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**PLANNING COMMISSION  
STAFF REPORT- REZONE**

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**R\_2017-0007  
FEBRUARY 15, 2018**

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**SUMMARY**

**OWNER/ APPLICANT:** PABLO & ALICIA ISABEL ABULIAK  
PO BOX 1797  
MENDOCINO, CA 95460

**AGENT:** JAVIER J. RAU  
100 N PINE ST  
UKIAH, CA 95482

**REQUEST:** Rezone 20± acres from Rural Residential (R-R:L-5) to Rural Residential (R-R:L-10).

**DATE DEEMED COMPLETE:** October 02, 2017

**LOCATION:** 1.0± mile west of Boonville, on the east side of Ornbaun Road (CR #127), approximately 0.5 miles north of its intersection with Mountain View Road (CR #510), located at 13016 Ornbaun Rd., Boonville (APN: 029-370-11).

**TOTAL ACREAGE:** 20 ACRES

**GENERAL PLAN:** Rural Residence – 5 acre minimum (RR: 5)

**ZONING:** Rural Residence – 5 acre minimum (RR: 5)

**SUPERVISORIAL DISTRICT:** 5

**ENVIRONMENTAL DETERMINATION:** Categorically Exempt; Section 15183

**RECOMMENDATION:** Approve

**STAFF PLANNER:** Jesse Davis

**BACKGROUND**

**PROJECT DESCRIPTION:** Rezone 20± acres from Rural Residential (R-R:L-5) to Rural Residential (R-R:L-10). This request allows for a less intensive zoning designation of the subject parcel, and limits the residential development potential of the site, per the request of the owner.

**SITE CHARACTERISTICS:** The subject parcel is located 1± mile west of Boonville via Ornbaun Road (CR 127). The site is not located within a water or sanitation district, but does fall within the jurisdictional service area of the Anderson Valley Community Services District. The parcel is characterized by mixed transitional timber, particularly Redwood and Fir species. There is currently no residence on the subject parcel, but there are approved leach fields, one permitted well, and one issued well permit. Currently, a small shed exists on the site, along with improvements to facilitate future residential development (BU\_2007-0068). Surrounding parcel uses are Timber Production, Rural Residential (R-R:L-5), and Forest Land.

The subject parcel is located within Zone D of the Mendocino County Airport at Boonville. Review of this application by the Airport Land Use Commission is not required, as Zone D is considered 'Other Airport Environs'. There is negligible risk to the inhabitants of this zone type; however there is the potential for annoyance from overhead flights. This nuisance should be limited given the airport's limited use and current capacity. There are no dwelling restrictions or limits to residential development within Zone D.

**SURROUNDING LAND USE AND ZONING:**

|               | ADJACENT<br>GENERAL PLAN | ADJACENT<br>ZONING | ADJACENT<br>LOT SIZES                | ADJACENT<br>USES |
|---------------|--------------------------|--------------------|--------------------------------------|------------------|
| <b>NORTH:</b> | RR5                      | RR5                | 20 ACRES, 21.6<br>ACRES              | VACANT           |
| <b>EAST:</b>  | RR5                      | RR5                | 8.2 ACRES, 5.35<br>ACRES, 5.35 ACRES | RESIDENTIAL      |
| <b>SOUTH:</b> | FL160                    | FL160              | 40 ACRES                             | VACANT           |
| <b>WEST:</b>  | FL160                    | TP                 | 40 ACRES                             | INSTITUTIONAL    |

**PUBLIC SERVICES:**

Access: Ornbaun Rd. (CR 127)→Private (Unnamed)  
 Fire District: Anderson Valley Community Services District & CalFire  
 Water District: None  
 Sewer District: None  
 School District: None

**AGENCY COMMENTS:** On November 1, 2017 project referrals were sent to all responsible or trustee agencies with jurisdiction over the Project. 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:

| REFERRAL AGENCIES                                    | COMMENT              | DATE     |
|--|----------------------|----------|
| Department of Transportation                         | Conditional Approval | 11.3.17  |
| Department of Planning                               | No Response          | N/A      |
| Environmental Health- Ukiah                          | No Comment           | 11.21.17 |
| Building Services-Ukiah PBS                          | No Response          | N/A      |
| Assessor   | No Response          | N/A      |
| California Department of Fish and<br>Wildlife (CDFW) | No Comment           | 11.16.17 |
| CALFIRE  | Other Comments       | 11.7.17  |
| Anderson Valley CSD                                  | No Response          | N/A      |
| Forestry Advisor                                     | No Response          | N/A      |
| Department of Building                               | Conditional Approval | 1.4.18   |

**KEY ISSUES**

**1. General Plan and Zoning Consistency:**

**Policy DE-14:** The RR classification is intended to encourage local small scale food production (farming) in areas which are not well suited for large scale commercial agriculture, defined by present or potential use, location, mini-climate, slope, exposure, etc. The Rural Residential classification is not intended to be a growth area, and residences should be located as to create minimal impact on agricultural viability.

The subject parcel is located within the Rural Residential (RR5) zoning district, and, is privately owned. Surrounding zoning designations and uses are consistent with residential and agricultural production. 'Downzoning' the subject site would satisfy Policy DE-19, as it would maintain a similar intent for the parcel with minimal impact to agricultural viability.

This rezone would allow for a potential cannabis cultivation site to be established on the subject parcel of 10,000 square feet (Type 2 Outdoor & Mixed Light). If the parcel were to remain zoned RR5, however, the cultivation site would be restricted to a maximum of 5,000 square feet (Type 1 Outdoor or Mixed Light), even though the subject parcel maintains sufficient acreage.

The subject site is consistent with the minimum parcel size of 10 acres for the Rural Residential (RR10) zoning district, per Mendocino County Code Section 20.048.025. Currently, the site maintains 20 acres. A General Plan Amendment is not required for this Rezone, given that the current acreage meets the existing (R-R:L-5) General Plan requirement of a 5 acre minimum. A General Plan Amendment is only required when the minimum parcel size allowed by zoning is smaller than the minimum parcel size specified by the General Plan Classification.<sup>1</sup> Given that the site still satisfies the RR-5 General Plan requirement, no General Plan Amendment is required.

**2. Environmental Determination:** Article 12, Section 15183 of the California Environmental Quality Act allows for projects that are consistent with the General Plan to be exempt from additional review, as it can be established that the environmental determination was previously completed.

**RECOMMENDATION**

By resolution, the Planning Commission recommends that the Board of Supervisors Approve the Rezone.

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DATE

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JESSE DAVIS

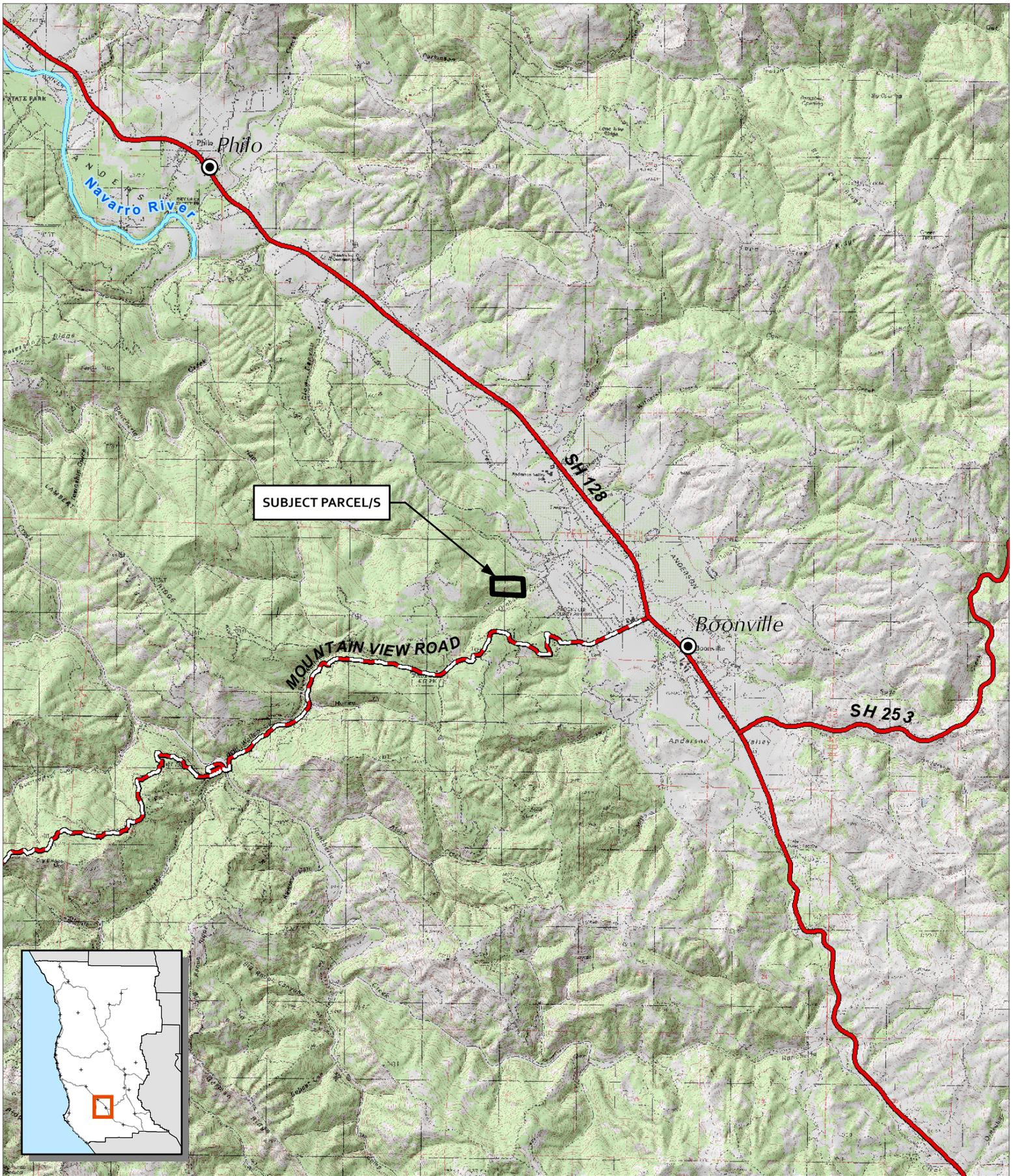
**ATTACHMENTS:**

- A. Location Map
- B. Topographical Map
- C. Aerial Map
- D. Site/Tentative Map
- E. Adjacent Owner Map
- F. Zoning Map
- G. General Plan Map
- H. Fire Hazards Map
- I. Farmland Map
- J. Soils Map
- K. Airport Zones Map
- L. Timber Production Zone

**RESOLUTION (Exhibit A): Rezone Exhibit Map, 029-370-11**

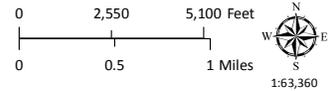
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<sup>1</sup> CHAPTER 20.220 - GENERAL PLAN—ZONING ORDINANCE COMPATIBILITY; Sec. 20.220.005 - General Plan—Zoning Compatibility Chart; (Ord. No. 3639 (part), adopted 1987).



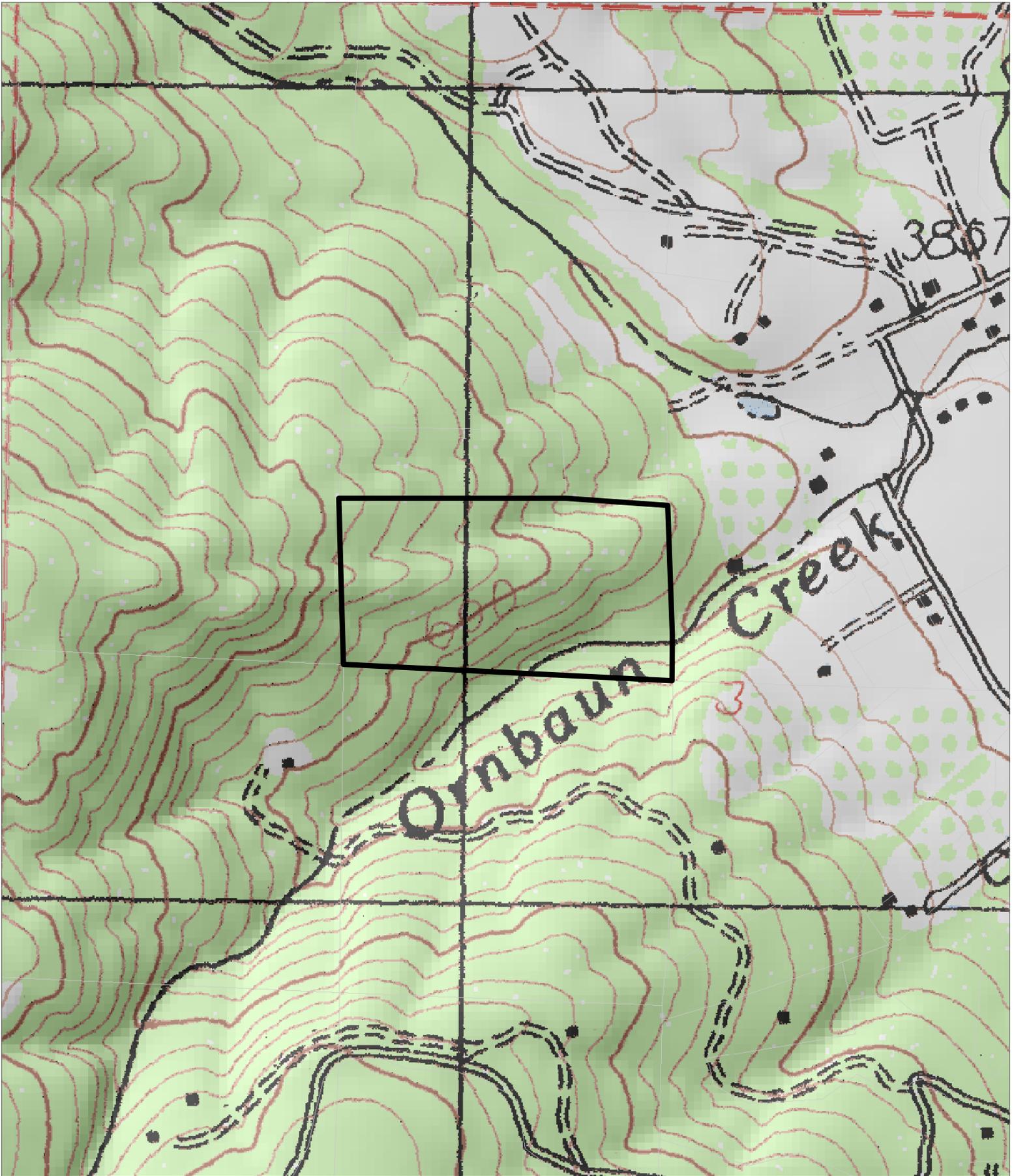
CASE: R 2017-0007  
 OWNER: ABULIAK, Pablo & Alicia  
 APN: 029-370-11  
 APLCT: Pablo Abuliak  
 AGENT: Javier Rau  
 ADDRESS: 13016 Ornbaun Road, Boonville

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

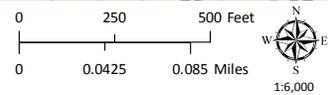


**LOCATION MAP**

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TOPOGRAPHIC MAP  
CONTOUR INTERVAL IS 40 FEET

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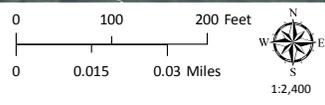


Ornbaun Creek

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

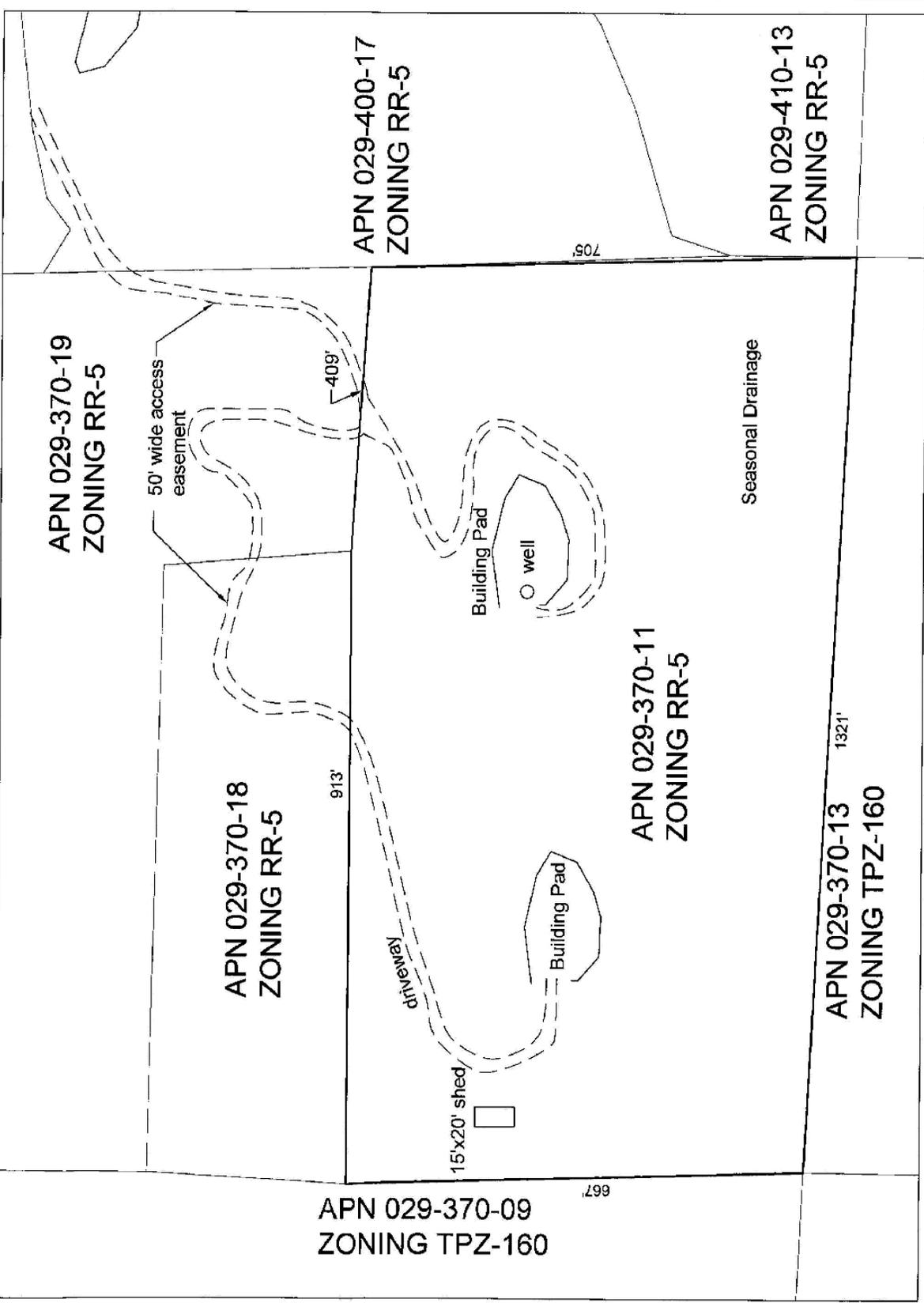
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~ ~ ~ Named Rivers  
- - - Driveways/Unnamed Roads



AERIAL IMAGERY

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APN: 029-370-11  
 RR 5  
 20 ACRES

SITE PLAN FOR 13016 ORNBAUN ROAD  
 UKIAH, CA

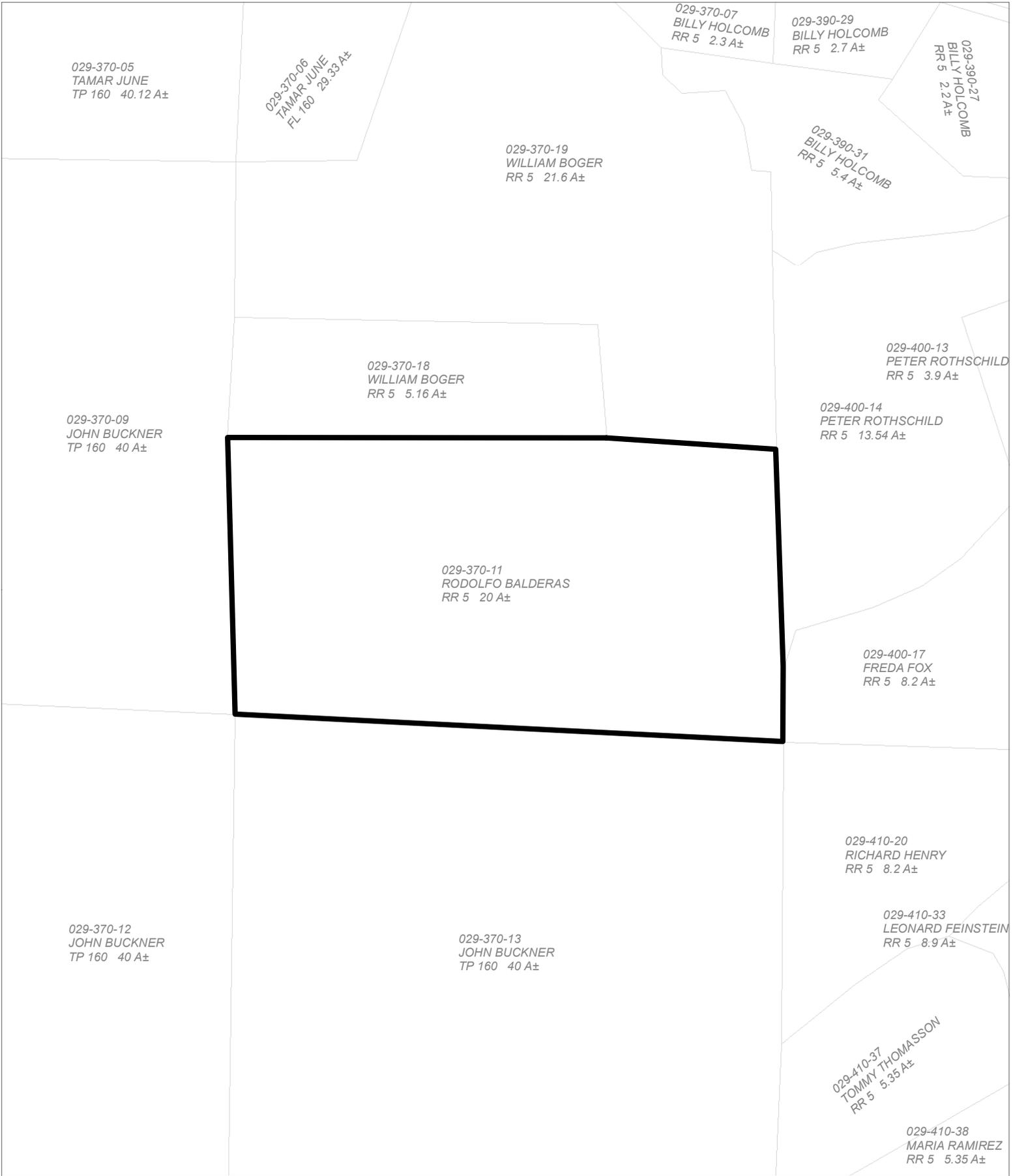
OCT. 2017

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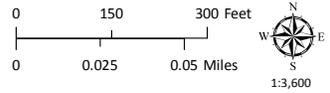
NO SCALE

SITE PLAN

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ADJACENT PARCELS

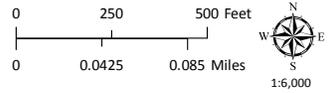
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 Zoning Districts



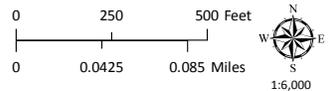
ZONING DISPLAY MAP

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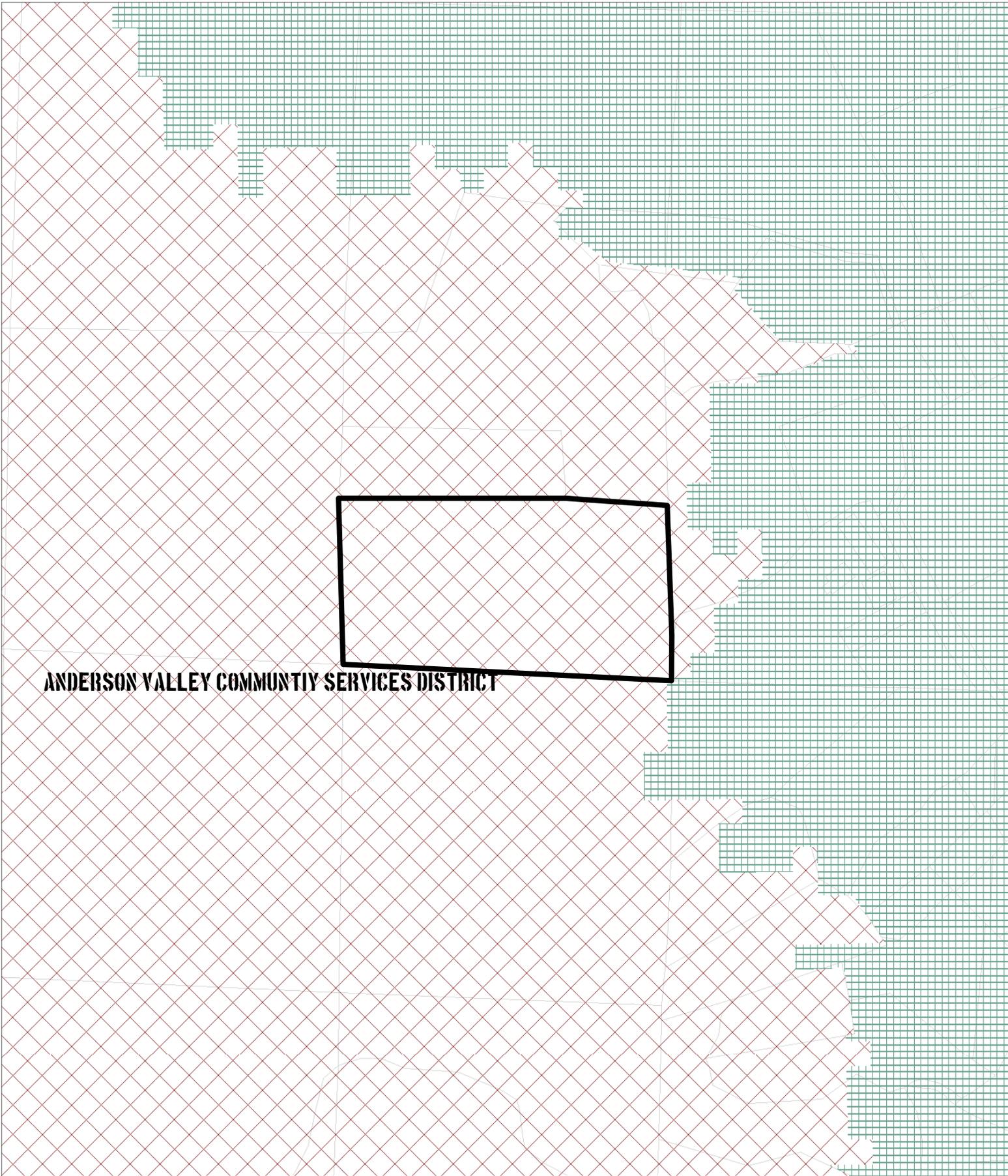
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 General Plan Classes



GENERAL PLAN CLASSIFICATIONS

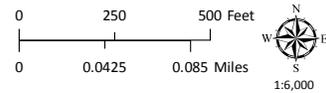
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**ANDERSON VALLEY COMMUNITY SERVICES DISTRICT**

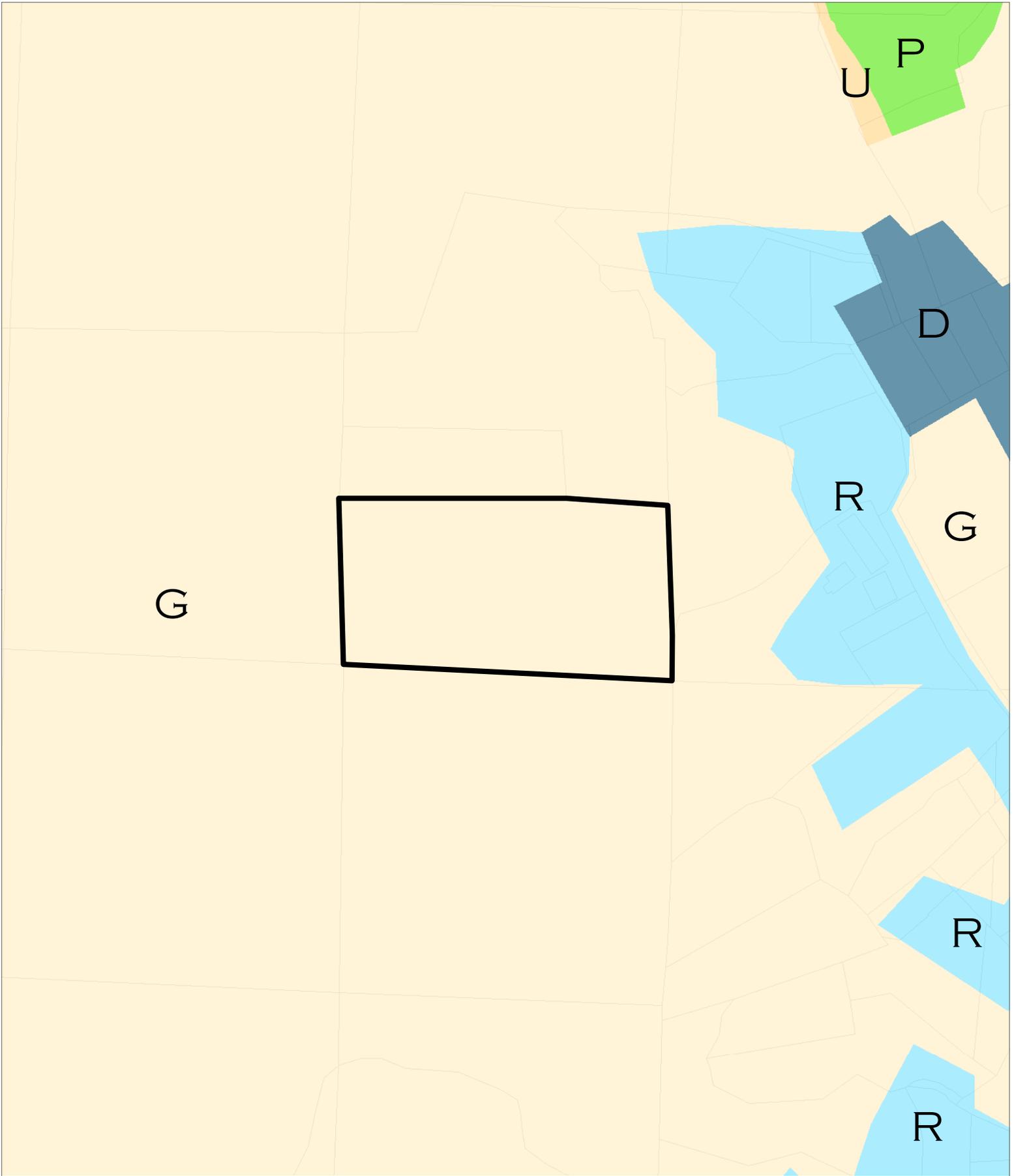
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-  County Fire Districts
-  High Fire Hazard
-  Moderate Fire Hazard



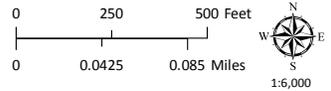
**FIRE HAZARD ZONES & RESPONSIBILITY AREAS**  
 STATE RESPONSIBILITY AREA

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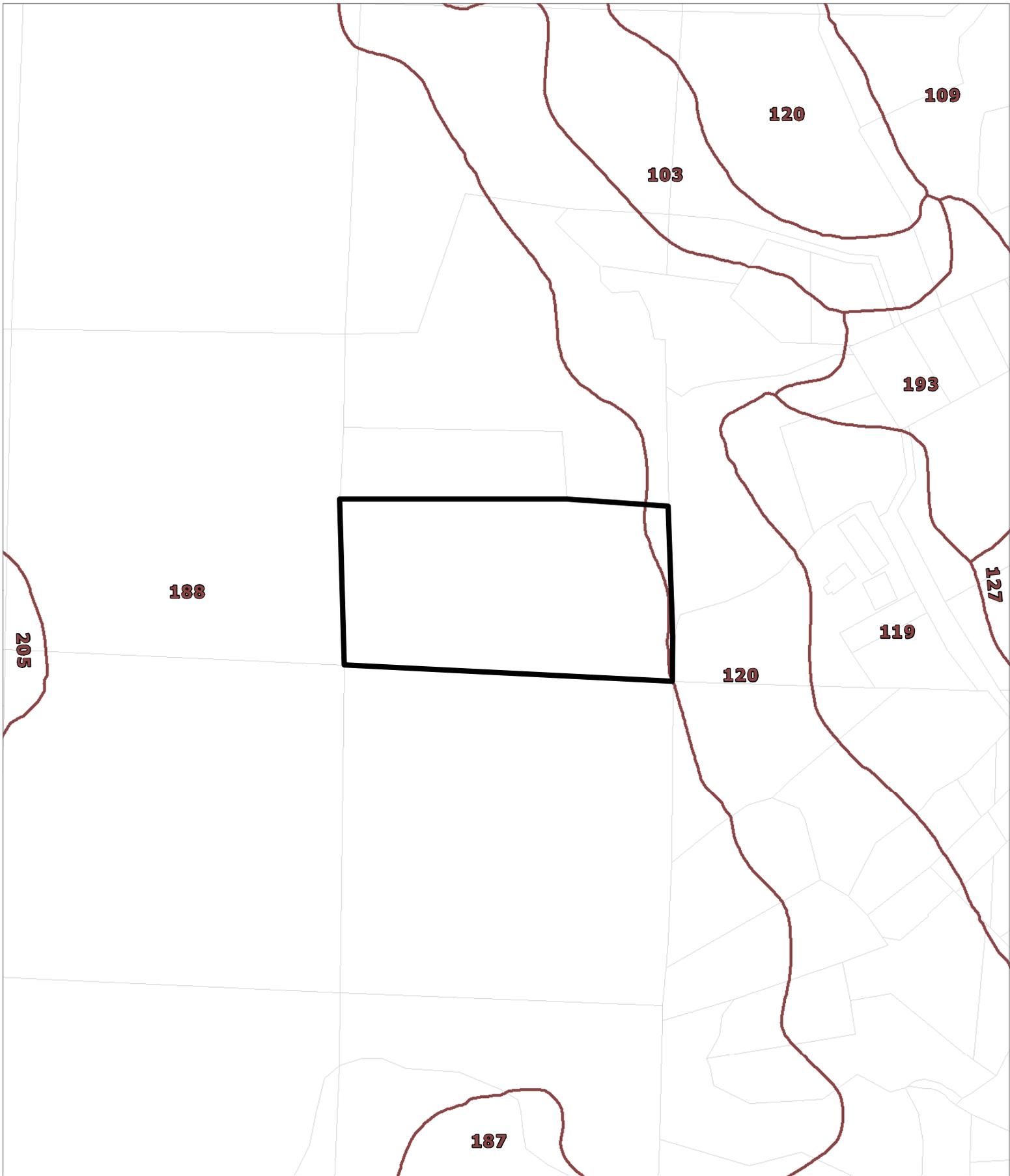
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Urban & Built-Up Land (D)  
 Grazing Land (G)



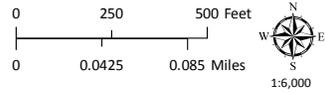
IMPORTANT FARMLAND

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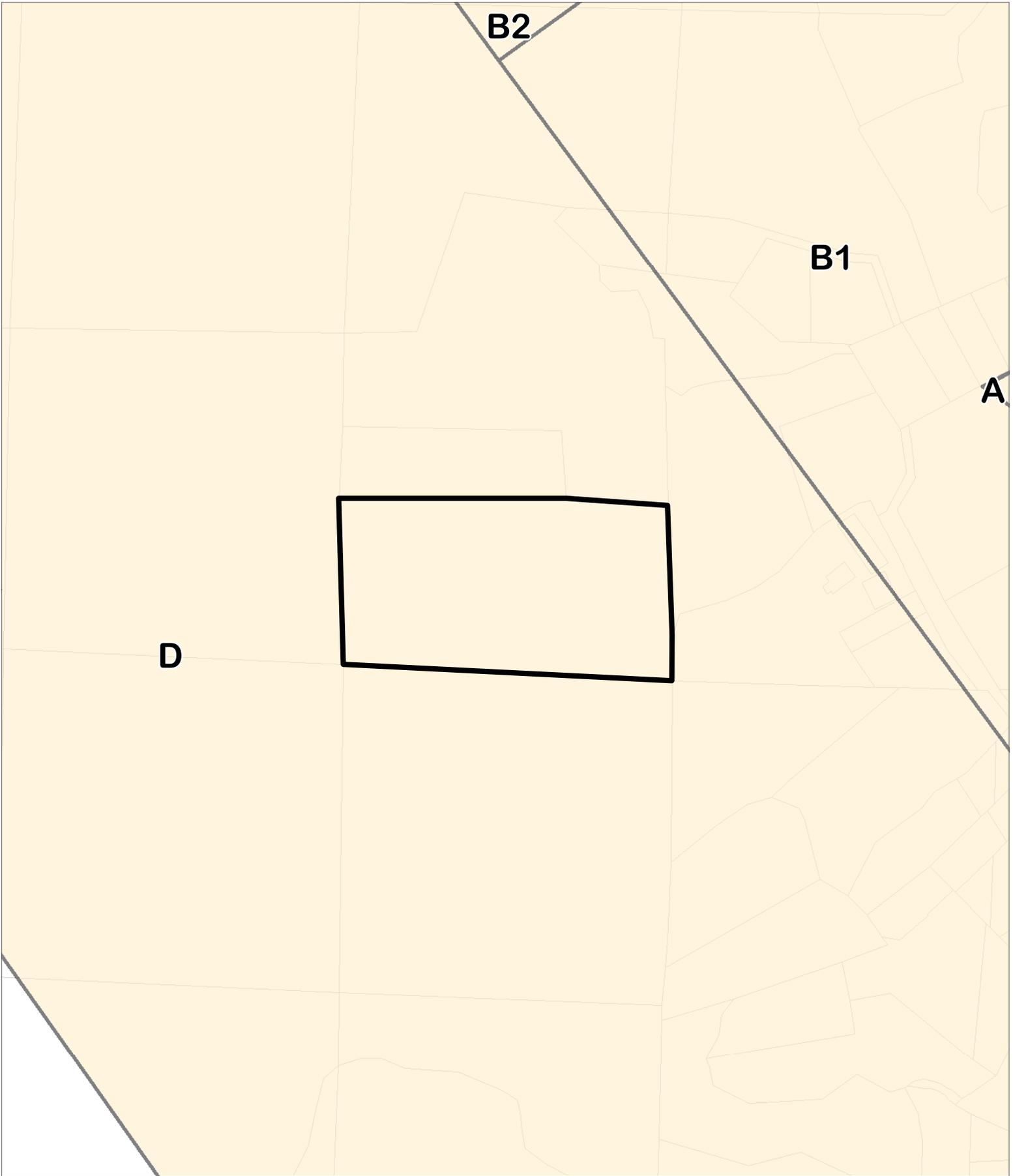
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 Western Soil Classes

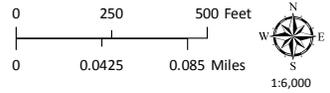


LOCAL SOILS

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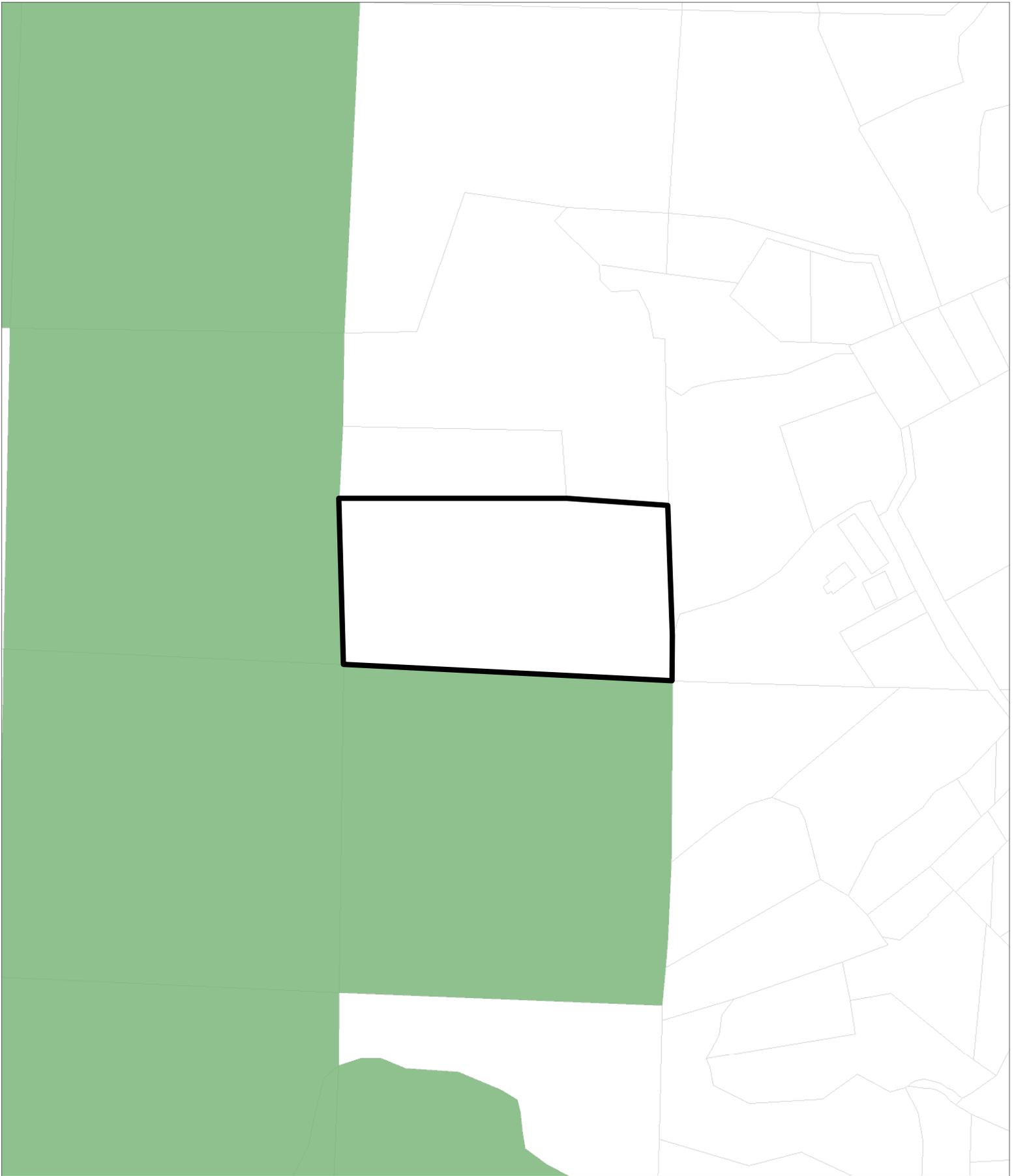


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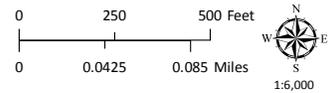
AIRPORT ZONES

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 TPZ 2015



TIMBER PRODUCTION ZONES

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