



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

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**MEMORANDUM**

**Date:** DECEMBER 16, 2019

**To:** HONORABLE BOARD OF SUPERVISORS

**From:** MIO MENDEZ  
DEPARTMENT OF PLANNING & BUILDING SERVICES

**Subject:** GENERAL PLAN ADMENDMENT & REZONE GP\_2019-0001/R\_2019-0002 (SAVAGE)

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**BACKGROUND**

On October 17, 2019, the Planning Commission recommended that the Board of Supervisors approve the rezoning of APN 174-100-02, located at 12201 Powerhouse Road, Potter Valley from to the Suburban Residential (SR 20K) zoning district to the Upland Residential zoning district with a Contract Rezone combining district (UR 20[CR]), and a General Plan Amendment reclassifying the subject parcel from Suburban Residential 40,000 square feet minimum parcel size to Remote Residential twenty (20) acre minimum parcel size.

The proposed project (General Plan Amendment and Rezone) required completion of an Initial Study to evaluate the environmental impacts of the proposed changes. The adoption of a Mitigated Negative Declaration and inclusion of a Contract Rezone combining district would mitigate foreseeable impacts to the environment.

**KEY ISSUES**

**General Plan and Zoning Consistency:** The proposed project includes a general plan land use amendment from Suburban Residential (SR) to Remote Residential (RMR) and a Rezone from Suburban Residential minimum 40,000 sq. ft. parcel size (SR 40K) to Upland Residential minimum 20 acre parcel size with a Contract Rezone combining district (UR 20[CR]). The applicant indicated the rezone and general plan amendment are intended to allow continued operation of an existing Cannabis Cultivation and Cannabis Facility Business, that would otherwise sunset (cease to be legally allowed to operate). The Remote Residential (RMR) General Plan designation is intended to be applied to parcels: “[lands] well suited for small scale farming and low density agricultural/residential uses by the absence of such limitations as inadequate access, unacceptable hazard exposure or incompatibility with adjoining resource land uses.” In an environment surrounded by low density housing and agricultural operations taking place on surrounding parcels, the Remote Residential (RMR) general plan designation is more consistent with the lands current use than the previous Suburban Residential (SR) general plan designation. Furthermore, the parcel is designated as Prime Farmland. Prime Farmland is defined as: “Irrigated land with the best combination of physical and chemical features able to sustain long term production of agricultural crops. This has the soil quality, growing season, and moisture supply needed to produce sustained high yields.” By maintaining a Suburban Residential (SR) general plan designation, the subject parcel is exposed to potential conversion of prime farmland to non-agricultural uses. In addition, there are sensitive species of both plant and animal on site. Suburban Residential (SR 40K) would theoretically allow the site to be subdivided and could potentially result in the construction of twenty (20) primary units and twenty (20) accessory dwelling units as well. According to the resource management chapter of the general plan:

“Policy RM-28: All discretionary public and private projects that identify special-status species in a biological resources evaluation (where natural conditions of the site suggest the potential presence of special-status species) shall avoid impacts to special-status species and their habitat to the maximum extent feasible.

Policy RM-102: The County will work to protect important farmlands under the State Farmland Mapping and Monitoring Program.

Policy RM-104: Support the diversification and expansion of the agricultural economic base.”

Therefore, the project is subject to mitigation measures in order to protect the sensitive species found on-site. The proposed mitigation measures, in addition to the changing of the General Plan designation, will avoid impacts to special-status species and their habitat to the maximum extent feasible. Additionally, lands with the designation of Prime Farmland are to be maintained and protected due to the agricultural resources they produce. By supporting the change in zoning and general plan designations, the county will be taking proper steps towards preserving said Prime Farmland.

According to Mendocino County Code (MCC) section 20.056.005: “[Upland Residential] district is intended to create and enhance farming and low-density agricultural/residential uses [...]”. By changing the zoning designation from Suburban Residential (SR 40K) to Upland Residential with a Contract Rezone combining district (UR 20[CR]), the potential for protection of important farmland and a diversified agricultural business will be much greater. The new zoning designation of Upland Residential would propose a housing density more appropriate to the current land uses, promote more agricultural land-uses, and maintain the predesignated Prime Farmland mapping designation. The proposed Contract Rezone combining district will provide for the protection of sensitive species found on the parcel and ensure that no adverse impacts occur to these resources.

Staff finds that the proposed General Plan Amendment and Rezone with the recommended Contract Rezone is appropriate for the site.

**Potter Valley Community Planning Area Community:** The project will be compliant with the Potter Valley Community Planning Area Community – Specific Goals and Policies:

- “Goal CP-PV-1: Expand economic opportunities in Potter Valley consistent with the desired rural character of the valley.
- Policy CP-PV-6: Planned land uses in Potter Valley should accommodate expansion of commercial, light industrial and resources uses to meet the needs of local residences and businesses
- Policy CP-PV-7: The County supports the expansion and diversification of agricultural operations, including orchards, grazing lands and vineyards”.

The proposed project, a General Plan Amendment and Rezone, would allow for a continued diversified agricultural business. The property would be providing commercial enterprise that would otherwise cease to exist. In addition, the opportunity for further expansion of the ongoing cannabis operation is also available to the applicant through the proposed general plan amendment and rezone. If granted, this project would provide opportunities for business expansion, further diversification of uses, and will help to maintain the rural character of Potter Valley through reducing residential density by changing the zoning and general plan designations.

**Environmental Determination:** An Initial Study was completed for the project and circulated for public review in accordance with the California Environmental Quality Act (CEQA) Guidelines and a Mitigated Negative Declaration is recommended. The review identified the following potential impacts which will be less than significant with incorporation of the proposed mitigation measures discussed below.

Biological Resources: There is a presence of two protected sensitive plant species on site, both Mayacamas popcornflower and Baker's navarretia may be found by mesic/riparian habitat. Mesic/riparian habitat can be found along the irrigation ditch and the low-lying wet depression on the northeast corner of the property. The current project proposes no development within these areas. In order to assure there are no future impacts to these areas, a mitigation measure is proposed, which states "An Agricultural Buffer, no less than 50 feet wide and parallel to the site's northerly and southerly boundary, shall be provided, and a 100 foot wide buffer to the site's northerly and easterly boundary's seasonal wet depression area". Additionally, due to the presence of a registered species, a mitigation measure was proposed by the biological assessment for hedge trimming limitations. Due to the effects on a registered native resident bird species, any foreseeable effects will be mitigated by a condition stating that "no blackberry hedge trimming between March 1-August 31." These mitigation measures have been included in the proposed Contract Rezone language.

Cultural Resources: On June 13, 2019, this project was referred to the Mendocino County Archaeological Commission with an associated Archaeological Survey provided by the applicant. Although the survey was not to the satisfaction of the Archaeological Commissioners, no development is being proposed by way of this project. The Archaeological Commission decided to allow the project to move forward with the condition that if an accessory dwelling unit is proposed, an additional Archaeological Survey would be required for the site. This mitigation measure has been included in the proposed Contract Rezone language.

### **RECOMMENDATION**

Adopt a Resolution adopting the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, adopt a Resolution approving a General Plan Land Use Amendment to change 20.23± acres (APN: 174-100-02) from Suburban Residential with a 40,000 square feet minimum lot size (SR 40K) to Remote Residential with a 20 acre minimum parcel size (RMR 20) and, by Ordinance rezone 20.23± acres (APN: 174-100-02) from Suburban Residential with a 40,000 square feet minimum lot size (SR 40K) to Upland Residential with a 20 acre minimum parcel size and a Contract Rezone Combining District (UR 20[CR]), subject to the conditions and requirements of the Contract Rezone attached to the Ordinance.

### **ATTACHMENTS:**

- A. Planning Commission Staff Report, October 17, 2019
- B. Planning Commission Resolution No. PC\_2019-0023