



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

BRENT SCHULTZ, DIRECTOR
UKIAH PHONE: 707-234-6650
UKIAH FAX: 707-463-5709
FB PHONE: 707-964-5379
FB FAX: 707-961-2427
pbs@mendocinocounty.org
www.mendocinocounty.org/pbs

MEMORANDUM

DATE: MARCH 19, 2019
TO: HONORABLE BOARD OF SUPERVISORS
FROM: JULIA ACKER KROG, CHIEF PLANNER
SUBJECT: GP_2014-0002/R_2014-0003 (ADKINSON)

The applicant proposes a General Plan Amendment to change 8.33± acres (portion of APNs: 046-070-26, -27, -28) from Rural Residential – 5 acre minimum with a Flood Plain combining district (RR-5:FP) to Rural Community with a Flood Plain combining district (RC:FP) and Rezone 12.01± acres (APNs: 046-070-26, -27, -28) from Rural Residential – 5 acre minimum with a Flood Plain combining district (RR-5:FP) and Rural Community with a Flood Plain combining district (RC:FP) to General Commercial – with Contract Rezone and Flood Plain combining district (C-2:CR[FP]), located at 8800 Highway 128, Philo (APNs: 046-070-26, -27, -28).

On July 19, 2018, the Planning Commission reviewed the applicant's request and voted unanimously to recommend that the Board of Supervisors adopt a Mitigated Negative Declaration and Mitigation Monitoring Program, and approve the requested General Plan Amendment and Rezone subject to the conditions and requirements of the Contract Rezone in the form attached to the proposed Ordinance.

KEY ISSUES

General Plan and Zoning Consistency: The proposed project includes a General Plan Amendment from Rural Residential – 5 acre minimum with a Flood Plain combining district (RR-5:FP) to Rural Community with a Flood Plain combining district (RC:FP) and a Rezone from RR-5 and RC to General Commercial with a Contract Rezone combining district and Flood Plain combining district (C-2:CR[FP]). The applicants have indicated that they intend to develop the subject property into a low intensity resort with a total of 20-25 cabins, a spa, a lodge/office and an event center. However, the proposed C-2 would allow for many additional uses that would likely be too intense for this particular location. This is the main reason that staff is recommending that the subject property be rezoned to C-2:CR[FP].

Staff is recommending that the rezone be a Contract Rezone whereby the riparian habitat within the subject property along Indian Creek and its tributary will be protected by limiting development within the 150 foot buffer to the centerlines of Indian Creek and Mill Creek, specification of best management practices and performance standards for the construction phase of the project and compliance with the recommendations contained in the 2015 Biological Scoping Survey Report prepared by Spade Natural Resources Consulting.

Prior to the applicant's purchase of the subject property this property had become a dumping area where trash, vehicles, vehicle parts and appliances were left and were doing damage to the ecosystem of the property. Staff believes that a rezone to C-2:CR[FP] will, subject to contract restrictions, provide protection to the riparian habitat area of the creeks and of the forested areas on the property. There has been extensive consultation with the California Department of Fish and Wildlife with regards to proposed contract restrictions to insure that resources on and adjacent to the property will not be negatively impacted by the proposed land use change and rezone. Both the applicant and representatives of the California Department of Fish and Wildlife have stated their agreement with the proposed contract restrictions.

Overall the proposed General Plan Amendment and Rezone will be a positive benefit to the County as it will allow for further economic development within this area of the County and, with the proposed Contract Rezone, the resources on the parcel will be protected in perpetuity from degradation from permitted uses that may have been permissible under the current general plan classification and zoning designation. Uses that would be permissible under the proposed general plan amendment and rezone would, as a result of the Contract Rezone, be designed in such a way that density adjacent to the sensitive riparian areas on the parcel would be limited and more protections would be afforded to the resource than could be accommodated under the current general plan classification and zoning designation. In addition, the proposed project is consistent with the Anderson Valley Community Area Plan goals and would help further the achievement of those goals. As a result, staff finds that the proposed General Plan Amendment and Rezone with the recommended Contract Rezone, is appropriate for the site

Environmental Protection: An Initial Study was completed for the project and circulated for public review in accordance with the California Environmental Quality Act (CEQA) Guidelines and a Mitigated Negative Declaration is recommended. The review identified potential impacts in the following categories: Biological Resources, Hydrology and Water Quality, and Transportation/Traffic. The environmental impacts identified in the Initial Study for the project can be adequately mitigated through the features of the project design or the conditions imposed by the Contract Rezone so that no significant adverse environmental impacts will result from this project; therefore, a Mitigated Negative Declaration is recommended.

RECOMMENDATION

Adopt a Resolution adopting the Mitigated Negative Declaration for the Rezoning and General Plan Amendment, adopt a Resolution approving the General Plan Amendment, and adopt an Ordinance for the rezoning; for the site located at 8800 Highway 128, Philo (APNs: 046-070-26, -27, -28).

Please see the agenda summary for staff's recommended motion.

ATTACHMENTS:

1. Planning Commission Resolution
PC_2018-0035
2. Planning Commission Packet from
July 19, 2018