



**COUNTY OF MENDOCINO**  
**DEPARTMENT OF PLANNING AND BUILDING SERVICES**

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## MEMORANDUM

DATE: APRIL 18, 2016  
TO: BOARD OF SUPERVISORS  
FROM: ANDY GUSTAVSON, CHIEF PLANNER  
SUBJECT: R\_2013-0006 (ARIETTA)

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The applicant proposes to place a total of approximately 80 acres located approximately 4.5 miles west of Philo into the Timberland Production (TP-160) zoning district. The proposed rezone encompasses land that supports timber productivity, a working vineyard, two single family residences and accessory buildings.

On November 19, 2015, the Planning Commission reviewed the applicant's request and voted unanimously to recommend that the Board of Supervisors approve R\_2013-0006, 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.* Mr. Mark Edwards, a licensed registered professional forester, has provided a statement acknowledging 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established under Section 20-121, et seq., which govern permitted and compatible uses.* County Code Section 20-121 has been replaced by Section 20.068.010 which identifies the permitted and compatible uses in the TP-160 zoning district.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 used to support multiple single-family residences and a vineyard operation. Both uses are permitted and compatible uses in 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 as defined in Rule 1021 Title 18 (Public Revenues), California Administrative Code to be eligible for incorporation into the TPZ zoning district.* The following excerpted from Mr. Forester's April 25, 2013, affirms the property fulfills this requirement.

*"In order to assess timber site quality on the property, the Soil Survey of Mendocino County Western Part was examined to determine if sufficient site quality III timberland existed on the property. According to the Soil Survey approximately 42 acres of the timberland areas is located on the Ornbaun-Zeni soils complex. The remaining approximately 20 acres is located on the Cassabonne-Wholy soils complex. Both of these soil types are classified as site class III timberland or better in the soil descriptions. A field inspection of the property confirmed that the timberlands on the Arietta property are Site Class III timberland."*

### **Coplen Settlement Agreement Moratorium**

As of January 1, 2016 all rezones in the County unincorporated area are subject to the Coplen Settlement Agreement moratorium unless the area to be rezoned does not qualify as a candidate for multifamily development. The main criteria for candidate multifamily development sites include land situate within water and sewer districts and within 300 feet of existing water and sewer lines. The subject parcel is not located within a water or sewer district; it does not lie within 300 feet of an existing water or sewer line. Therefore the rezone is not subject to the moratorium.

### **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\_2013-0006 (Arietta), totaling approximately 80 acres near Philo, 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. and authorize the Chair to sign same.

### **ATTACHMENTS:**

- A. Rezone Ordinance
- B. Planning Commission Staff Report, November 19, 2015
- C. Planning Commission Public Hearing Minutes, November 19, 2015