



SUMMARY

OWNER 1: SUSAN ELIZABETH BENNELL TTEE
PO BOX 1575
GUALALA, CA 95445

OWNER 2: BETTY J O'NEIL
PO BOX 1575
GUALALA, CA 95445

APPLICANT: SUSAN ELIZABETH BENNELL
PO BOX 1575
GUALALA, CA 95445

AGENT: SUSAN D RUSCHMEYER
PO BOX 574
GUALALA, CA 95445

REQUEST: Coastal Development Boundary Line Adjustment to reconfigure 5,716± sq. ft. between two separate owners across three parcels. The parcels would gain and lose equal square footage.

LOCATION: In the Coastal Zone, 2± miles northwest of Gualala center, on the east side of Glennen Drive (CR 534), 0.1 miles northeast of its intersection with Hwy 1 (SH 1), located at 37031 Glennen Drive, Gualala (APNs: 144-170-06, -09, & 144-160-22).

TOTAL ACREAGE:

Lot #	Owner(s)	APN	Acreage Before	Acreage After
1	The Bennell Family Trust	144-170-06	2.52±	2.52±
2	Betty J. O'Neil	144-160-22	10.03±	10.03±
		144-170-09		

GENERAL PLAN: Rural Residential (RR5(2):R)

ZONING: Rural Residential (RR:5)

SUPERVISORIAL DISTRICT: 5

ENVIRONMENTAL DETERMINATION: Categorically Exempt: Section 15305, Class 5 (a)

RECOMMENDATION: Approve with Conditions

STAFF PLANNER: Sam 'Vandy' Vandewater

BACKGROUND

PROJECT DESCRIPTION: Coastal Development Boundary Line Adjustment to reconfigure 5,716± sq. ft. between two separate owners across three parcels. Parcel 1 (APN: 144-170-06) would gain and lose equal square footage. Parcel 2 (APNs: 144-160-22 and 144-170-09) would also gain and lose equal square footage. The intention of the proposed boundary line adjustment is to bring the residence and

driveway on Parcel 1 (Bennell) into conformity and ownership, respectively. The residence does not currently meet the setbacks associated with the zoning district and the driveway is partially located on the neighboring parcel (APN: 144-160-22). The proposed adjustment would provide an equal amount of square footage alterations to each property owner.

SITE CHARACTERISTICS: The subject parcels are located immediately east of State Highway 1, roughly 2 miles north of Gualala. The parcels are a mix of wooded areas and more open, grassy fields and a gulch to the east of the parcels. Parcels 1 and 2 are improved with residences, accessory structures, and septic systems while Parcel 3 remains undeveloped. All the parcels gain access from Glennen Drive and the developed parcels have connections with the North Gualala Water Company.

ON-SITE RELATED APPLICATIONS:

- The subject parcels of the proposed boundary line adjustment were legally established by Minor Subdivision MS 38-87 with previous projects being MD 26-72 and B 76-83.
- Agricultural structures were allowed on APN: 144-170-06 by Coastal Development Permit CDP 26-09.

SURROUNDING LAND USE AND ZONING:

	GENERAL PLAN	ZONING	LOT SIZES (Acres)	USES
NORTH	RR:5 {RR:2}	RR:5 [RR:2]	5.5±, 10±	Residential / Timberland
EAST	RL	RL:160	124±	Timberland
SOUTH	RL	RL:160	7±	Highway / Residential
WEST	RR:5 {RR:2}	RR:5 [RR:2]	2±, 2±, 0.75±, 0.7±, 0.55±	Residential

PUBLIC SERVICES:

Access: Glennen Drive (CR 534)
 Fire District: South Coast Fire District
 Water District: North Gualala Water Company
 Sewer District: None
 School District: Arena Union

AGENCY COMMENTS: On May 8, 2018, project referrals were sent to the following responsible or trustee agencies with jurisdiction over the Project. Their submitted recommended conditions of approval are contained in Exhibit A of the attached resolution. Any comments that would trigger a project modification or denial are discussed in full as key issues in the following section.

REFERRAL AGENCIES	COMMENT
Mendocino County Planning (Fort Bragg)	Comments
Department of Transportation	No Comments
Environmental Health (Fort Bragg)	No Response
Mendocino County Building (Fort Bragg)	No Comments
South Coast Fire Protection District	No Response
California Coastal Commission	No Comment
Assessor	No Response

KEY ISSUES

1. General Plan and Zoning Consistency: The proposed boundary line adjustment and subject parcels are subject to the Rural Residential General Plan Land Use designation, as well as a Rural Residential zoning district, and is specifically subject to a 5 acre minimum with regards to parcel size. Currently, Parcel 2 is the only parcel that conforms to the five acre minimum, but the parcels are also subject to a density bonus that reduces the minimum parcel size down to 2 acres, to which Parcels 1 and 2 adhere.

The proposed boundary line adjustment thus does not alter these conformities and retains consistency to the Rural Residential General Plan Land Use Designation and zoning district.

2. Division of Land Regulations: The proposed boundary line adjustment is schedule to be reviewed by the County of Mendocino Subdivision Committee on August 9, 2018, at which time the Committee will make recommendations concerning approval to the Coastal Permit Administrator per the required findings of Mendocino County Code Section 17-17.5. No conflicts with the Division of Land Regulations have been identified.

COASTAL POLICY CONSISTENCY REVIEW: Staff reviewed the project relative to coastal issues and determined the following:

1. The boundary line adjustment will not result in a change of density. The proposed adjustment does not provide for future divisions beyond that which currently exist;
2. The boundary line adjustment will not create any new parcels;
3. The parcels subject to the adjustment are not situated within an environmentally sensitive habitat area. No sensitive species or habitats were identified on the project site.
4. No substandard lot will result from the adjustment.
5. The property subject to the adjustment is in an area designated CWR (Critical Water Resources) identified in the Mendocino County Coastal Groundwater Study, and is consistent with the study.
6. Any future development will require a Coastal Development Permit, unless determined to be exempt.
7. The project is not located within a designated "Highly Scenic" area.
8. The project is an appealable project, as it is a boundary line adjustment.

ENVIRONMENTAL RECOMMENDATION: The application is Categorically Exempt – Class 5a. Therefore, no further environmental review is required.

COASTAL ELEMENT CONSISTENCY RECOMMENDATION: The proposed project is consistent with applicable goals and policies of the General Plan and Coastal Element.

RECOMMENDED MOTION: The Coastal Permit Administrator approves Coastal Development Boundary Line Adjustment B_2018-0020, subject to the following conditions of approval, finding that the application and supporting documents and exhibits contain sufficient information and conditions to establish, as required by the Coastal Zoning Code, that:

1. The proposed boundary line adjustment is in conformance with the Coastal Element; and,
2. The proposed boundary line adjustment will be provided with adequate utilities, access roads, drainage, and other necessary facilities; and,
3. The proposed boundary line adjustment is consistent with the purpose and intent of the zoning district applicable to the property, as well as the provisions of the Coastal Zoning Code and preserves the integrity of the zoning district; and,
4. The proposed boundary line adjustment will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act (CEQA); and,
5. The proposed boundary line adjustment will not have any adverse impacts on any known archaeological or paleontological resource; and,
6. Other public services, including but not limited to, solid waste and public roadway capacity have been considered and are adequate to serve the proposed adjustment; and,

7. The proposed boundary line adjustment is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act and the Coastal Element of the General Plan.

CONDITIONS OF APPROVAL:

1. This action shall become final on the 11th day following the decision unless an appeal is filed pursuant to Section 20.544.015 of the Mendocino County Code. The permit shall become effective after the ten (10) working day appeal period to the Coastal Commission has expired and no appeal has been filed with the Coastal Commission. This application is valid for 24 months from the effective date. No extensions can be granted.
2. That for each proposed adjusted parcel provide one perimeter description of each parcel. The new deed description submitted shall be prepared by, and bear the seal of, a Licensed Land Surveyor.
3. That each transfer of real property be by means of a quit claim deed containing the following wording to be contained within the legal description:

"Any and all lands and any and all interest thereto lying within the following described real property (perimeter description of the adjusted parcel(s))."

And,

"This deed is given pursuant to Mendocino County Coastal Development Boundary Line Adjustment B_2018-0020 and is intended to create no new parcel."

4. Per Mendocino County Code Section 17-17.5(l) (2):

"That the Treasurer-Tax Collector certifies that all taxes and assessments due on each parcel affected by the adjustment have been paid or cleared, and that a deposit to secure payment of the taxes and assessments which are due but not yet payable have been made."

The enclosed **Certificate of the Official Redeeming Officer form** must be certified by the Treasurer-Tax Collector and a copy returned to the Department of Planning and Building Services.

5. After you have been given clearance to record the new documents, you must send a **copy** of the recorded deed(s) to the Department of Planning and Building Services. Upon review and approval of this information, you will receive a Completion Certificate.
6. In the event that archaeological resources are encountered during development of the property, work in the immediate vicinity of the find shall be halted until all requirements of Chapter 22.12 of the Mendocino County Code relating to archaeological discoveries have been satisfied.
7. A note shall be placed on the deeds and/or legal descriptions stating that *"Future development may require additional studies and/or may be subject to restrictions"* and that *"Future development shall be in conformance with the criteria for development within the Environmentally Sensitive Habitat and Special Treatment Areas as set forth in the Coastal Plan and Coastal Zoning Code."*
8. A note shall be placed on the deeds and/or legal descriptions stating, *"The Boundary Line Adjustment shall not relinquish, remise, release or terminate any prior right, interest in rights-of-way, easements, or other rights which may be appurtenant to and/or an encumbrance to the subject properties."*

Once the deed(s) and/or instrument(s) have been prepared, please send a copy to the Department of Planning and Building Services. After we have reviewed the documents and accepted them as correct and all conditions of approval have been met, we will notify you. **DO NOT RECORD ANY DOCUMENTS UNTIL YOU HAVE RECEIVED APPROVAL OF THE DEED(S).**

PLEASE NOTE: Title must be transferred identical to the title now being held (all owners with their exact names).

NOTE: APPLICANTS OR OTHER PERSONS WHO ARE DISSATISFIED WITH A DECISION OF THE COASTAL PERMIT ADMINISTRATOR FOR A COASTAL DEVELOPMENT PERMIT FOR A BOUNDARY LINE ADJUSTMENT MAY APPEAL THE ACTION TO THE BOARD OF SUPERVISORS. AN APPEAL MUST BE MADE IN WRITING ALONG WITH THE APPLICABLE FEE TO THE CLERK OF THE BOARD OF SUPERVISORS WITHIN TEN (10) DAYS OF THE COASTAL PERMIT ADMINISTRATOR'S DECISION. THE APPEAL ISSUE WILL BE PLACED ON THE NEXT AVAILABLE BOARD OF SUPERVISOR'S AGENDA FOR CONSIDERATION, AND THE APPELLANT WILL BE NOTIFIED OF THE TIME AND DATE. APPEALS TO THE BOARD OF SUPERVISORS DO NOT NECESSARILY GUARANTEE THAT THE COASTAL PERMIT ADMINISTRATOR'S DECISION WILL BE OVERTURNED. IN SOME CASES, THE BOARD OF SUPERVISORS MAY NOT HAVE THE LEGAL AUTHORITY TO OVERTURN THE DECISION OF THE ADMINISTRATOR.

9/27/2018

DATE

Julia Acker Kroger for
SAM 'VANDY' VANDEWATER
PLANNER II

Appeal Period: 10 Days
Appeal Fee: \$1,616.00

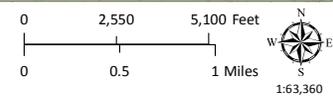
ATTACHMENTS:

- A. Location Map
- B. Aerial Map
- C. Tentative Map
- D. Zoning Map
- E. General Plan/ Map
- F. LCP Land Use Map
- G. LCP Land Capabilities & Natural Hazards Map
- H. LCP Habitats & Resources Map
- I. LCP Appealable Areas Map
- J. Adjacent Owner Map
- K. Fire Hazards Map
- L. Ground Water Resource Area
- M. Soils Map
- N. Williamson Act Map



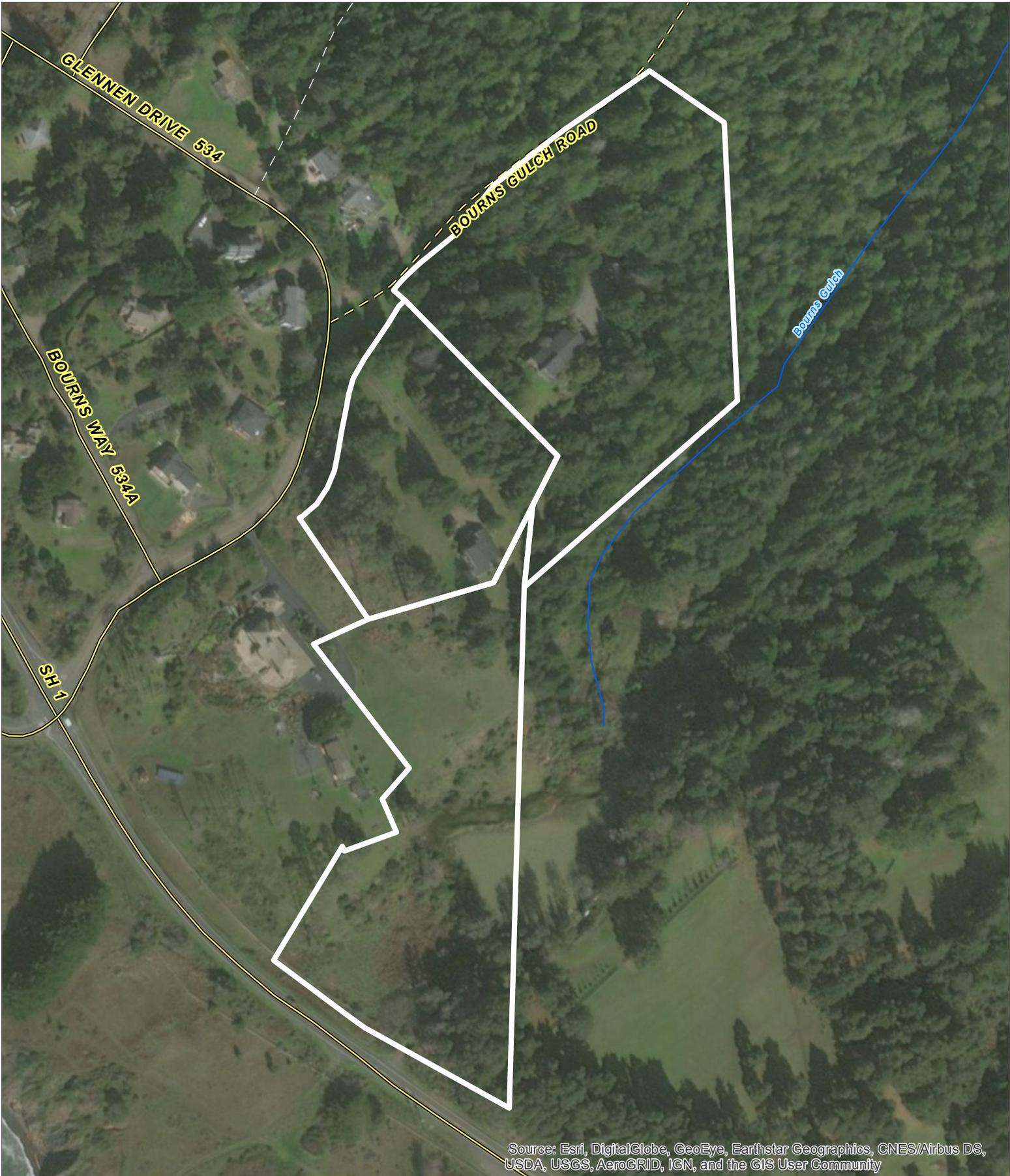
CASE: B 2018-0020
 OWNER: BENNELL, Susan
 APN: 144-160-22, 144-170-06, 09
 APLCT: Susan Elizabeth Bennell
 AGENT: Susan Ruschmeyer
 ADDRESS: 37031 Glennen Drive, Gualala

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



LOCATION MAP

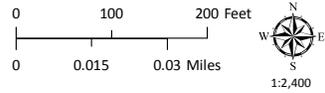
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Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

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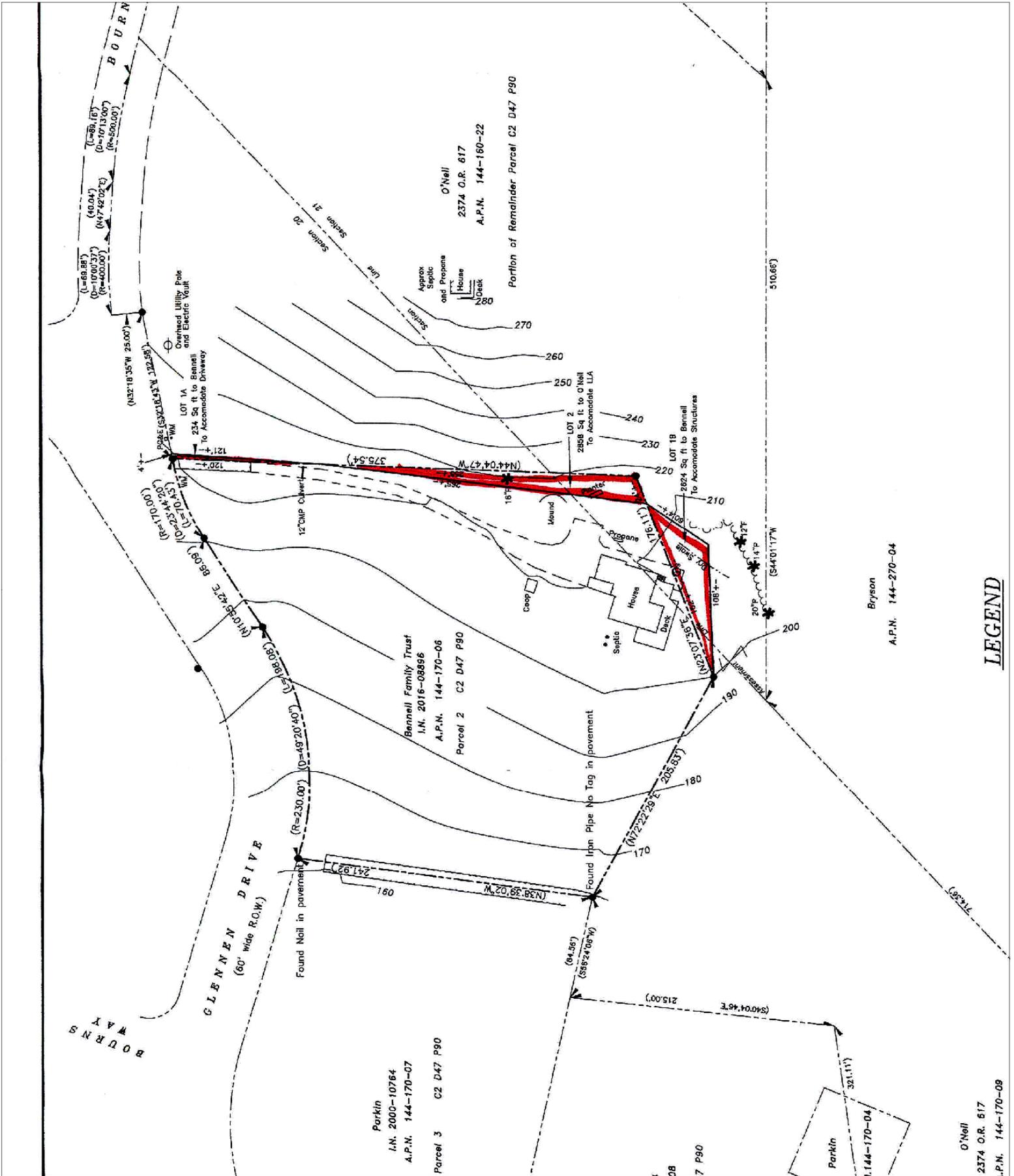
-  Named Rivers
-  Driveways/Unnamed Roads
-  Public Roads
-  Private Roads



AERIAL IMAGERY

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NO SCALE

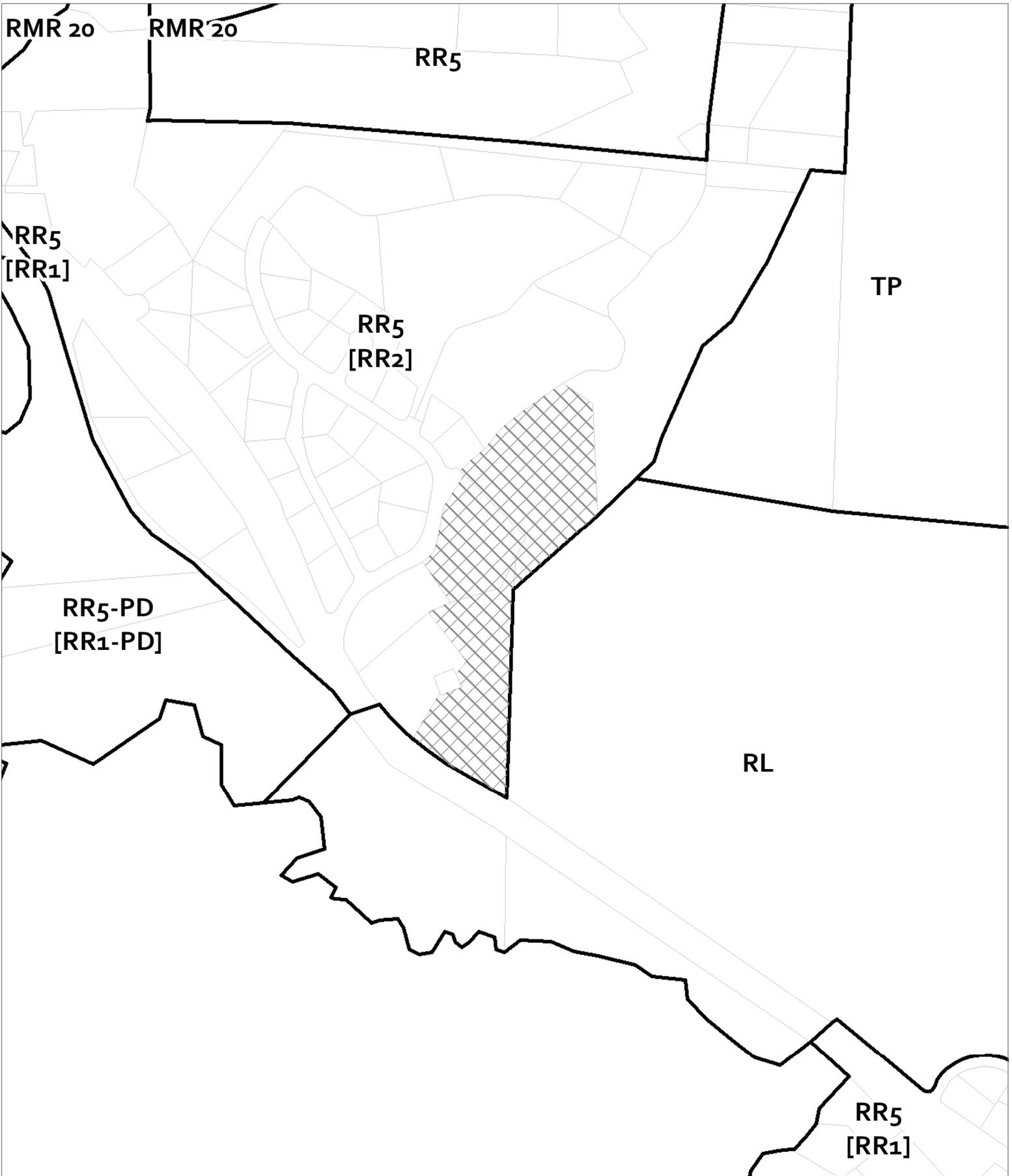
TENTATIVE MAP

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LEGEND

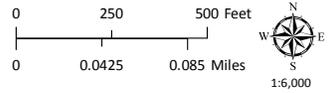
O'Neil
 2374 O.R. 617
 A.P.N. 144-170-08

Bryson
 A.P.N. 144-270-04



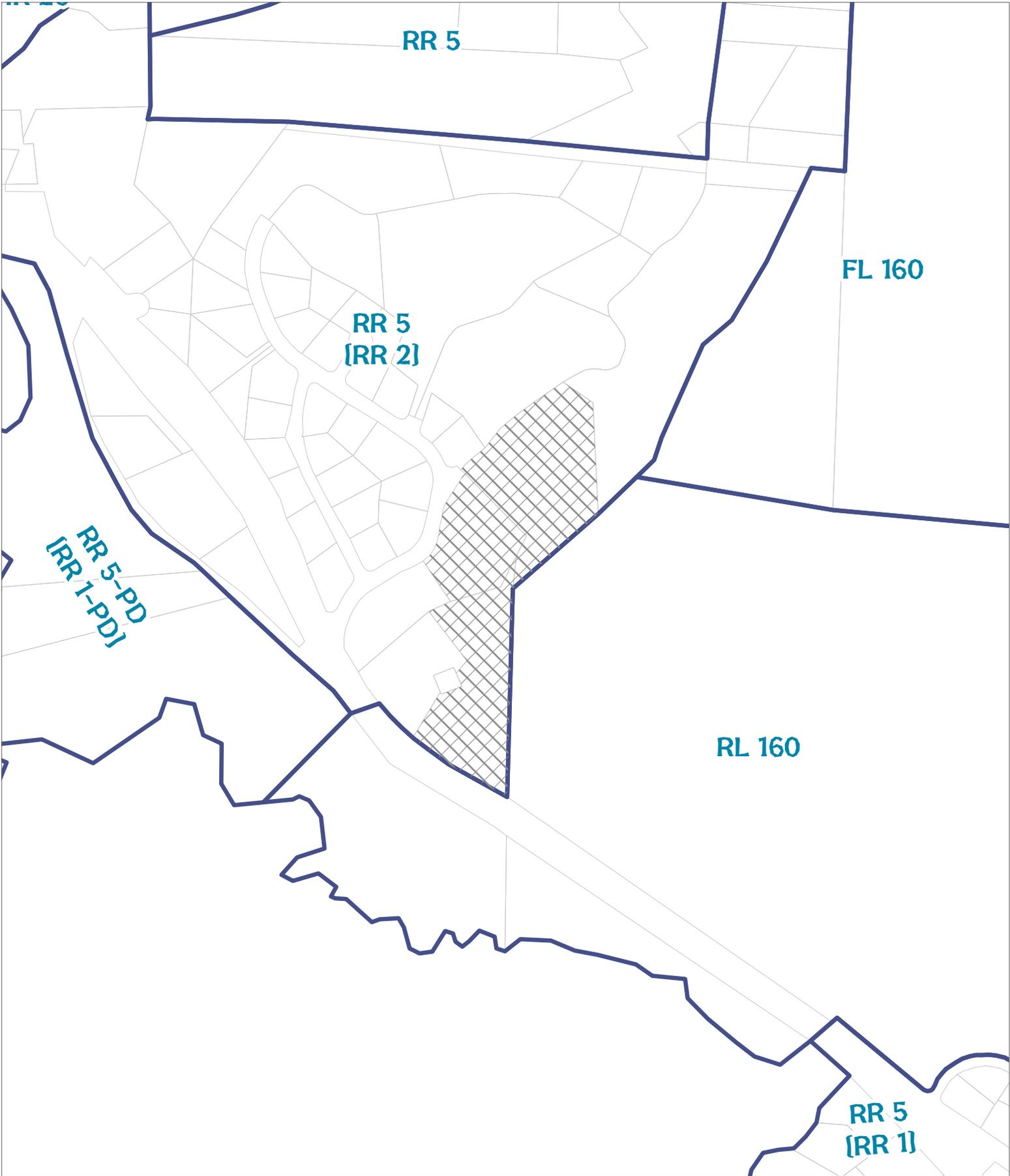
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 Zoning Districts



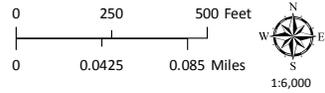
ZONING DISPLAY MAP

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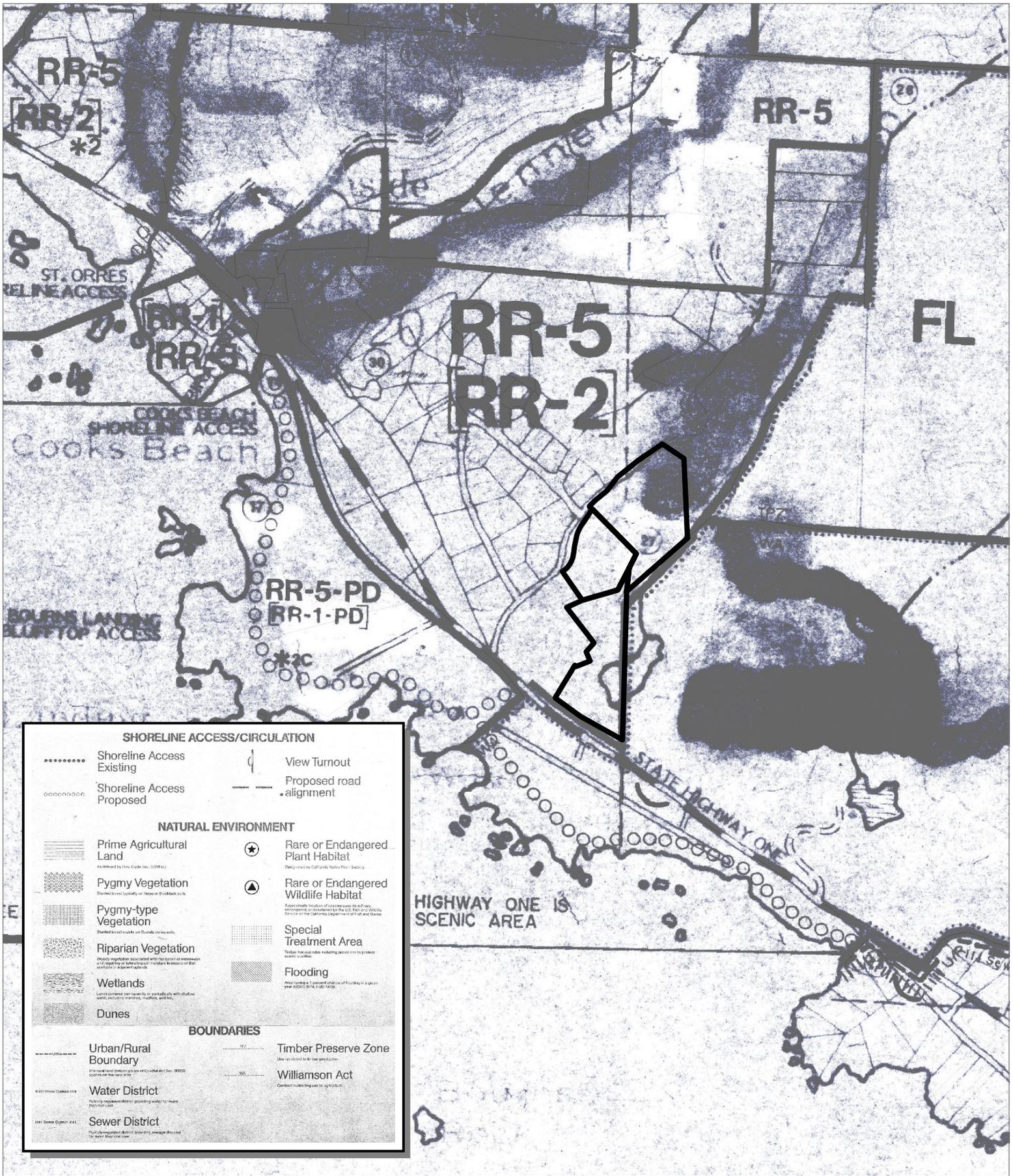
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 General Plan Classes

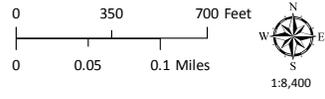


GENERAL PLAN CLASSIFICATIONS

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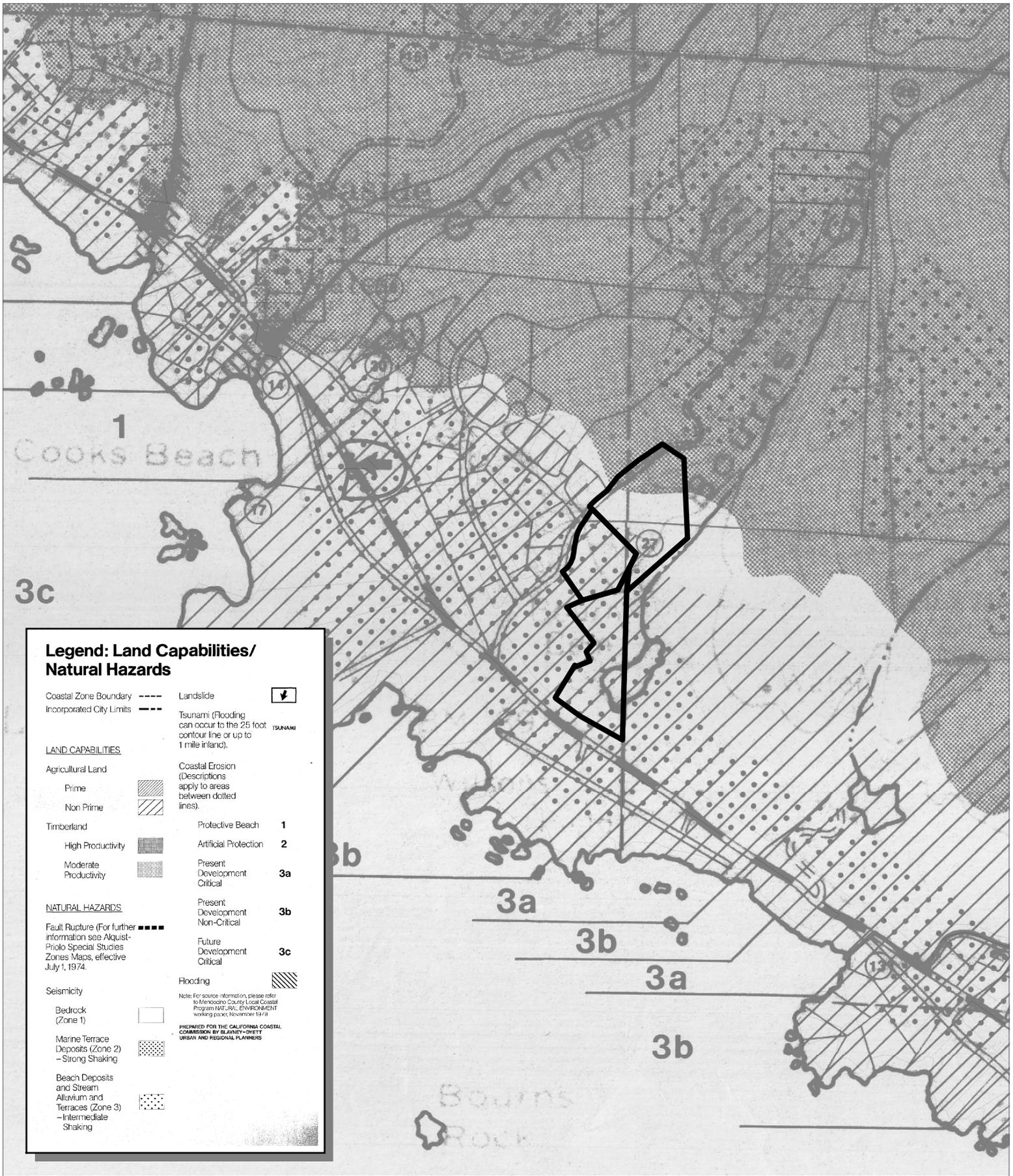


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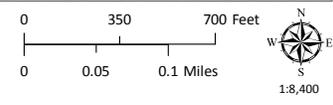


LCP LAND USE MAP 31: GUALALA

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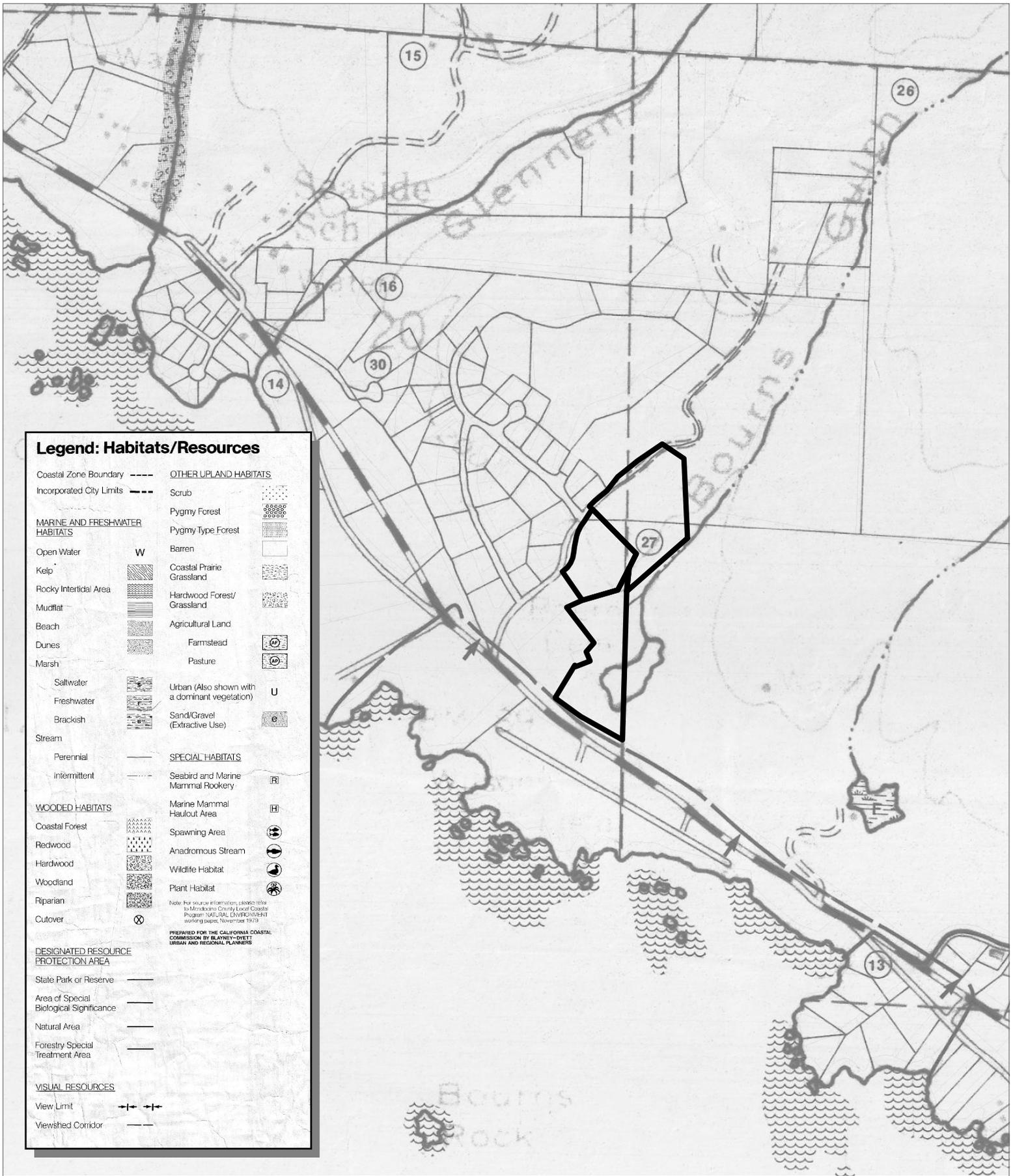


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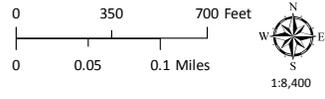


LCP LAND CAPABILITIES & NATURAL HAZARDS

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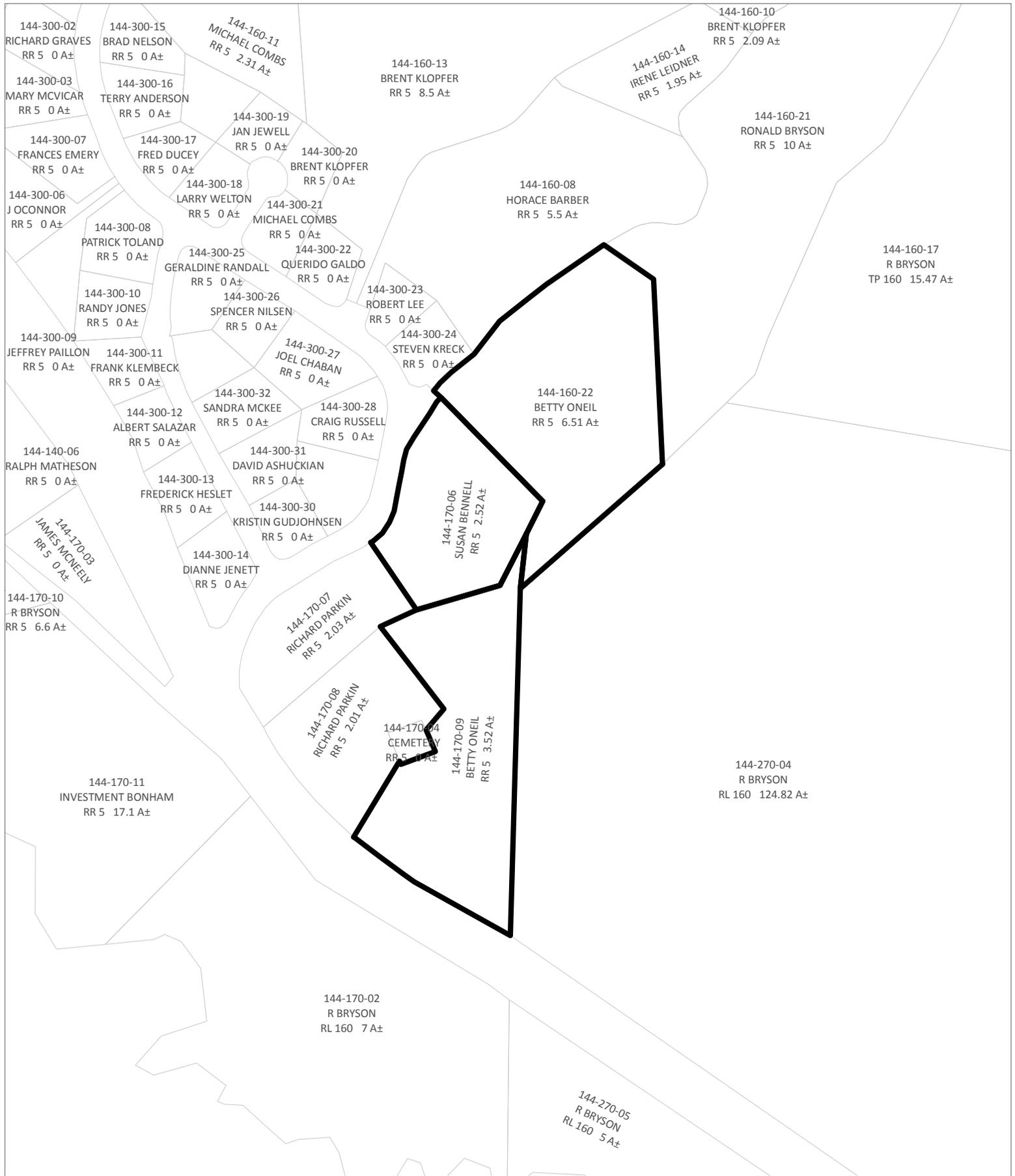


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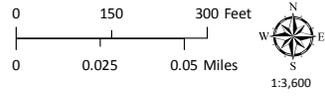


LCP HABITATS & RESOURCES

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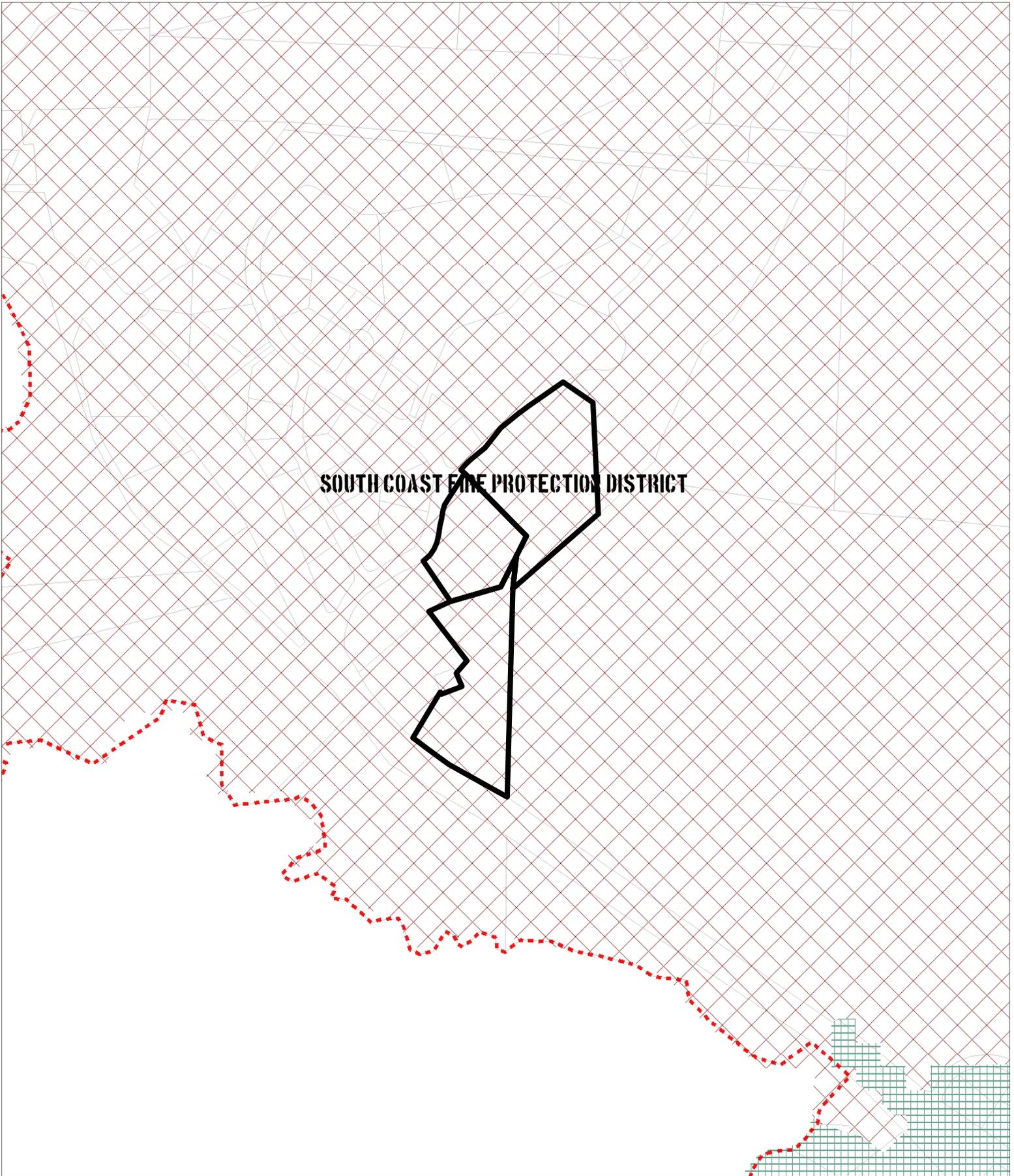


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ADJACENT PARCELS

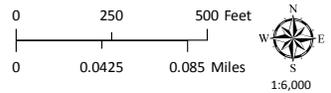
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SOUTH COAST FIRE PROTECTION DISTRICT

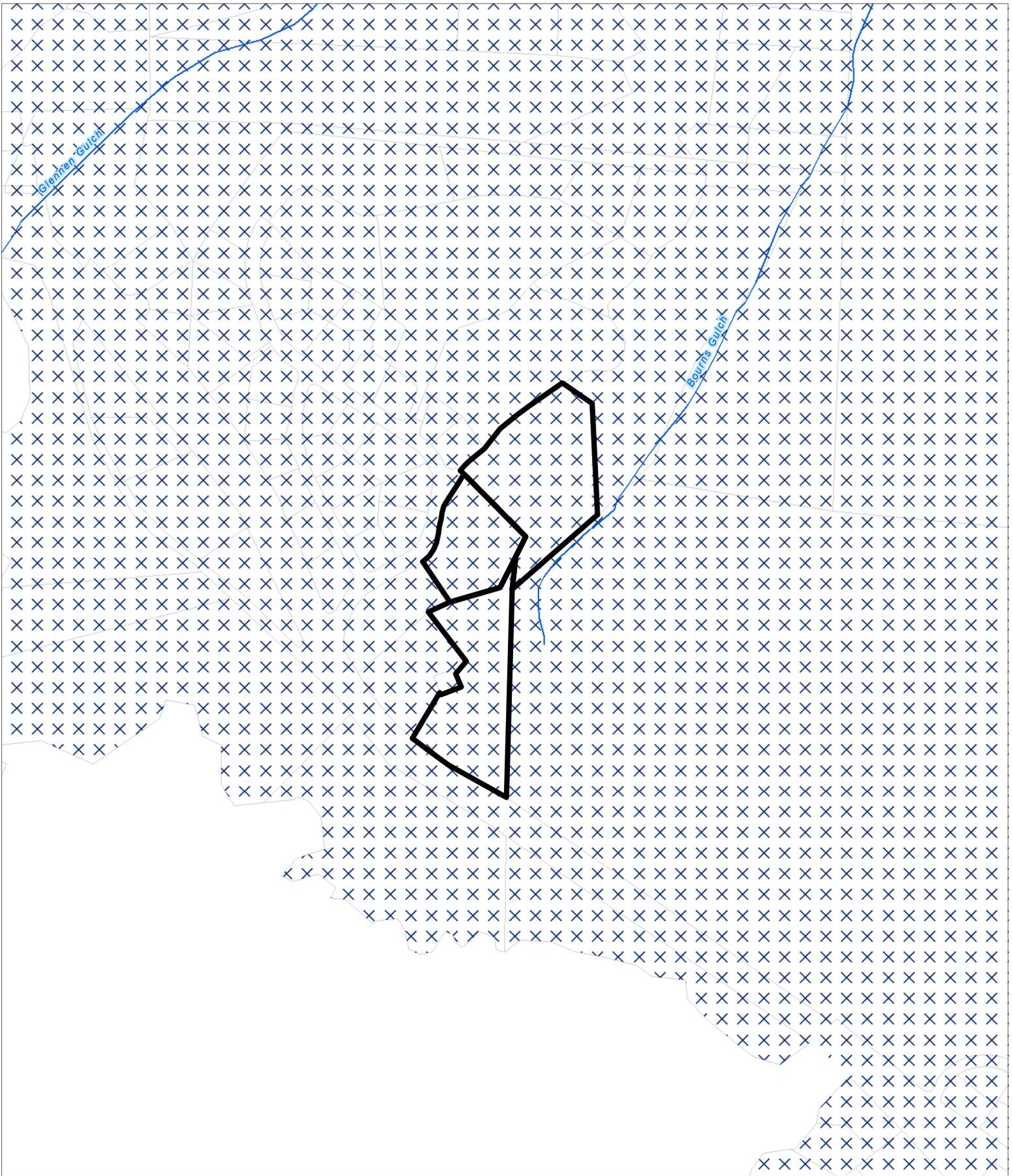
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-  County Fire Districts
-  High Fire Hazard
-  Moderate Fire Hazard



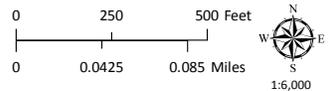
FIRE HAZARD ZONES & RESPONSIBILITY AREAS
 STATE RESPONSIBILITY AREA

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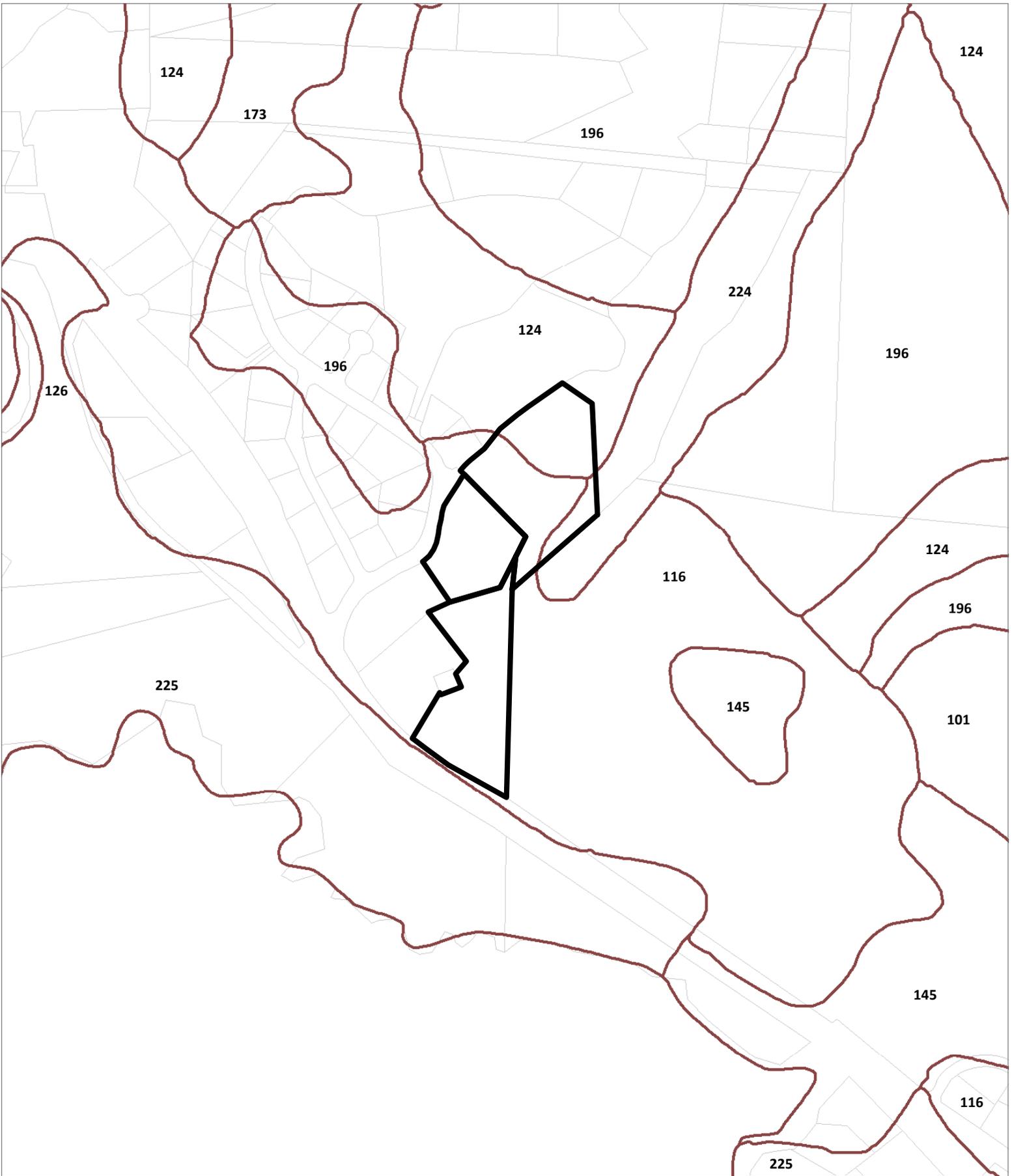
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 Named Rivers
 Critical Water Areas



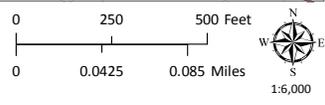
GROUND WATER RESOURCES

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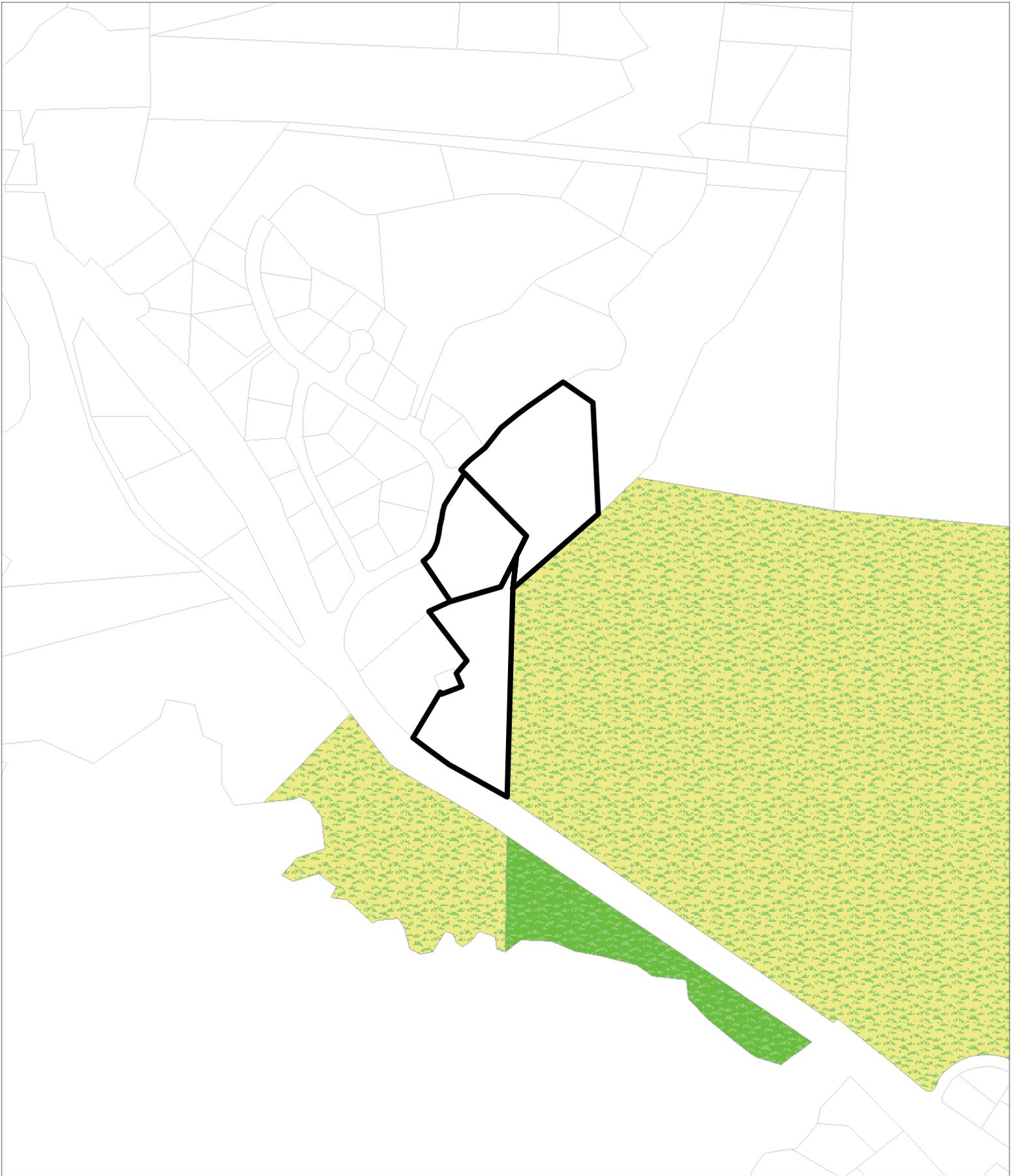
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 Western Soil Classes



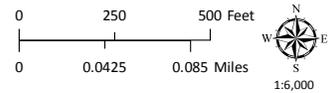
LOCAL SOILS

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-  Williamson Act 2017
-  Prime Ag 2017
-  Non-Prime Ag 2017



LANDS IN WILLIAMSON ACT CONTRACTS

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