



**PLANNING COMMISSION
STAFF REPORT- REZONE**

**R_2017-0007
FEBRUARY 15, 2018**

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 east of Boonville, on the west 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 east 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 GENERAL PLAN	ADJACENT ZONING	ADJACENT LOT SIZES	ADJACENT USES
NORTH:	RR5	RR5	20 ACRES, 21.6 ACRES	VACANT
EAST:	RR5	RR5	8.2 ACRES, 5.35 ACRES, 5.35 ACRES	RESIDENTIAL
SOUTH:	FL160	FL160	40 ACRES	VACANT
WEST:	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 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.¹ 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.

DATE

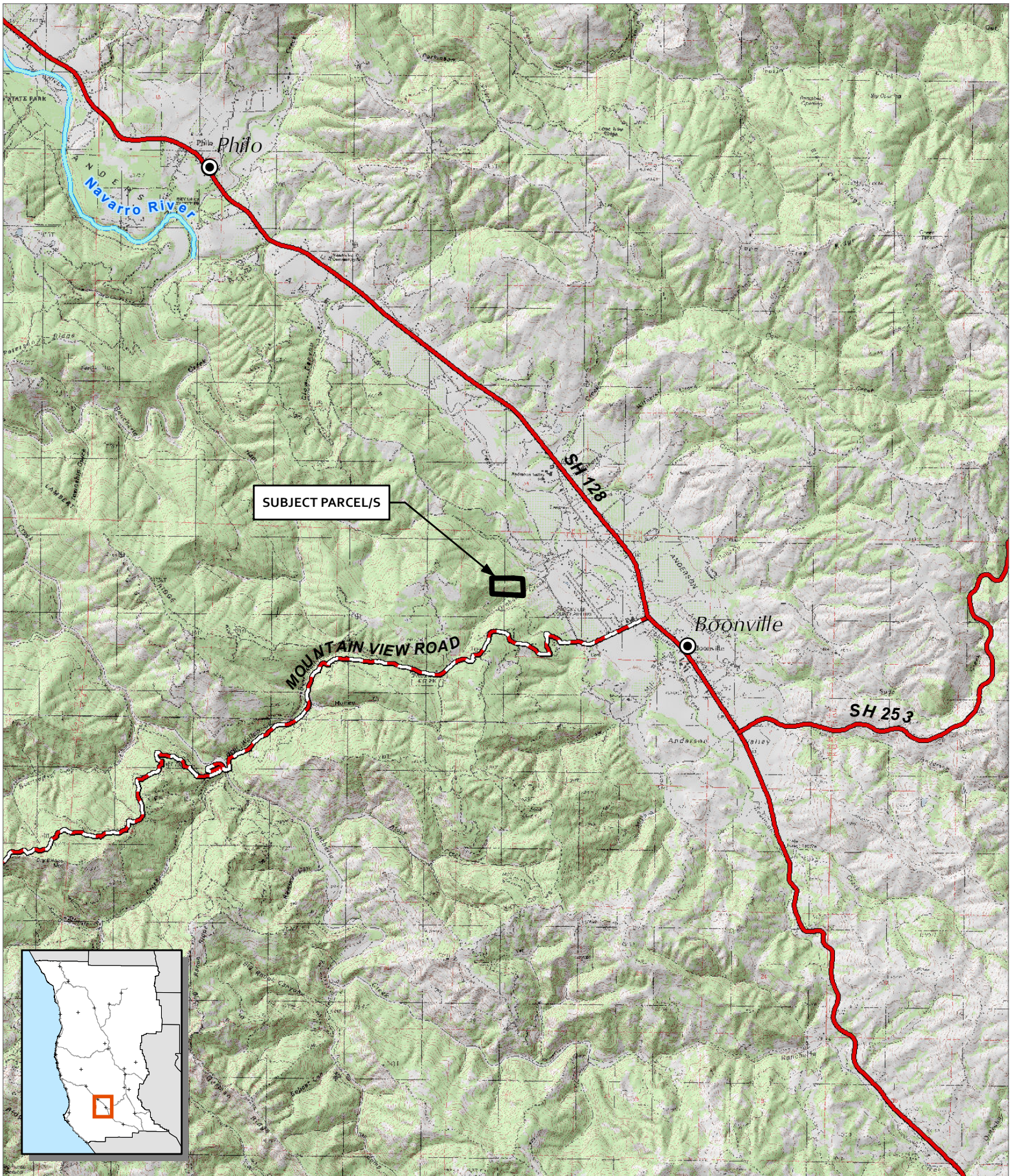
JESSE DAVIS

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

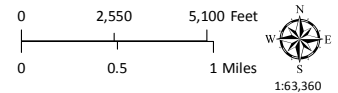
RESOLUTION (Exhibit A): Rezone Exhibit Map, 029-370-11

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



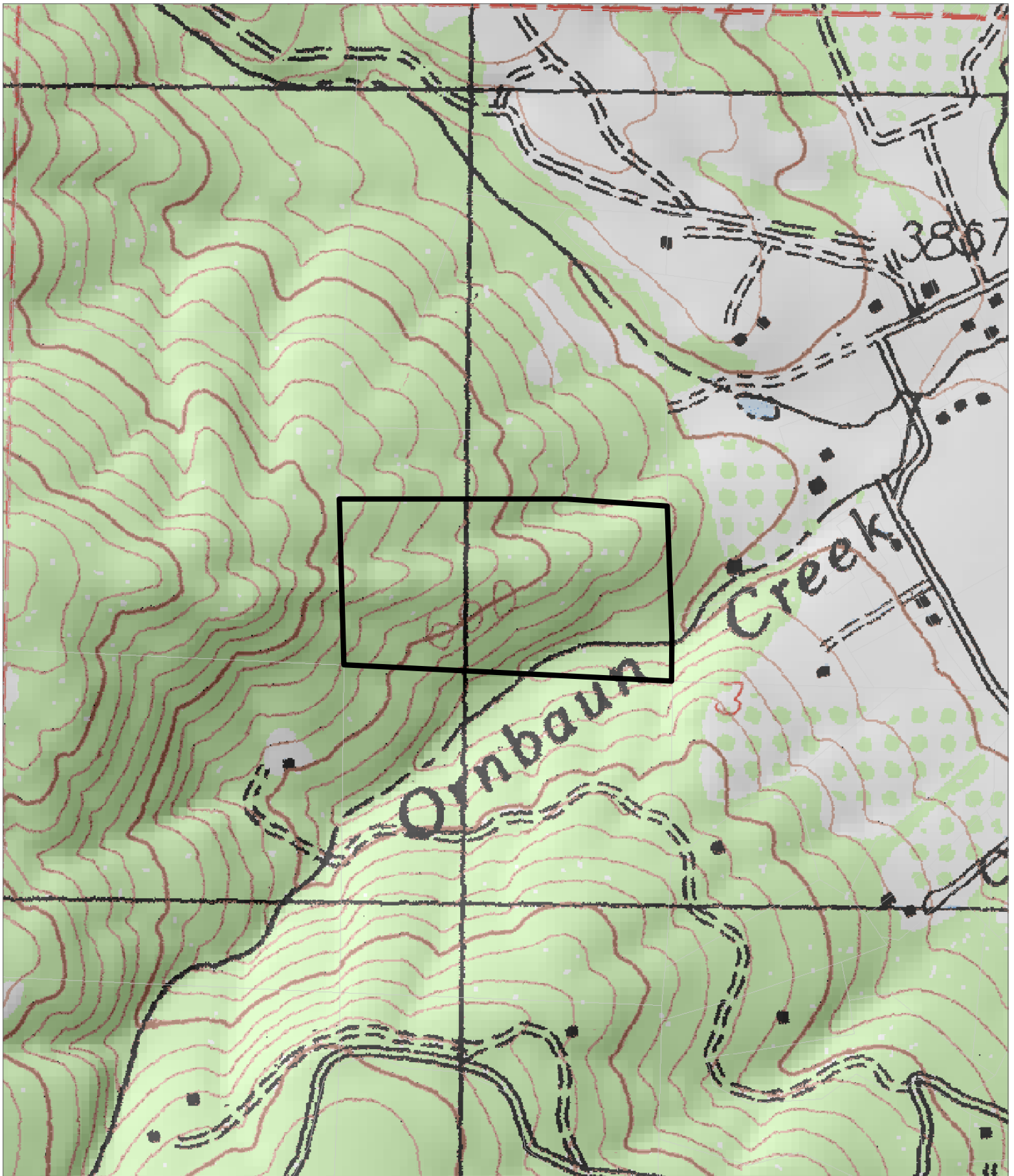
CASE: R 2017-0007
OWNER: ABULIAK, Pablo & Alicia
APN: 029-370-11
APLCT: Pablo Abuliak
AGENT: Javier Rau
ADDRESS: 13016 Ornbaun Road, Boonville

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

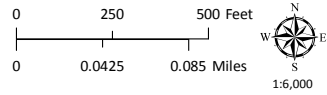


LOCATION MAP

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TOPOGRAPHIC MAP
CONTOUR INTERVAL IS 40 FEET

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Ornbaum Creek

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

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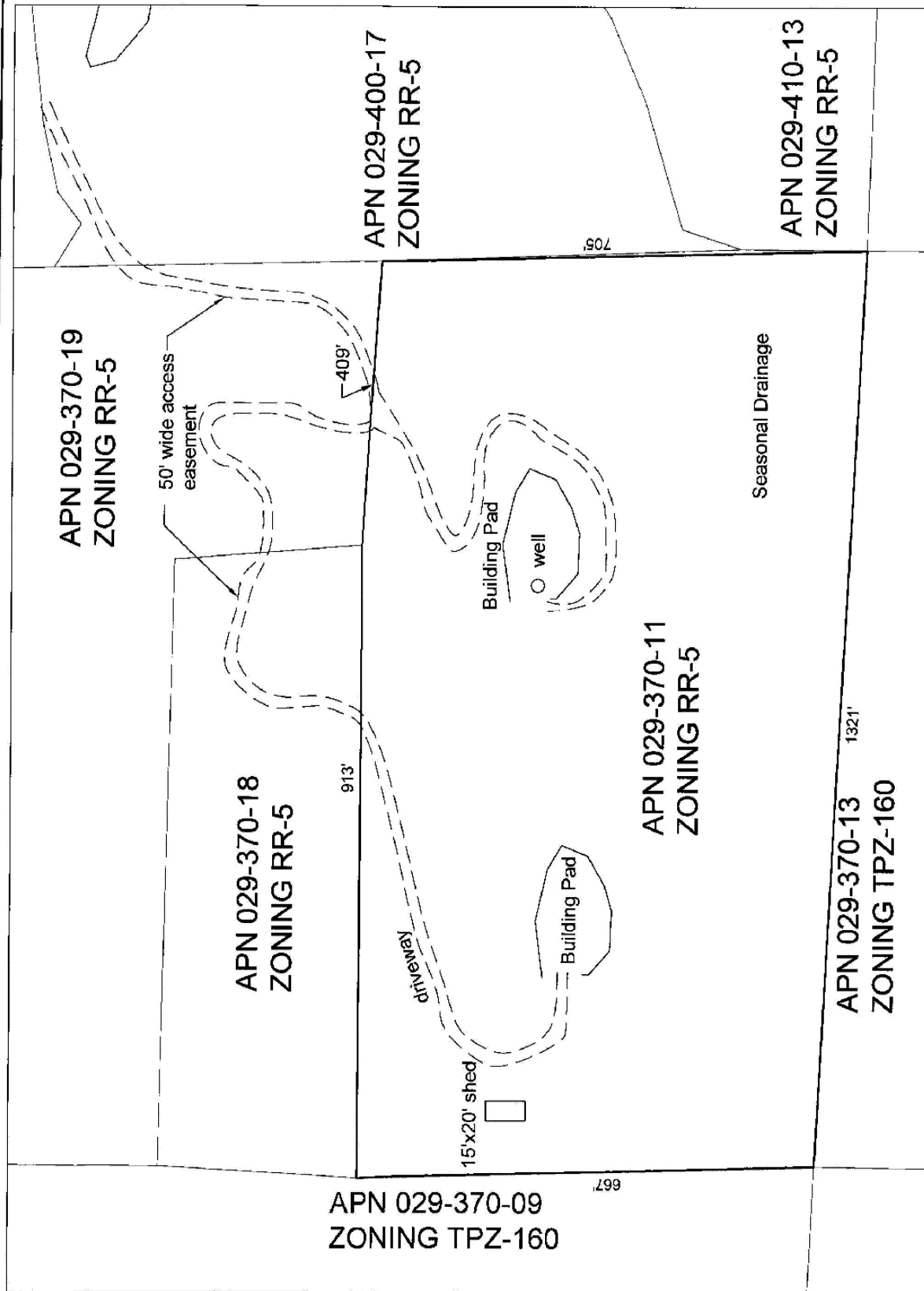
Named Rivers
Driveways/Unnamed Roads

0 100 200 Feet
0 0.015 0.03 Miles
N
W
S
E
1:2,400

AERIAL IMAGERY

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SCALE: 1" = 200'



APN: 029-370-11
RR 5
20 ACRES

SITE PLAN FOR 13016 ORNBAUN ROAD
UKIAH, CA

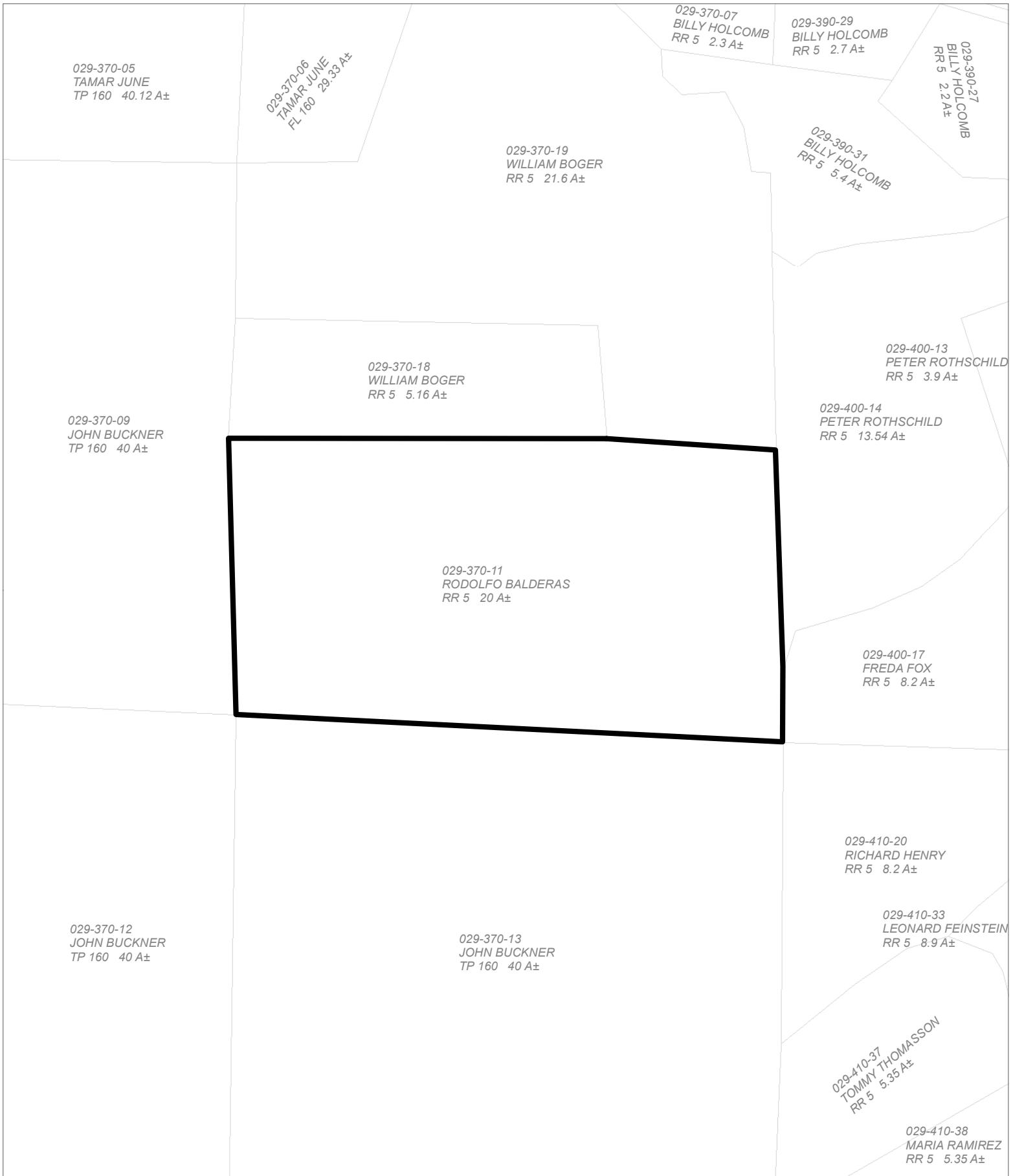
OCT. 2017

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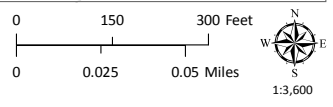
NO SCALE

SITE PLAN

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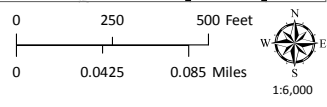
ADJACENT PARCELS

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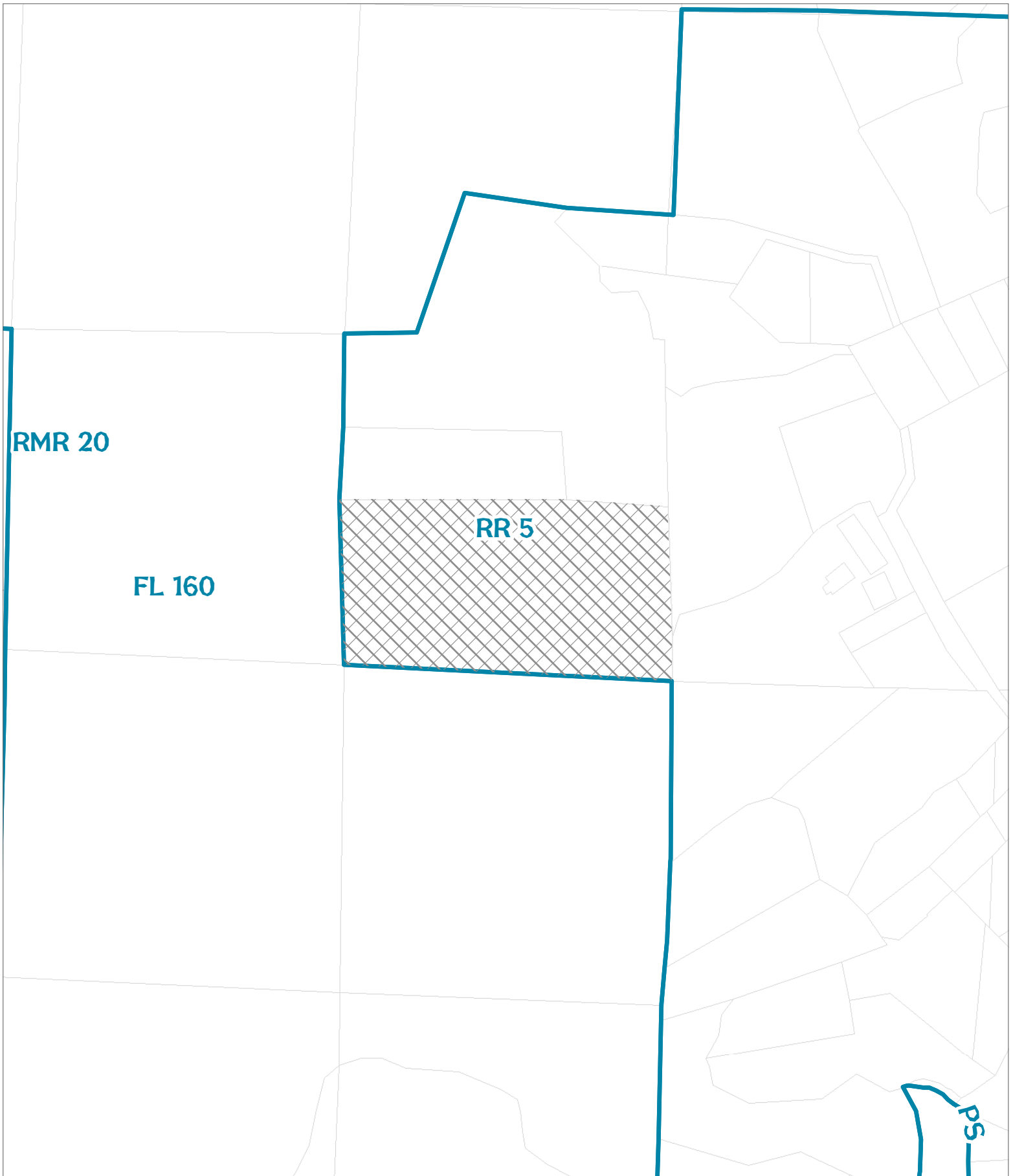
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 Zoning Districts




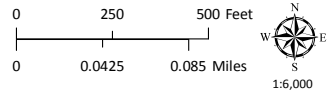
ZONING DISPLAY MAP

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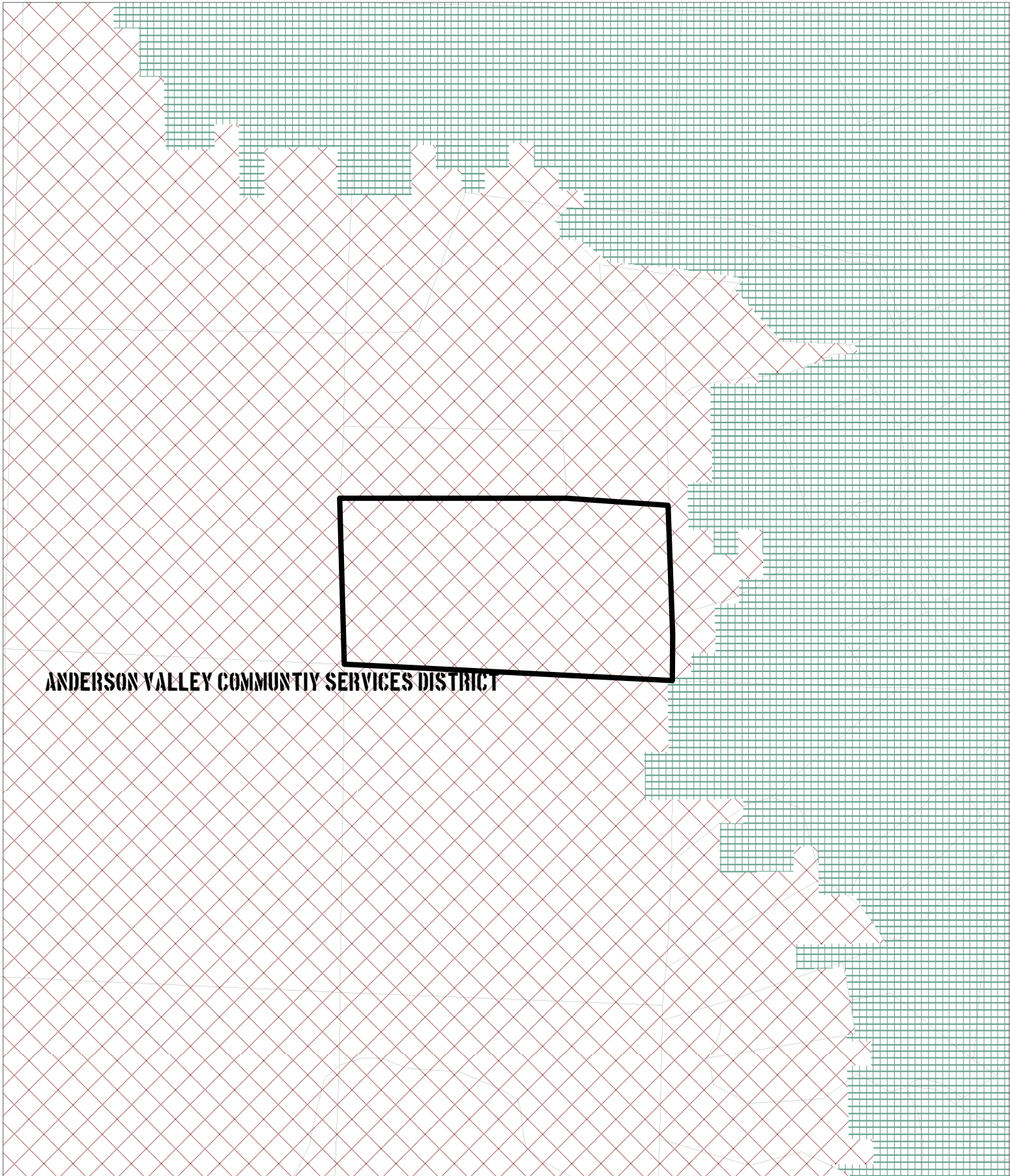
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 General Plan Classes






GENERAL PLAN CLASSIFICATIONS

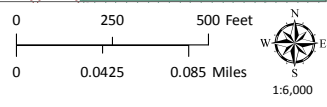
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ANDERSON VALLEY COMMUNITY SERVICES DISTRICT

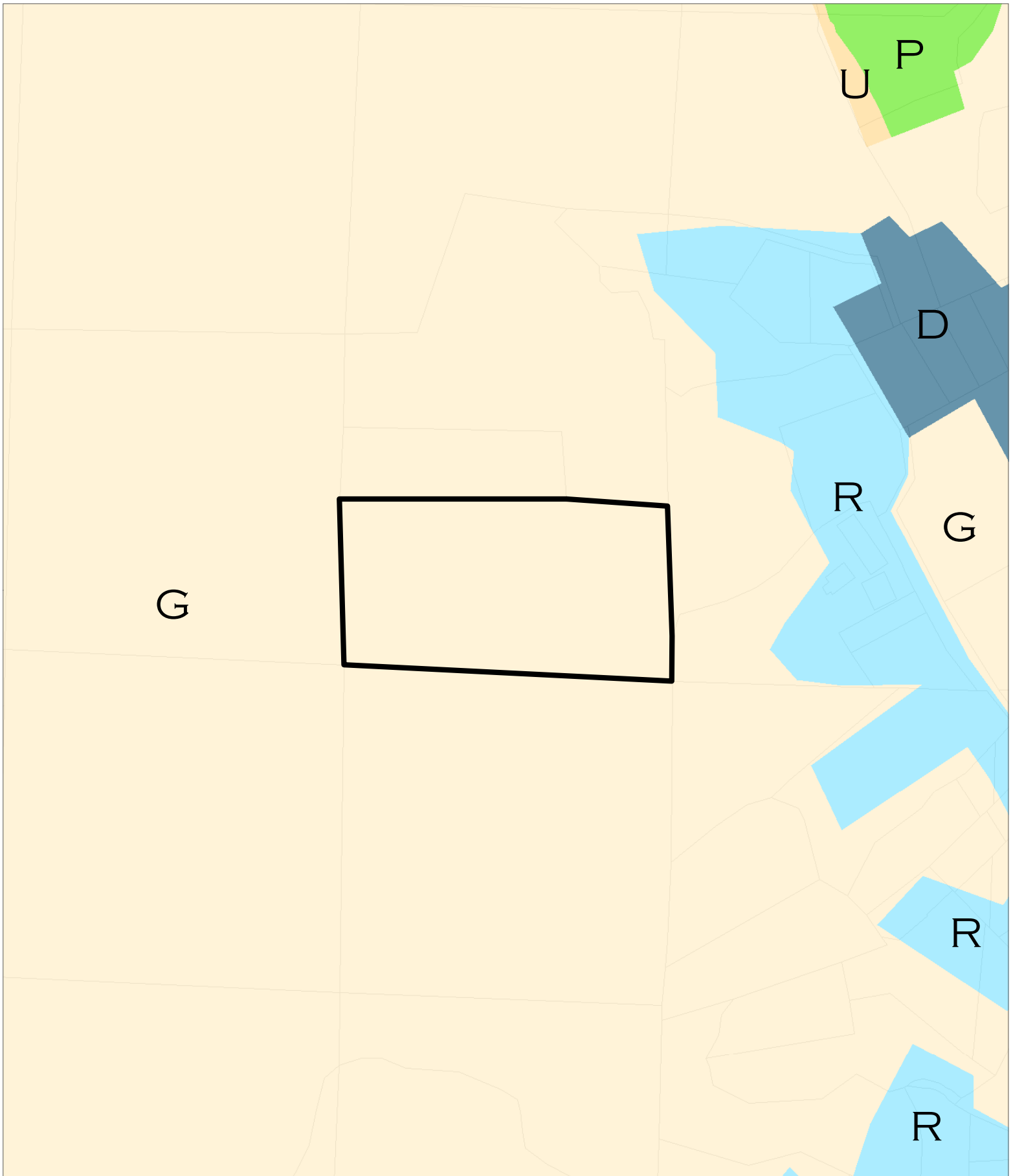
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-  County Fire Districts
-  High Fire Hazard
-  Moderate Fire Hazard



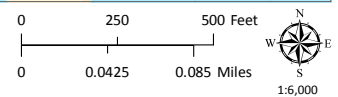
FIRE HAZARD ZONES & RESPONSIBILITY AREAS
STATE RESPONSIBILITY AREA

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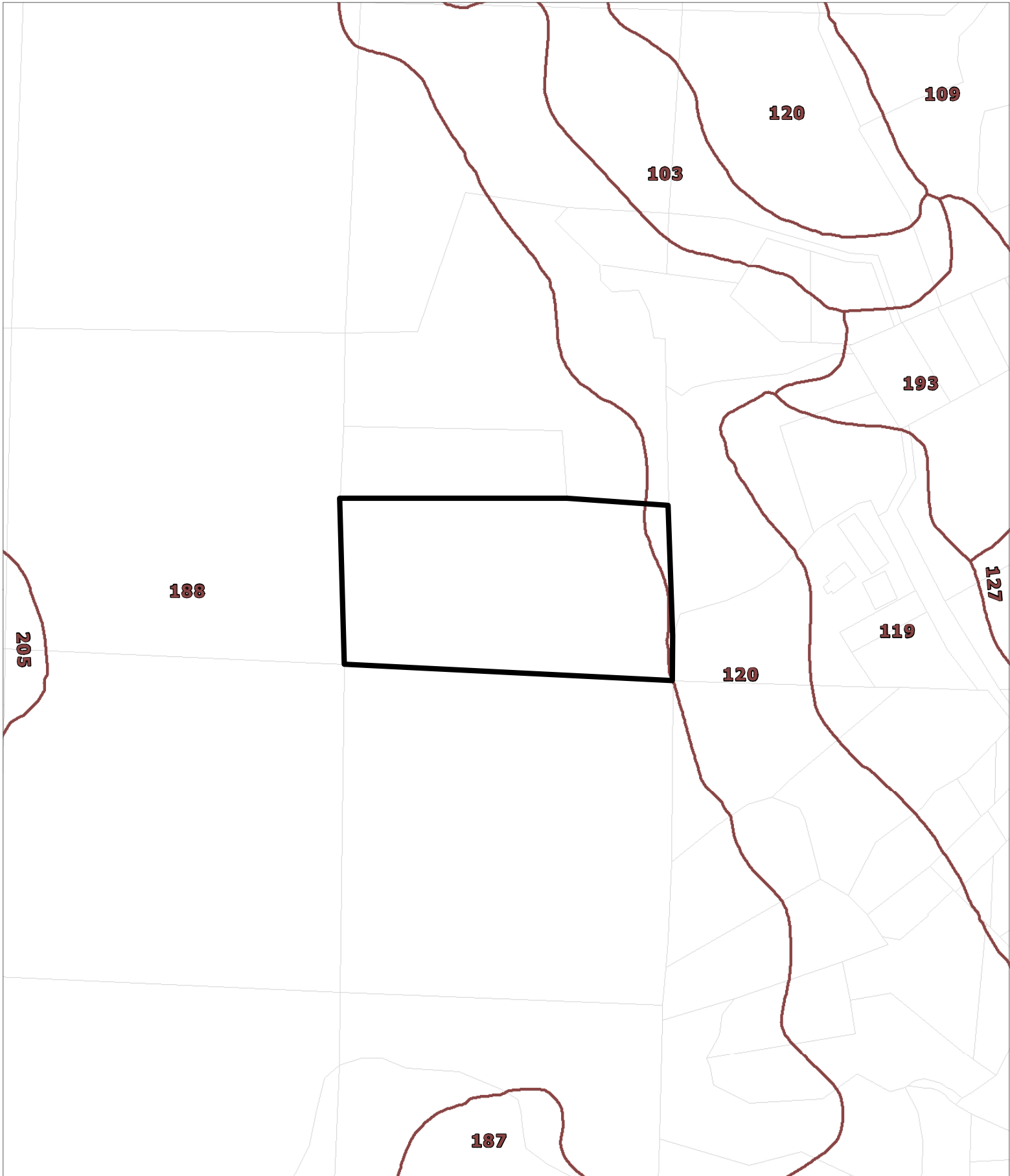
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Urban & Built-Up Land (D)
Grazing Land (G)




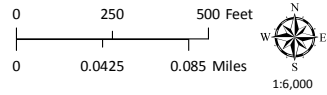
IMPORTANT FARMLAND

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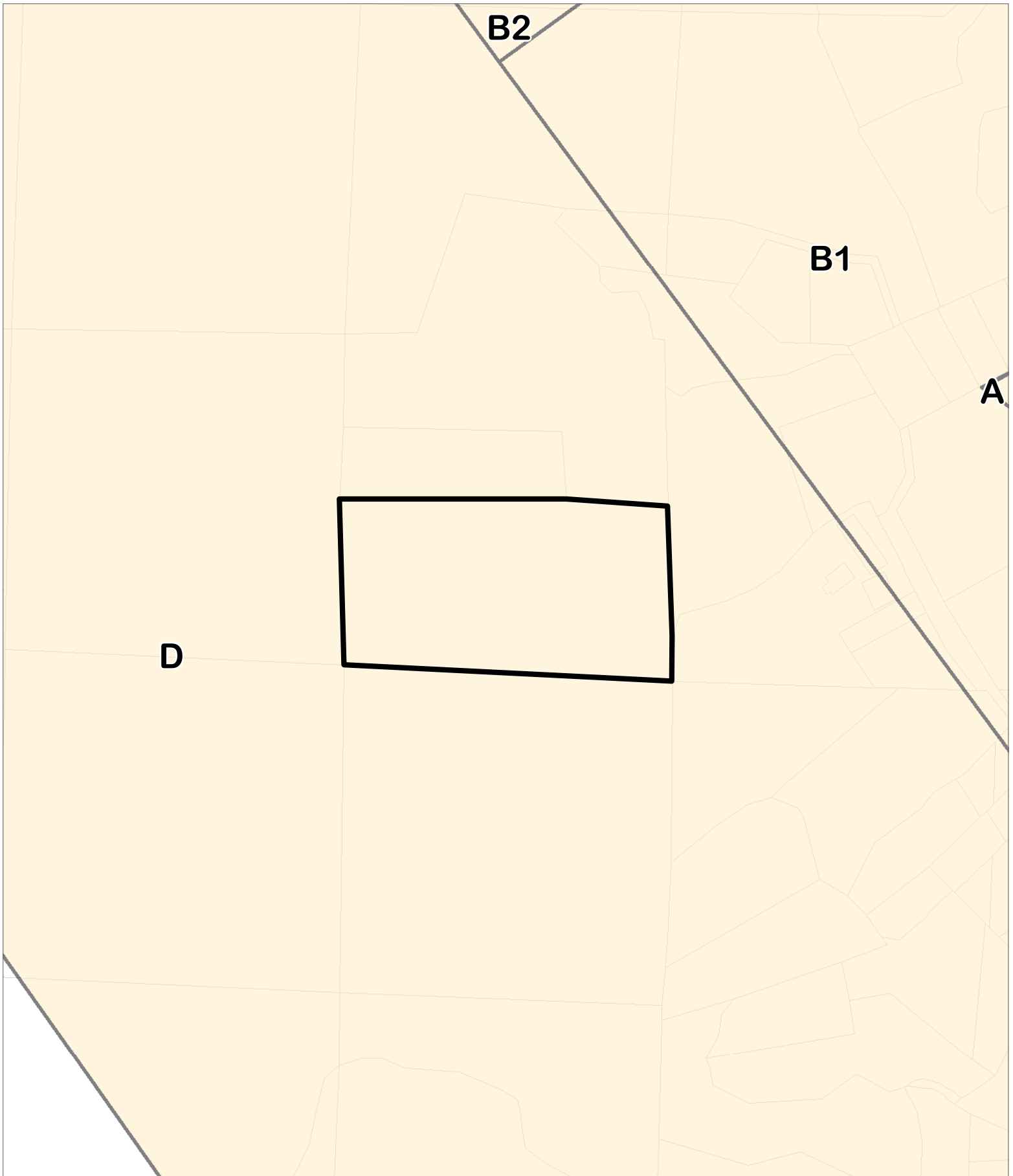
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 Western Soil Classes

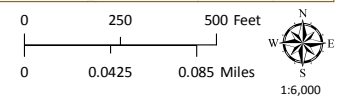


LOCAL SOILS

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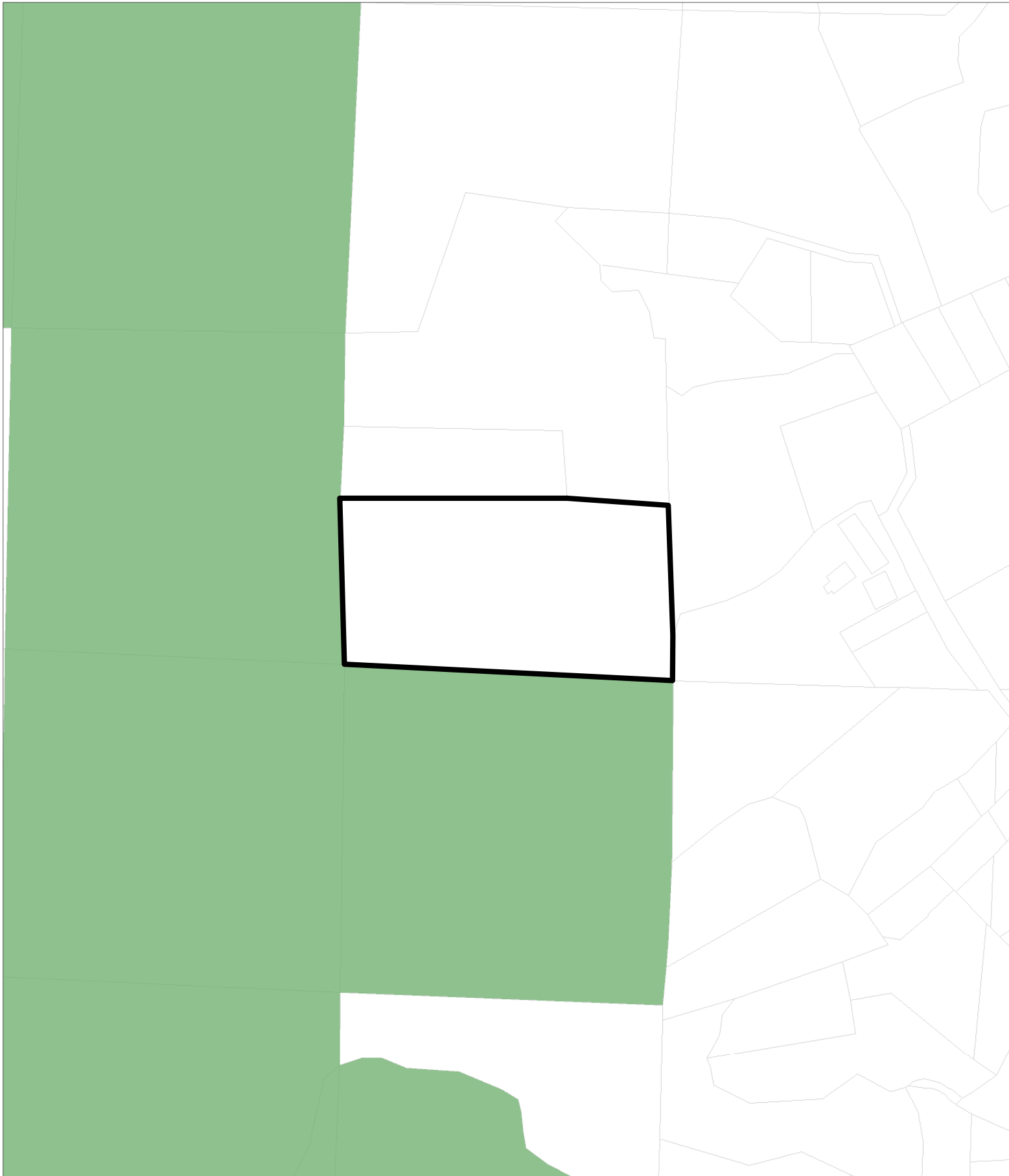


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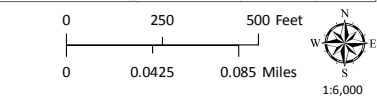
AIRPORT ZONES

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 TPZ 2015



TIMBER PRODUCTION ZONES

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Resolution Number _____

County of Mendocino
Ukiah, California
FEBRUARY 15, 2018

R_2017-0007 - ABULIAK

RESOLUTION OF THE PLANNING COMMISSION, COUNTY OF MENDOCINO, STATE OF CALIFORNIA, CERTIFYING THE PROJECT IS FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PER ARTICLE 12, SECTION 15183, AND GRANTING A REZONE FOR A ZONE RECLASSIFICATION OF APN 029-370-11 FROM RURAL RESIDENTIAL (R-R:L-5) TO RURAL RESIDENTIAL (R-R:L-10)

WHEREAS, the applicant, PABLO ABULIAK AND ALICIA ABULIAK , filed an application for Rezone with the Mendocino County Department of Planning and Building Services to rezone 20± acres from Rural Residential (R-R:L-5) to Rural Residential (R-R:L-10). The subject parcel is located 1± mile east of Boonville via Ornbaun Road (CR 127), located at 13016 Ornbaun Rd., Boonville (APN: 029-370-11); Supervisorial District 5; (the "Project"); and

WHEREAS, the Project is Categorically 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 the General Plan; and

WHEREAS, in accordance with applicable provisions of law, the Planning Commission held a public hearing on February 15, 2018, 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;

1. General Plan Findings: The site is located within a Rural Residential General Plan designation and the site size is consistent with the minimum parcel requirement of 10 acres in the Rural Residential (RR10) zoning district, per Mendocino County Code Section 20.048.025

2. Environmental Protection Findings: 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.

BE IT FURTHER RESOLVED that the Planning Commission hereby adopts the Class I Exemption. The Planning Commission certifies that the Exemption has been completed, reviewed, and considered, together with the comments received during the public review process, in compliance with CEQA and State and County CEQA Guidelines, and finds that the Exemption reflects the independent judgment and analysis of the Planning Commission.

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.

BE IT FURTHER RESOLVED that the Planning Commission action shall be final on the 11th day after the date of the Resolution unless an appeal is taken.

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

ATTEST: VICTORIA DAVIS
Commission Services Supervisor

By:_____

BY: IGNACIO GONZALEZ
Interim Director

MADELINE HOLTKAMP, Chair
Mendocino County Planning Commission

EXHIBIT A: REZONE EXHIBIT MAP, 029-370-11

EXHIBIT A

TP

APN 029-370-11 to be rezoned
from RR-5 to RR-10

RR5

FL

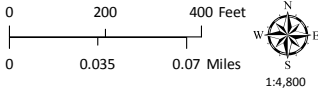
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REZONE FROM RR-5 (Rural Residential, 5 acre minimum)
to RR-10 (Rural Residential, 10 acre minimum)



Zoning Districts



REZONE EXHIBIT

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