



COUNTY OF MENDOCINO

DEPARTMENT OF PLANNING AND BUILDING SERVICES

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MEMORANDUM

DATE: NOVEMBER 14, 2016
TO: BOARD OF SUPERVISORS
FROM: ADELE PHILLIPS, PLANNER
SUBJECT: R_2016-0001 (RUSTIC RETIREMENT)

The applicant proposes to place a total of approximately 160 acres located approximately 4.5 miles north of Boonville into the Timberland Production (TP-160) zoning district. The proposed rezone encompasses land that supports timber productivity, and does not have any structures

On October 6, 2016, the Planning Commission reviewed the applicant's request and voted unanimously to recommend that the Board of Supervisors approve R_2016-0001, finding the rezone is consistent with the General Plan and in compliance with Chapter 22.07 of the Mendocino County Code with respect to Timberland Production Zone eligibility requirements.

KEY ISSUES

Timberland Production Rezone Requirements

The requested rezone is consistent with the minimum qualifications or requirements of County Code Chapter 22.07 (Timber Production Zone, TPZ), as follows.

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.* Lee Susan, a licensed registered professional forester, #2127, has provided a Non-Industrial Timber Management Plan, approved by CalFire on February 22, 2008, confirming 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established under Section 20-121, et seq., which govern permitted and compatible uses.* County Code Section 20-121 has been replaced by Section 20.068.010 which identifies the permitted and compatible uses in the TP-160 zoning district. The property is currently vacant, and is compatible with the TP-160 zoning district.

Pursuant to Section 22.07.030(A), *the ownership must contain at least 40 acres of Site Quality III or better*, and Section 22.07.030(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.

CEQA Determination

The California Environmental Quality Act (CEQA) exempts local agencies adopting a timberland production zone under Government Code Sections 51100 et seq. (Gov. Code, Sec. 51119: "Timberland Productivity Act of 1982") from having to prepare an environmental impact report or a negative declaration (CEQA Statutory Exemption Section 15264). The rezone is consistent with the provisions of the County's Timber Production Zone ordinance, which implements the Timberland Productivity Act of 1982, and therefore qualifies for this exemption.

RECOMMENDATION

That the Board of Supervisors adopt an ordinance approving Rezone R_2016-0001 (Rustic Retirement), totaling approximately 160 acres near Boonville, and finding the request to be consistent with the General Plan and Mendocino County Code Chapter 22.08, with respect to criteria necessary for inclusion into the Timberland Production zoning district.

ATTACHMENTS:

- A. Rezone Ordinance
- B. Planning Commission Staff Report, October 6, 2016
- C. Planning Commission Public Hearing Minutes, October 6, 2016