



SUMMARY

OWNER / APPLICANT: RUSTIC RETIREMENT, LLC.
2421 REDMEYER RD
UKIAH, CA 95482

AGENT: CHERYL MURPHY
2421 REDMEYER RD
UKIAH, CA 95482

REQUEST: Rezone of AP 046-550-76, comprising 160± acres, from Rangeland (RL) to Timber Production Zone (TPZ).

APPLICATION DEEMED COMPLETE: May 20, 2016

LOCATION: 4.5± miles north of Boonville, accessed by 0.5± mile private drive approximately 3.5 miles along Peachland Road (CR 128), from its intersection with Highway 128, located at 9120 Peachland Road, Boonville, CA 95415; APN 046-550-76.

TOTAL ACREAGE: 160 Acres

GENERAL PLAN: RL - Rangeland: 160 acre minimum

ZONING: RL - Rangeland: 160 acre minimum

SUPERVISORIAL DISTRICT: 5

ENVIRONMENTAL DETERMINATION: The project is Statutorily Exempt from CEQA per section 15264, California Code of Regulations Title 14, Chapter 3. A notice of exemption will be filed for this project.

RECOMMENDATION: Approve the zone reclassification from Rangeland to Timberland Production Zone, subject to the attached findings and conditions of approval, and find the project exempt from CEQA review.

STAFF PLANNER: ADELE PHILLIPS

BACKGROUND

PROJECT DESCRIPTION: The request includes a zone reclassification of 160 acres of land zoned Rangeland 160 to Timberland Production Zone. A Non-Industrial Timber Management Plan (NTMP) was approved by Cal Fire for portions of the site in 2008. No timber harvesting has commenced under the NTMP.

APPLICANT'S STATEMENT: The applicant requests a rezone from Rangeland (RL) to Timber Production Zone (TPZ) to be consistent with the land use, which is timber production.

RELATED APPLICATIONS: Minor Subdivision MS 13-98, approved October 7, 1999, and recorded May 15, 2001, created the subject parcel in its current configuration. Boundary Line Adjustment B 61-97, transferred 35± ac. from a neighboring parcel to the 285± ac. subject parcel to create the parcel subject to the aforementioned subdivision. Previous boundary line adjustments B 27-96, B 49-94, and B 57-91 were all successfully completed. CC 14-83 recognized the legality of the parcel, and was completed April 28, 1983.

SITE CHARACTERISTICS: The project site is located in a rural area north of Boonville. The 160 acre site is vacant with no residences or structures. The site is primarily forested with redwood, tan-oak, and Douglas-fir. A 95 acre portion, generally the southern area, of the site was included in the approved NTMP. This portion was described in the NTMP as moderately dense stand of young growth forest. The remainder of the site is also similarly forested. There are several small Class II and III watercourses throughout the property.

Adjacent lands range in size from 30 to 50 acres and are used for various agricultural purposes including grazing, timber, and vineyards. Many of the surrounding parcels are enrolled in a Williamson Act contract; however the subject site is not enrolled in the program. The site has a moderate to high fire hazard. It is located within the Anderson Valley Community Services District which provides volunteer fire service.

SURROUNDING LAND USE AND ZONING:

	GENERAL PLAN	ZONING	LOT SIZES	USES
NORTH	RANGELAND 160	RANGELAND	30±ac- 160±ac	RL
EAST	RANGELAND 160	RANGELAND	160±ac	AG / RL
SOUTH	RANGELAND 160	RANGELAND	160±ac	AG
WEST	RANGELAND 160	RANGELAND	30±ac	RL

PUBLIC SERVICES:

Access: Access is via a private driveway off Peachland Road (CR 128).
 Fire District: Anderson Valley Community Services District/State Responsibility Area.
 Water District: None
 Sewer District: None
 School District: Anderson Valley School District

AGENCY COMMENTS: On May 25, 2016, project referrals were sent to the following responsible or trustee agencies with jurisdiction over the Project. Their required related permits, if any, are listed below. Their submitted recommended conditions of approval are contained in Exhibit A of the attached resolution. A summary of the submitted agency comments are listed below. Any comment that would trigger a project modification or denial are discussed in full as key issues in the following section.

REFERRAL AGENCIES	RELATED PERMIT	COMMENT	DATE
Department of Transportation		No Response	
Environmental Health- Ukiah		No Comment	6/2/16
Building Services-Ukiah PBS		No Comment	6/7/16
Assessor		No Response	
Agricultural Commissioner		No Response	
Forestry Advisor		No Response	
Resource Land Protection Committee		No Response	
CalFire Resource Management		Comments	6/6/16
<ul style="list-style-type: none"> • Parcel is within the State Responsibility Area. • A Non-Industrial Timber Management Plan (NTMP) is currently approved for a portion (95 acres) of the 160 acre project area. • No timber management operations have taken place. • 90 acres included within the NTMP are considered Timbered. 			

REFERRAL AGENCIES	RELATED PERMIT	COMMENT	DATE
<ul style="list-style-type: none"> • A rezone from Rangeland to Timber Production Zone is consistent with the stated objectives of the NTMP. • Cal Fire does not require a Fire Safe Application. 			
Department of Fish and Wildlife		No Response	
Department of Conservation		No Response	
Sherwood Valley Band of Pomo Indians		No Response	
Redwood Valley Rancheria		No Response	
Cloverdale Rancheria		No Response	

KEY ISSUES

1. General Plan and Zoning Consistency:

The project is consistent with the land use designation of Rangeland with a 160 acre minimum parcel size. The land use section Policy DE-17: RL- Rangeland of the General Plan states the intent of RL as follows:

The Rangeland classification is intended to be applied to lands which are suited for and are appropriately retained for the grazing of livestock. The classification should include land eligible for incorporation into Type II agricultural preserves, other lands generally in range use, intermixed smaller parcels and other contiguous lands, the inclusion of which is necessary for the efficient management of range lands. The policy of the county and the intent of this classification shall be to protect these lands from the pressures and preserve them for future use as designated.

The project does not propose a change to the RL land use classification. The general uses in the RL designation include forestry, which will be the primary use of the site under the Timberland Production Zone (TPZ). Under the Timber Production Zone minimum lot sizes remain 160 acres. The change in zoning will not constitute an increase in development pressure on the site. Furthermore, in Table 3-1, "General Plan and Zoning Consistency", TPZ is listed as an appropriate zoning designation for the RL land use category.

Zoning Ordinance section 22.07.020, Creation of Timberland Production Zones, outlines procedures and application materials required to rezone land to timber production zone. These materials are used to demonstrate compliance with the Timber Production Zone Criteria specified in Section 22.07.030. Criteria include:

- (A) *The ownership shall contain at least 40 acres of Site Quality III or better.*
- (B) *Those ownerships of greater than 80 acres shall contain at least 50% of the property under consideration in Site Quality III or better.*

The project site is 160 acres. Of this area 95 acres was evaluated in an NTMP. Within the area evaluated in the NTMP, 90 acres of timber are classified as Site Quality III. Therefore the site meets both criteria (A) and (B) above, making it eligible for rezone.

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 subject property is not developed and is in conformance with Section 20.068.010.

The intent of Zoning Code section 20.068 Timberland Production Zones is 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 should be devoted to growing, harvesting, and production of timber and timber related products and taxed as such.

The subject property appears to meet the intent of the zoning district. The management objectives stated in the NTMP are to ensure long term sustained production of high quality forest products while maintaining and protecting other non-commodity forest values such as wildlife, watershed, soils and aesthetics. The site has been deemed capable of growing timber.

2. Environmental Protection:

The project is statutorily exempt under the California Environmental Quality Act pursuant to Section 15264 Timberland Preserves, California Code of Regulations Title 14, Chapter 3.

RECOMMENDATION

By resolution, recommend that the Planning Commission adopt a Notice of Exemption and grant the Zone Reclassification for the Project, as proposed by the applicant, based on the facts and findings and subject to the conditions of approval.

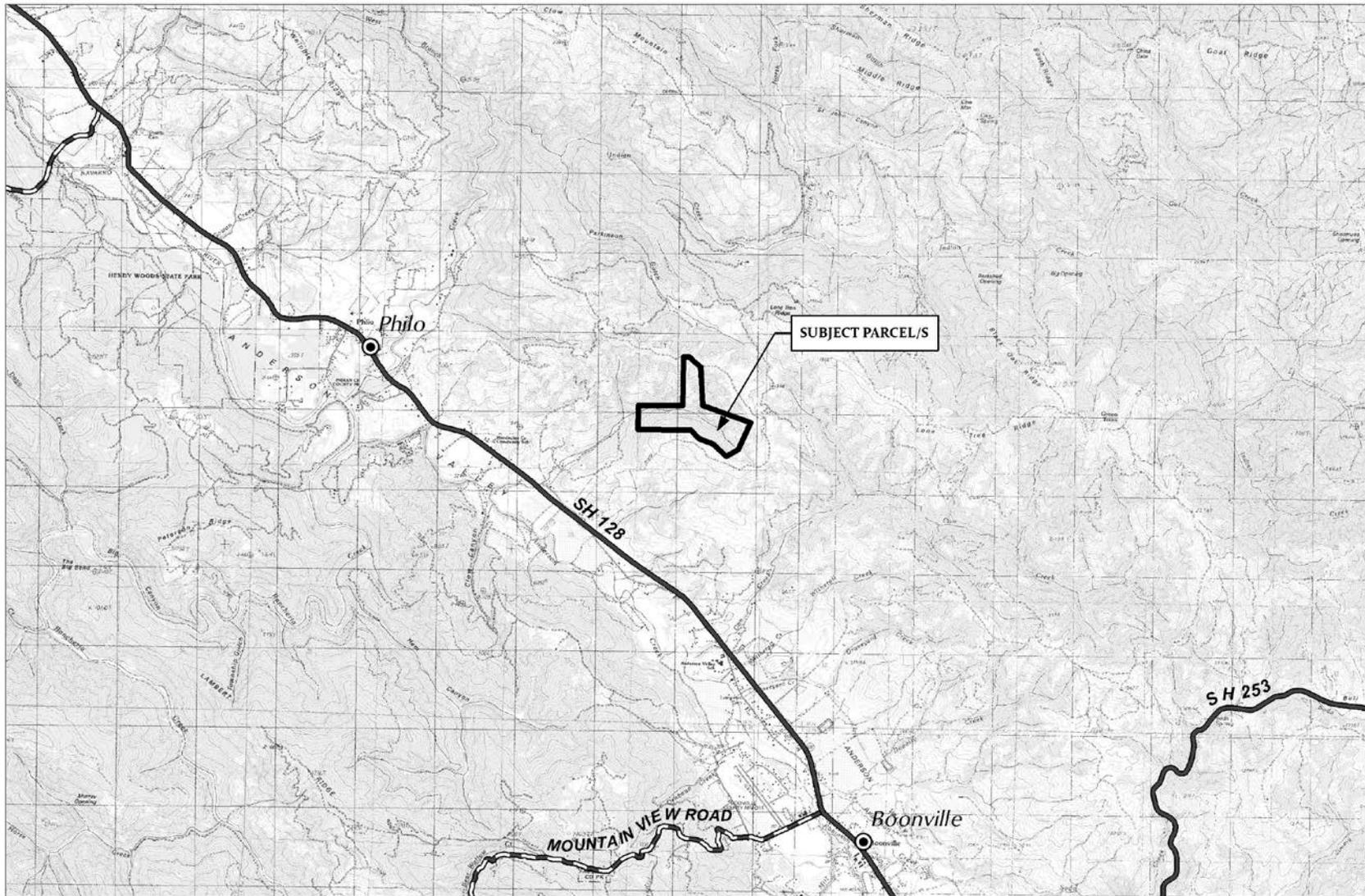
DATE

ADELE PHILLIPS

ATTACHMENTS:

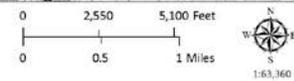
- A. Location Map
- B. Aerial Map
- C. Site/Tentative Map
- D. Zoning Map
- E. General Plan
- F. Fire Hazards Map
- G. Soils Map
- H. Williamson Act Map

RESOLUTION AND REZONE EXHIBIT MAP (Exhibit A)



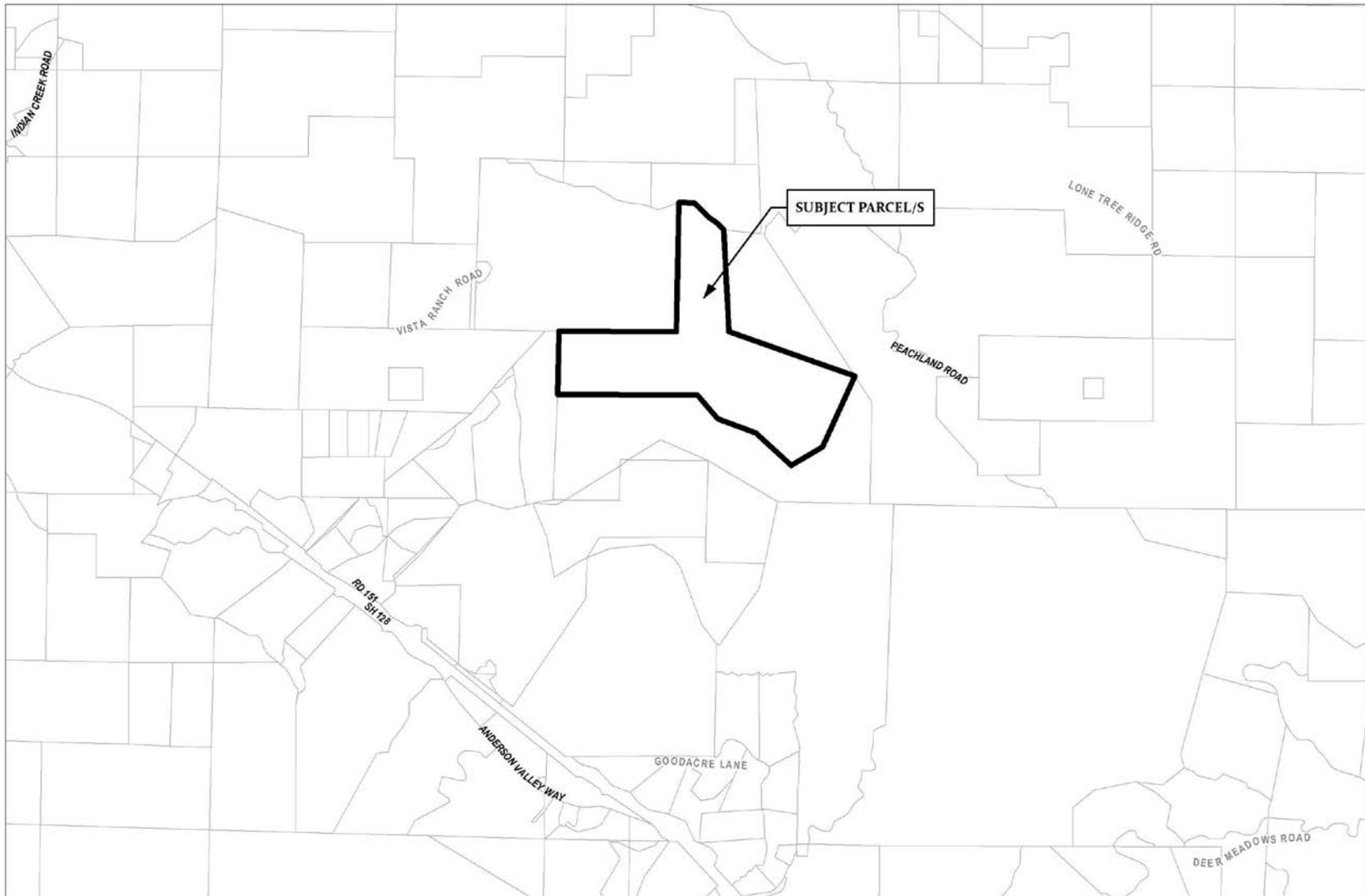
CASE: R 2016-0001
OWNER: Rustic Retirement, LLC
APN: 046-550-76
APLCT:
AGENT: Cheryl Murphy
ADDRESS: 9120 Peachland Road, Boonville

-  Major Towns & Places
-  Highways
-  Major Roads

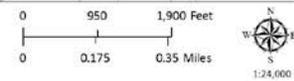


LOCATION MAP

Map produced by the Mendocino County Planning & Building Services, May, 2016
All spatial data is approximate. Map provided without warranty of any kind.



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VICINITY MAP

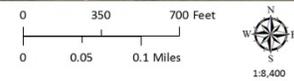
Map produced by the Mendocino County Planning & Building Services, May, 2016
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Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

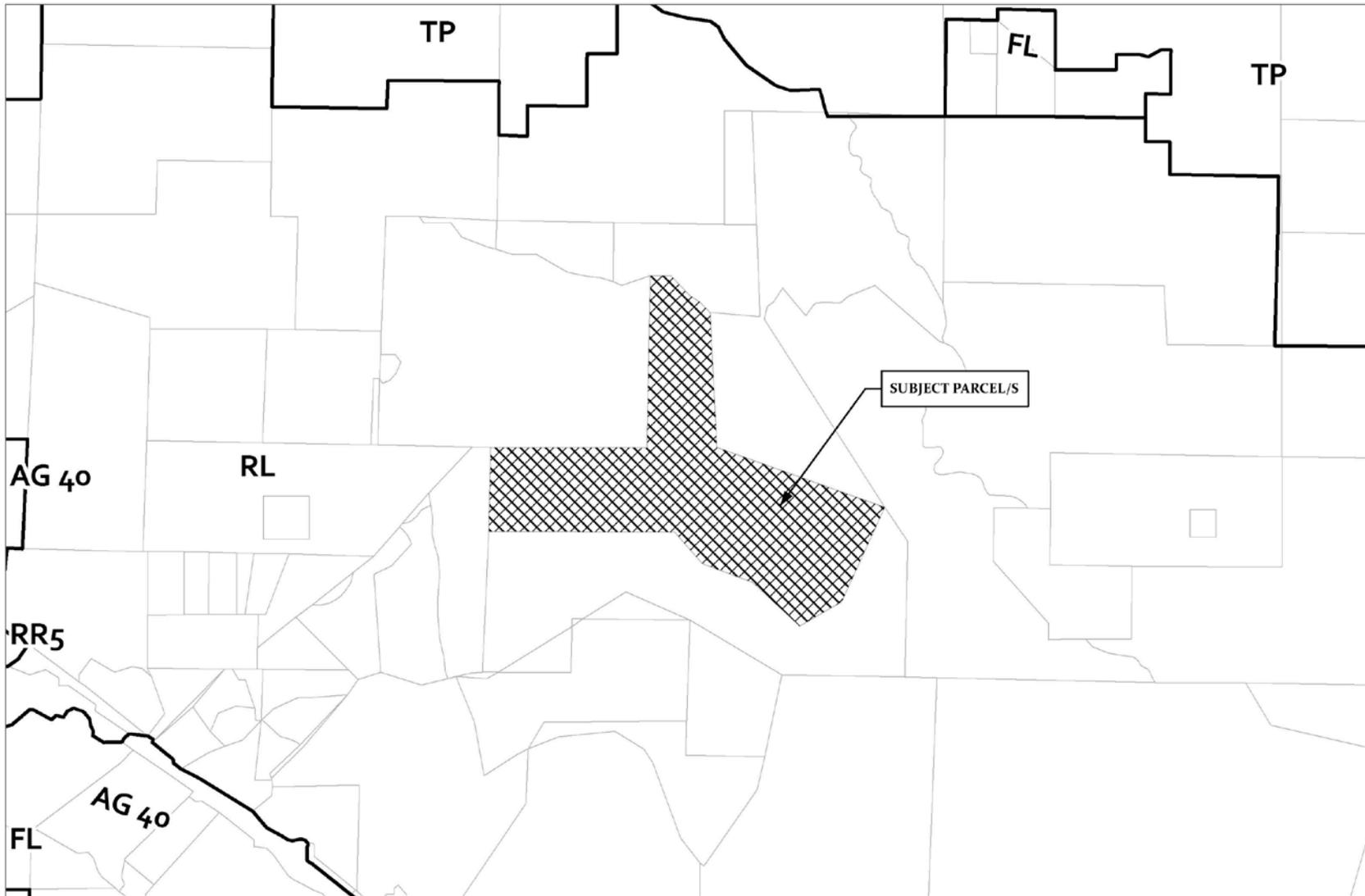
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-  Public Roads
-  Private Roads
-  Driveways/Unnamed Roads



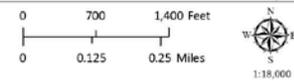
ESRI IMAGERY

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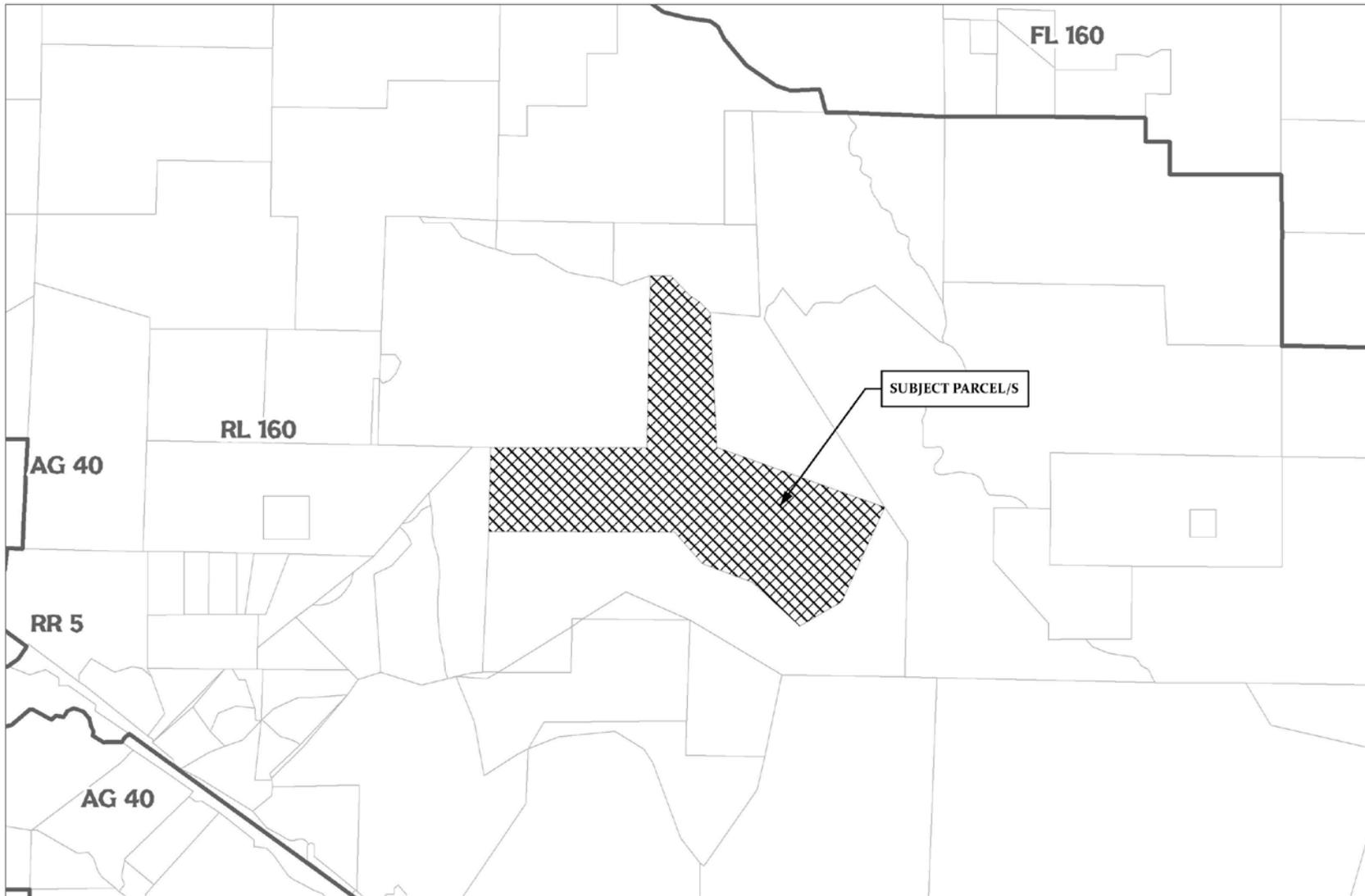
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 Zoning Districts



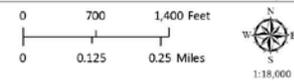
ZONING DISPLAY MAP

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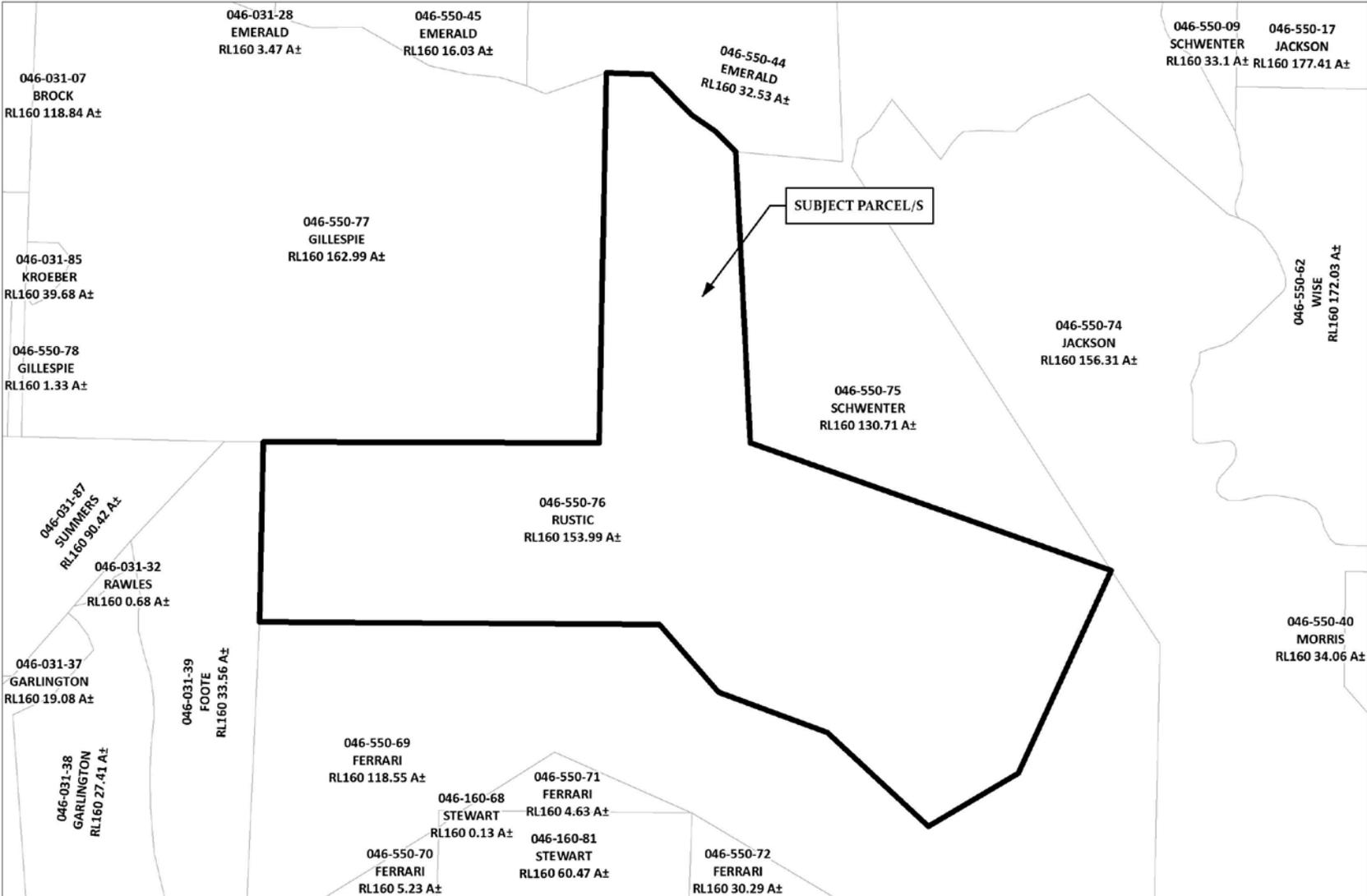
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 General Plan Classes

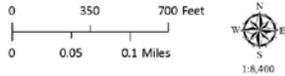


GENERAL PLAN CLASSIFICATIONS

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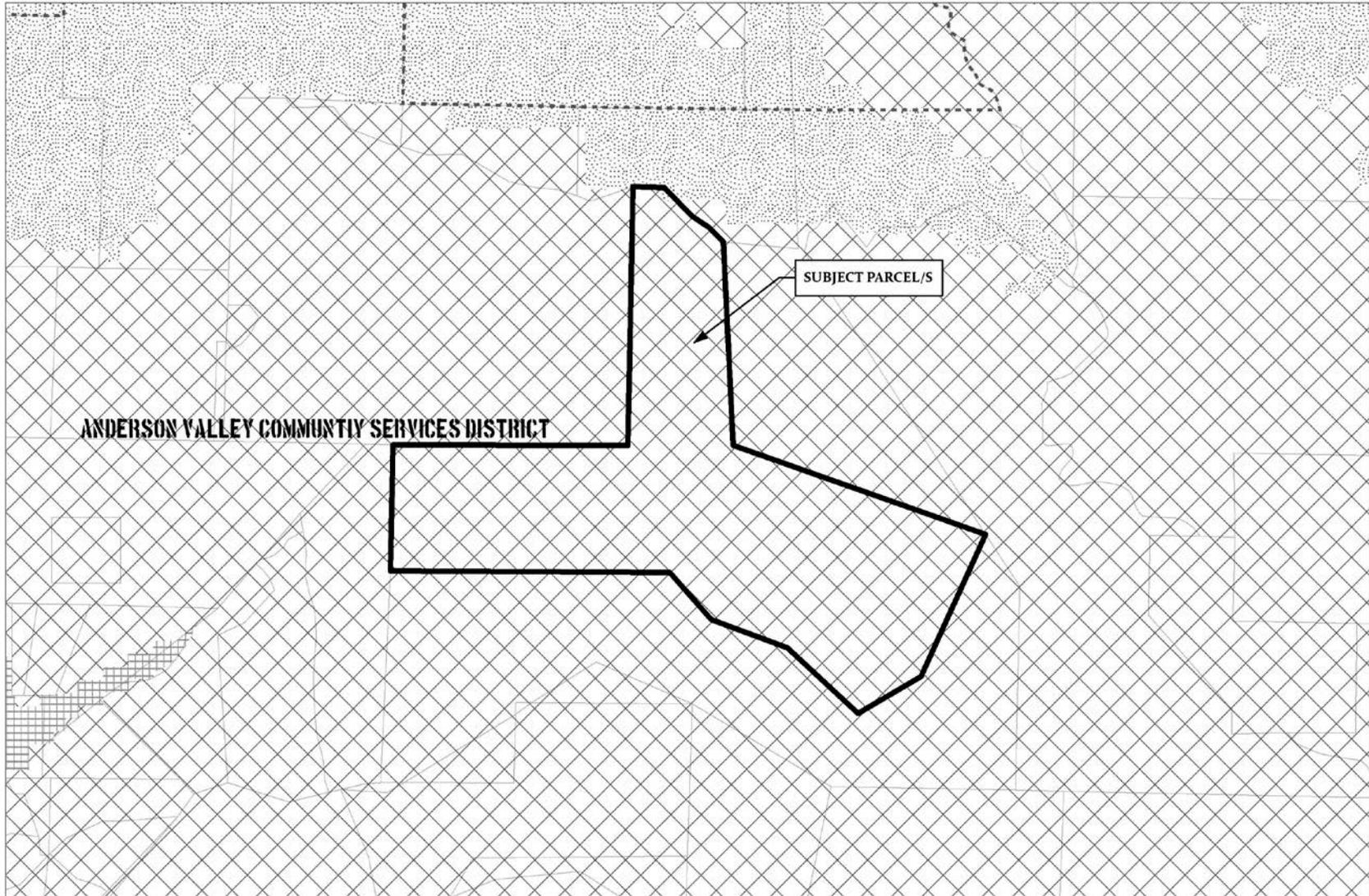


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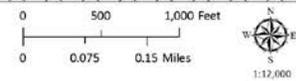
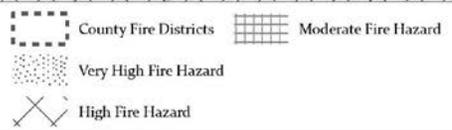


ADJACENT PARCELS

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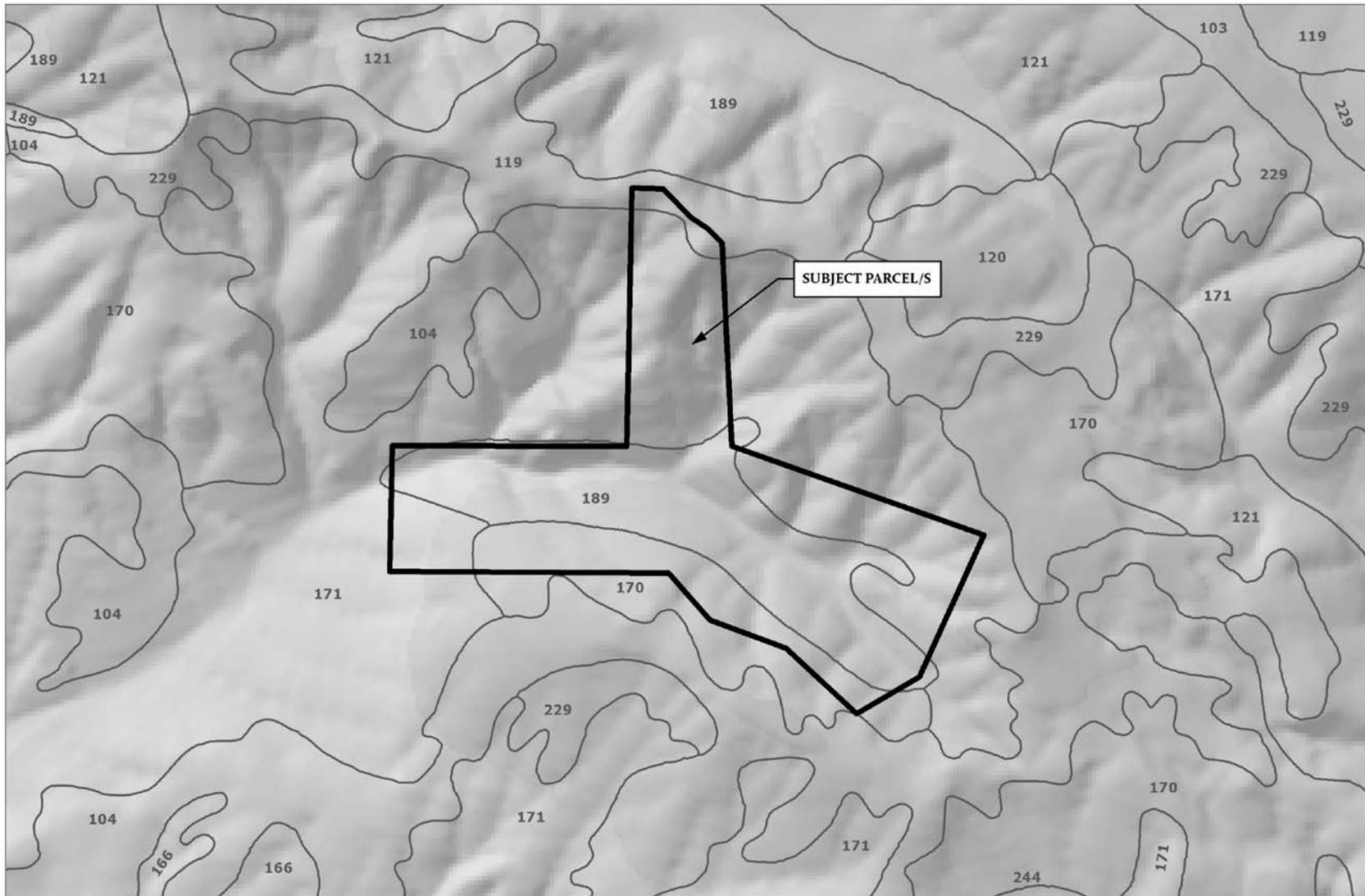


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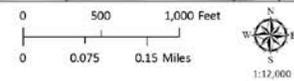
FIRE HAZARD ZONES & RESPONSIBILITY AREAS
STATE RESPONSIBILITY AREA

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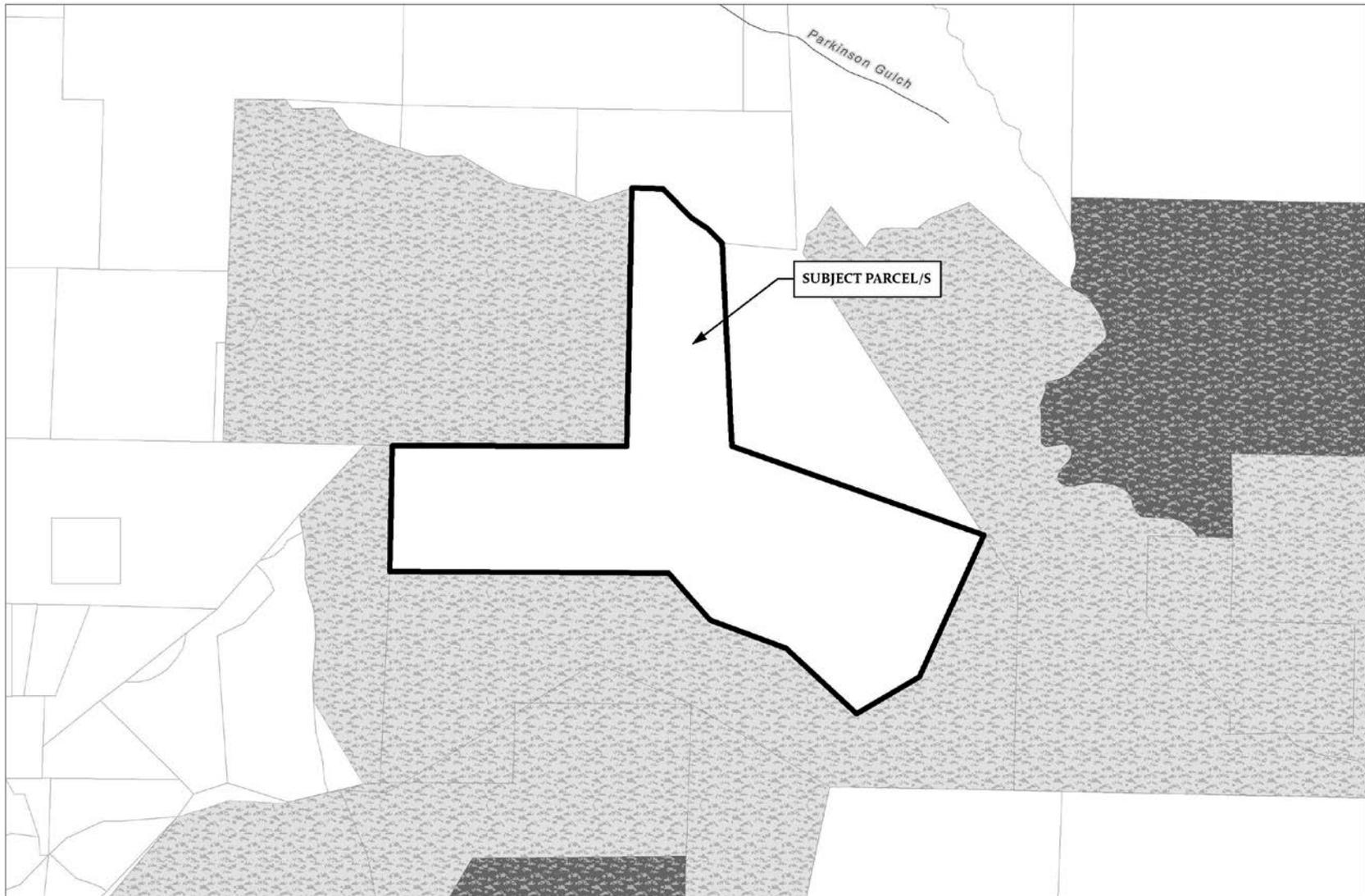
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 Western Soils



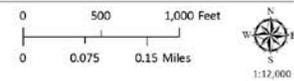
LOCAL SOILS

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-  Williamson Act 2015
-  Non-Prime Ag 2015
-  Non-Renewal Ag 2015
-  Named Rivers



LANDS IN WILLIAMSON ACT CONTRACTS

Map produced by the Mendocino County Planning & Building Services, May, 2016
All spatial data is approximate. Map provided without warranty of any kind.

Resolution Number _____

County of Mendocino
Ukiah, California
October 6, 2016

R_2016-0001 RUSTIC RETIREMENT LLC

RESOLUTION OF THE PLANNING COMMISSION, COUNTY OF MENDOCINO, STATE OF CALIFORNIA, CERTIFYING THE PROJECT IS STATUTORILY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PER SECTION 15264, AND GRANTING A REZONE FOR A ZONE RECLASSIFICATION OF APN 046-550-76 FROM RANGELAND TO TIMBER PRODUCTION ZONE.

WHEREAS, the applicant, RUSTIC RETIREMENT LLC, filed an application for rezoning with the Mendocino County Department of Planning and Building Services to reclassify 160 acres from Rangeland (RL) to Timber Production Zone (TPZ). The subject property is 4.5± miles north of Boonville, accessible by 0.5± mile private drive located at approximately 3.5 miles on Peachland Road (CR 128), from its intersection with State Highway 128, 9120 Peachland Rd., Boonville; APN:, 046-550-76; General Plan RL160::; Zoning RL:160; Supervisorial District 5; (the "Project"); and

WHEREAS, a Nonindustrial Timber Management Plan was prepared by a Registered Professional Forester, and subsequently found to be in conformance with the Rules and Regulations of the Board of Forestry pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973, by the California Department of Forestry and Fire Protection; and

WHEREAS, the Project is Statutorily Exempt from review under the California Environmental Quality Act (CEQA) and the State and County CEQA Guidelines pursuant to Section 15264 Timberland Preserves, California Code of Regulations Title 14, Chapter 3; and

WHEREAS, in accordance with applicable provisions of law, the Planning Commission held a public hearing on, October 6, 2016, at which time the Planning Commission heard and received all relevant testimony and evidence presented orally or in writing regarding the Project. All interested persons were given an opportunity to hear and be heard regarding the Project; and

WHEREAS, the Planning Commission has had an opportunity to review this Resolution and finds that it accurately sets for the intentions of the Planning Commission regarding the Project.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission makes the following findings;

1. General Plan Findings

The project is consistent with the land use designation of Rangeland (RL) with a 160 acre minimum parcel size. The general uses in the RL designation include forestry, which will be the primary use of the site under the Timberland Production Zone.

2. Timberland Production Zoning District Finding

That the site meets the intent of the Timber Production Zone, as stated in Mendocino County Code Chapter 20.068.

- 3. Creation of Timberland Production Zone Findings (Section 22.07.020)** The proposed project meets the eligibility requirements of Mendocino County Code Chapter 22.07 as necessary to support the incorporation of the subject parcel into the Timberland Production zoning district:
- a.** That the ownership contains at least 40 acres of Site Quality III or better.
 - b.** That the ownership is greater than 80 acres and at least 50% of the site is Site Quality III or better.
 - c.** That all uses on the property are in compliance MCC Chapter 20.068, which governs permitted and compatible uses.

BE IT FURTHER RESOLVED that the Planning Commission recommends the Board of Supervisors grant the requested rezone, subject to the Conditions of Approval in Exhibit "A", attached hereto.

BE IT FURTHER RESOLVED that the Planning Commission designates the Secretary as the custodian of the document and other material which constitutes the record of proceedings upon which the decision herein is based. These documents may be found at the office of the County of Mendocino Planning and Building Services, 860 North Bush Street, Ukiah, CA 95482.

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

ATTEST: ADRIENNE M. THOMPSON
Secretary to the Planning Commission

By: _____

BY: STEVEN D. DUNNICLIFF
Director

MOLLY WARNER, Chair
Mendocino County Planning Commission

EXHIBIT A: REZONE EXHIBIT MAP, APN 046-550-76