



**PLANNING COMMISSION
STAFF REPORT- REZONE**

**MAY 16, 2019
R_2019-0001**

SUMMARY

OWNER: PATRICK DUGGAN
3221 DEERWOOD DR
UKIAH, CA 95482

APPLICANT: REDWOOD REMEDIES
705 N STATE ST #715
UKIAH, CA 95482

AGENT: EMILY HACKBARTH
1805 RIDGE RD
UKIAH, CA 95482

REQUEST: Rezone of a 10.49± acre portion of a 22.36± acre parcel within the Rural Residential zoning district, from a lot size minimum of 1 acre (RR:1) to 10 acres (RR:10).

LOCATION: 0.2± miles east of Redwood Valley center, on the south side of Road D (CR 232), 0.1± miles east of its intersection with Harris Court (Private); located at 1401 Road D, Redwood Valley (APNs 163-082-09 and 163-090-05).

TOTAL ACREAGE: 22.36± Acres

GENERAL PLAN: Rural Residential (RR)

ZONING: Rural Residential (RR:1)

SUPERVISORIAL DISTRICT: 1st Supervisorial District (Carre Brown)

ENVIRONMENTAL DETERMINATION: Exempt per CEQA Section 15183

RECOMMENDATION: Recommend the Board of Supervisors approve Rezone R_2019-0001 of 10.49± acres from RR:1 to RR:10.

STAFF PLANNER: Sam "Vandy" Vandewater

BACKGROUND

PROJECT DESCRIPTION: Rezone of a 10.49± acre portion of a 22.36± acre parcel within the Rural Residential zoning district, from a lot size minimum of 1 acre (RR:1) to 10 acres (RR:10).

SITE CHARACTERISTICS: The subject parcel is located within the Redwood Valley Water District and the Redwood Valley – Calpella Fire Protection District, and utilizes an on-site septic system. Access is gained from Road D (CR 232) and there are a number of improvements to the parcel including a single-family residence, greenhouse, and storage outbuildings. The parcel is partially used for agriculture, although the northern portion is less developed; tree coverage varies across the parcel.

RELATED ON-SITE APPLICATIONS:

- **AG_2018-0109** (Cottage Mixed-Light Cannabis Cultivation);
- **CFBL_2018-0100** (Cannabis Facilities Business License – Self Distribution)
- **MS_2018-0003** (Minor Subdivision, 4 parcels)-Withdrawn

SURROUNDING LAND USE AND ZONING:

	GENERAL PLAN	ZONING	LOT SIZES (ACRES)	USES
NORTH	Rural Residential (RR)	Rural Residential (RR:1)	1.2±, 1.1± & 1.3±	Residential
EAST	Rural Residential (RR)	Rural Residential (RR:1)	1±, 2.6±, 1±, 3.2±, 10±	Residential
SOUTH	Rural Residential (RR) / Agriculture (AG)	Rural Residential (RR:1) / Agriculture (AG:40)	10.3±, 23.9±	Vacant
WEST	Rural Residential (RR)	Rural Residential (RR:1)	12.1±, 1.1±	Vacant

PUBLIC SERVICES:

Access: Road D (CR 232)
Fire District: Redwood Valley – Calpella Fire Protection District
Water District: Redwood Valley Water District
Sewer District: None
School District: Ukiah Unified School District

AGENCY COMMENTS: On February 24, 2019, project referrals were sent to the following responsible or trustee agencies with jurisdiction over the Project:

REFERRAL AGENCIES	COMMENT
Department of Transportation	No Comment
Environmental Health	No Comment
Building Inspection	No Response
Farm Advisor	No Response
Redwood Valley MAC	No Response
RV – Calpella Fire Protection District	Comment
Redwood Valley Water District	No Comment
Department of Fish and Wildlife	No Response
Cloverdale Rancheria	No Response
Redwood Valley Rancheria	No Response
Sherwood Valley Rancheria	No Response

KEY ISSUES

1. General Plan and Zoning Consistency: The proposed project is for a partial rezone of a legal parcel consisting of two assessor parcels (APNs: 163-082-09 and 163-090-05) within the Rural Residential General Plan Land Use Designation and zoning district, lot size of one (1) acre. The proposed zone change would remain consistent with the Rural Residential Land Use Designation, as well as policies of the General Plan. A General Plan Amendment is not required for this Rezone request, given that the current acreage meets the existing (R-R:L-1) General Plan requirement. 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.¹ Given that the site still satisfies its General Plan requirement, no General Plan Amendment is required.

Additionally, the proposed project is consistent with the Rural Residential zoning district, per Mendocino County Code 20.048, as this zoning designation is not intended to serve as a growth area. While the residential density of the subject property would be lowered, the portion being rezoned is presently utilized for agriculture undertakings. Furthermore, this portion of the property was to serve as the 'Remainder Parcel' of the withdrawn Minor Subdivision application (MS_2018-0003), recognizing that this specific area is not intended for residential development, at this time.

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

This Rezone would allow for an established cannabis cultivation site (AG_2018-0109) on the subject property to expand up to 10,000 square feet. Presently, the applicant is constrained to a total allowed canopy 2,500 square feet per the restrictions placed on residential zoning districts. If the parcel were to remain zoned RR1, the cultivation site would be subject to the 'Sunset Provision' for residential districts, per Mendocino County Code Section 10A.17.080(B)(2)(a). This provision ensures that an Agricultural Permit for cultivation may be renewed and valid for only three (3) years after May 4th, 2017 for cultivation sites located in the Single-Family Residential (R-1), Two-Family Residential (R-2), Multiple-Family Residential (R-3), Suburban Residential (S-R), Rural Community (R-C), and Rural Residential (lot sizes one (1) acre, two (2) acres and five (5) acres [legal non-conforming parcels to minimum zoning size][R-R:L-1, R-R:L-2, and R-R:L-5 {legal non-conforming to minimum zoning size}]), as well as cultivation sites in any other zoning district where a dwelling unit is a principally permitted use and the legal parcel is less than two (2) acres in size. Any permits issued in the before-mentioned zoning districts or sizes shall be void not later than three (3) years following said effective date.

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 through the adoption of the Mendocino County General Plan.

RECOMMENDATION

By resolution, the Planning Commission recommends the Board of Supervisors grant Rezone R_2019-0001 for the Project, as proposed by the applicant, based on the facts and findings.

5/1/19

DATE

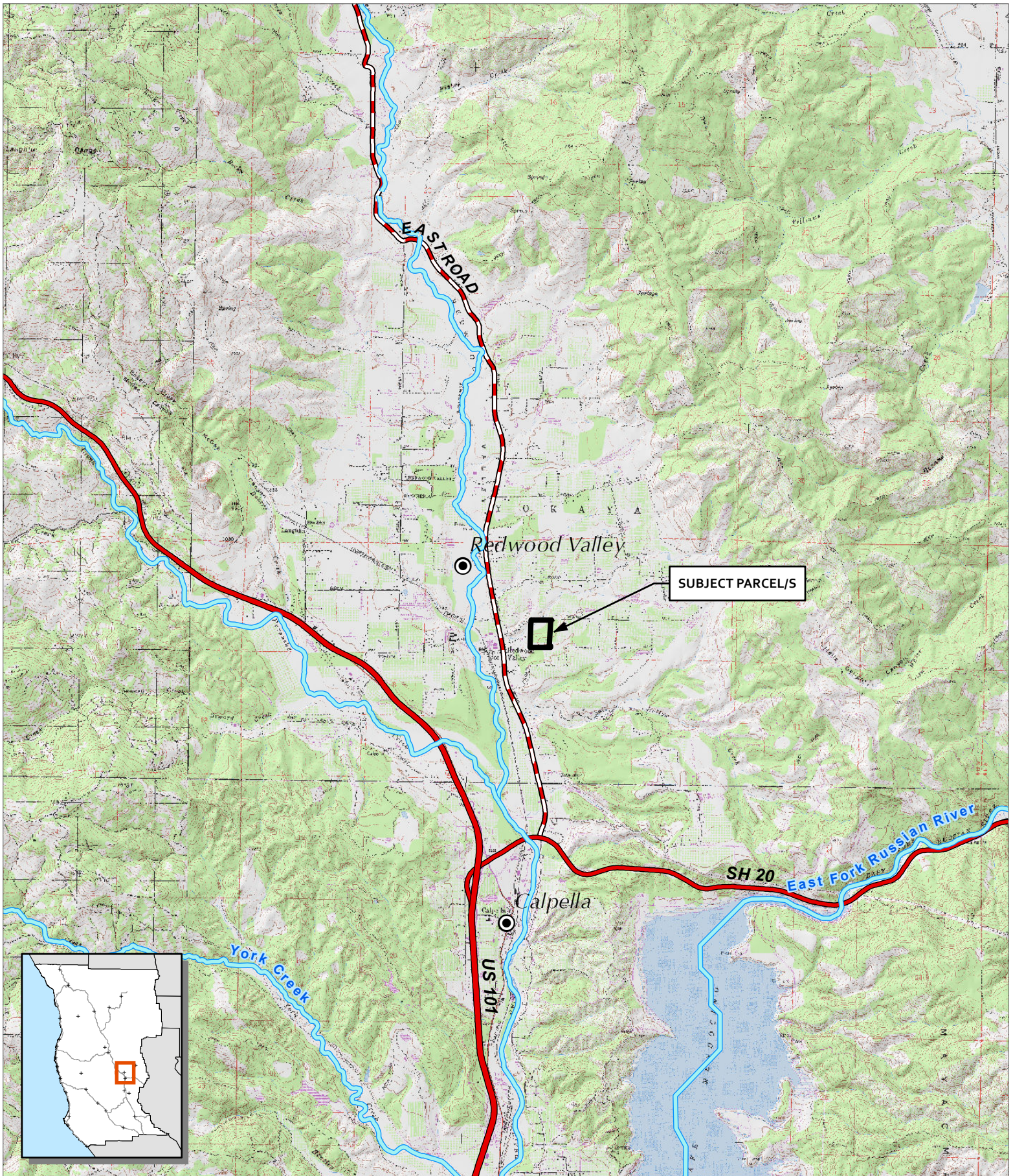


SAM "VANDY" VANDEWATER
PLANNER II

ATTACHMENTS:

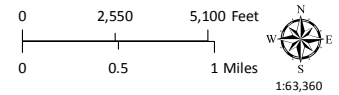
- A. Location Map
- B. Aerial Map
- C. Topographical Map
- D. Site Map
- E. Zoning Map
- F. General Plan Map
- G. Adjacent Owner Map
- H. Fire Hazards Map
- I. Important Farmland Map
- J. Wildland-Urban Interface Map
- K. Soils Map
- L. Water Districts Map
- M. Williamson Act Map

RESOLUTION:



CASE: R_2019-0001
OWNER: Patrick Duggan
APN: 163-082-09
APLCT: Redwood Remedies
AGENT: Emily Hackbarth
ADDRESS: 1401 Road D, Redwood Valley

Major Towns & Places
Major Roads
Major Rivers
Highways






LOCATION MAP
ATTACHMENT A

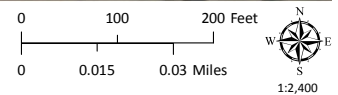
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Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

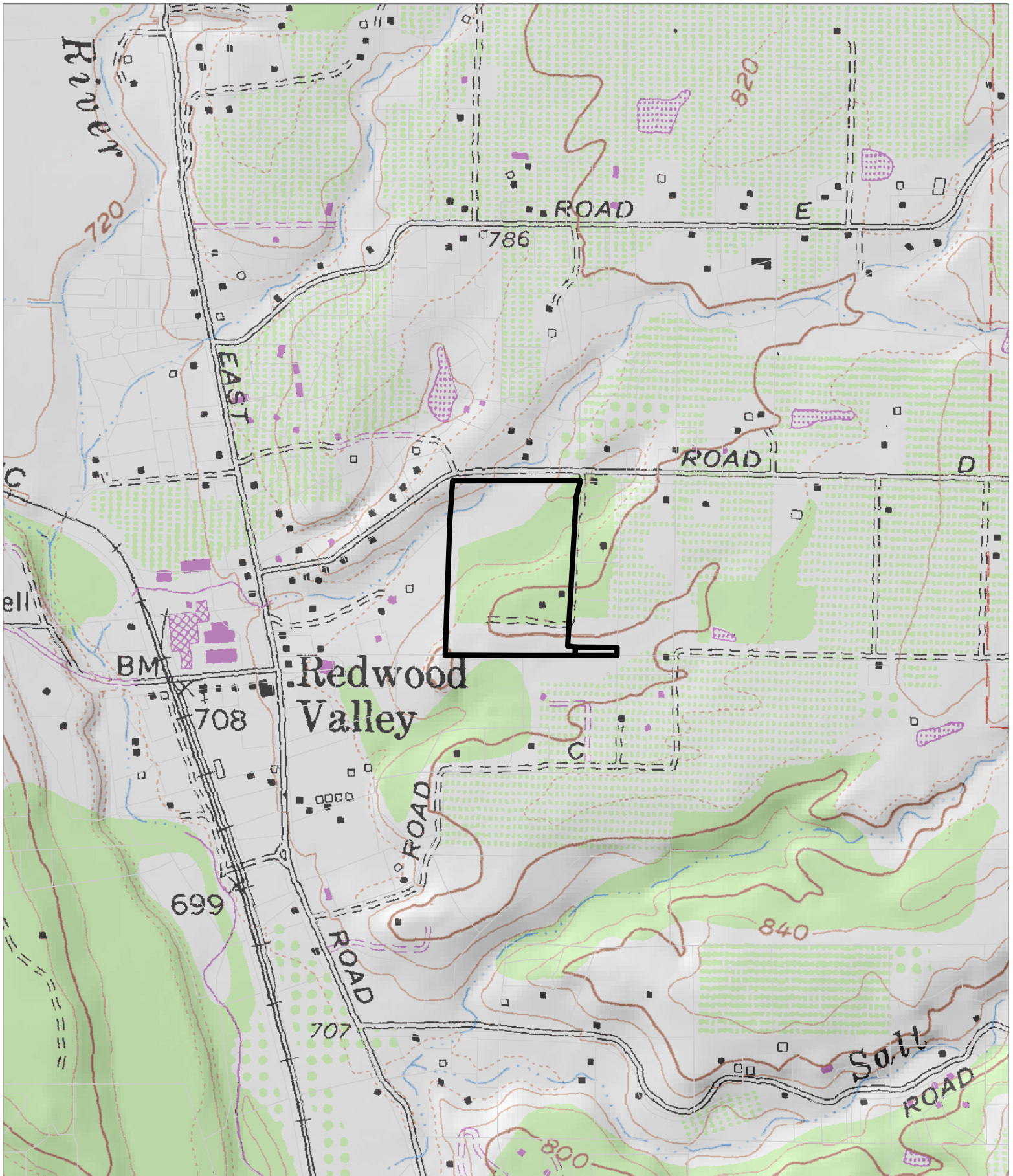
CASE: R_2019-0001
OWNER: Patrick Duggan
APN: 163-082-09
APLCT: Redwood Remedies
AGENT: Emily Hackbarth
ADDRESS: 1401 Road D, Redwood Valley

-  Public Roads
-  Private Roads
-  Driveways/Unnamed Roads

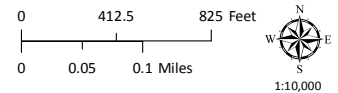


AERIAL IMAGERY
ATTACHMENT B

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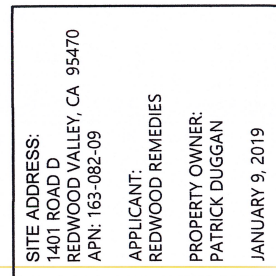


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TOPOGRAPHIC MAP
CONTOUR INTERVAL IS 40 FEET
ATTACHMENT C

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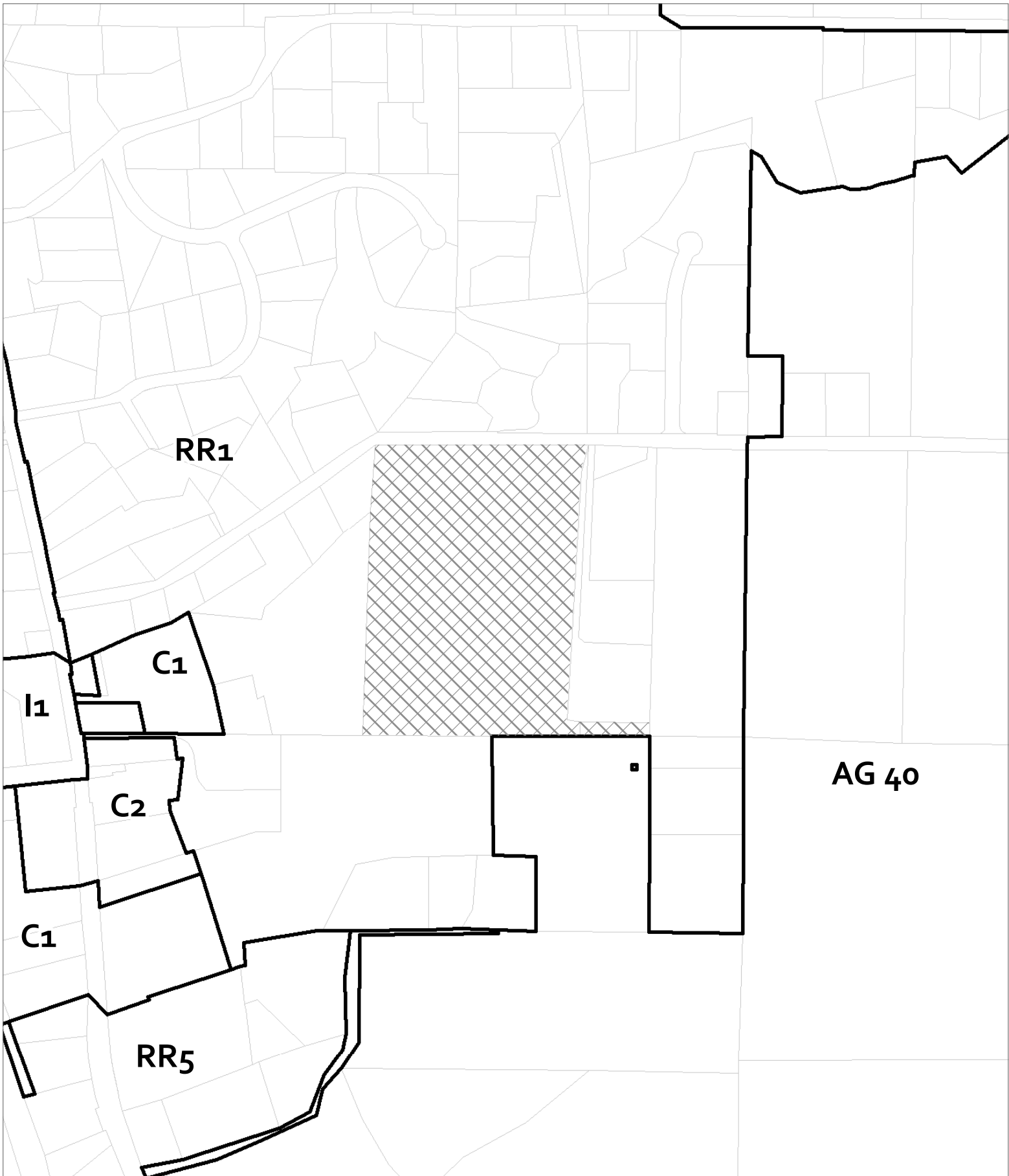
PLOT PLAN

20' 50' 200'

Rezone Map

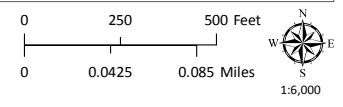
ATTACHMENT D

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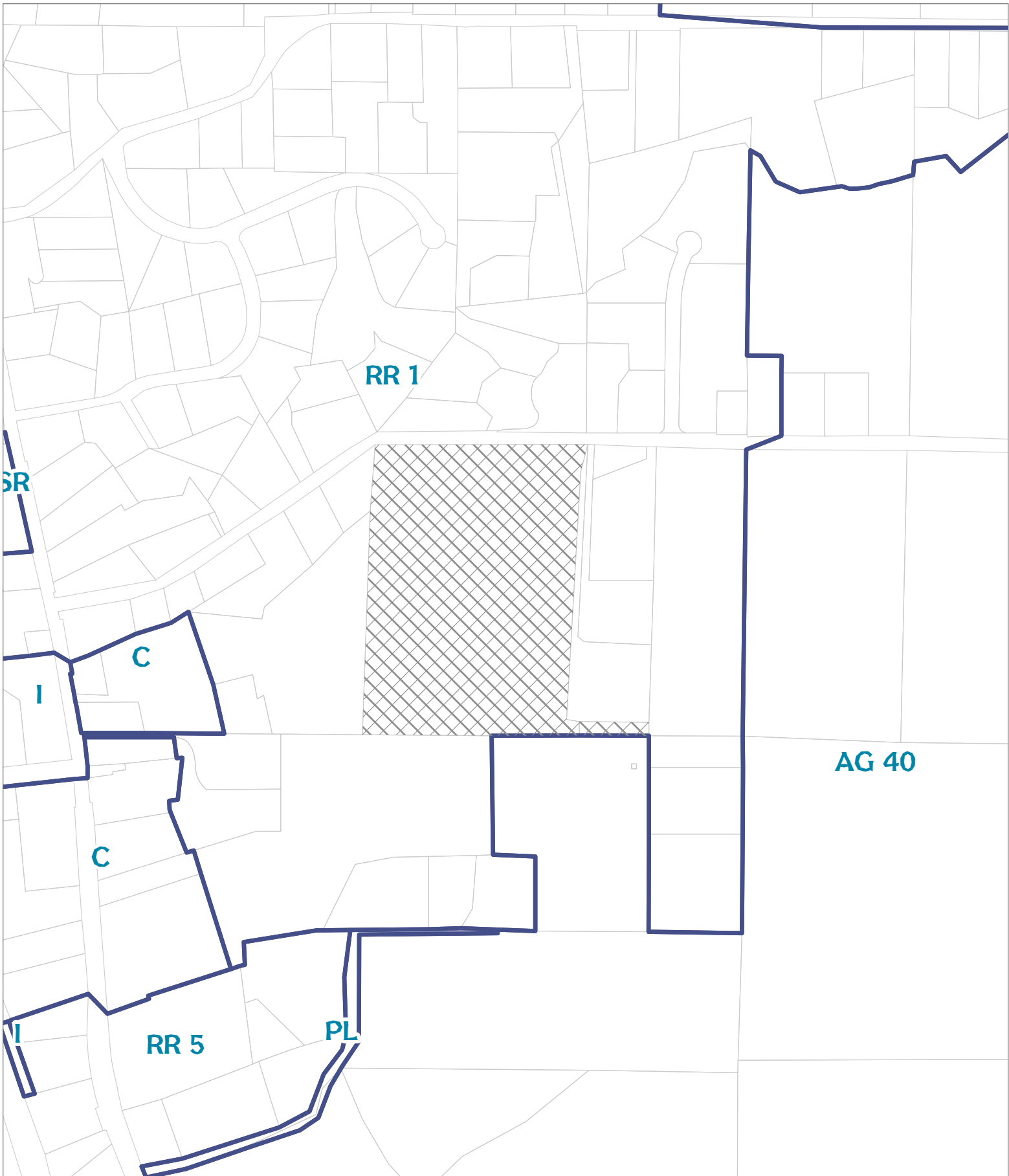
CASE: R_2019-0001
OWNER: Patrick Duggan
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ADDRESS: 1401 Road D, Redwood Valley

 Zoning Districts




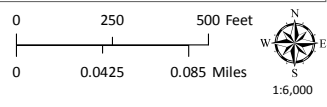
ZONING DISPLAY MAP
ATTACHMENT E

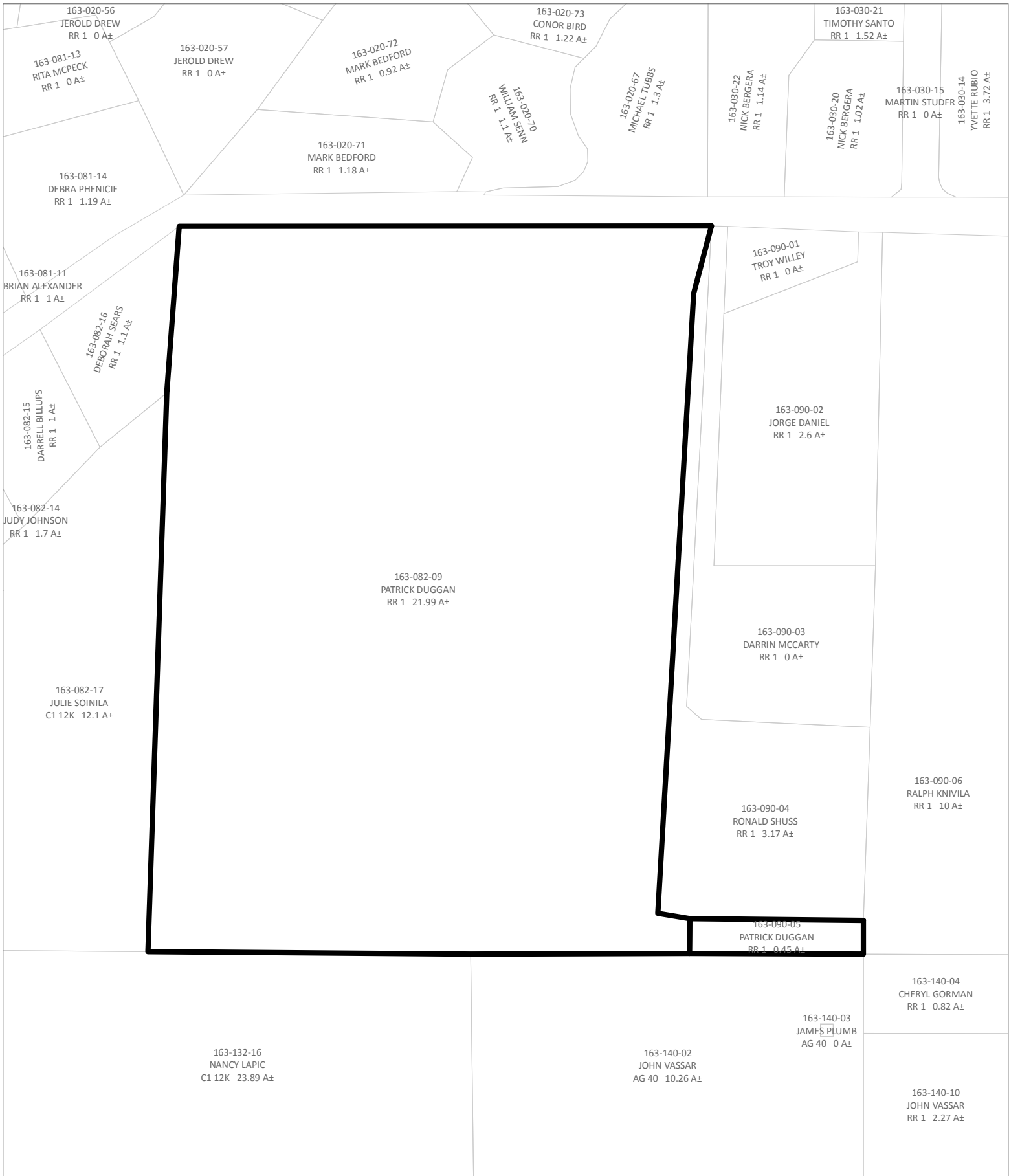
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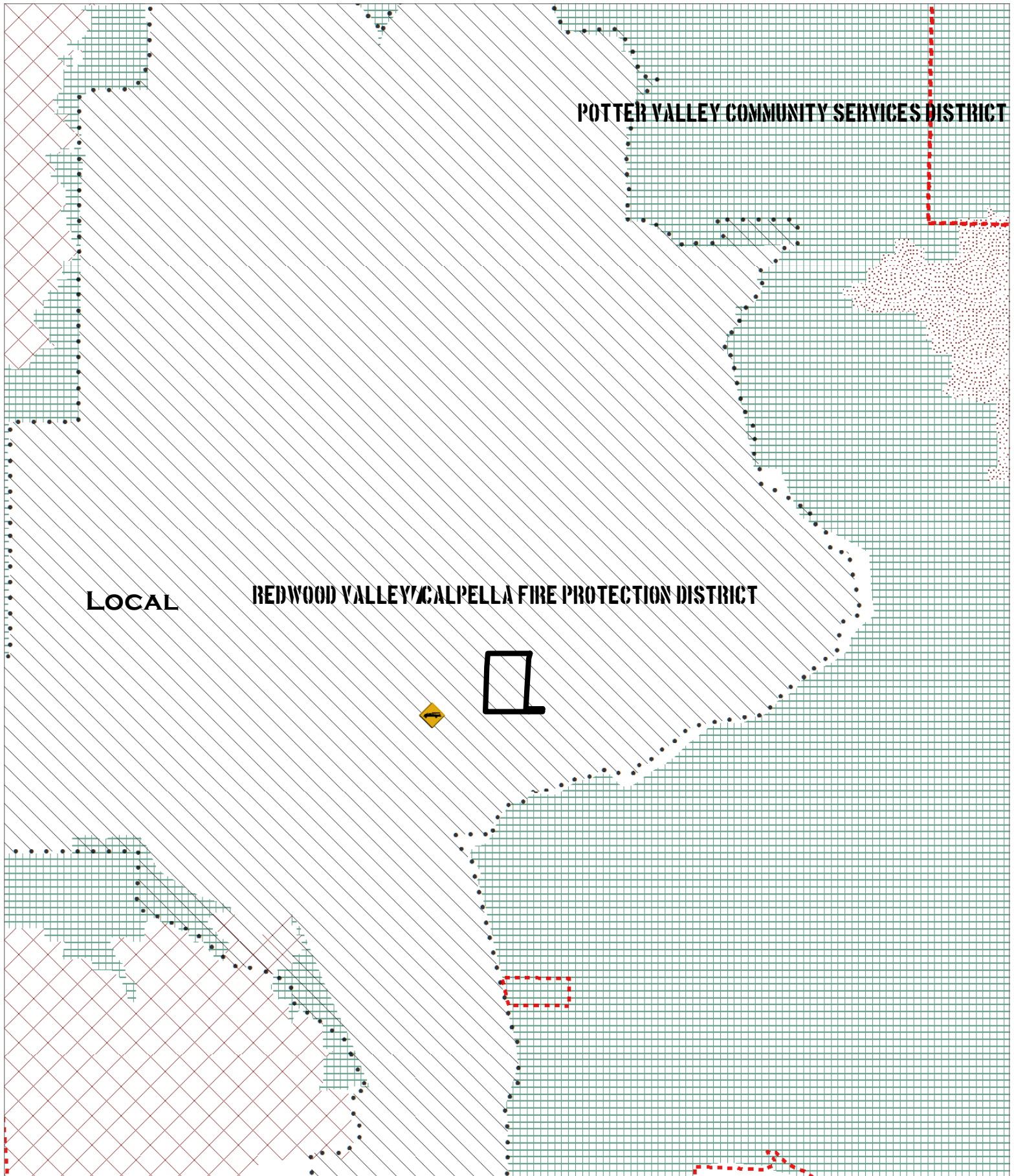


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 General Plan Classes

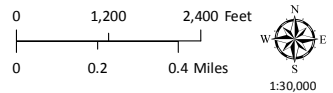






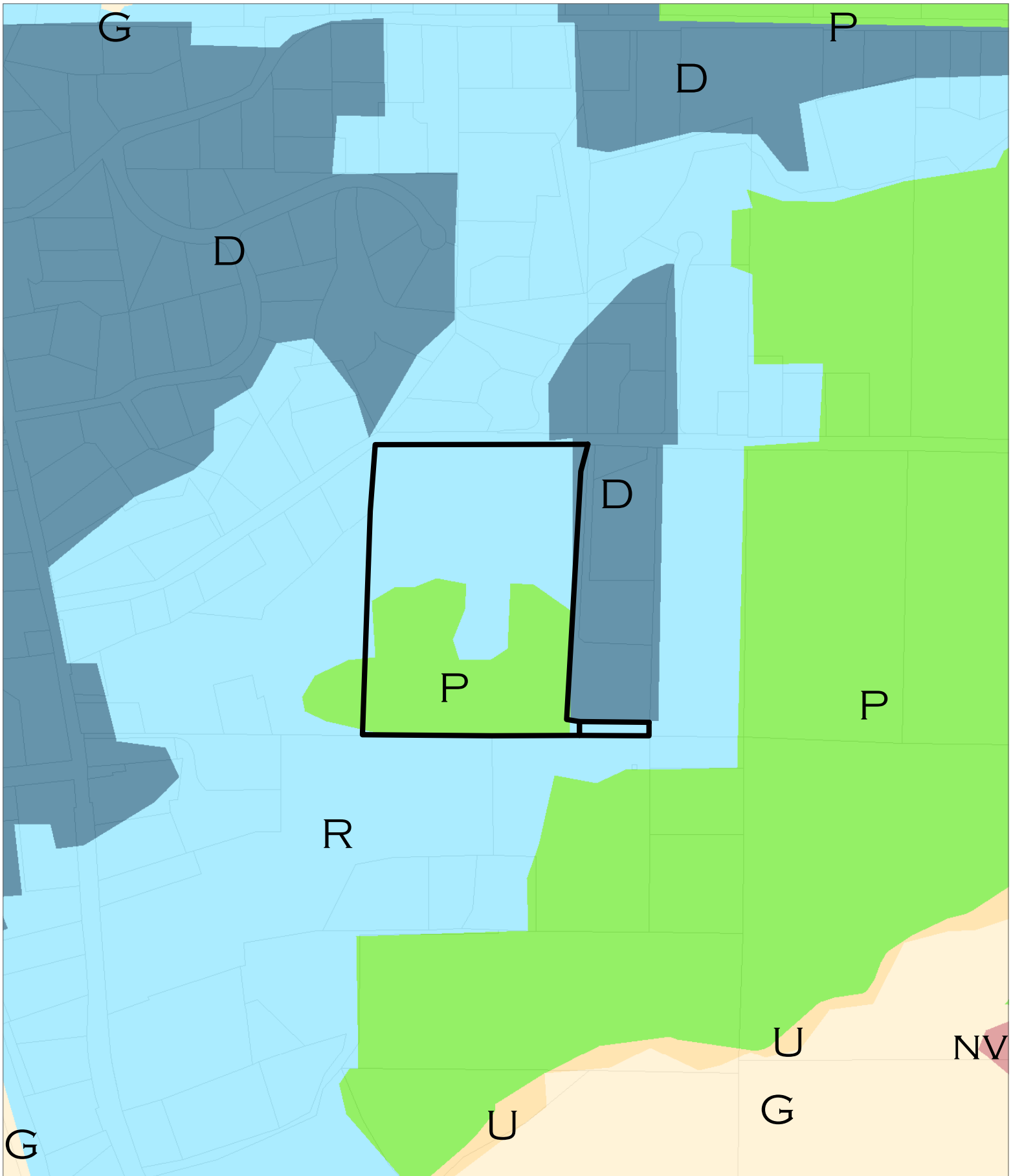
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- | | | | |
|---|----------------------------|---|-----------------------|
|  | Fire Stations |  | Very High Fire Hazard |
|  | County Fire Districts |  | High Fire Hazard |
|  | Local Responsibility Areas |  | Moderate Fire Hazard |



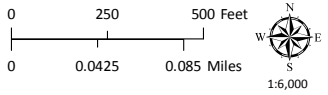
FIRE RESPONSIBILITY AREAS
ATTACHMENT H

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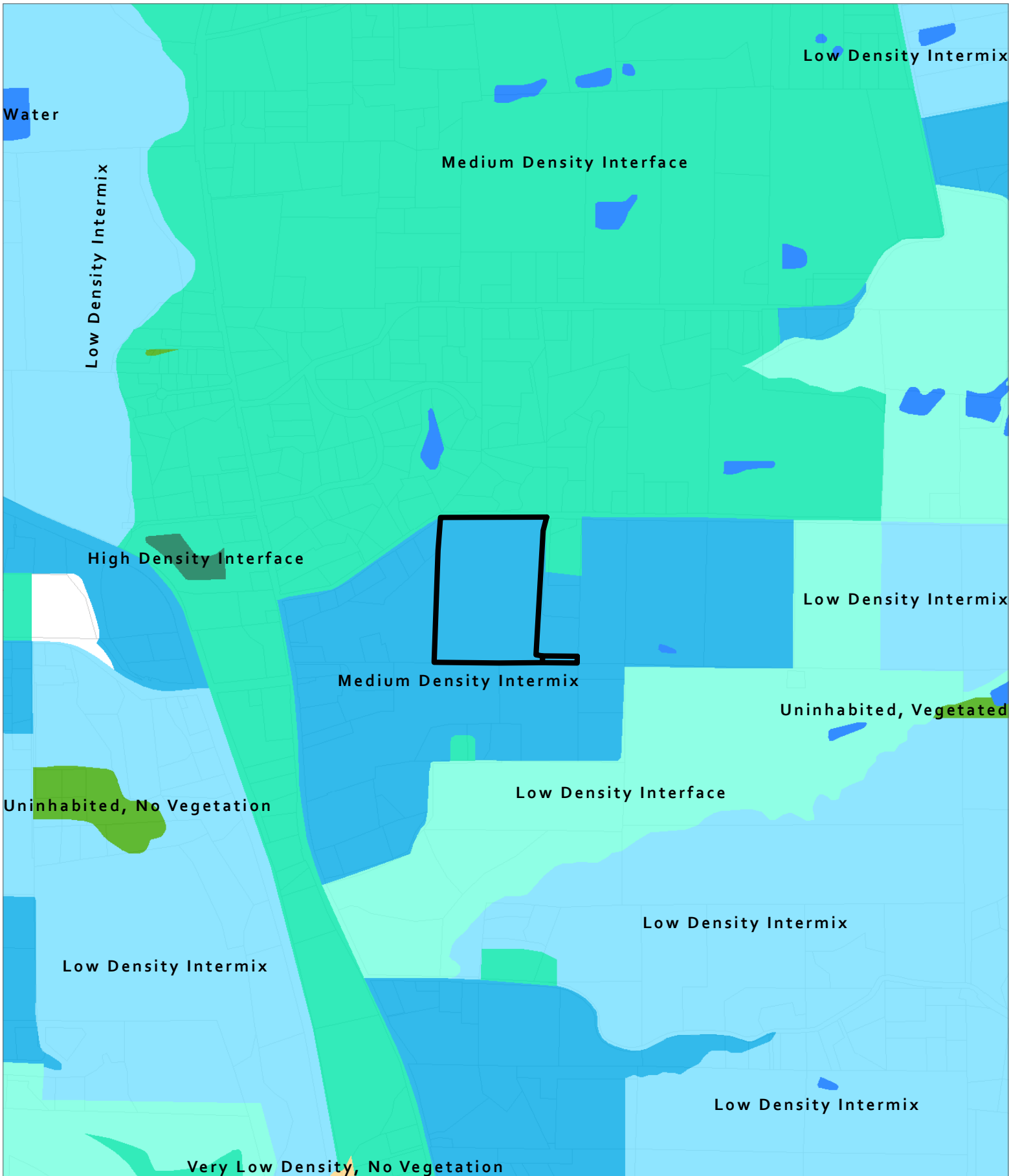
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 ADDRESS: 1401 Road D, Redwood Valley

Urban & Built-Up Land (D)



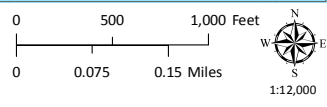
IMPORTANT FARMLAND
 ATTACHMENT I

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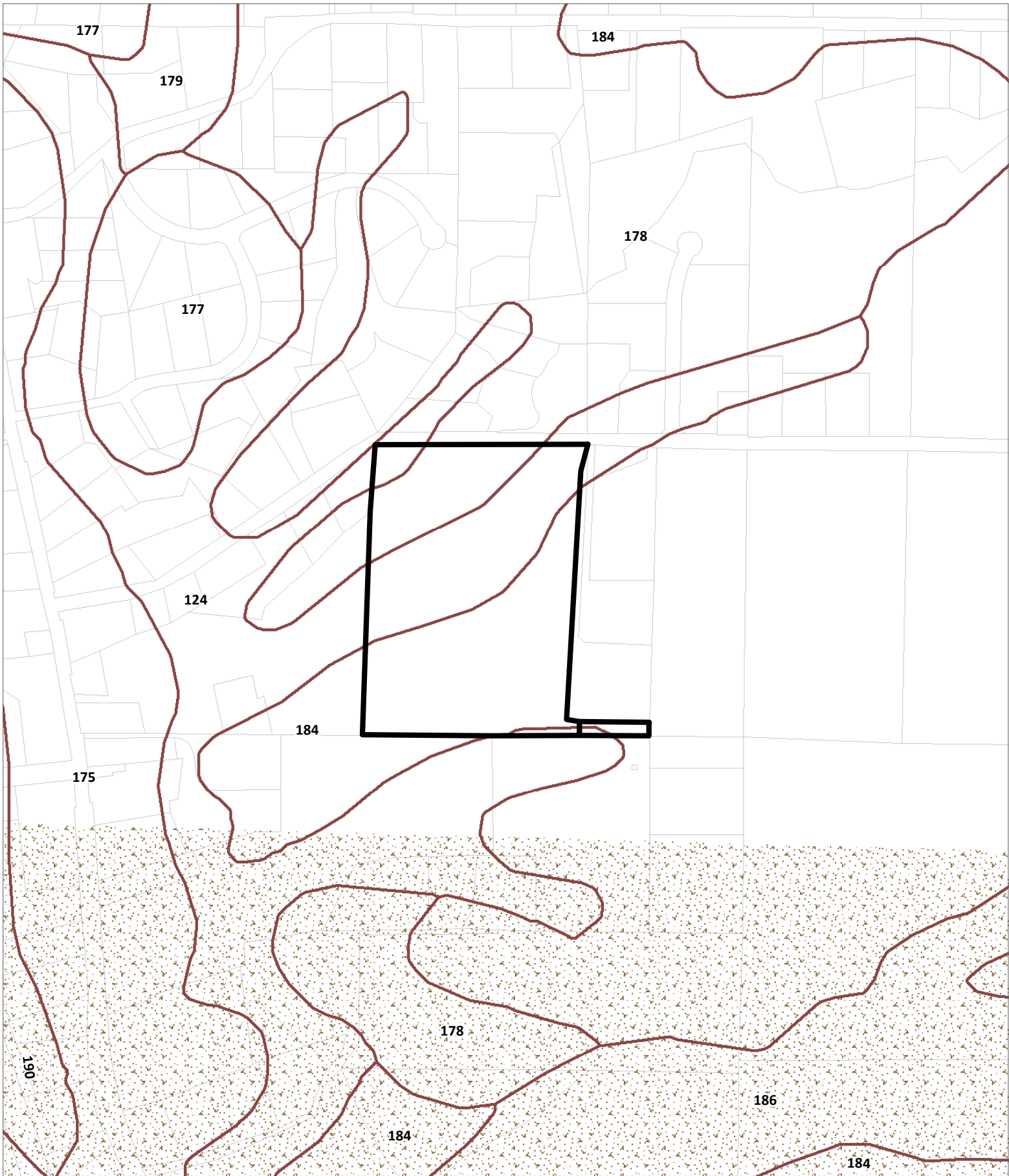
Water





WILDLAND-URBAN INTERFACE ZONES

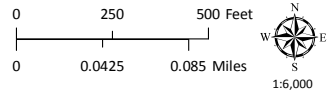
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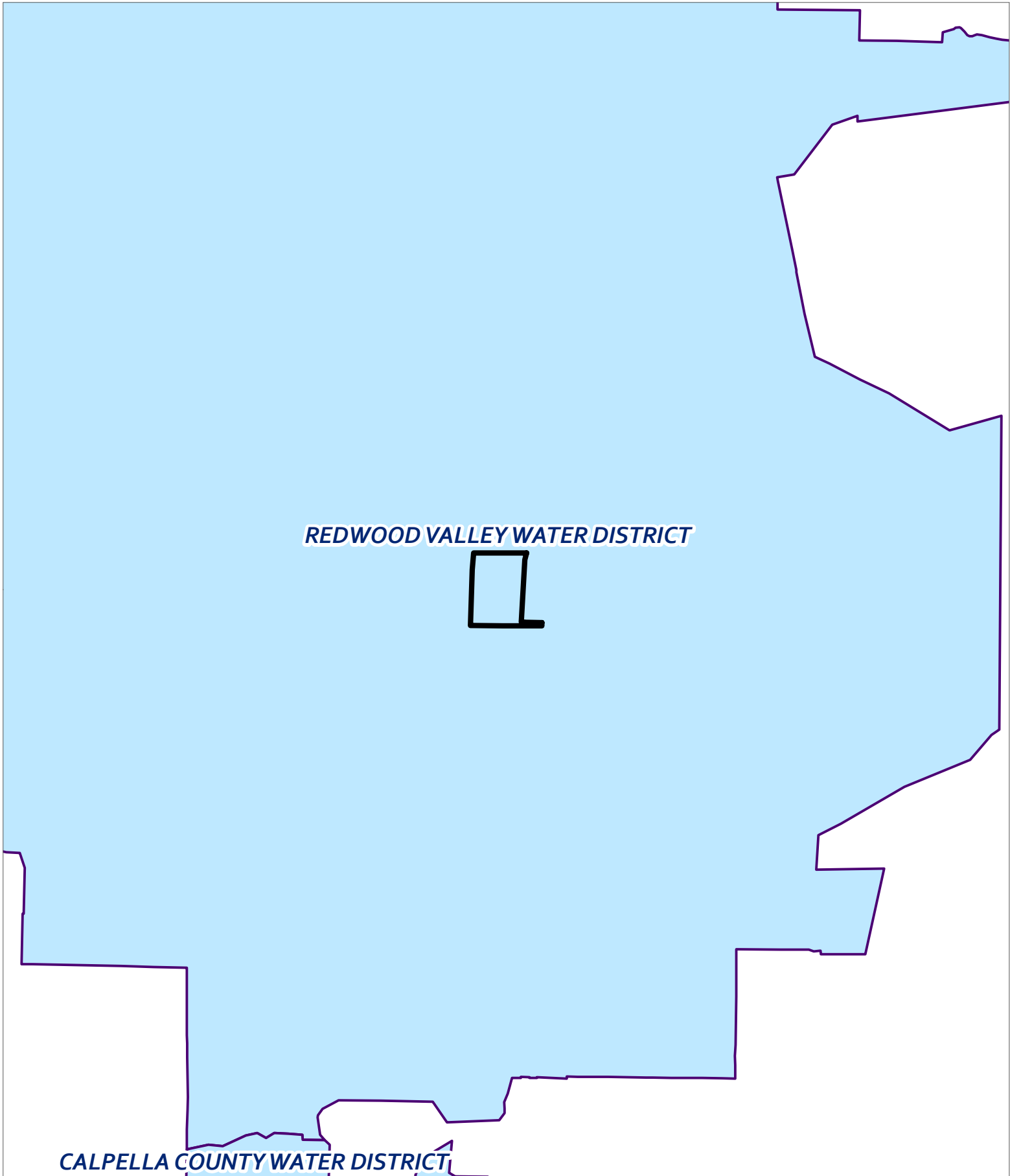
ATTACHMENT J




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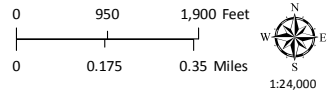
-  Eastern Soil Classes
-  Naturally Occurring Asbestos





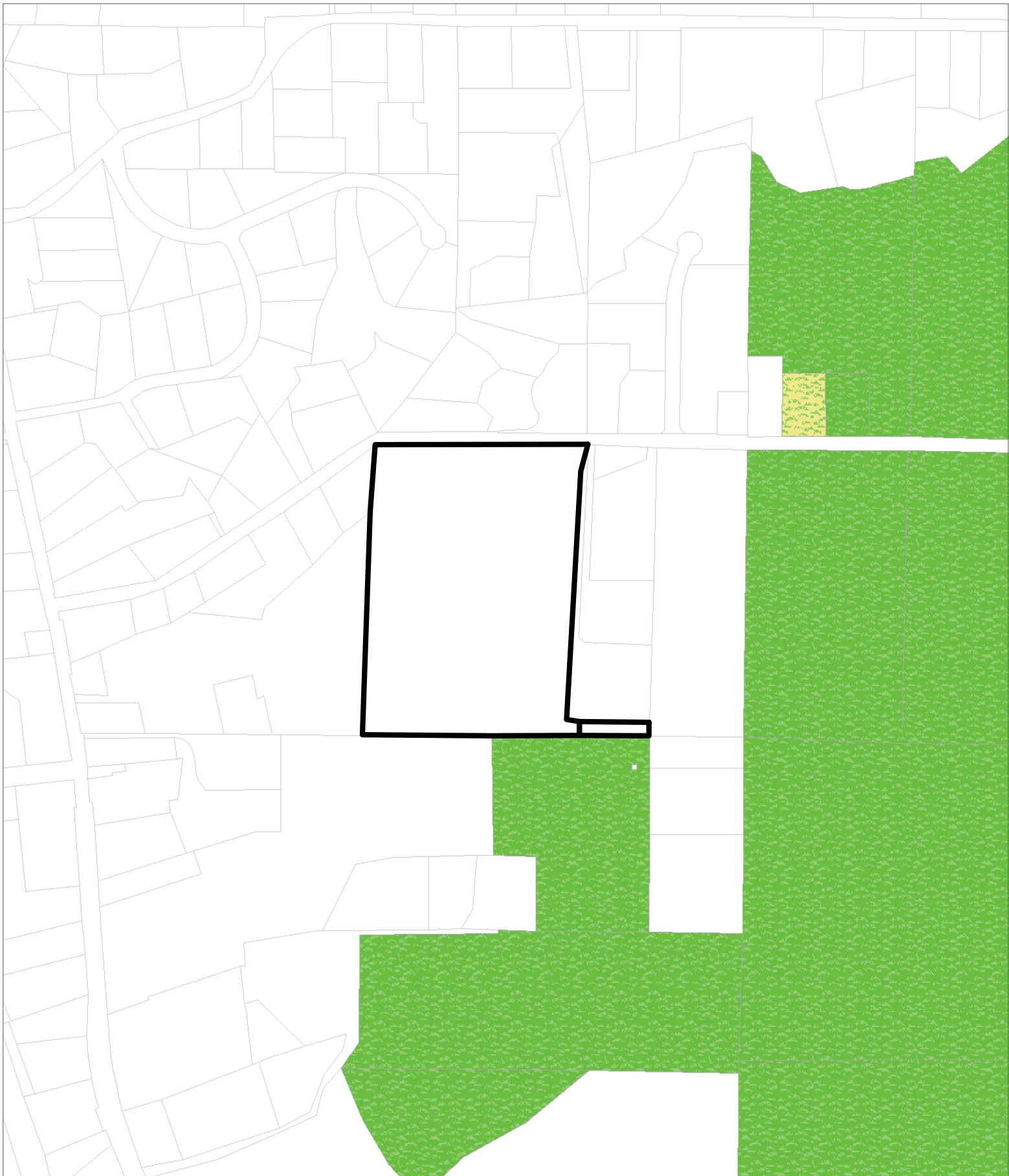
CASE: R_2019-0001
OWNER: Patrick Duggan
APN: 163-082-09
APLCT: Redwood Remedies
AGENT: Emily Hackbarth
ADDRESS: 1401 Road D, Redwood Valley

 County Water Districts



WATER DISTRICTS
ATTACHMENT L

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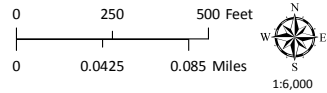
Williamson Act 2017



Prime Ag 2017



Non-Prime Ag 2017



LANDS IN WILLIAMSON ACT CONTRACTS

ATTACHMENT M

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Resolution Number _____

County of Mendocino
Ukiah, California
May 16, 2019

R_2019-0001 – PATRICK DUGGAN

RESOLUTION OF THE PLANNING COMMISSION, COUNTY OF MENDOCINO, STATE OF CALIFORNIA, RECOMMENDING THE GRANTING OF A PARTIAL REZONE FOR APNs 163-082-09 AND 163-090-05 WITHIN THE RURAL RESIDENTIAL ZONING DISTRICT FROM A LOT SIZE MINIMUM OF ONE ACRE TO TEN ACRES.

WHEREAS, the applicant, PATRICK DUGGAN, filed an application for a rezone with the Mendocino County Department of Planning and Building Services to rezone a 12.34± acre portion of a 22.35± acre parcel within the Rural Residential zoning district, from a lot size minimum of 1 acre (RR:1) to 10 acres (RR:10), 0.2± miles east of Redwood Valley center, on the south side of Road D (CR 232), 0.1± miles east of its intersection with Harris Court (Private); located at 1401 Road D, Redwood Valley (APNs 163-082-09 and 163-090-05); General Plan RR; Zoning RR:1; Supervisorial District 1; (the "Project"); and

WHEREAS, the Project is Exempt from review under the California Environmental Quality Act (CEQA) and the State and County CEQA Guidelines pursuant to Article 12, Section 15183 governing Special Situations and Projects Consistent with a General Plan; and

WHEREAS, in accordance with applicable provisions of law, the Planning Commission held a public hearing on May 16, 2019, 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 forth the intentions of the Planning Commission regarding the Project.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission makes the following findings based upon the evidence in the record;

1. **General Plan and Zoning Consistency Findings:** The proposed project is located within the Rural Residential General Plan Land Use Designation and Rural Residential zoning district and is consistent with both regulations.
2. **Environmental Protection Findings:** The proposed project is exempt from review under CEQA pursuant to Article 12, Section 15183.

BE IT FURTHER RESOLVED that the Planning Commission recommends the Board of Supervisors grant the requested rezone as shown 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 Board of Supervisors 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: James F. Feenan
Commission Services Supervisor

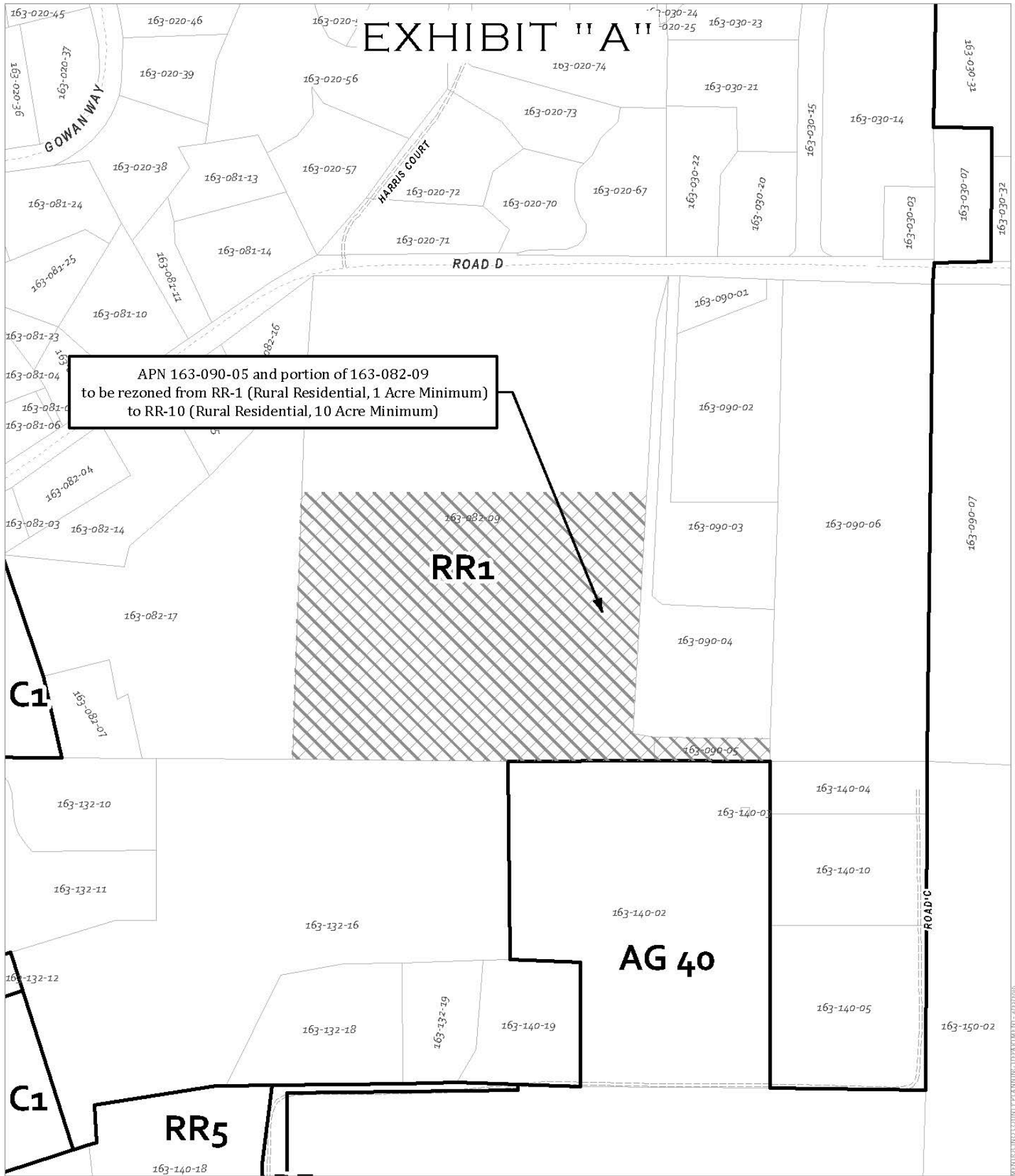
By: _____

BY: BRENT SCHULTZ
Director




MARILYN OGLE, Chair
Mendocino County Planning Commission

EXHIBIT A: REZONE EXHIBIT MAP

EXHIBIT "A"



CASE: R 2019-0001
 OWNER: DUGGAN, Patrick
 APN: 163-082-09
 APLCT: Redwood Remedies
 AGENT: Emily Hackbarth
 ADDRESS: 1401 Road D, Redwood Valley

-  REZONE FROM: RR-1 (Rural Residential, 1 Acre minimum)
 TO: RR-10 (Rural Residential, 10 Acre minimum)
-  Zoning Districts
-  Public Roads

