditions of approval.

**FINDINGS:**

**Environmental Findings:** The project is Statutory Exempt from CEQA Section 15264 (Local agencies are exempt from the requirement to prepare an EIR or negative declaration on the adoption of timberland preserve zones under Government Code Sections 51100 et seq. (Gov. Code, Sec. 51119)).

**General Plan Findings:** The proposed project is consistent with the property General Plan designation of Forestland (FL) and with applicable goals and policies of the General Plan.

**Timberland Production Findings:** The proposed project meets the minimum eligibility requirements of County Code Chapter 22.07 as necessary to support the incorporation of the subject parcel into the Timberland Production zoning district as it contains 62 acres of soils capable of supporting site class III timberland and meets timber stocking standards as set forth in Section 4561 of the California Public Resources Code and the forest practice rules adopted by the State Board of Forestry for the district in which the parcel is located.

---

Date

DUSTY DULEY, PLANNER III

**RESOLUTION, ORDINANCE, AND EXHIBIT A**

**ATTACHMENTS:**

- A. Location Map
- B. Topographical Map
- C. Aerial Map
- D. Adjacent Owner Map
- E. Zoning Map
- F. General Plan Map
- G. Fire Hazards Map
- H. Estimated Slope Map
- I. Soils Map
- J. Timber Production Map
- K. Williamson Act Map
- L. Inland Zoning Code Chapter 20.064 (Forest Land District)
- M. Inland Zoning Code Chapter 20.068 (Timberland Production Zoning District)
- N. General Plan and Zoning Consistency Table 3-I

## RESOLUTION NO. 15-

**RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS COUNTY OF MENDOCINO, STATE OF CALIFORNIA, CERTIFYING THE PROJECT IS STATUTORILY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) SECTION 15264 AND GRANTING A REZONE OF AN 80± ACRES PROPERTY FROM THE FORESTLAND (FL-160) ZONING DISTRICT TO THE TIMBERLAND PRODUCTION (TP-160) ZONING DISTRICT SITUATED 4.5± MILES WEST OF PHILO, LYING ON THE SOUTH SIDE OF PHILO-GREENWOOD ROAD (CR 132), 0.5± MILE WEST OF ITS INTERSECTION WITH SIGNAL RIDGE ROAD (CR 133), 21491 PHILO-GREENWOOD ROAD, PHILO; ASSESSOR PARCEL NUMBER 026-600-28.**

WHEREAS, the applicant, David Arietta, filed an application for a Rezone No. R\_2013-0006 with the Mendocino County Department of Planning and Building Services to authorize the rezoning of an 80± acres property from the Forestland (FL-160) zoning district to the Timberland Production (TP-160) zoning district (the "Project"), situated 4.5± miles west of Philo, lying on the south side of Philo-Greenwood Road (CR 132), 0.5± mile west of its intersection with Signal Ridge Road (CR 133), located at 21491 Philo-Greenwood Road; APN 026-600-28.; General Plan Forest Land (FL); Zoning Forestlands (FL-160); and

WHEREAS, on November 19, 2015, the Planning Commission held the noticed public hearing, received comments and recommended the Board of Supervisors approve R\_2013-0006; and

WHEREAS, the Project was determined to be Statutorily Exempt from CEQA, Section 15264) and the Project was noticed and made available for agency and public review for the proposed Project in accordance with the CEQA and the State and County CEQA Guidelines; and

WHEREAS, in accordance with applicable provisions of law, the Board of Supervisors held a public hearing on December 15, 2015, at which time the Board of Supervisors heard and received all relevant testimony and evidence presented orally or in writing regarding the Statutory Exemption and the Project. All interested persons were given an opportunity to hear and be heard regarding the Statutory Exemption and the Project; and

WHEREAS, the Board of Supervisors has determined, based on the evidence in the record and information provided at public hearings, that R\_2013-0006 should be approved; and

NOW, THEREFORE, BE IT RESOLVED that the Mendocino County Board of Supervisors makes the following findings.

### **General Plan Finding:**

1. The proposed project is consistent with the property General Plan designation of Forestland (FL) and with applicable goals and policies of the General Plan.

### **Timberland Findings:**

1. The proposed project meets the minimum eligibility requirements of County Code Chapter 22.07 as necessary to support the incorporation of the subject parcel into the Timberland Production zoning district as it contains 62 acres of soils capable of supporting site class III timberland and meets timber stocking standards as set forth in Section 4561 of the

California Public Resources Code and the forest practice rules adopted by the State Board of Forestry for the district in which the parcel is located.

**CEQA Finding:**

1. The project is Statutory Exempt from CEQA Section 15264 (Local agencies are exempt from the requirement to prepare an EIR or negative declaration on the adoption of timberland preserve zones under Government Code Sections 51100 et seq. (Gov. Code, Sec. 51119)).

BE IT FURTHER RESOLVED that the Board of Supervisors hereby grants the requested Rezone No. R\_2013-0006 reclassifying the land use designation of an approximately 80 acres parcel, located at 21491 Philo-Greenwood Road, Philo (APN 026-600-28) from Forestland-160 acre minimum to Timberland Production-160 acre minimum.

The foregoing Resolution introduced by Supervisor \_\_\_\_\_, seconded by Supervisor \_\_\_\_\_, and carried this \_\_\_\_\_ day of \_\_\_\_\_, 2015, by the following vote:

AYES:  
NOES:  
ABSENT:

WHEREUPON, the Chair declared said Resolution adopted and SO ORDERED.

ATTEST: CARMEL J. ANGELO  
Clerk of the Board

\_\_\_\_\_  
CARRE BROWN, Chair  
Mendocino County Board of Supervisors

\_\_\_\_\_  
Deputy

I hereby certify that according to the provisions of Government Code Section 25103, delivery of this document has been made.

*APPROVED AS TO FORM:*  
DOUGLAS L. LOSAK, Acting County Counsel

BY: CARMEL J. ANGELO  
Clerk of the Board

By: \_\_\_\_\_

\_\_\_\_\_  
Deputy

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE CHANGING THE ZONING OF REAL  
PROPERTY WITHIN MENDOCINO COUNTY**

The Board of Supervisors of the County of Mendocino, State of California, ordains as follows:

Pursuant to Division I of Title 20, Chapter 20.212 of the Mendocino County Code, the zoning of the following real property within Mendocino County is hereby changed as described below.

Said zoning change encompasses the property described by Assessor's Parcel Number 026-600-28 which is reclassified from the Forestland-160 (FL-160) zoning district to the Timberland Production-160 (TP-160) zoning district as shown on attached Exhibit A.

Passed and adopted by the Board of Supervisors of the County of Mendocino, State of California, on this 15<sup>th</sup> day of December, 2015, by the following vote:

AYES:

NOES:

ABSENT:

WHEREUPON, the Chair declared said Resolution adopted and SO ORDERED.

ATTEST: CARMEL J. ANGELO  
Clerk of the Board

\_\_\_\_\_  
CARRE BROWN, Chair  
Mendocino County Board of Supervisors

I hereby certify that according to the provisions of Government Code Section 25103, delivery of this document has been made.

\_\_\_\_\_  
Deputy

*APPROVED AS TO FORM:*  
DOUGLAS L. LOSAK, Interim County Counsel

BY: CARMEL J. ANGELO  
Clerk of the Board

\_\_\_\_\_  
Deputy

\_\_\_\_\_  
Deputy

CASE#: Rezone #R 2013-0006

OWNER: DAVID ARIETTA, THERESA WALSH ARIETTA AND STEPHEN ARIETTA



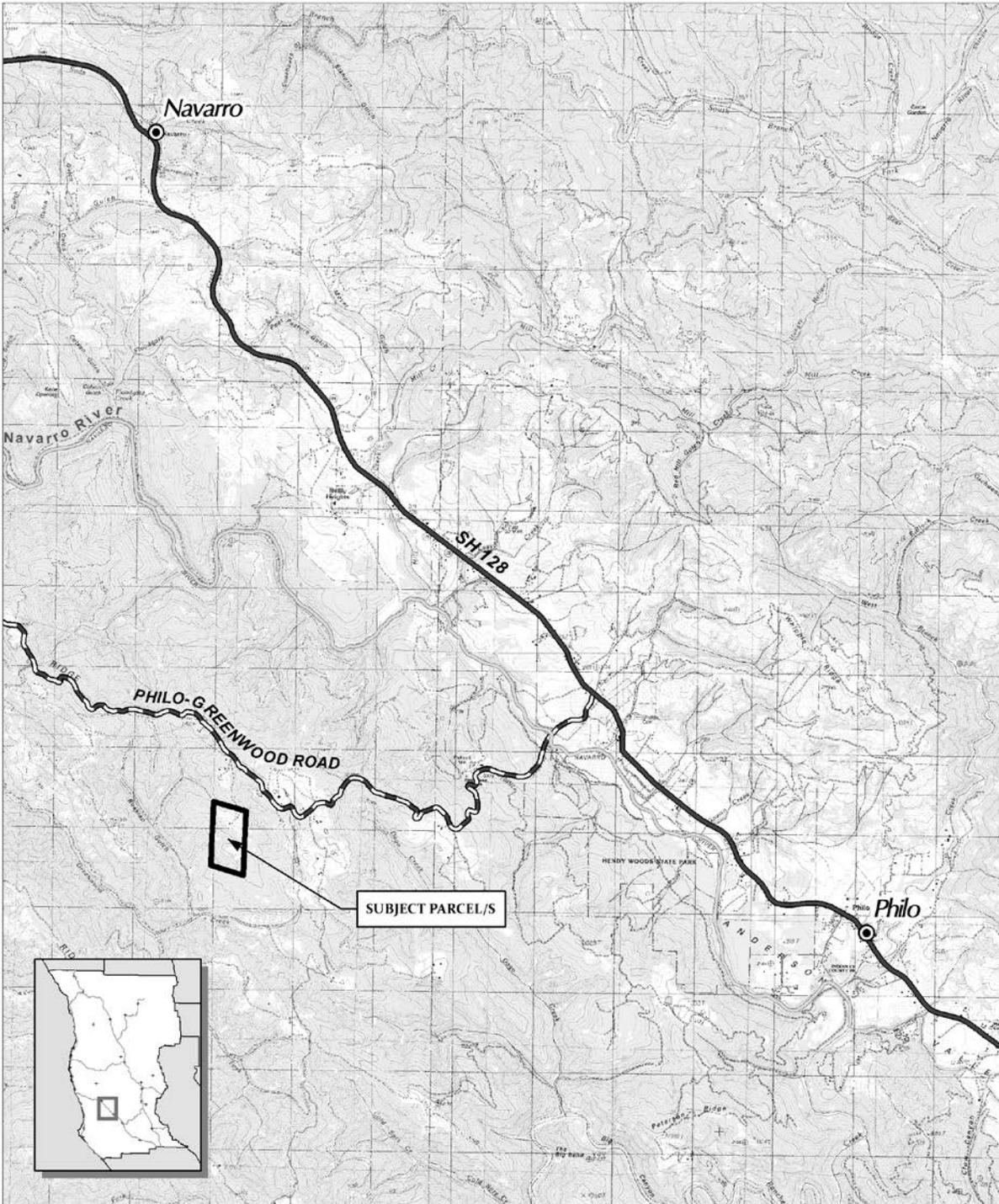
CASE: R 2013-0006  
 OWNER: ARIETTA, David, et. al.  
 APN: 026-600-28  
 APLCT: David Arietta  
 ADDRESS: 21491 Philo Greenwood Rd., PH

 REZONE FROM F-L (Forestland)  
 TO T-P (Timber Production)  
 Zoning Master



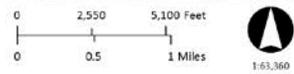
REZONE EXHIBIT

Map produced by the Mendocino County Planning & Building Services, October, 2013  
 All spatial data is approximate. Map provided without warranty of any kind.



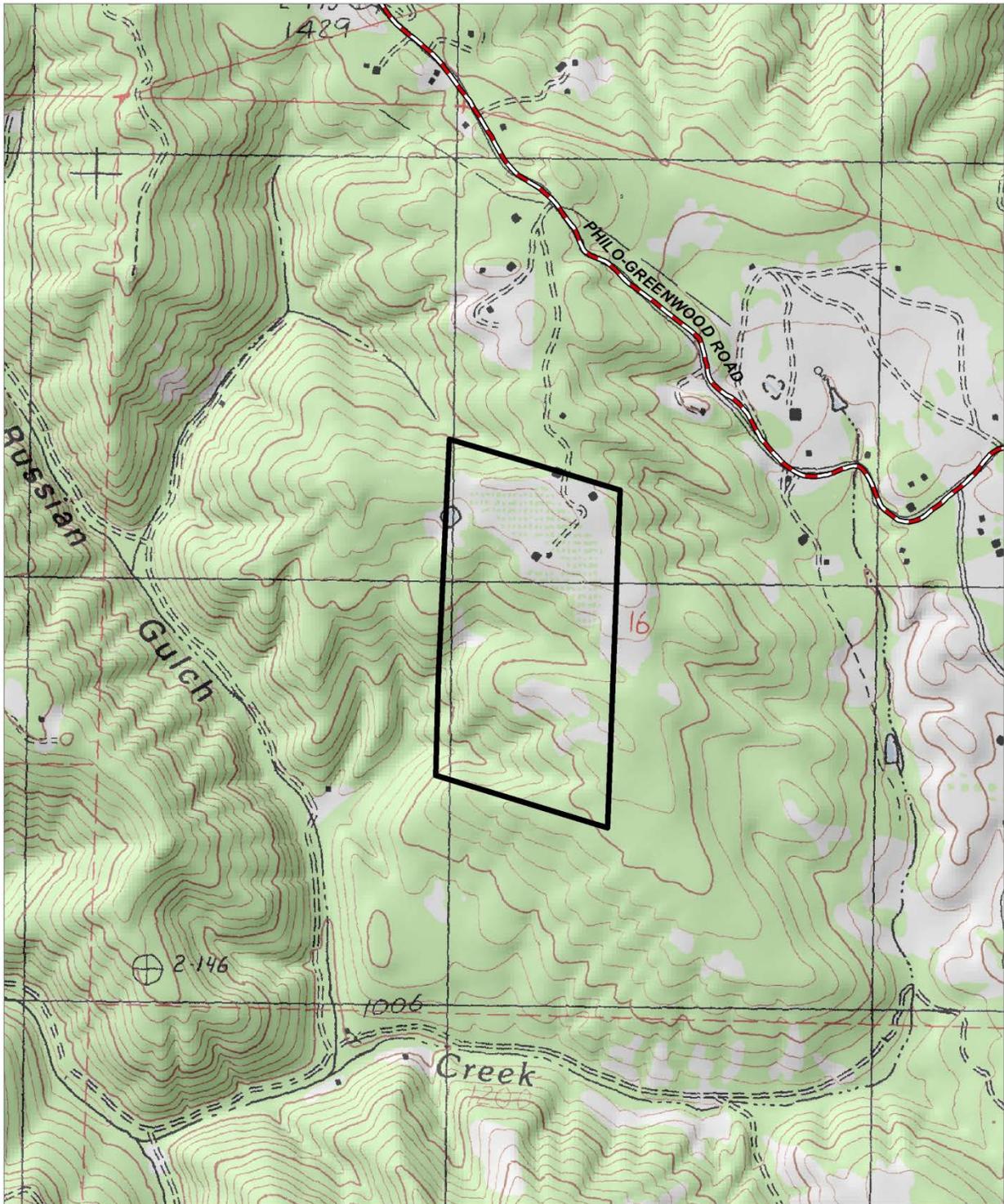
CASE: R 2013-0006  
OWNER: ARIETTA, David, et. al.  
APN: 026-600-28  
APLCT: David Arietta  
ADDRESS: 21491 Philo Greenwood Rd., PH

-  Major Towns & Places
-  Major Roads
-  Major Rivers
-  Highways

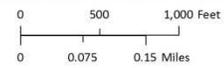


LOCATION MAP

Map produced by the Mendocino County Planning & Building Services, September, 2013  
All spatial data is approximate. Map provided without warranty of any kind.

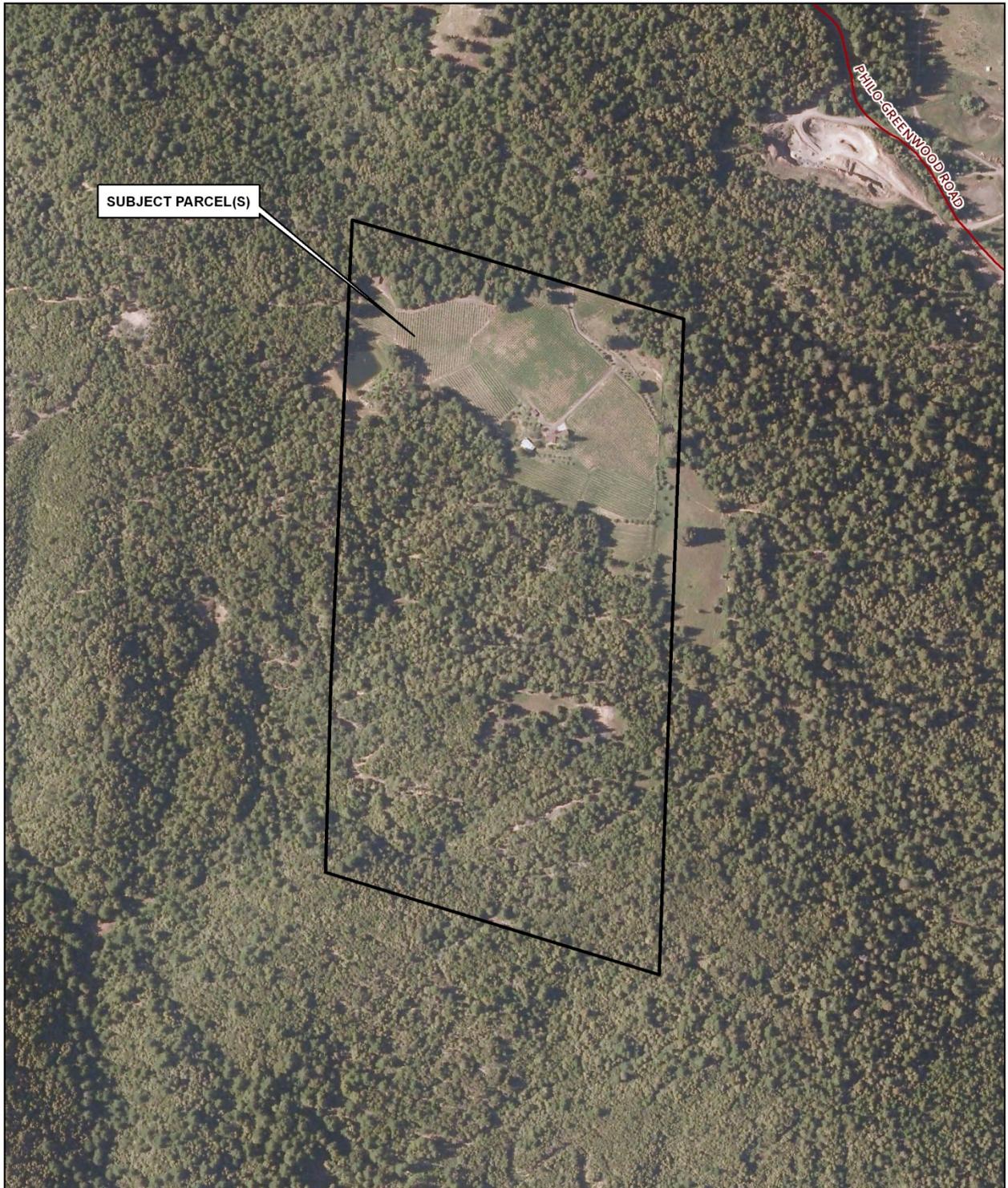


CASE: R 2013-0006  
OWNER: ARIETTA, David, et. al.  
APN: 026-600-28  
APLCT: David Arietta  
ADDRESS: 21491 Philo Greenwood Rd., PH  Major Roads



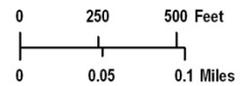
TOPOGRAPHIC MAP  
CONTOUR INTERVAL IS 40 FEET

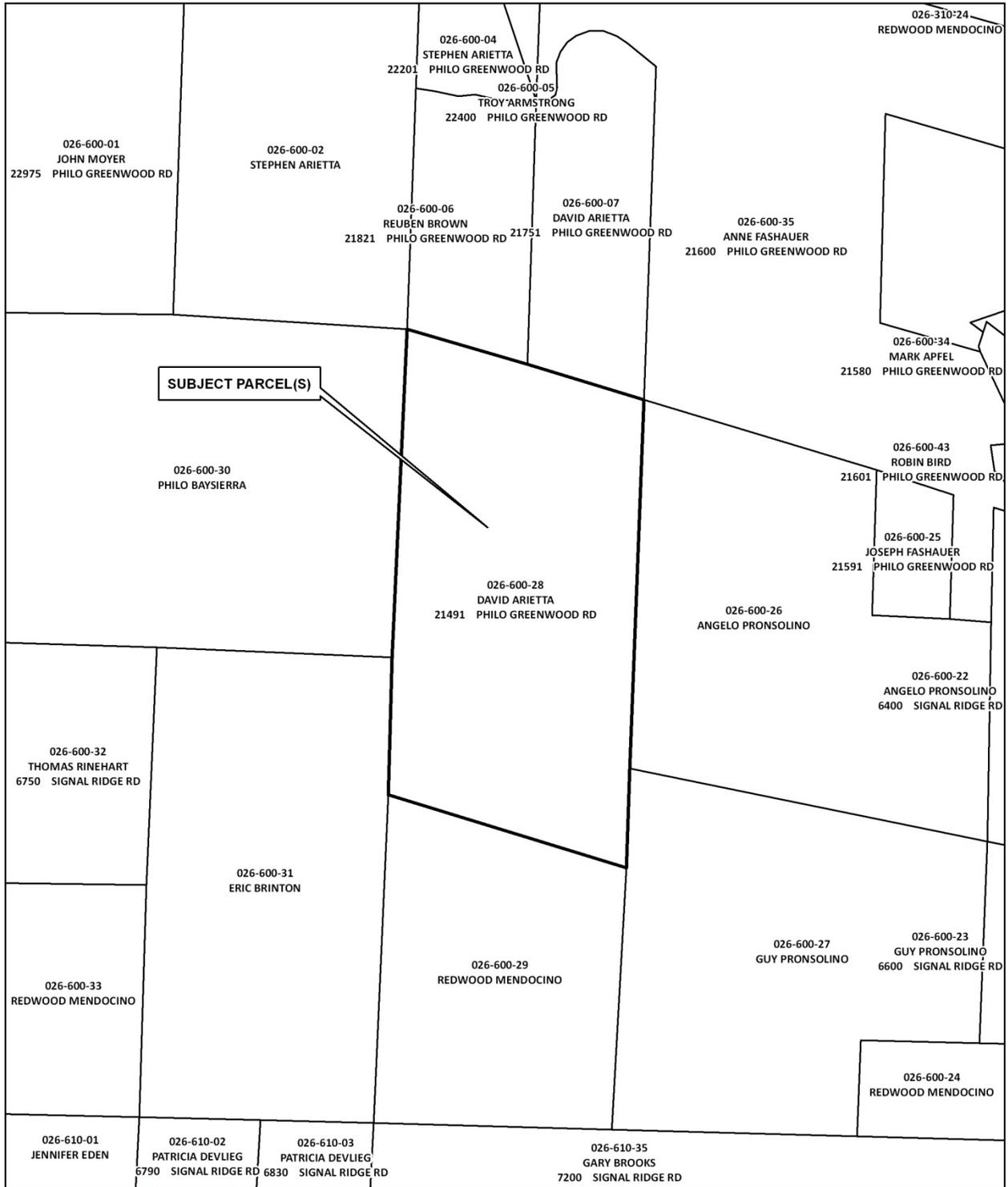
Map produced by the Mendocino County Planning & Building Services, September, 2015  
All spatial data is approximate. Map provided without warranty of any kind.



OWNER: David, Theresa & Stephen Arietta  
APN: 026-600-28  
CASE: R 6-2013  
AGENT: Mark Edwards  
ADDRESS: 21491 Philo Greenwood Road, Philo

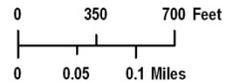
2010 NAIP AERIAL ORTHOPHOTO

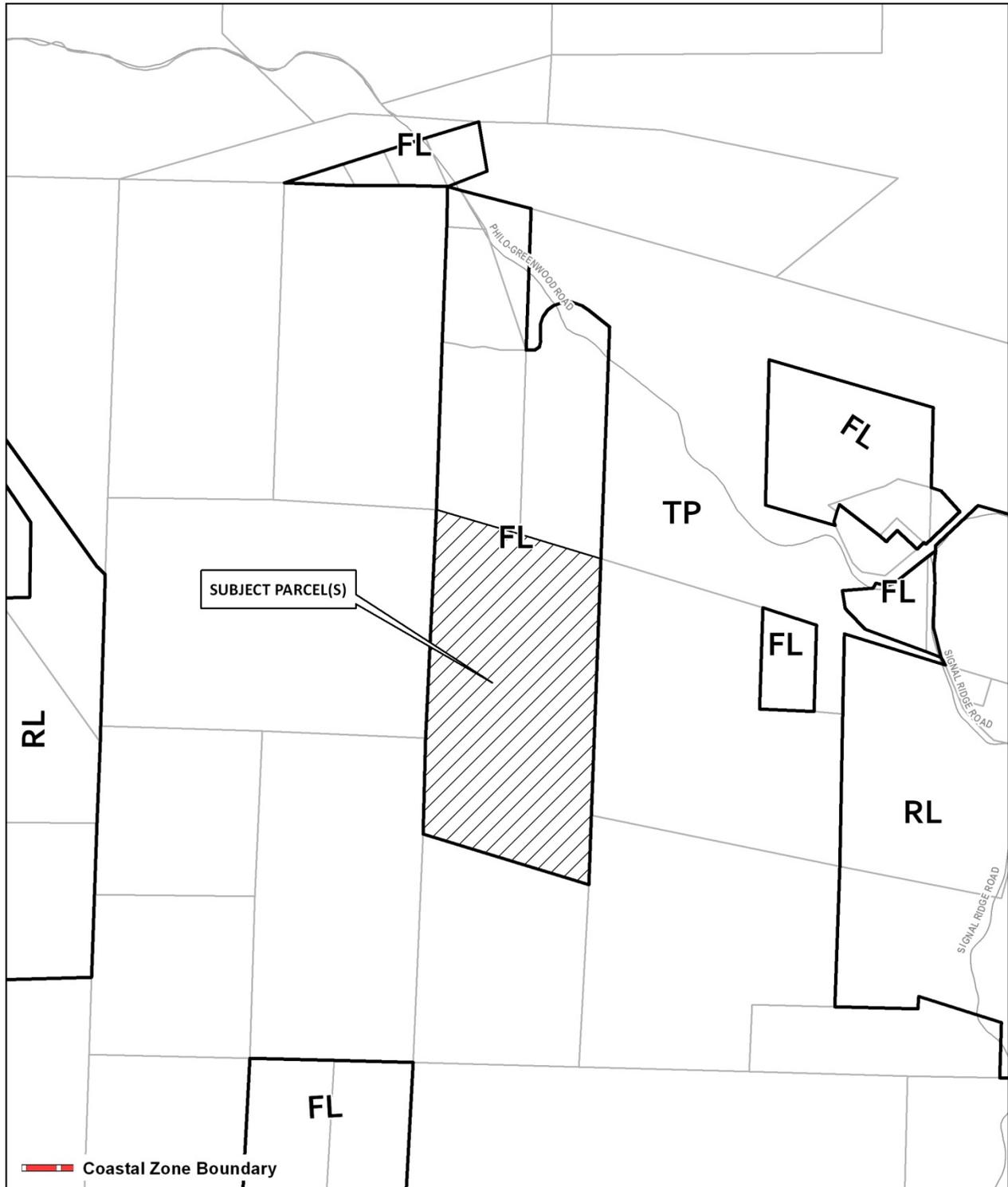




**OWNER: David, Theresa & Stephen Arietta**  
**APN: 026-600-28**  
**CASE: R 6-2013**  
**AGENT: Mark Edwards**  
**ADDRESS: 21491 Philo Greenwood Road, Philo**

**ADJACENT PROPERTY OWNERS**

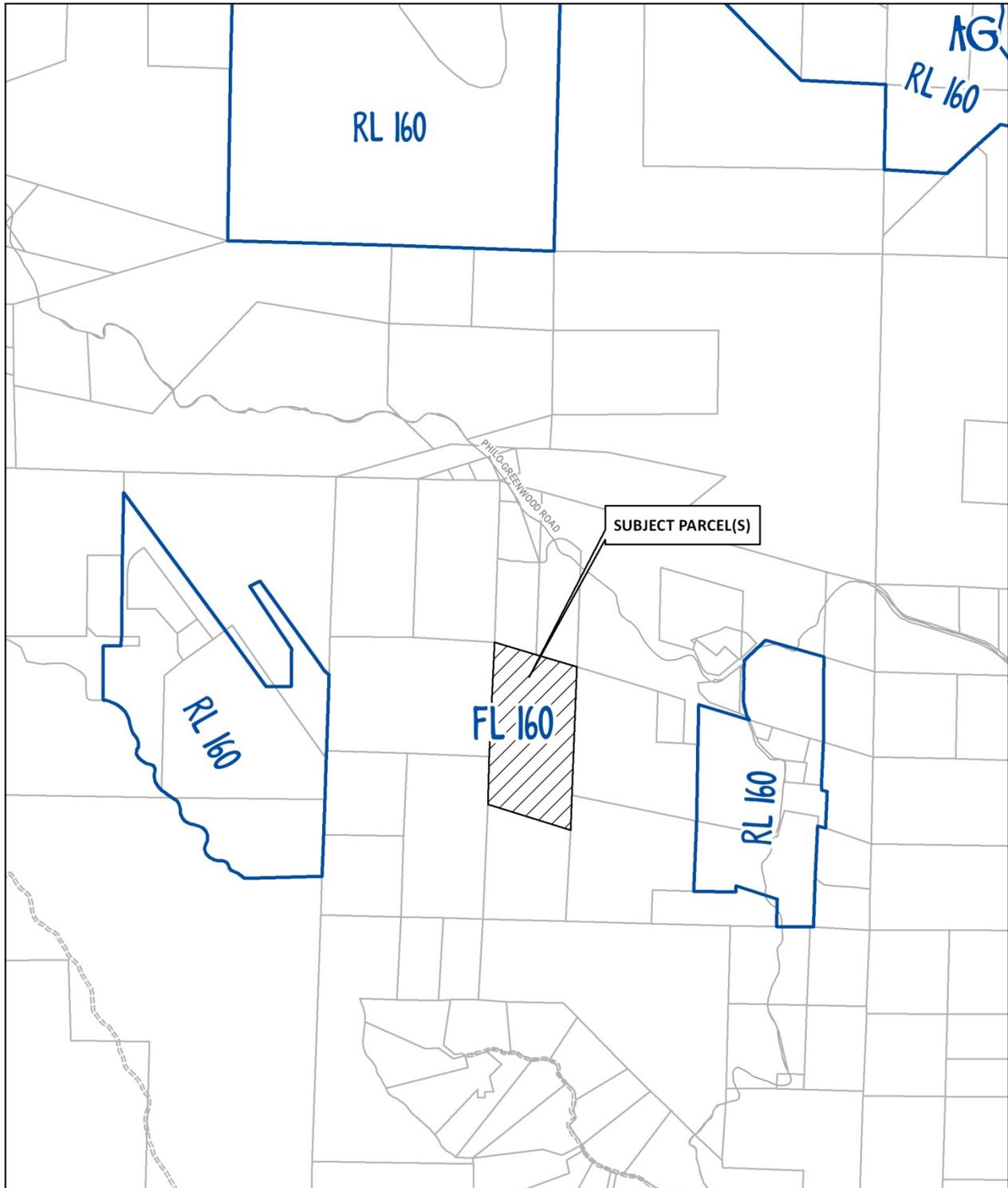




**OWNER:** David, Theresa & Stephen Arietta  
**APN:** 026-600-28  
**GP:** FL 160  
**ZONE:** FL  
**ADDRESS:** 21491 Philo Greenwood Road, Philo

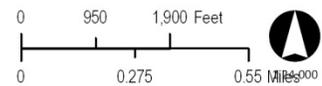
**ZONING DISPLAY MAP**

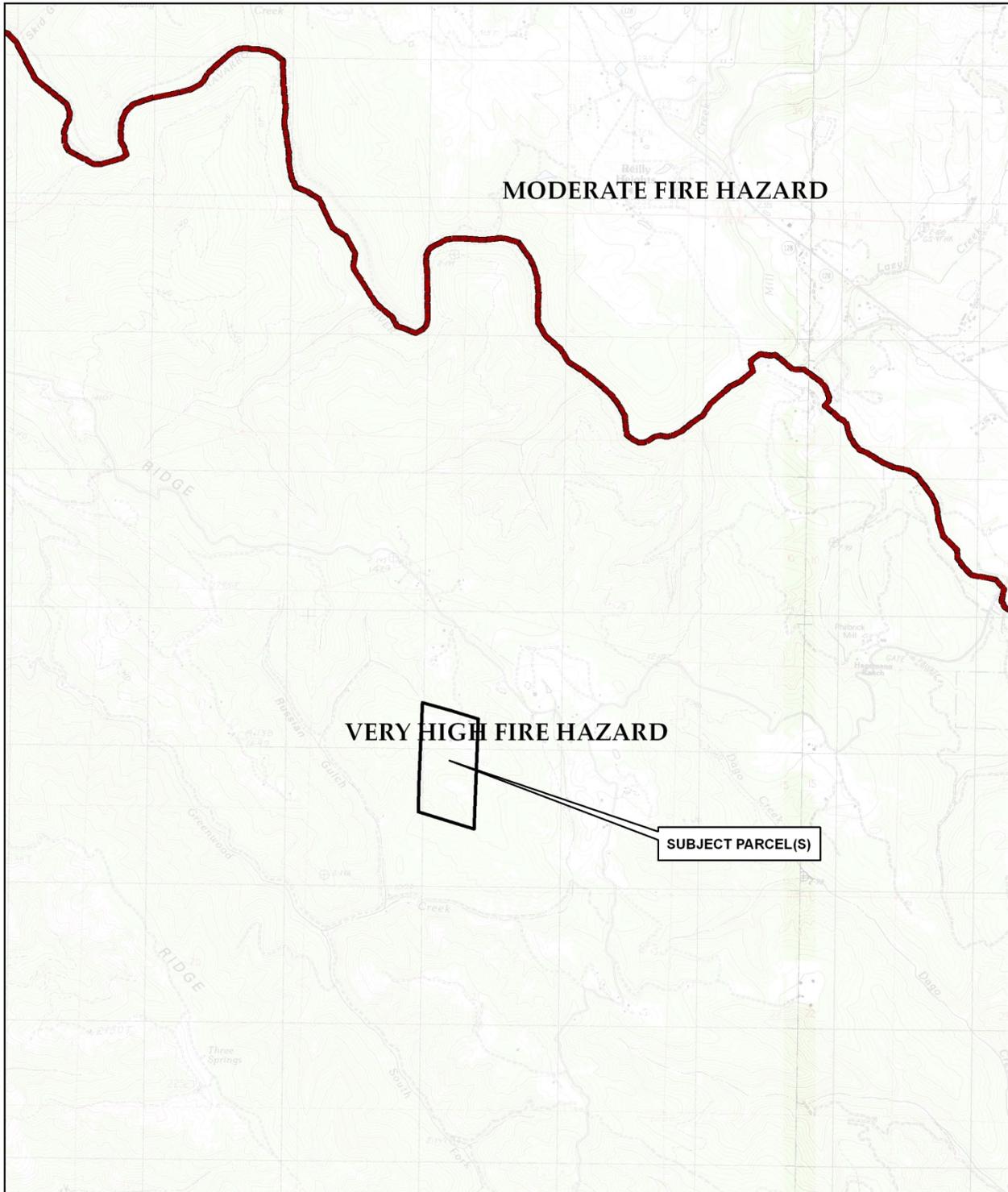




**OWNER:** David, Theresa & Stephen Arietta  
**APN:** 026-600-28  
**GP:** FL 160  
**ZONE:** FL  
**ADDRESS:** 21491 Philo Greenwood Road, Philo

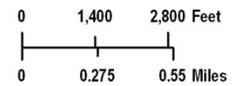
**GENERAL PLAN DESIGNATIONS**

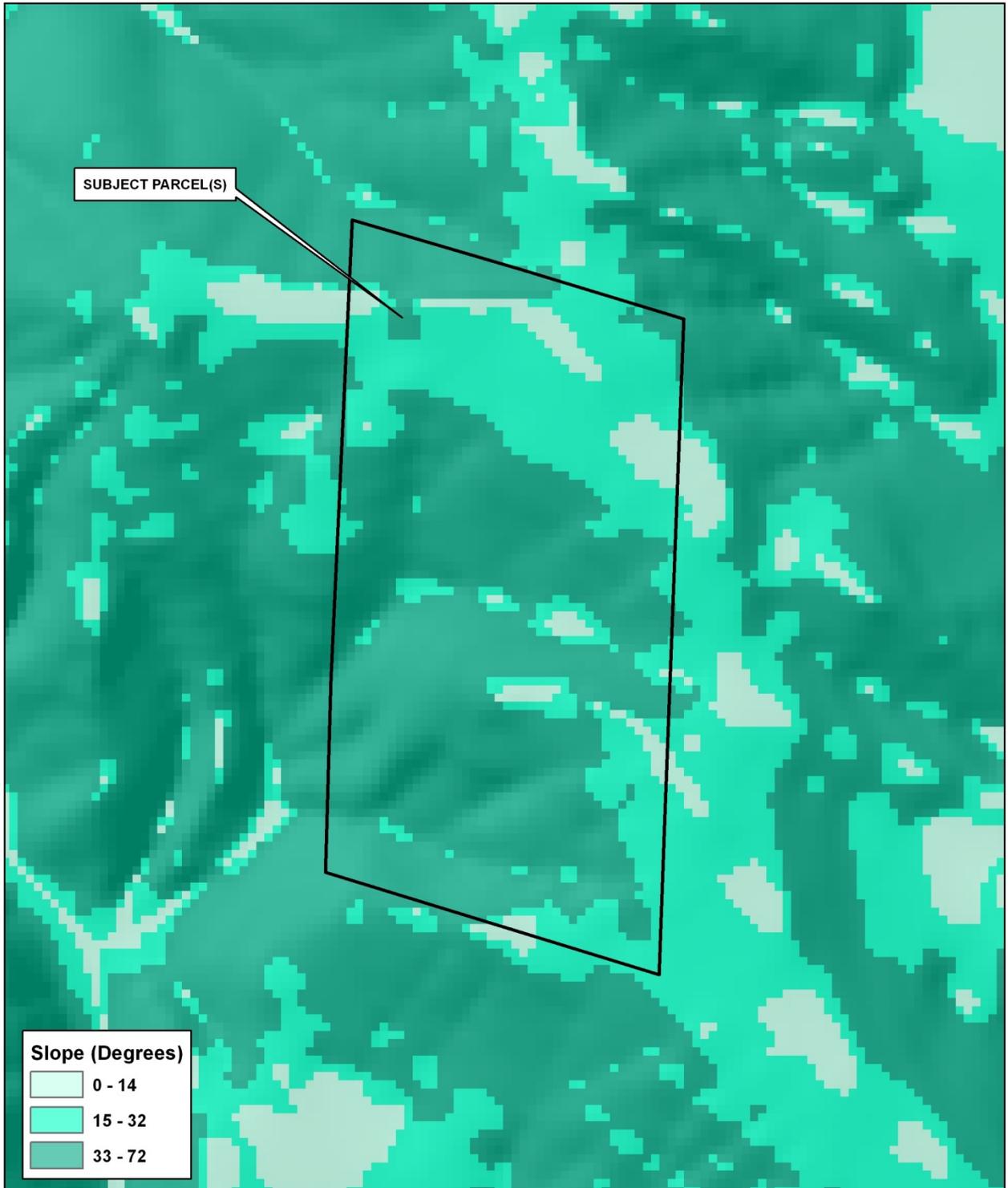




**OWNER: David, Theresa & Stephen Arietta**  
**APN: 026-600-28**  
**CASE: R 6-2013**  
**AGENT: Mark Edwards**  
**ADDRESS: 21491 Philo Greenwood Road, Philo**

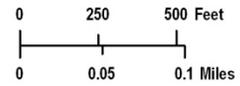
**FIRE HAZARD SEVERITY ZONES**  
ANDERSON VALLEY CSD

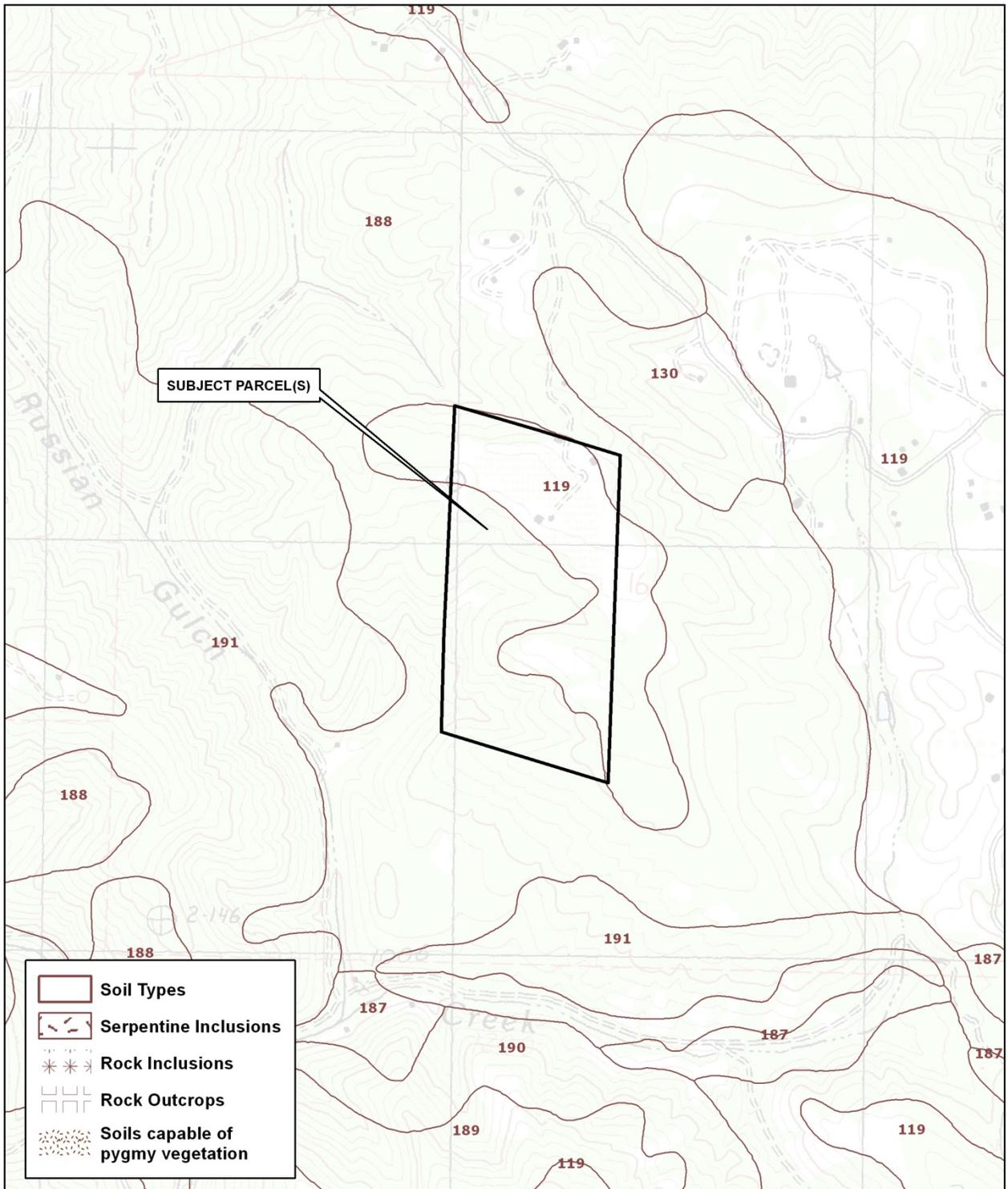




**OWNER:** David, Theresa & Stephen Arietta  
**APN:** 026-600-28  
**CASE:** R 6-2013  
**AGENT:** Mark Edwards  
**ADDRESS:** 21491 Philo Greenwood Road, Philo

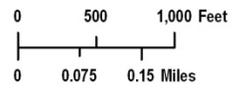
**ESTIMATED SLOPE**





**OWNER:** David, Theresa & Stephen Arietta  
**APN:** 026-600-28  
**CASE:** R 6-2013  
**AGENT:** Mark Edwards  
**ADDRESS:** 21491 Philo Greenwood Road, Philo

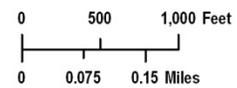
**SOILS & SERPENTINE**

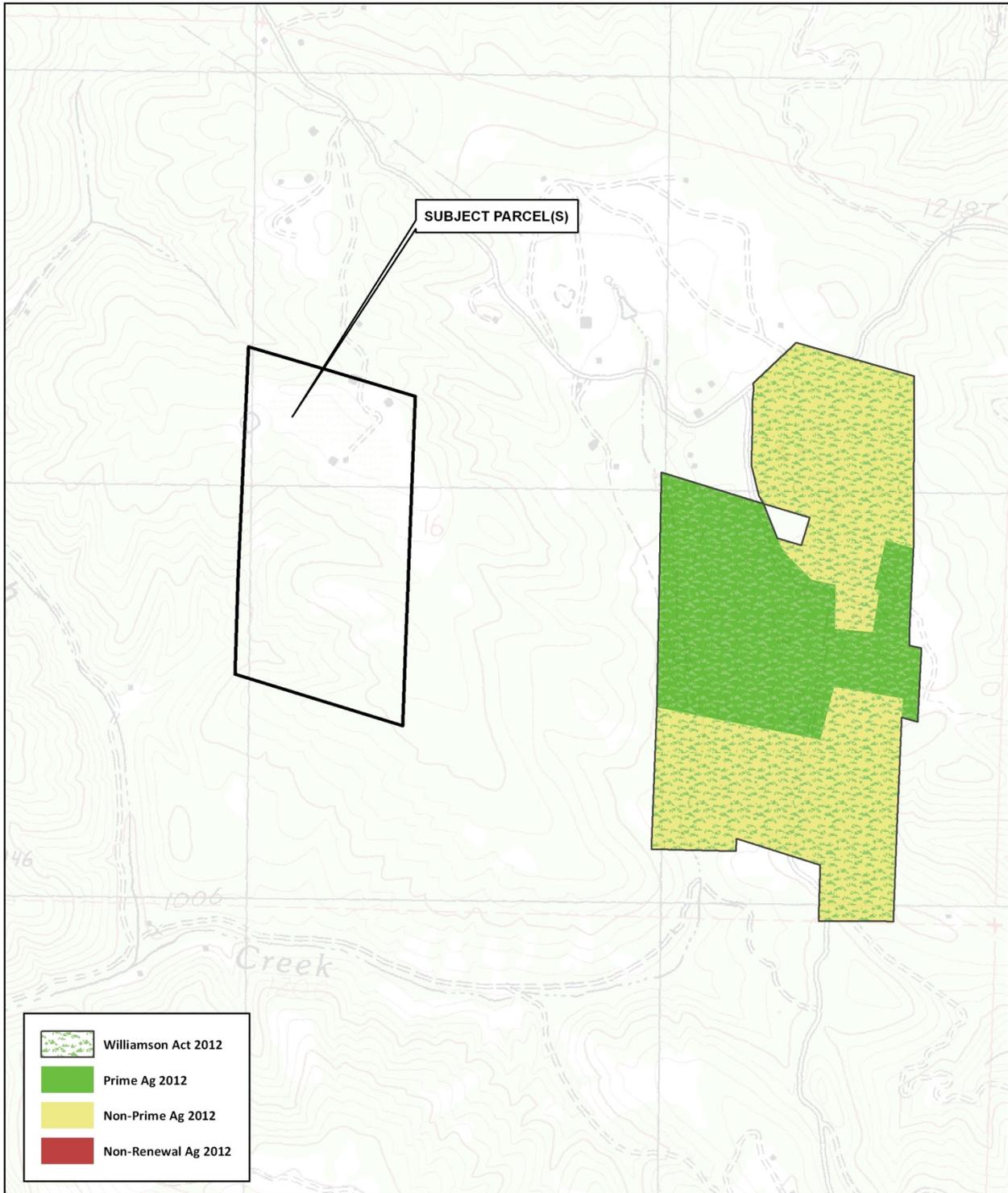




**OWNER: David, Theresa & Stephen Arietta**  
**APN: 026-600-28**  
**CASE: R 6-2013**  
**AGENT: Mark Edwards**  
**ADDRESS: 21491 Philo Greenwood Road, Philo**

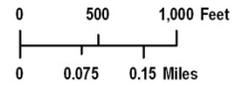
**TIMBER PRODUCTION ZONES**





**OWNER: David, Theresa & Stephen Arietta**  
**APN: 026-600-28**  
**CASE: R 6-2013**  
**AGENT: Mark Edwards**  
**ADDRESS: 21491 Philo Greenwood Road, Philo**

**WILLIAMSON ACT**



## CHAPTER 20.064 - F-L FOREST LAND DISTRICT

## Sec. 20.064.005 - Intent.

This district is intended to create and preserve areas suited for the growing, harvesting and production of timber and timber-related products. Processing of products produced on the premises would be permitted as would certain commercial activities associated with timber production and the raising of livestock. Typically the F-L District would be applied to lands not zoned Timberland Production but which have the present or future potential for timber production, intermixed smaller parcels and other contiguous lands, the inclusion of which is necessary for the protection of efficient management of timber resource lands.

(Ord. No. 3639 (part), adopted 1987)

## Sec. 20.064.010 - Permitted Uses.

The following use types are permitted in the F-L District:

(A) **Residential Use Types (See Chapter 20.016).**

Family residential—single-family.

(B) **Civic Use Types (See Chapter 20.020).**

Cemetery;

Community recreation;

Essential services;

Fire and police protection services;

Minor impact utilities.

(C) **Commercial Use Types (See Chapter 20.024).**

Animal sales and services—horse stables.

Animal sales and services—kennels.

(D) **Agricultural Use Types (See Chapter 20.032).**

Animal raising—general agriculture;

Animal waste processing;

Forest production and processing—limited;

Forest production and processing—portable sawmills;

Horticulture;

Packing and processing—limited;

Packing and processing—winery;

Row and field crops;

Tree crops.

(E) **Accessory uses as provided in Chapter 20.164.**

(Ord. No. 3639 (part), adopted 1987; Ord. No. 4038 (part), adopted 1999)

Sec. 20.064.015 - Uses Subject to an Administrative Permit.

The following use types are permitted in the F-L District upon issuance of an Administrative Permit:

(A) **Residential Use Type (See Chapter 20.016).**

Farm employee housing.

(Ord. No. 3639 (part), adopted 1987)

Sec. 20.064.020 - Uses Subject to a Minor Use Permit.

The following use types are permitted in the F-L District upon issuance of a Minor Use Permit.

(A) **Residential Use Types (See Chapter 20.016).**

Family residential—dwelling Groups;

Farm labor housing.

(B) **Civic Use Types (See Chapter 20.020)**

Day care facilities/small schools.

(C) **Commercial Use Types (See Chapter 20.024).**

Animal sales and services—auctioning;

Animal sales and services—stockyard;

Cottage industries—general.

(D) **Agricultural Use Types (See Chapter 20.032).**

Forest production and processing—general.

Forest production and processing—commercial woodlots;

Packing and processing—general.

(Ord. No. 3639 (part), adopted 1987; Ord. No. 4038 (part), adopted 1999)

Sec. 20.064.025 - Uses Subject to a Major Use Permit.

The following use types are permitted in the F-L District upon issuance of a Major use Permit:

(A) **Residential Use Types (See Chapter 20.016).**

Family residential—cluster development.

(B) **Civic Use Types (See Chapter 20.020).**

Educational facilities;

Lodge, fraternal and civic assembly;

Major impact services and utilities;

Religious assembly.

**(C) Commercial Use Types (See Chapter 20.024).**

Commercial recreation—outdoor sports and recreation;

Commercial recreation—outdoor entertainment;

Transient habitation—campground;

Transient habitation—lodging (limited);

Transient habitation—resort and recreational facilities.

**(D) Extractive Use Type (See Chapter 20.036).**

Mining and processing.

(Ord. No. 3639 (part), adopted 1987)

Sec. 20.064.030 - Minimum Lot Area.

One hundred sixty (160) acres.

(Ord. No. 3639 (part), adopted 1987)

Sec. 20.064.035 - Maximum Dwelling Density.

One (1) unit per one hundred sixty (160) acres.

(Ord. No. 3639 (part), adopted 1987)

Sec. 20.064.040 - Minimum Front and Rear Yards.

Fifty (50) feet each.

(Ord. No. 3639 (part), adopted 1987)

Sec. 20.064.045 - Minimum Side Yards.

Fifty (50) feet each.

(Ord. No. 3639 (part), adopted 1987)

Sec. 20.064.050 - Setback Exception.

Any nonconforming parcel which is less than five (5) acres shall observe a minimum front, side and rear yard of twenty (20) feet.

(Ord. No. 3639 (part), adopted 1987)

Sec. 20.064.055 - Building Height Limit.

Thirty-five (35) feet.

(Ord. No. 3639 (part), adopted 1987)

Sec. 20.064.060 - Lot Splits in Agricultural Preserves for Farmworker Housing.

In compliance with Government Code 51230.2, a two (2)-way division of a parcel of land that is currently subject to a Williamson Act contract may be allowed, if all of the following apply:

- (A) The resulting parcel is to be sold or leased for agricultural employee ("farmworker") housing, and is not more than five (5) acres in size. For the purposes of this section, "agricultural employee" shall have the same meaning as defined by subdivision (b) of Section 1140.4 of the Labor Code.
- (B) The parcel shall be sold or leased to a nonprofit organization, a city, a county, a housing authority, or a state agency, for the sole purpose of the provision and operation of farmworker housing. A lessee that is a nonprofit organization shall not sublease that parcel without the written consent of the landowner, and shall notify the county of such sublease.
- (C) The parcel to be sold or leased shall be subject to a deed restriction that limits the use of the parcel to farmworker housing facilities for not less than thirty (30) years. The deed restriction shall also provide, through reversionary or similar provision, that the parcel shall automatically revert to and be merged with the parcel from which it was subdivided when the parcel ceases to be used for farmworker housing for a period of more than one (1) year. The deed restriction shall be in a form satisfactory to county counsel.
- (D) There is a written agreement between the parties to the sale or lease of the parcel and their successors to operate the parcel to be sold or leased under joint management of the parties, subject to the terms and conditions and for the duration of the Williamson Act contract.
- (E) The parcel to be sold or leased is contiguous to one (1) or more parcels that are located within a designated urban service area, and which are zoned for and developed with urban residential, commercial, or industrial land uses.
- (F) The farmworker housing project shall include provisions designed to minimize potential impacts on surrounding agricultural and rural residential land uses.

A subdivision of land pursuant to this section shall not affect any Williamson Act contract executed pursuant to Article 3 (commencing with Section 51240) of the Government Code, and the parcel to be sold or leased shall remain subject to that contract.

(Ord. No. 4225, 7-20-2009)

## CHAPTER 20.068 - TPZ TIMBERLAND PRODUCTION ZONING DISTRICT

## Sec. 20.068.005 - Intent.

This district is intended to be applied to areas of the County which because of their general soil types, location and timber growing capabilities are suited for and should be devoted to the growing, harvesting, and production of timber and timber related products and are taxed as such.

(Ord. No. 3639 (part), adopted 1987)

## Sec. 20.068.010 - Permitted Uses.

The following compatible use types are permitted in the TPZ District:

## (A) Residential Use Types (See Chapter 20.016).

Family residential—single-family.

(B) **Civic Use Types (See Chapter 20.020).**

Community recreation;

Essential services;

Fire and police protection services;

Minor impact utilities.

## (C) Agricultural Use Types (See Chapter 20.032).

Animal raising—general agriculture;

Forest production and processing—all types;

Horticulture;

Packing and processing—limited,

Row and field crops;

Tree crops.

## (D) Accessory uses as provided in Chapter 20.164.

(Ord. No. 3639 (part), adopted 1987)

## Sec. 20.068.015 - Uses Subject to an Administrative Permit.

The following use types are permitted in the TPZ District upon issuance of an Administrative Permit:

## (A) Residential Use Type (See Chapter 20.016).

Farm employee housing.

(Ord. No. 3639 (part), adopted 1987)

## Sec. 20.068.020 - Uses Subject to a Minor Use Permit.

The following use types are permitted in the TPZ District upon issuance of a Minor Use Permit:

- (A) Residential Use Types (See Chapter 20.016).
  - Family residential—dwellings groups;
  - Farm labor housing.

- (B) Commercial Use Types (See Chapter 20.024).
  - Cottage industries—general.

(Ord. No. 3639 (part), adopted 1987)

Sec. 20.068.025 - Uses Subject to a Major Use Permit.

The following use types are permitted in the TPZ District upon the issuance of a Major Use Permit:

- (A) Residential Use Types (See Chapter 20.016).
  - Family residential—cluster development.
- (B) Civic Use Types (See Chapter 20.020).
  - Major impact services and utilities.
- (C) Commercial Use Types (See Chapter 20.024).
  - Transient habitation—campground;
  - Transient habitation—lodging (limited).
- (D) Agricultural Use Type (See Chapter 20.032).
  - Animal waste processing.

(Ord. No. 3639 (part), adopted 1987)

- (E) Extractive Use Type (See Chapter 20.036).
  - Mining and processing.

(Ord. No. 3639 (part), adopted 1987)

Sec. 20.068.030 - Special Provisions.

No use permit shall be granted in a TPZ District until a specific finding has been made that the proposed use is compatible with the growing and harvesting of timber and timber products.

(Ord. No. 3639 (part), adopted 1987)

Sec. 20.068.035 - Minimum Lot Area.

One hundred sixty (160) acres.

(Ord. No. 3639 (part), adopted 1987)

Sec. 20.068.040 - Maximum Dwelling Density.

One (1) unit per one hundred sixty (160) acres, maximum of four (4) for the total ownership.

(Ord. No. 3639 (part), adopted 1987)

Sec. 20.068.045 - Minimum Front and Rear Yards.

Fifty (50) feet each.

(Ord. No. 3639 (part), adopted 1987)

Sec. 20.068.050 - Minimum Side Yards.

Fifty (50) feet each.

(Ord. No. 3639 (part), adopted 1987)

Sec. 20.068.055 - Setback Exception.

Any nonconforming parcel which is less than five (5) acres shall observe a minimum front, side and rear yard of twenty (20) feet.

(Ord. No. 3639 (part), adopted 1987)

Sec. 20.068.060 - Building Height Limit.

Thirty-five (35) feet.

(Ord. No. 3639 (part), adopted 1987)

## Chapter 3: Development Element



General Plan Land Use Category	Appropriate Zoning Designations
Forest Lands	F-L: Forestland T-P: Timberland Production R-L: Rangeland O-S: Open Space
Remote Resource Lands	R-L: L: 640 Rangeland: 640 acres Minimum F-L: L: 640 Forestland Production: 640 acres Minimum T-P: L: 640 Timberland Production: 640 acres Minimum O-S: Open Space
Public Lands	P-F: Public Facilities O-S: Open Space
Open Space	O-S: Open Space
Public Services	P-F: Public Facilities O-S: Open Space

Policy DE-5: Designate sufficient land to accommodate the projected commercial, industrial, residential, and infrastructure needs of each community, compatible with General Plan policies, site planning constraints, and local community objectives.

Policy DE-6: Land use classifications shall be broad enough to allow flexibility in implementation, but specific enough to provide sufficient direction for carrying out General Plan objectives.

Policy DE-7: The minimum parcel size for each classification is appropriate only when all conditions are favorable. The presence of various constraints may result in larger minimum parcel sizes established through more restrictive zoning or actions on proposed subdivisions. In some cases, the minimum parcel size or maximum dwelling density may be increased under the terms of the County's Housing Element.

Policy DE-8: The minimum parcel size stated for each classification only applies to new divisions of land. Parcels legally created prior to adoption or amendment of the General Plan smaller than the stated minimum are afforded the same uses enjoyed by a parcel of the minimum size.

Action Item DE-8.1: The County will consider a program to encourage consolidation of rural parcels through density bonuses (allowing more units in exchange for preserving open space and/or providing larger lots) or other incentives.



**COUNTY OF MENDOCINO**  
**DEPARTMENT OF PLANNING AND BUILDING SERVICES**

860 NORTH BUSH STREET · UKIAH · CALIFORNIA · 95482  
120 WEST FIR STREET · FORT BRAGG · CALIFORNIA · 95437

STEVE DUNNICLIFF, DIRECTOR  
PHONE: 707-234-6650  
FAX: 707-463-5709  
FB PHONE: 707-964-5379  
FB FAX: 707-961-2427  
pbs@co.mendocino.ca.us  
www.co.mendocino.ca.us/planning

**October 21, 2015**

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT the Mendocino County Planning Commission at its regular meeting on Thursday, November 19, 2015, at 9:00 a.m., to be held in the Board of Supervisors Chambers, 501 Low Gap Road, Ukiah, California, will conduct a public hearing on the following project at the time listed or as soon thereafter as the item(s) may be heard.

**CASE#:** R\_2013-0006

**DATE FILED:** 7/23/2013

**OWNER:** DAVID ARIETTA & THERESA WALSH ARIETTA AND STEPHEN ARIETTA

**APPLICANT:** DAVID ARIETTA

**AGENT:** MARK D. EDWARDS

**PROJECT COORDINATOR:** DUSTY DULEY

**REQUEST:** Rezone of approximately 80 acres property from the Forestland (FL-160) zoning district to the Timberland Production (TP-160) zoning district.

**ENVIRONMENTAL DETERMINATION:** Statutorily Exempt from CEQA Section 15264 (Local agencies are exempt from the requirement to prepare an EIR or negative declaration on the adoption of timberland preserve zones under Government Code Sections 51100 et seq. (Gov. Code, Sec. 51119)). Statutory Exemption

**LOCATION:** 4.5± miles west of Philo, lying on the south side of Philo-Greenwood Road (CR 132), 0.5± mile west of its intersection with Signal Ridge Road (CR 133). Located at 21491 Philo-Greenwood Road; APN 026-600-28.

The staff report and notice are available for public review at 860 North Bush Street, Ukiah, California and on the Department of Planning and Building Services website at [www.co.mendocino.ca.us/planning](http://www.co.mendocino.ca.us/planning).

Your comments regarding the above project(s) are invited. Written comments should be submitted to the Department of Planning and Building Services Commission Staff, at 860 North Bush Street, Ukiah, California, 95482, no later than November 18, 2015. Oral comments may be presented to the Planning Commission during the public hearing.

The Planning Commission's action regarding this item shall be final unless appealed to the Board of Supervisors. The last day to file an appeal of the Planning Commission's decision is the 10th day after the hearing. To file an appeal, a written statement must be filed with the Clerk of the Board with a filing fee prior to the expiration of the above noted appeal period. If you challenge the project in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Department of Planning and Building Services at, or prior to, the public hearing. All persons are invited to appear and present testimony in this matter.

Additional information regarding the above noted item(s) may be obtained by calling the Department of Planning and Building Services at 234-6650, Monday through Friday, 8:00 a.m. through 5:00 p.m. Should you desire notification of the Planning Commission's decision you may do so by requesting notification in writing and providing a self-addressed stamped envelope to the Department of Planning and Building Services.

STEVE DUNNICLIFF, Director of Planning and Building Services



**COUNTY OF MENDOCINO**  
**DEPARTMENT OF PLANNING AND BUILDING SERVICES**  
860 NORTH BUSH STREET · UKIAH · CALIFORNIA · 95482  
120 WEST FIR STREET · FORT BRAGG · CALIFORNIA · 95437

STEVE DUNNICLIFF, DIRECTOR  
PHONE: 707-234-6650  
FAX: 707-463-5709  
FB PHONE: 707-964-5379  
FB FAX: 707-961-2427  
pbs@co.mendocino.ca.us  
www.co.mendocino.ca.us/planning

**October 21, 2015**

**TO: Anderson Valley Advertiser**  
**FROM: Heidi Morrison**  
**SUBJECT: Publication of Legal Notice.**

**Please publish the following notice one time on October 28, 2015 in the Legal Notices Section of the Anderson Valley Advertiser.**

**NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN THAT the Mendocino County Planning Commission at its regular meeting on Thursday, November 19, 2015, at 9:00 a.m., to be held in the Board of Supervisors Chambers, 501 Low Gap Road, Ukiah, California, will conduct a public hearing on the following project at the time listed or as soon thereafter as the item(s) may be heard.

**CASE#:** R\_2013-0006

**DATE FILED:** 7/23/2013

**OWNER:** DAVID ARIETTA & THERESA WALSH ARIETTA AND STEPHEN ARIETTA

**APPLICANT:** DAVID ARIETTA

**AGENT:** MARK D. EDWARDS

**PROJECT COORDINATOR:** DUSTY DULEY

**REQUEST:** Rezone of approximately 80 acres property from the Forestland (FL-160) zoning district to the Timberland Production (TP-160) zoning district.

**ENVIRONMENTAL DETERMINATION:** Statutorily Exempt from CEQA Section 15264 (Local agencies are exempt from the requirement to prepare an EIR or negative declaration on the adoption of timberland preserve zones under Government Code Sections 51100 et seq. (Gov. Code, Sec. 51119)). Statutory Exemption

**LOCATION:** 4.5± miles west of Philo, lying on the south side of Philo-Greenwood Road (CR 132), 0.5± mile west of its intersection with Signal Ridge Road (CR 133). Located at 21491 Philo-Greenwood Road; APN 026-600-28.

The staff report and notice are available for public review at 860 North Bush Street, Ukiah, California and on the Department of Planning and Building Services website at [www.co.mendocino.ca.us/planning](http://www.co.mendocino.ca.us/planning).

Your comments regarding the above project(s) are invited. Written comments should be submitted to the Department of Planning and Building Services Commission Staff, at 860 North Bush Street, Ukiah, California, 95482, no later than November 18, 2015. Oral comments may be presented to the Planning Commission during the public hearing.

The Planning Commission's action regarding this item shall be final unless appealed to the Board of Supervisors. The last day to file an appeal of the Planning Commission's decision is the 10th day after the hearing. To file an appeal, a written statement must be filed with the Clerk of the Board with a filing fee prior to the expiration of the above noted appeal period. If you challenge the project in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Department of Planning and Building Services at, or prior to, the public hearing. All persons are invited to appear and present testimony in this matter.

Additional information regarding the above noted item(s) may be obtained by calling the Department of Planning and Building Services at 234-6650, Monday through Friday, 8:00 a.m. through 5:00 p.m. Should you desire notification of the Planning Commission's decision you may do so by requesting notification in writing and providing a self-addressed stamped envelope to the Department of Planning and Building Services.

STEVE DUNNICLIFF, Director of Planning and Building Services