



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

TELEPHONE: 707-234-6650

FAX: 707-463-5709

FB PHONE: 707-964-5379

FB FAX: 707-961-2427

pbs@mendocinocounty.org

www.mendocinocounty.org/pbs

June 19, 2019

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT the Mendocino County Board of Supervisors, at their regular meeting on Tuesday, July 16, 2019, will conduct a public hearing on the following project at 9:00 a.m., or as soon thereafter as the item(s) may be heard, in the Board of Supervisors Chambers, 501 Low Gap Road, Ukiah, California.

CASE#: R_2019-0001

DATE FILED: 1/10/2019

OWNER: PATRICK DUGGAN

APPLICANT: REDWOOD REMEDIES

AGENT: EMILY HACKBARTH

REQUEST: Rezone of 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).

ENVIRONMENTAL DETERMINATION: Exempt per CCR Section 15183

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)

STAFF PLANNER: SAM "Vandy" VANDEWATER

PLANNING COMMISSION RECOMMENDATION: THE PLANNING COMMISSION, AT THEIR MAY 16, 2019 MEETING RECOMMENDED APPROVAL OF THE REZONE TO THE BOARD OF SUPERVISORS.

The staff report and notice will be available for public review 10 days prior to the hearing at 860 North Bush Street, Ukiah, California and on the Department of Planning and Building Services website at <https://www.mendocinocounty.org/government/planning-building-services/public-notices>

All persons are invited to appear and present testimony in this matter. Written comments should be submitted to the Clerk of the Board, at 501 Low Gap Road, Room 1010, Ukiah, California, 95482, no later than July 15, 2019. Oral comments may be presented to the Board of Supervisors during the public hearing. If you require accommodations, please contact the Clerk of the Board at 707-463-4441.

Additional information regarding the above noted item(s) may be obtained by calling the Department of Planning and Building Services at 234-6650, Monday through Friday, 8:00 a.m. through 5:00 p.m. Should you desire notification of the Board's decision you may do so by requesting notification in writing and providing a self-addressed stamped envelope to the Department of Planning and Building Services.

BRENT SCHULTZ, Director of Planning and Building Services



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MEMORANDUM

DATE: JULY 16, 2019

TO: HONORABLE BOARD OF SUPERVISORS

FROM: SAM 'VANDY' VANDEWATER
DEPARTMENT OF PLANNING & BUILDING SERVICES

SUBJECT: REZONE R_2019-0001 (DUGGAN)

BACKGROUND

On May 16, 2019, the Planning Commission recommended that the Board of Supervisors adopt an Ordinance establishing the Rural Residential with a 10 acre minimum parcel size (RR:10) zoning district for a 12.34± portion of one (1) legal parcel that is currently zoned Rural Residential with a 1 acre minimum parcel size (RR:1). The parcel, totaling 22.35± acres, is addressed as 1401 Road D, Redwood Valley, CA, 95470 (APNs 163-082-09 & 163-090-05).

Since the General Plan EIR evaluated the land use changes in this recommended rezone area, the rezone is exempt from further environmental review, pursuant to California Code of Regulations Section 15183, Section 12, which exempts projects consistent with an approved General Plan for which an EIR was adopted.

KEY ISSUES

General Plan and Zoning Consistency: The proposed project is the 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, from a lot size minimum of one (1) acre to a minimum of ten (10) acres. The proposed zone change would remain consistent with the Rural Residential Land Use Designation, as well as the policies of the General Plan. Additionally, the proposed project is consistent with the Rural Residential zoning district, per Mendocino County Code 20.048.

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

The Boards of Supervisors adopt an Ordinance approving Rezone R_2019-0001 (Duggan), for a 12.34± acre portion of a 22.35 acre parcel near Redwood Valley and finding the request to be consistent with the General Plan and Rural Residential zoning district.

Attachments:

- A. Rezone Ordinance
- B. Planning Commission Staff Report, May 16, 2019
- C. Planning Commission Resolution No. PC_2019-0003
- D. Draft Planning Commission Minutes, May 16, 2019

ORDINANCE NO.
AN ORDINANCE CHANGING THE ZONING OF REAL
PROPERTY WITHIN MENDOCINO COUNTY

The Board of Supervisors of the County of Mendocino, State of California, ordains as follows:

Section 1. Findings. Based on the information provided in the memorandum accompanying this ordinance and evidence in the record, the Board of Supervisors makes the following findings:

(a) The Project is Exempt from CEQA pursuant to Section 15183 of the State CEQA Guidelines.

(b) The Project is located within a Rural Residential General Plan Land Use Designation and the site is consistent with the minimum parcel size of 10 acres in the Rural Residential (RR:10) zoning district.

(c) The Project meets the stated intent and minimum lot size requirements of the Rural Residential (RR:10) zoning district, as stated in Mendocino County Code Chapter 20.048.

Section 2. Rezone. Pursuant to Division I of Title 20, Chapter 20.212 of the Mendocino County Code, the zoning of the following real property within Mendocino County is hereby changed as follows:

Said zoning change encompasses a portion of Assessor Parcel Number 163-082-09 and all of Assessor's Parcel Number 163-090-05 which are reclassified from Rural Residential (RR:1) to Rural Residential (RR:10) as shown on attached Exhibit A and described in Exhibit B.

Passed and adopted by the Board of Supervisors of the County of Mendocino, State of California, on this _____ day of _____, 2019, by the following vote:

AYES:

NOES:

ABSENT:

WHEREUPON, the Chair declared said Ordinance adopted and SO ORDERED.

ATTEST: CARMEL J. ANGELO
Clerk of the Board

CARRE BROWN, Chair
Mendocino County Board of Supervisors

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

APPROVED AS TO FORM:
KATHARINE L. ELLIOTT, County Counsel

BY: CARMEL J. ANGELO
Clerk of the Board

Deputy

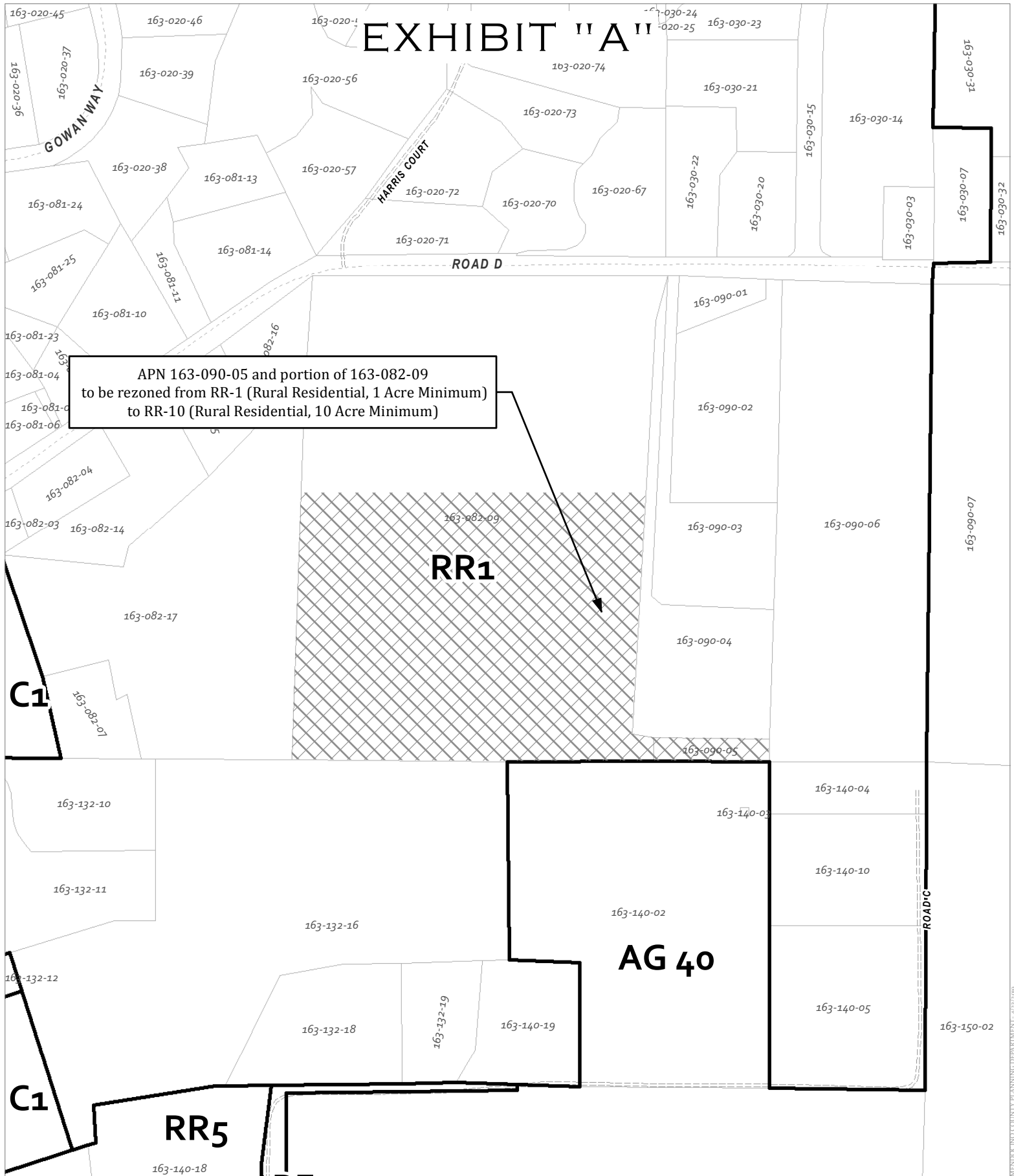
Deputy

Deputy

CASE#: Rezone #R 2019-0001
OWNER: PATRICK DUGGAN

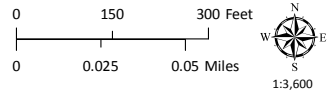
ATTACHMENT A

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



1401 ROAD D
REDWOOD VALLEY, CA 95470
JANUARY 9, 2019

EXHIBIT "B"

**Metes and Bounds Description
For Partial RR10 Zoning Parcel**

AP: 163-082-09 and 163-090-05

Beginning at the point from which the Basis of Bearing has been established of that certain 22.36 acre lot map shown on the Record of Survey Map of a portion of Lot 11 and 12 of Calpella Fruit Land Tract No. 2, as filed in M.C.I, D.6, P.I, M.C.R., recorded April 12, 1998. Beginning at the southernmost point of the Basis of Bearing N 0° 08' 13" W between two found ½" iron pipes on the east line of 1663 O.R. 469, M.C.R per M.C.2, D.58, P.72, M.C.R:

- 1) North 0° 08' 13" West, 564.50 feet; thence leaving said southern Basis of Bearing
- 2) East 800.96 feet; thence
- 3) South 0° 06' 11" East, 644.60 feet; thence
- 4) South 89° 38' 08" West, 1116.89 feet; thence
- 5) South 00° 08' 13" East, 75.00 feet; thence
- 6) North N89° 38' 08" East, 315.60 feet, to the point of beginning

Containing 12.34 Acres, more or less

See Plot Plan



**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

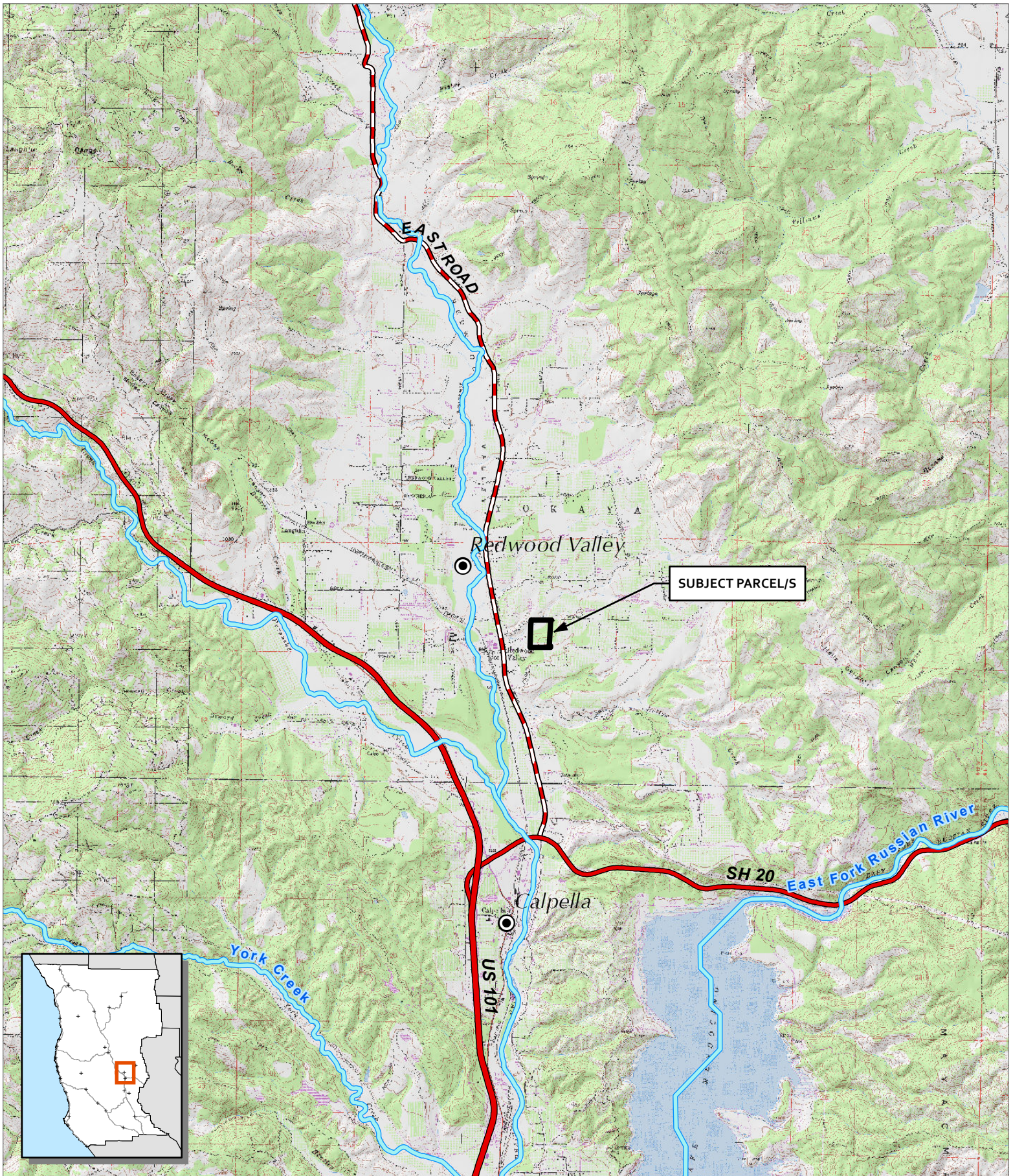


SAM "VANDY" VANDEWATER
PLANNER II

ATTACHMENTS:

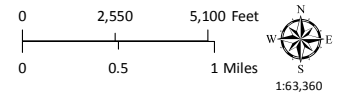
- A. Location Map
- B. Aerial Map
- C. Topographical Map
- D. Site Map
- E. Zoning Map
- F. General Plan Map
- G. Adjacent Owner Map
- H. Fire Hazards Map
- I. Important Farmland Map
- J. Wildland-Urban Interface Map
- K. Soils Map
- L. Water Districts Map
- M. Williamson Act Map

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

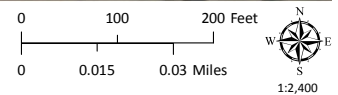
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Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

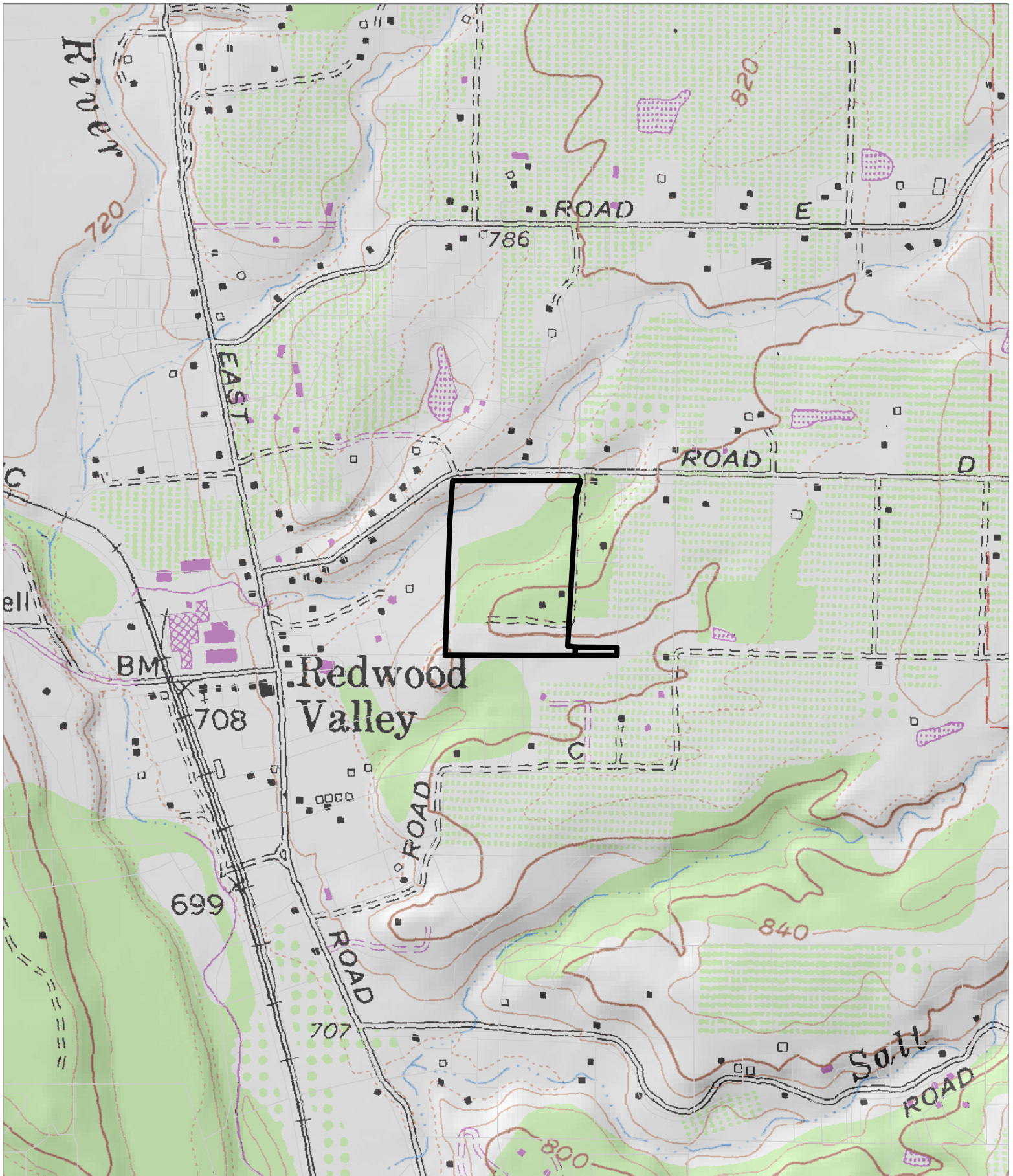
CASE: R_2019-0001
OWNER: Patrick Duggan
APN: 163-082-09
APLCT: Redwood Remedies
AGENT: Emily Hackbarth
ADDRESS: 1401 Road D, Redwood Valley

Public Roads
Private Roads
Driveways/Unnamed Roads

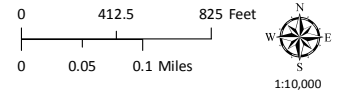


AERIAL IMAGERY
ATTACHMENT B

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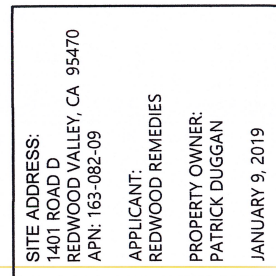


CASE: R_2019-0001
OWNER: Patrick Duggan
APN: 163-082-09
APLCT: Redwood Remedies
AGENT: Emily Hackbarth
ADDRESS: 1401 Road D, Redwood Valley



TOPOGRAPHIC MAP
CONTOUR INTERVAL IS 40 FEET
ATTACHMENT C

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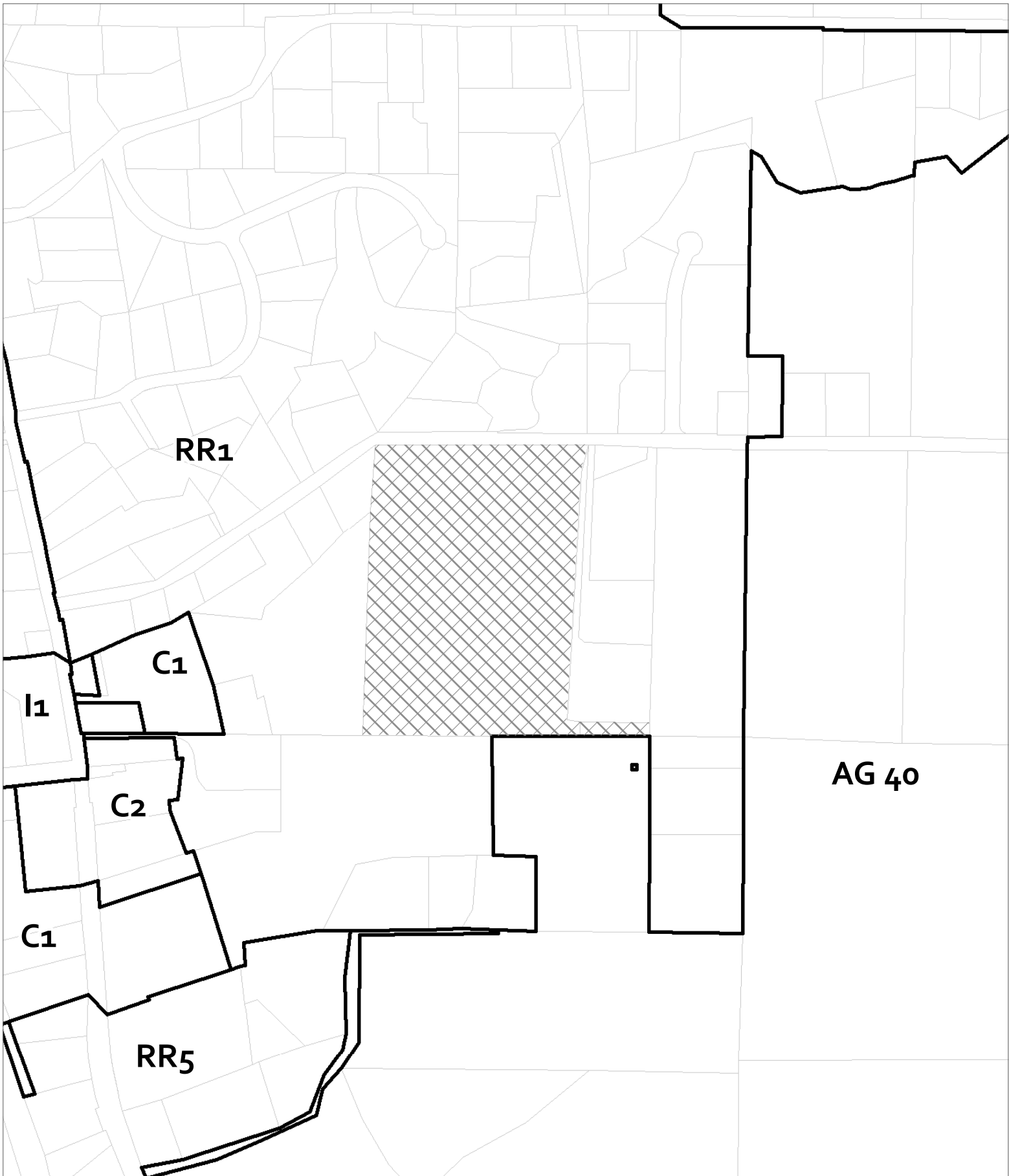
PLOT PLAN

20' 50' 100' 200'

Rezone Map

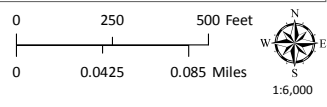
ATTACHMENT D

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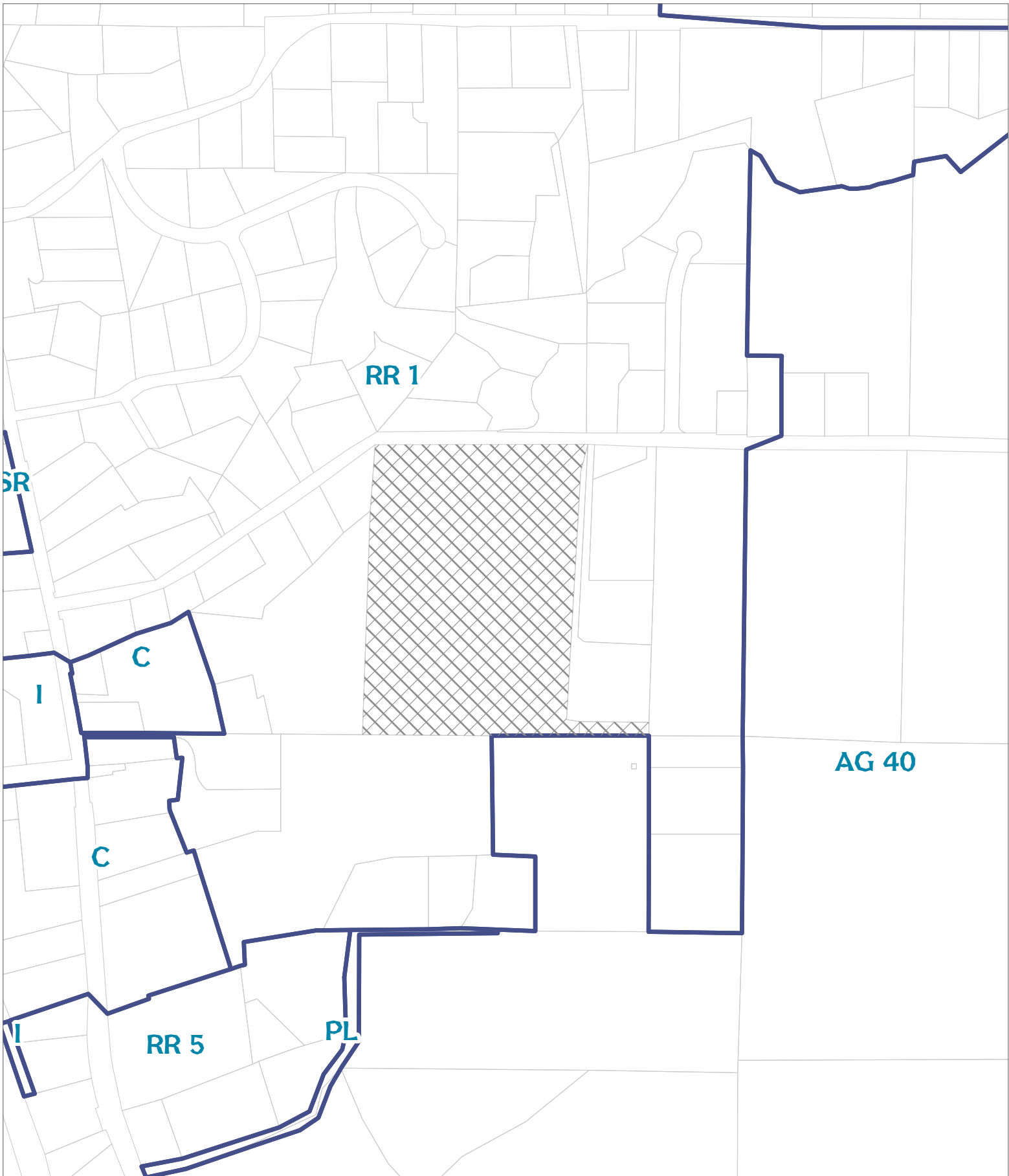
CASE: R_2019-0001
OWNER: Patrick Duggan
APN: 163-082-09
APLCT: Redwood Remedies
AGENT: Emily Hackbarth
ADDRESS: 1401 Road D, Redwood Valley

 Zoning Districts




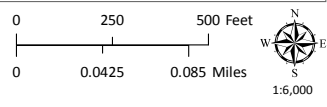
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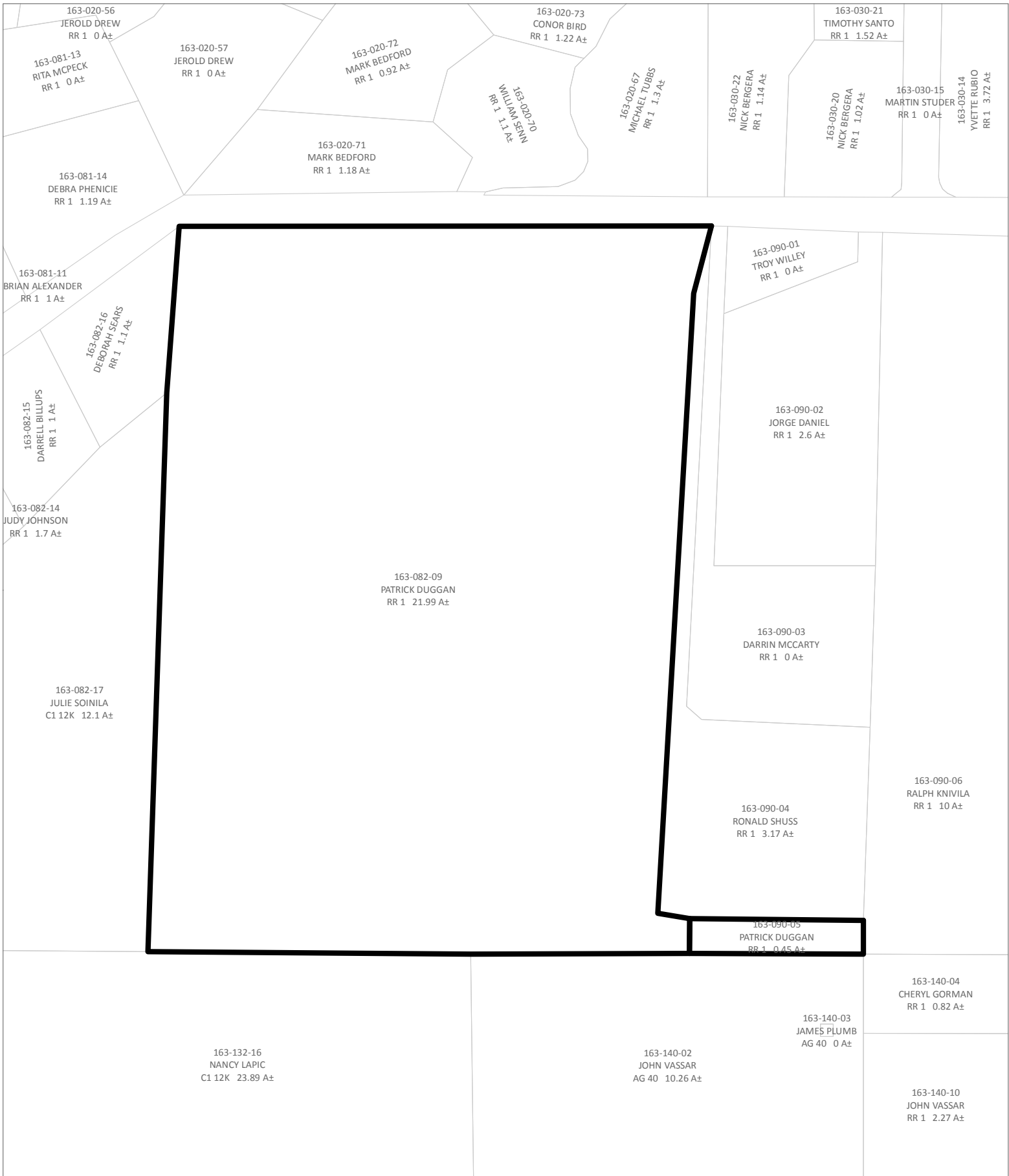
ZONING DISPLAY MAP
ATTACHMENT E

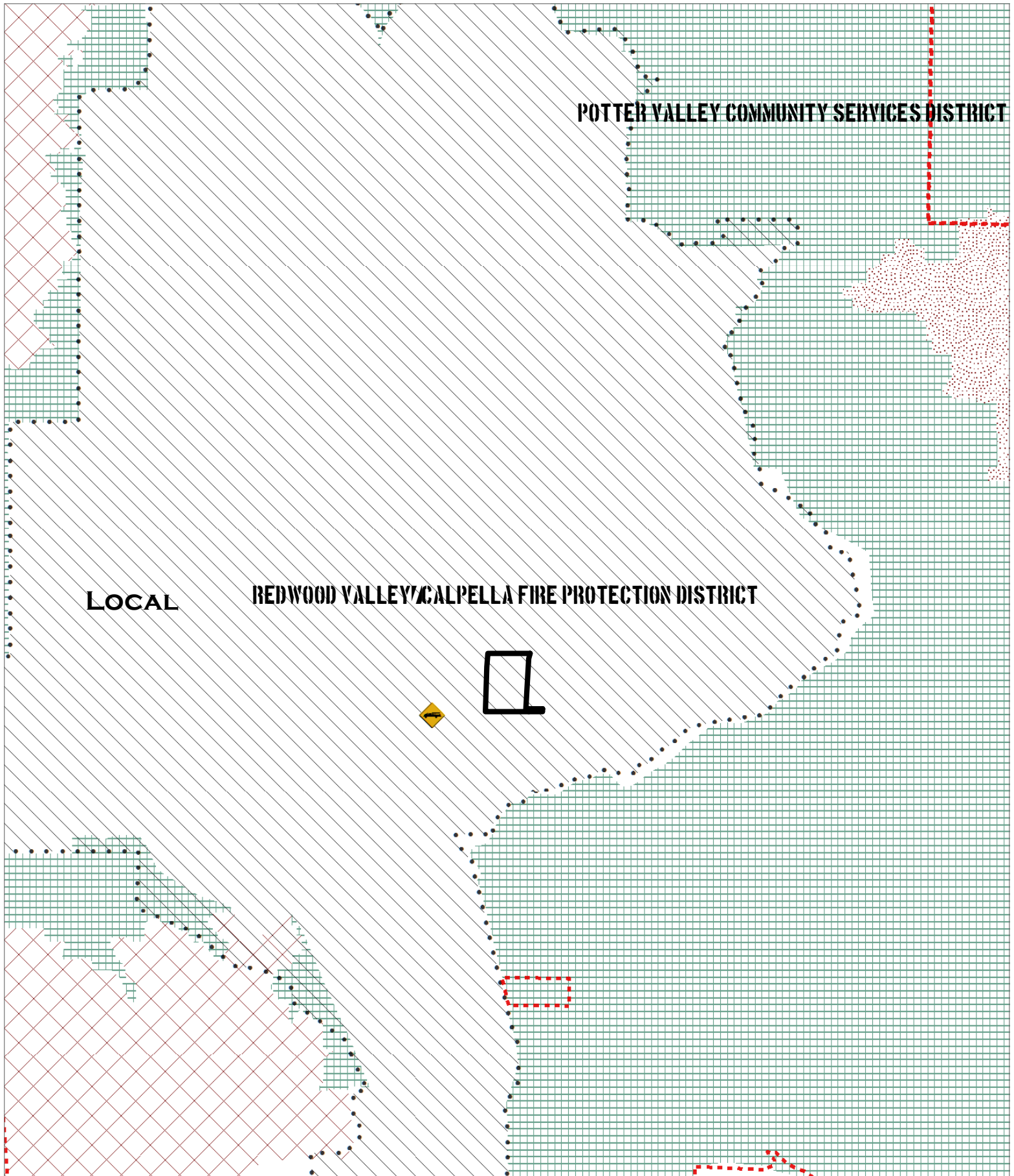


CASE: R_2019-0001
OWNER: Patrick Duggan
APN: 163-082-09
APLCT: Redwood Remedies
AGENT: Emily Hackbarth
ADDRESS: 1401 Road D, Redwood Valley

 General Plan Classes

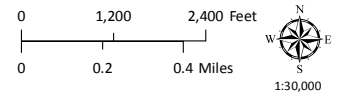






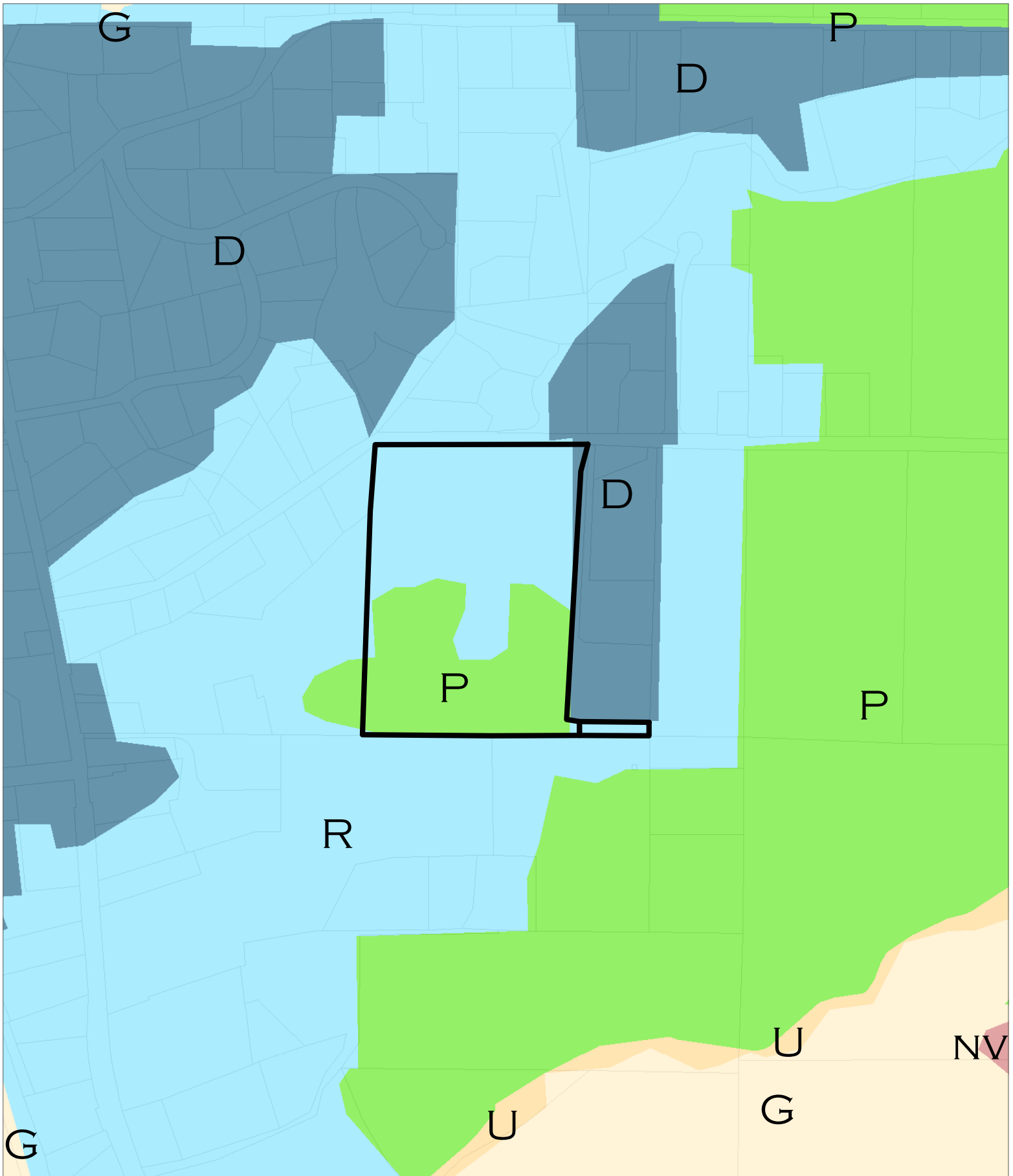
CASE: R_2019-0001
 OWNER: Patrick Duggan
 APN: 163-082-09
 APLCT: Redwood Remedies
 AGENT: Emily Hackbarth
 ADDRESS: 1401 Road D, Redwood Valley

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



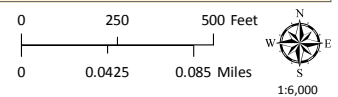
FIRE RESPONSIBILITY AREAS
 ATTACHMENT H

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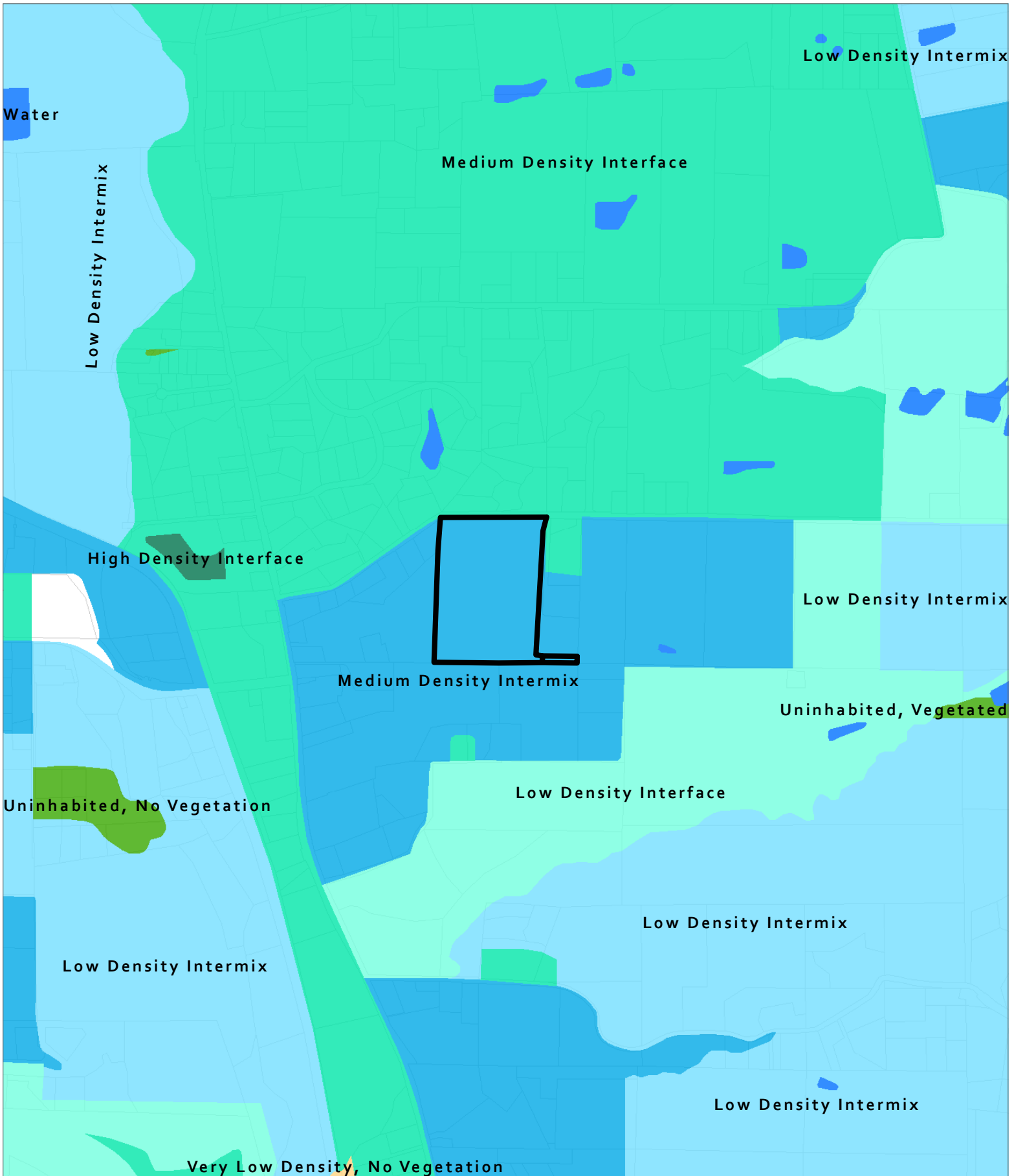
CASE: R_2019-0001
OWNER: Patrick Duggan
APN: 163-082-09
APLCT: Redwood Remedies
AGENT: Emily Hackbarth
ADDRESS: 1401 Road D, Redwood Valley

Urban & Built-Up Land (D)



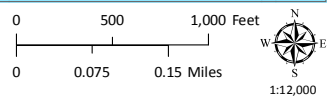
IMPORTANT FARMLAND
ATTACHMENT I

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

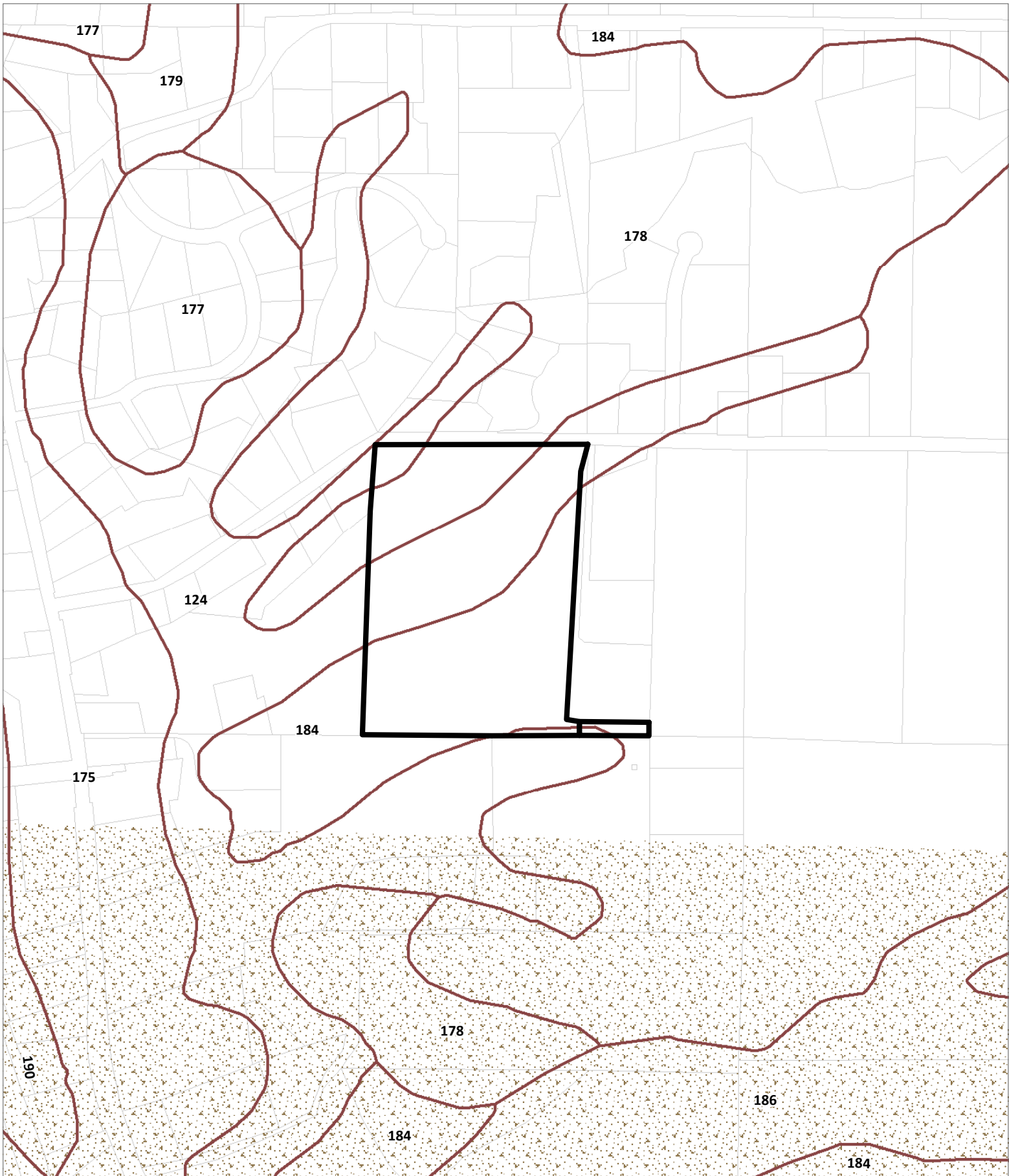
Water





WILDLAND-URBAN INTERFACE ZONES

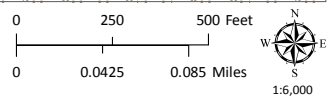
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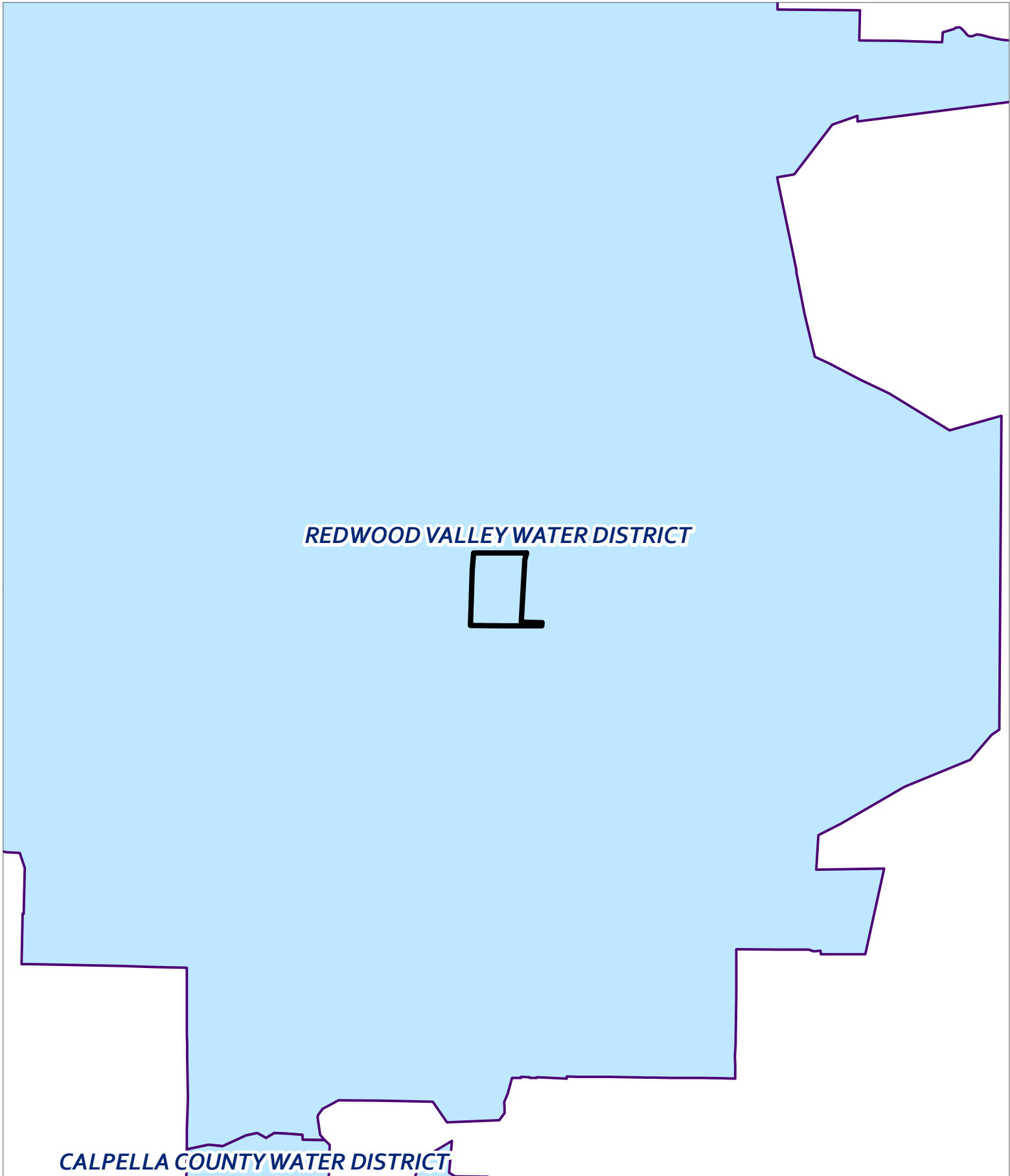
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CASE: R_2019-0001
OWNER: Patrick Duggan
APN: 163-082-09
APLCT: Redwood Remedies
AGENT: Emily Hackbarth
ADDRESS: 1401 Road D, Redwood Valley

-  Eastern Soil Classes
-  Naturally Occurring Asbestos

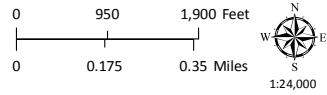




REDWOOD VALLEY WATER DISTRICT

CALPELLA COUNTY WATER DISTRICT

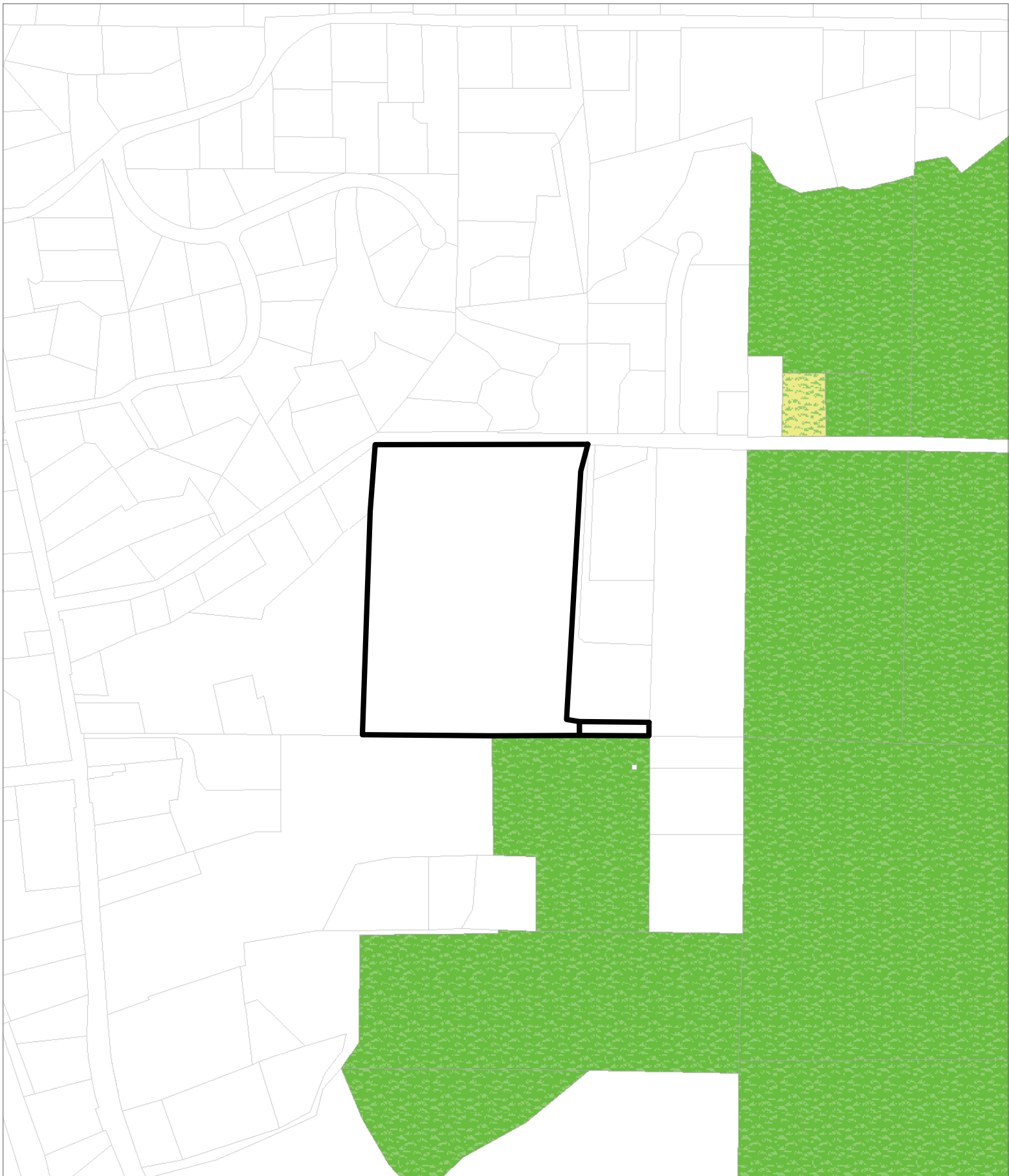
 County Water Districts



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

WATER DISTRICTS
ATTACHMENT L

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CASE: R_2019-0001
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AGENT: Emily Hackbarth
ADDRESS: 1401 Road D, Redwood Valley



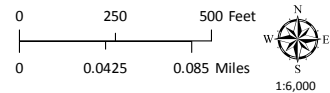
Williamson Act 2017



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.

ATTACHMENT C

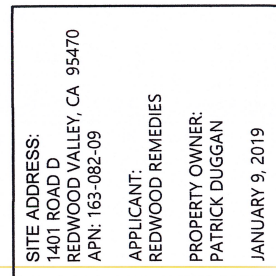
ATTEST: James F. Feenan
Commission Services Supervisor

By: _____

BY: BRENT SCHULTZ
Director

MARILYN OGLE, Chair
Mendocino County Planning Commission

EXHIBIT A: REZONE EXHIBIT MAP



PLOT PLAN

20' 50' 100' 200'

Exhibit A

**THIS MAP AND DATA ARE PROVIDED WITHOUT WARRANTY OF ANY KIND.
DO NOT USE THIS MAP TO DETERMINE LEGAL PROPERTY BOUNDARIES**



MENDOCINO COUNTY PLANNING COMMISSION

MINUTES FOR THE MEETING HELD ON:

May 16, 2019

LOCATION:

Mendocino County Board of Supervisors Chambers
501 Low Gap Road, Room 1070
Ukiah, California

COMMISSIONERS PRESENT:

Pernell, Nelson, Warner, Holtkamp, Hall, Ogle, Jacobszoon

COMMISSIONERS ABSENT:

None

PLANNING & BLDG SVC STAFF PRESENT:

Brent Schultz, Director
Julia Acker, Chief Planner
Jesse Davis, Senior Planner
Keith Gronendyke, Planner III
Sam Vandy Vandewater, Planner II
Susan Summerford, Planner III
Adrienne Thompson, Administrative Services Manager II
Jim Feenan, Commission Services Supervisor

OTHER COUNTY DEPARTMENTS PRESENT:

Matthew Kiedrowski, Deputy County Counsel
Amber Munoz, Department of Transportation

1. Roll Call.

The meeting was called to order at 9:03 a.m.

2. Planning Commission Administration.

2a. Determination of Legal Notice.

The Clerk advised the Commission that all items had been properly noticed.

3. Director's Report and Miscellaneous.

Ms. Julia Acker Krog noted that Director Schultz was available for questions, but did not have a report to present. She also noted that there were no items scheduled for the June 6, 2019 Planning Commission meeting, which had been canceled.

4. Matters from Public.

No one was present from the public who indicated a desire to address the Commission.

5. Consent Calendar.

None.

6. Regular Calendar.

6a. CASE#: R_2019-0001
DATE FILED: 1/10/2019

ATTACHMENT D

OWNER: PATRICK DUGGAN

APPLICANT: REDWOOD REMEDIES

AGENT: EMILY HACKBARTH

REQUEST: Rezone of 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).

ENVIRONMENTAL DETERMINATION: Categorically Exempt

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)

SUPERVISORIAL DISTRICT: 1

STAFF PLANNER: SAM VANDEWATER

Mr. Vandewater, staff planner, reviewed the staff report and discussed the request related to a partial rezoning, which was to allow for the continued cannabis cultivation on the site. He noted that the current zoning of RR1 would “sunset” on May 4, 2020, and the applicant’s request would reduce the density of the southern portion of the parcel to RR10, while the northern portion of the parcel would remain at the RR1 zoning designation. He stated that staff found the project to be in conformance with the General Plan and County Zoning Code and requested the Planning Commission recommend that the Board of Supervisors approve the project.

Commissioner Warner asked if any neighbors had submitted comments.

Mr. Vandewater noted that he had not received any letters but had spoken to one neighbor on the phone to clarify the project description.

Commissioner Wiedemann asked what the source of the water was for the cultivations site.

Mr. Vandewater noted that the parcel was served by the water district and PBS did review cultivation permits for adequate water supply during processing.

Commissioner Wiedemann asked how the parcels were being split related to the zoning.

Mr. Vandewater clarified that the parcels were not being split; however the single legal parcel would have two different zonings on the site.

Ms. Acker Krog also clarified that the proposed rezoning did not include any development and a water source was not needed at this point; for future development water would need to be identified.

Commissioner Holtkamp noted that several rezones had come forward recently that reduced zoning and she asked if that could affect the Housing Element.

Ms. Acker Krog noted that the County was in process of updating the Housing Element and Jesse Davis could most appropriately respond.

Mr. Davis commented that the rezoning would reduce the density and thus availability of development; however there could be geographic constraints to development on existing sites and was unsure of the direct impact to the Housing Element. He commented that there would be more rezoning applications and general plan amendments coming to the Commission due to cultivation and the sunset clause.

The Commission and staff discussed the various dotted lines through the site plan related to the legal parcel boundary, proposed rezone delineation and cultivation site setback.

Chair Ogle asked how someone would be able to tell the parcel was split-zoned “in field”.

Mr. Vandewater noted that the applicant must submit a meets & bounds survey for approval.

Emily Hackbarth, Agent, supported staff’s determination of the project and also noted that there are 9 acres of vineyard on the upper portion of the parcel that would remain. She also commented that many of the surrounding parcels to the south were AG40 and it was not a solely residential area.

The public hearing was declared open, seeing no one come forward the public hearing was declared closed.

Upon motion by Commissioner Holtkamp, seconded by Commissioner Pernell, and carried by a voice vote of (7-0), IT IS ORDERED that 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.

AYES: Pernell, Nelson, Warner, Holtkamp, Wiedemann, Jacobszoon, Ogle
NOES: None
ABSENT: None

6b. CASE#: UM_2019-0001

DATE FILED: 3/15/2019

OWNER: RURAL COMMUNITES HOUSING DEVELOPMENT CORP. (RCHDC)

APPLICANT: RCHDC

AGENT: RYAN LARUE

REQUEST: Use Permit Modification for U_2016-0003 to allow for project phasing and to change the target population from exclusively senior housing to mixed population low income housing.

ENVIRONMENTAL DETERMINATION: Addendum to a previously adopted Mitigated Negative Declaration

LOCATION: Bordering the Ukiah City limits, lying on the south side of Brush Street (CR 217) at the eastern intersection of Orr Street (CR 216), 250± ft. from the intersection of Orchard Avenue (City Limits) to the west. The property is bounded on the south by 1,000± ft. of Orr Creek, which defines the limits between the City and County (APN: 002-101-26).

SUPERVISORIAL DISTRICT: 2

STAFF PLANNER: SUSAN SUMMERFORD

Ms. Susan Summerford, staff planner, reviewed the staff report and discussed the Memo that had been distributed to the Commission. She reviewed the changes requested to the staff report, resolution and addendum to the previously adopted Negative Declaration. She discussed the variance to parking, which had previously been approved for a senior housing development and noted that special needs housing would also qualify for the reduction to parking standards. She noted that the modification in the request was to allow for project phasing and no substantial changes were made; although Condition #23 was added at the behest of the applicant.

Commissioner Pernell requested clarification on Condition #15, related to the term half-width widening.

Amber Munoz, Department of Transportation, discussed the meaning of half width road widening, which located all proposed improvements on one half of the road.

Commissioner Pernell discussed the bike path and connection to a future trail system.

Ms. Munoz commented that the bike lane and sidewalk would be along the road frontage and deferred to the applicant for future trails.

Ryan La Rue, RCHDC, discussed the proposed road improvements surrounding the 8 acre parcel and stated that they would tie into the Orchard Avenue Bridge. He also discussed the linear trail adjacent to Orr Creek.

Commissioner Warner commented about the improvement of the Orr Creek Bridge.

Mr. La Rue commented that RCHDC did not have funds for the Orr Creek Bridge at this time, but noted the City of Ukiah may be seeking grant funds to improve the bridge.

Commissioner Warner discussed the need for a fence along the creek in case young children were present.

Mr. La Rue agreed that a fence might be prudent; however there was a restriction to building in the riparian zone and they could not build the fence.