



**COASTAL PERMIT ADMINISTRATOR
STAFF REPORT- COASTAL BOUNDARY LINE
ADJUSTMENT**

**JUNE 13, 2019
B_2017-0042**

SUMMARY

OWNER/APPLICANT: GARRETT C. LUMLEY
PO BOX 29
MENDOCINO, CA 95460

REQUEST: Coastal Development Boundary Line Adjustment to reconfigure the boundary between two lots to allocate one existing residence to each. Lot 1 (APN 017-140-11) will decrease to 3.54± Acres, and Lot 2 (APN 017-140-10) will increase to 1.05± acres and be realigned to encompass the southern residence.

LOCATION: In the Coastal Zone, 1± mile southeast of the City of Fort Bragg on the north side of Simpson Lane (CR 414), 0.45± miles east of its intersection with State Route 1 (SR 1), located at 32500 and 32530 Simpson Lane, Fort Bragg. APNs: 017-140-10, 11.

ACREAGE: APN 017-140-11: Before: 4.17± Ac., After: 3.54± Ac.
APN 017-140-10: Before: 0.41± Ac., After: 1.05± Ac.

GENERAL PLAN: Rural Residential, 5 Acre minimum/Rural Residential, 1 Acre minimum (RR-5[RR-1])

ZONING: Rural Residential, 5 Acre minimum/Rural Residential, 1 Acre minimum (RR-5[RR-1])

SUPERVISORIAL DISTRICT: 4th District (Gjerde)

ENVIRONMENTAL DETERMINATION: Categorically Exempt: Class 5(a) (Minor lot line adjustments not resulting in the creation of any new parcel).

RECOMMENDATION: Approve Boundary Line Adjustment B 2017-0042 with Standard Conditions.

STAFF PLANNER: Russell Ford

BACKGROUND

PROJECT DESCRIPTION: A Coastal Development Boundary Line Adjustment request to expand Lot 1 to encompass the existing legal non-conforming Second Residential Unit on Lot 2. Lot 2 is currently developed with two legal non-conforming residences, wells and accessory structures. Lot 1 is presently vacant.

APPLICANT'S STATEMENT: None provided

RELATED APPLICATIONS:
On-Site

- A home office business license was issued for the northern residence on APN 017-140-11 in 2016 for consulting. BL 2016-0356

Neighboring Property

- Coastal Development Boundary Line Adjustment CDB 55-08 reconfigured two lots immediately north of the project site
- Coastal Development Boundary Line Adjustment CDB 2015-0010 reconfigured two lots immediately west of the project site.

SITE CHARACTERISTICS: The project site is 1± mile southeast of the City of Fort Bragg on the north side of Simpson Lane (CR 414), 0.45± miles east of its intersection with State Route 1 and .8± miles from the Pacific Ocean. The parcels are on a flat marine terrace near the southern bank of Hare Creek, heavily vegetated with *coastal forest* type forestland. The larger parcel is developed with two legal non-conforming Single Family Residences and accessory improvements. The smaller parcel is undeveloped but provides road access to the northern residence. Both parcels are within a mapped *Marginal Water Resources* area per the Mendocino County Coastal Groundwater Study. Soil type is homogenous between both lots and classified as *Harecreek sandy loam* supporting primarily bishop pine and redwood and used mainly for homesite development.

SURROUNDING LAND USE AND ZONING:

	GENERAL PLAN	ZONING	LOT SIZES	USES
NORTH	Rural Residential, 5 ac. (RR-5)	Rural Residential, 5 ac. (RR-5)	12± ac.	Forestland
EAST	Forestland (FL)	Timber Production (TP)	40± ac.	Forestland
SOUTH	Rural Residential 5 ac., variable to 1 ac. (RR-5 [RR-1])	Rural Residential 5 ac., variable to 1 ac. (RR-5 [RR-1])	2± ac.	Residential
WEST	Rural Residential 5 ac., variable to 1 ac. (RR-5 [RR-1])	Rural Residential 5 ac., variable to 1 ac. (RR-5 [RR-1])	2.75± ac.	Residential

PUBLIC SERVICES:

Access: Simpson Lane (CR 414)
 Fire District: Fort Bragg Rural Fire Protection District
 Water District: None
 Sewer District: None
 School District: Fort Bragg Unified

AGENCY COMMENTS: On April 1st, 2019 project referrals were sent to the following responsible or trustee agencies with jurisdiction over the Project. A summary of the submitted agency comments are listed below.

REFERRAL AGENCIES	COMMENT
Building Division (Fort Bragg)	No Comment
Department of Transportation	No Response
Environmental Health (Fort Bragg)	Permitted water well (not finalized) and 2 bed septic
Fort Bragg Rural Fire District	No Response
Planning Division (Fort Bragg)	No Comment
CALFIRE (Land Use)	No Comment
Coastal Commission	No Response

LOCAL COASTAL PLAN CONSISTENCY

Land Use/Zoning: The subject parcel is zoned and classified as Rural Residential five acre minimum with a possible density variation down to one acre. Neither lot is currently conforming to the lower density, but following the adjustment both would be conforming to the higher density. The Rural Residential classification is intended to “*encourage and preserve local small scale farming in the Coastal Zone on lands which are not well-suited for large scale commercial agriculture.*” The site currently has a residential rather than agricultural use, but single-family residences are a principally permitted use in this district. The project is therefore found to be consistent with the zoning and General Plan classification of Rural Residential as it will allow for the continuance of the existing legal use of the parcel.

Habitats and Natural Resources: The subject parcel is already largely developed with two single-family residences, septic systems and wells. No additional development is proposed at this time or permitted by the approval of this Boundary Line Adjustment. No *Environmentally Sensitive Habitat Areas* were identified on the site.

Groundwater Resources: The site is designated on the Mendocino County Coastal Groundwater Study Map as an area of Marginal Water Resources. The larger parcel is already developed with two single-family residences that have existed for many years. There are currently two well sites for the two residences. Following the adjustment, the southern residence may be separated from its water source.

ENVIRONMENTAL DETERMINATION: The Secretary for Resources has found that certain classes of projects have been determined not to have a significant effect on the environment and are therefore exempt from the requirement for the preparation of environmental documents. This project was determined to meet the criteria for a Categorical Exemption from the California Environmental Quality Act (CEQA) under Class 5a.

COASTAL POLICY CONSISTENCY REVIEW:

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.
4. No substandard lot will result from the adjustment. Currently one of the two lots is compliant with the greater density limitation. The adjustment will bring the smaller lot into compliance with this density as well.
5. The property subject to the adjustment is in an area designated MWR (Marginal Water Resources) identified in the Mendocino County Groundwater Study, and is consistent with the study.
6. No pygmy or pygmy-capable soils were identified on the project site.
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.

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_2017-0042, 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 development will be provided with adequate utilities, access roads, drainage, and other necessary facilities;
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);
5. The proposed boundary line adjustment will not have any adverse impacts on any known archaeological or paleontological resource;
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;
7. The proposed 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 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 2017-0042 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.

DATE

RUSSELL FORD
Planner III

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

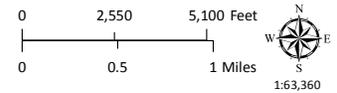
ATTACHMENTS:

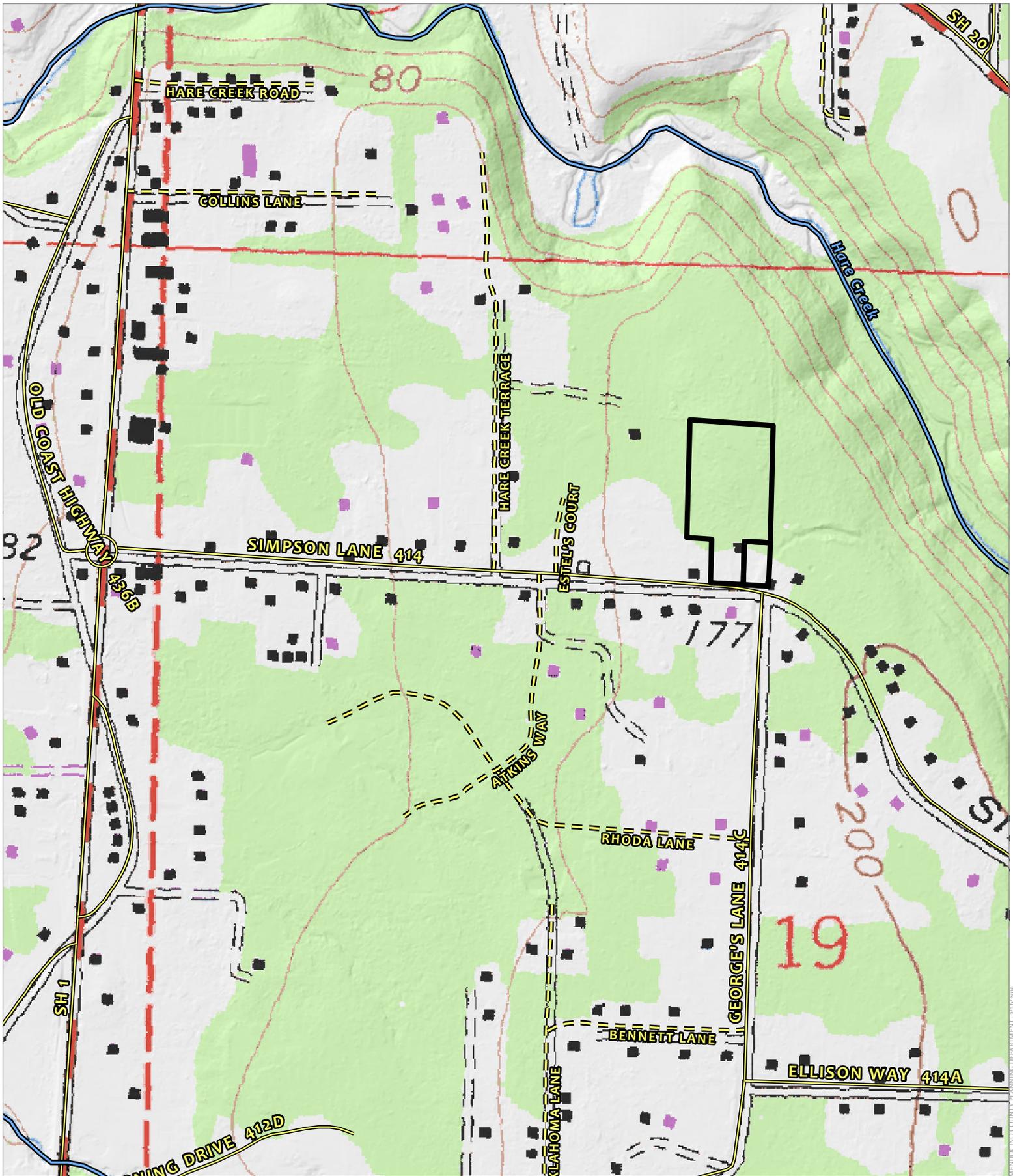
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|--------------------------------------------|-----------------------------------|
| A. Location Map | K. Appealable Area |
| B. Topographic Map | L. Adjacent Parcels |
| C. Aerial Map | M. Coastal Ground Water Resources |
| D. Existing Lots | N. Fire Hazard Zones |
| E. Proposed Lots | O. Local Soils |
| F. Zoning Map | |
| G. General Plan Classifications | |
| H. LCP Land Use | |
| I. LCP Land Capabilities & Natural Hazards | |
| J. LCP Habitats & Natural Resources | |



CASE: B 2017-0042
 OWNER: LUMLEY, Garrett
 APN: 017-140-10, 11
 APLCT: Garrett Lumley
 AGENT:
 ADDRESS: 32530 Simpson Lane, Fort Bragg

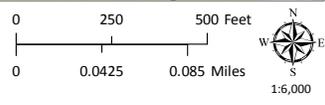
- Major Towns & Places
- ▭ City Limits
- ▬ Coastal Zone Boundary
- ▬ Major Rivers
- ▬ Highways
- ▬ Major Roads





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-  Named Rivers
-  Public Roads
-  Private Roads



TOPOGRAPHIC MAP
 CONTOUR INTERVAL IS 40 FEET

MENDOCINO COUNTY PLANNING DEPARTMENT - 3/10/2019

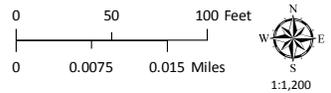


SIMPSON LANE 414

'S LANE 414C

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Public Roads



AERIAL IMAGERY

ATTACHMENT C

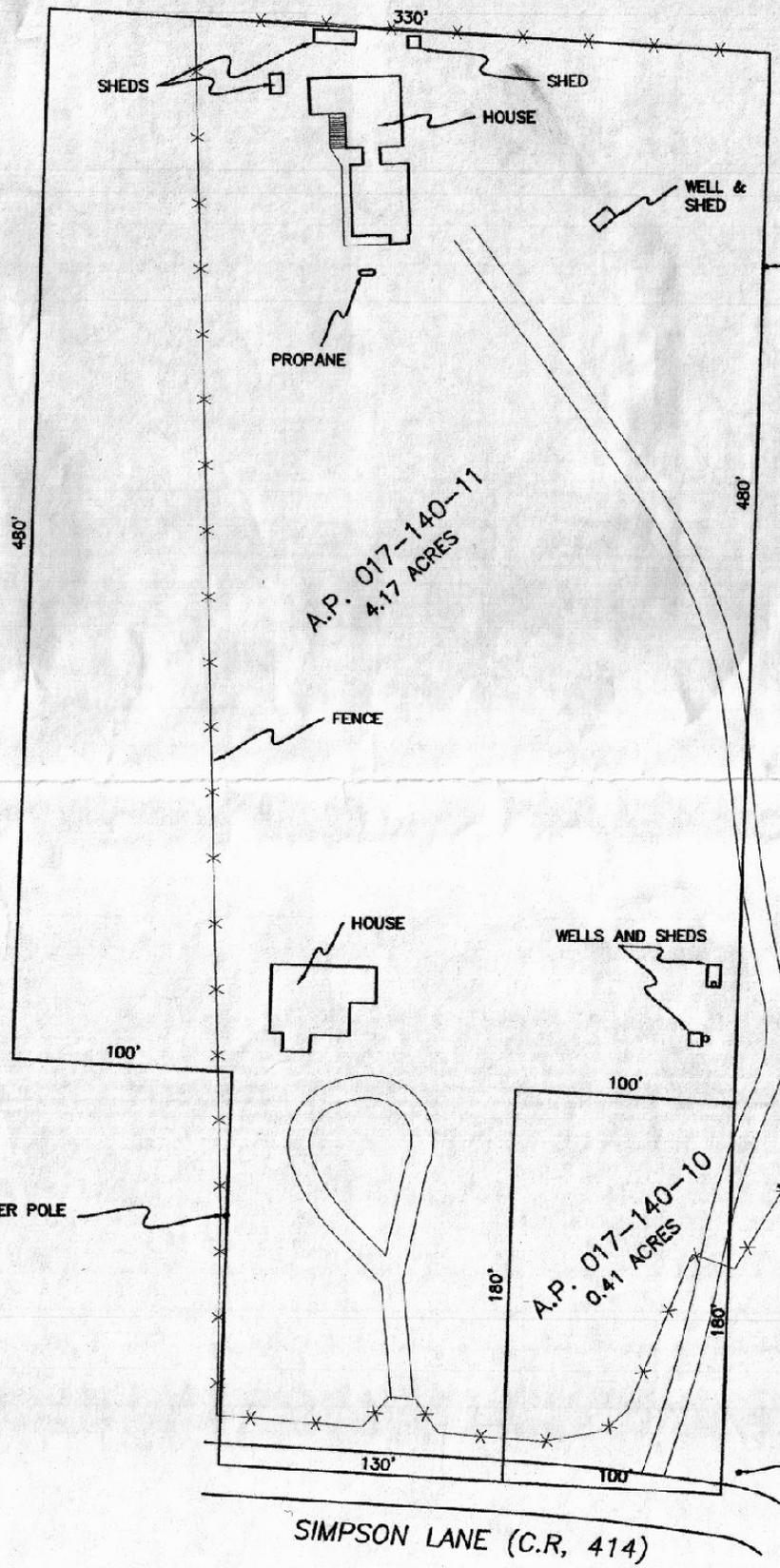
SITE

VICINITY MAP

Tenta

OF PROPOSED BOU
OF A.P. NOS
BEING A POR
TOWNSH
RANGE 17

MENDOCINO C
MA



OWNERS: AP# 0
GARRETT
P. O.
MENDO

MAP PREPARED BY: FORRE
P.O. BO
MENDO
(707)

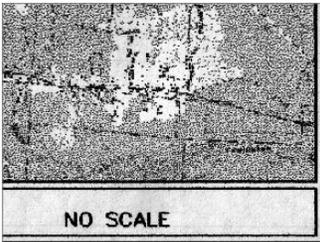
EXISTING

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NO SCALE

EXISTING LOTS

ATTACHMENT D

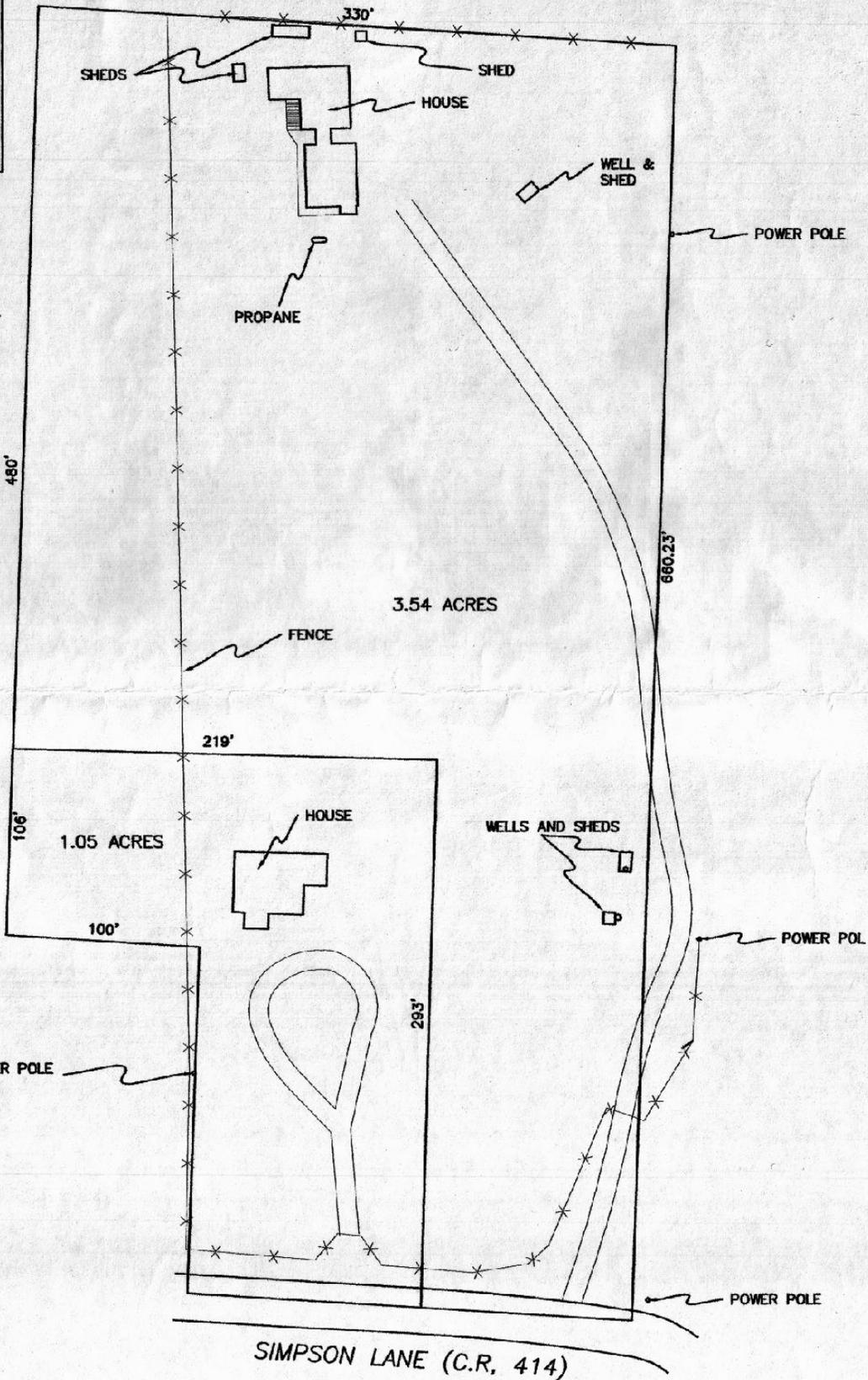


NO SCALE

Map

LINE ADJUSTMENT
D-10 & 11
SECTION 19
NORTH,
D.B.&M.

CALIFORNIA



SURVEYOR

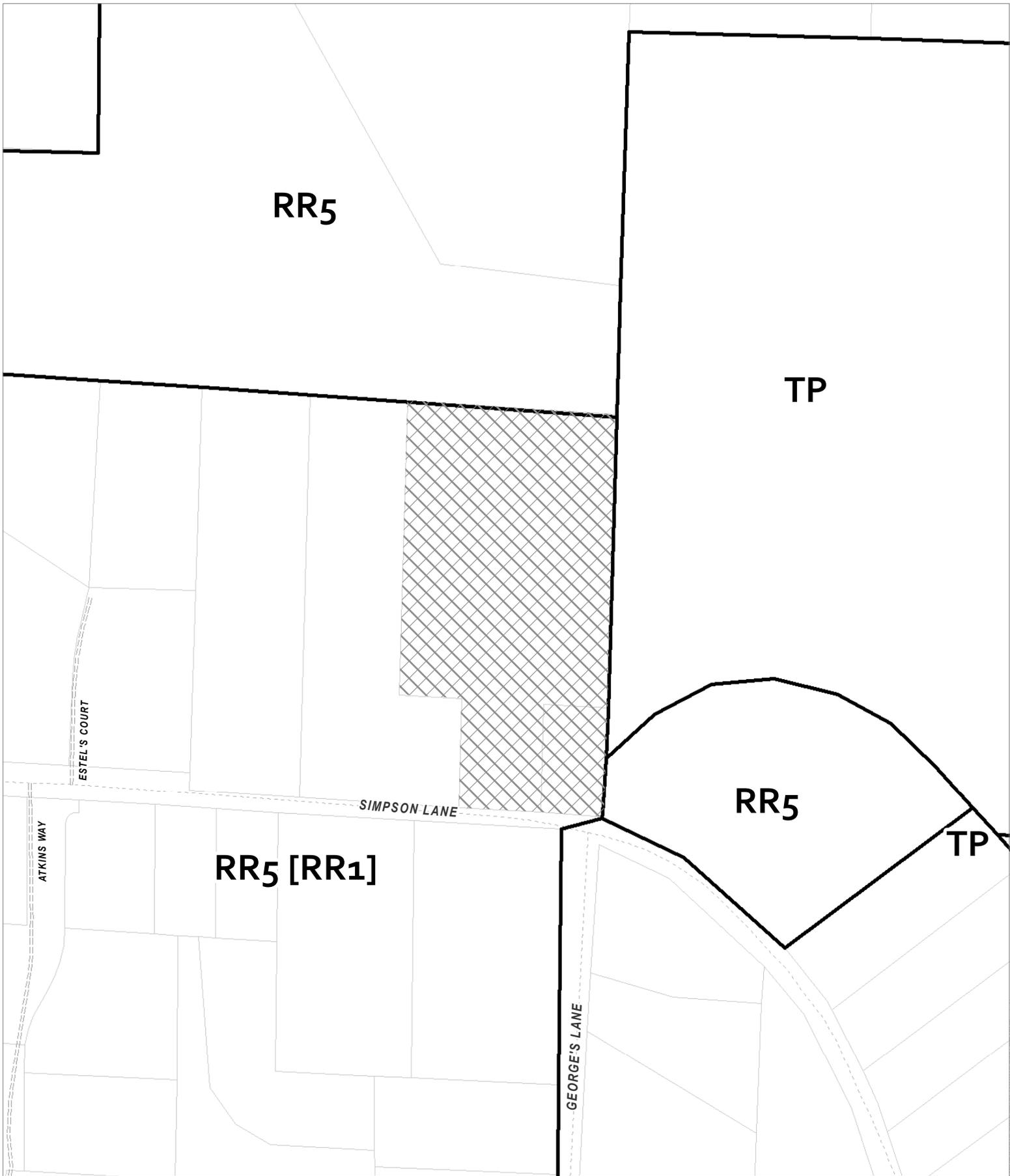
PROPOSED

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NO SCALE

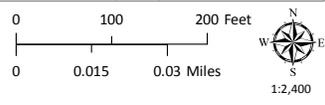
PROPOSED LOTS
ATTACHMENT E

MENDOCINO COUNTY PLANNING DEPARTMENT - 3/16/2019



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 Zoning Districts
 Public Roads



ZONING DISPLAY MAP

ATTACHMENT F

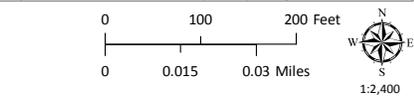
MENDOCINO COUNTY PLANNING DEPARTMENT - 3/16/2019



MENDOCINO COUNTY PLANNING DEPARTMENT - 3/16/2019

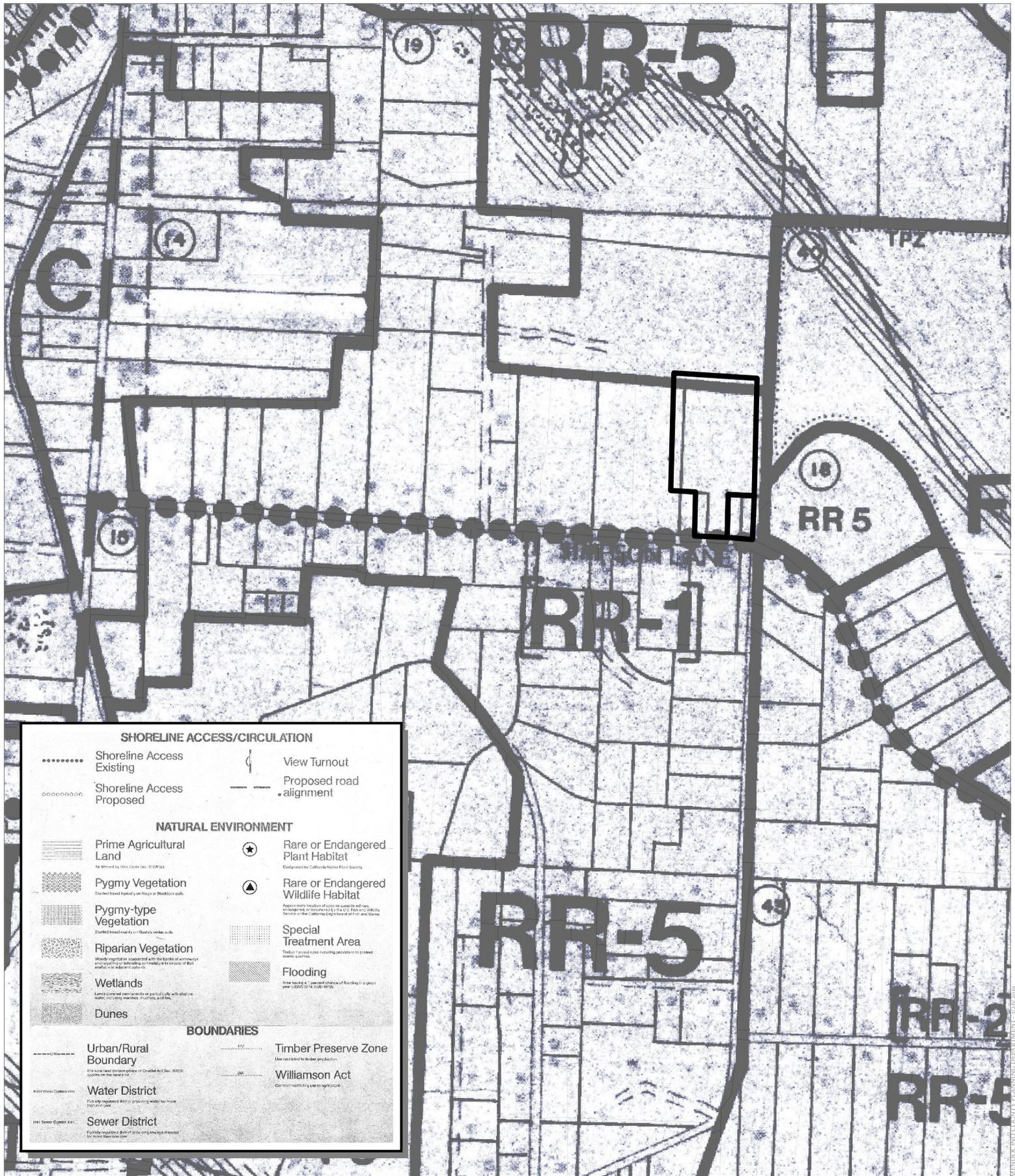
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 General Plan Classes

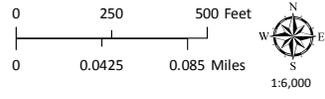


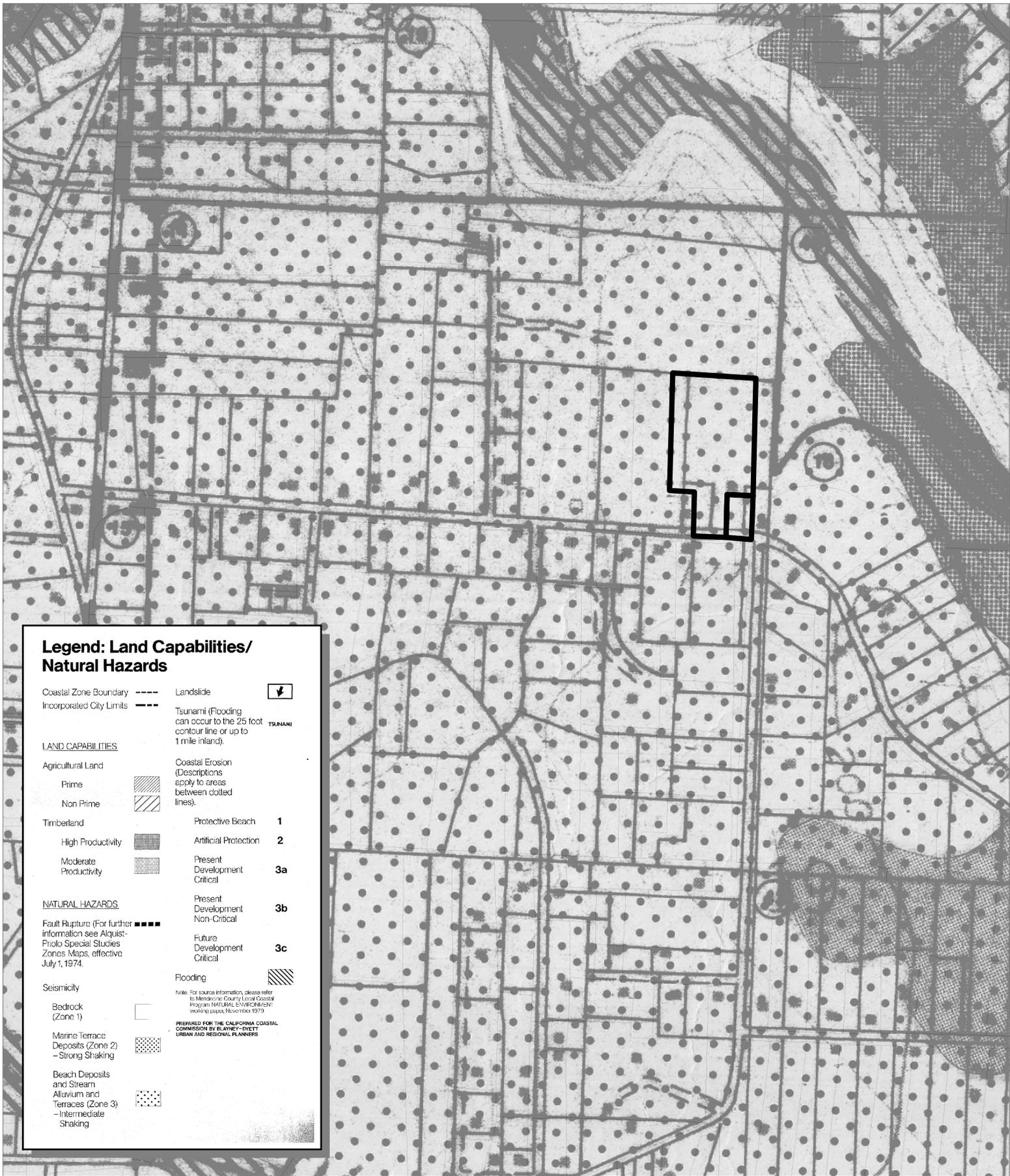
GENERAL PLAN CLASSIFICATIONS

ATTACHMENT G

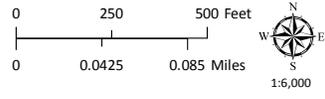


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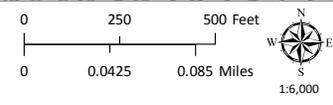
Legend: Habitats/Resources

Coastal Zone Boundary	---	OTHER UPLAND HABITATS
Incorporated City Limits	---	Scrub
MARINE AND FRESHWATER HABITATS		
Open Water	W	Pygmy Forest
Kelp	[Pattern]	Pygmy Type Forest
Rocky Intertidal Area	[Pattern]	Barren
Mudflat	[Pattern]	Coastal Prairie Grassland
Beach	[Pattern]	Hardwood Forest/ Grassland
Dunes	[Pattern]	Agricultural Land
Marsh	[Pattern]	Farmstead
Saltwater	[Pattern]	Pasture
Freshwater	[Pattern]	Urban (Also shown with a dominant vegetation)
Brackish	[Pattern]	Sand/Gravel (Extractive Use)
Stream	[Pattern]	
Perennial	---	SPECIAL HABITATS
Intermittent	---	Seabird and Marine Mammal Rookery
WOODED HABITATS		
Coastal Forest	[Pattern]	Marine Mammal Haulout Area
Redwood	[Pattern]	Spawning Area
Hardwood	[Pattern]	Anadromous Stream
Woodland	[Pattern]	Wildlife Habitat
Riparian	[Pattern]	Plant Habitat
Cutover	[Symbol]	
DESIGNATED RESOURCE PROTECTION AREA		
State Park or Reserve	---	
Area of Special Biological Significance	---	
Natural Area	---	
Forestry Special Treatment Area	---	
VISUAL RESOURCES		
View Limit	---+---+---	
Viewshed Corridor	---	

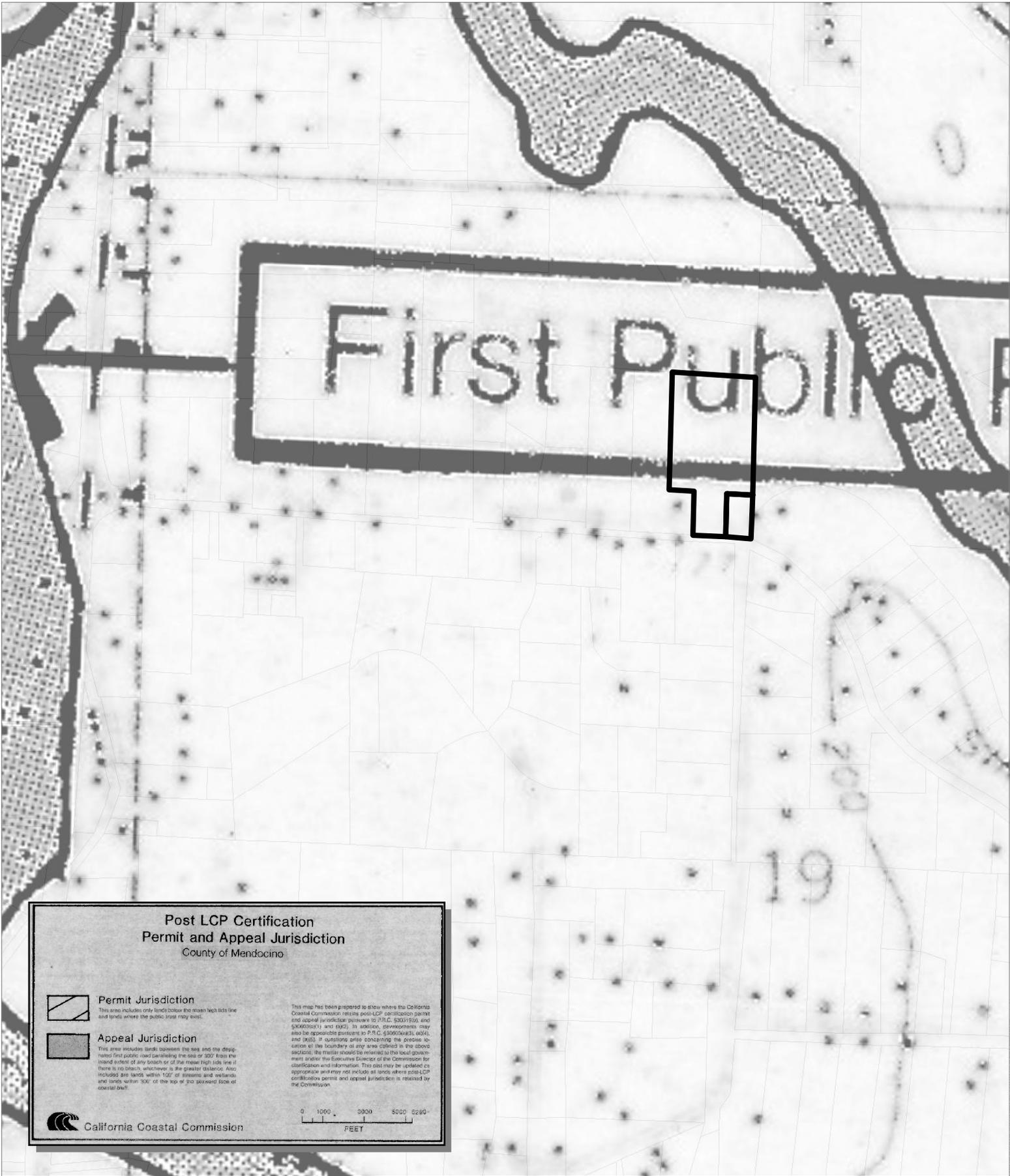
Note: For source information, please refer to Mendocino County Local Coastal Program NATURAL ENVIRONMENT zoning page, November 2018.

PREPARED FOR THE CALIFORNIA COASTAL COMMISSION BY BLANEY-DYETT URBAN AND REGIONAL PLANNERS

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MENDOCINO COUNTY PLANNING DEPARTMENT - 9/20/2019



**Post LCP Certification
Permit and Appeal Jurisdiction
County of Mendocino**

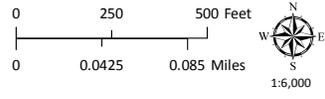
Permit Jurisdiction
This area includes only lands below the mean high tide line and lands where the public trust may exist.

Appeal Jurisdiction
This area includes lands between the sea and the designated first public use paralleling the sea or 500' from the inland extent of any beach or of the mean high tide line if there is no beach, whichever is the greater distance. Also included are lands within 100' of streams and wetlands, and lands within 500' of the top of the seaward face of coastal bluffs.

This map has been prepared to show where the California Coastal Commission retains post-LCP certification permit and appeal jurisdiction pursuant to P.R.C. (303153), and (305030)(1) and (4)(2). In addition, developments may also be approvable pursuant to P.R.C. (300004)(3), (4)(4), and (4)(5). If questions arise concerning the precise location of the boundary of any area covered in the above sections, the matter should be referred to the local government under the Executive Director of the Commission for clarification and information. This data may be updated as appropriate and may not include all lands where post-LCP certification permit and appeal jurisdiction is retained by the Commission.

FEET

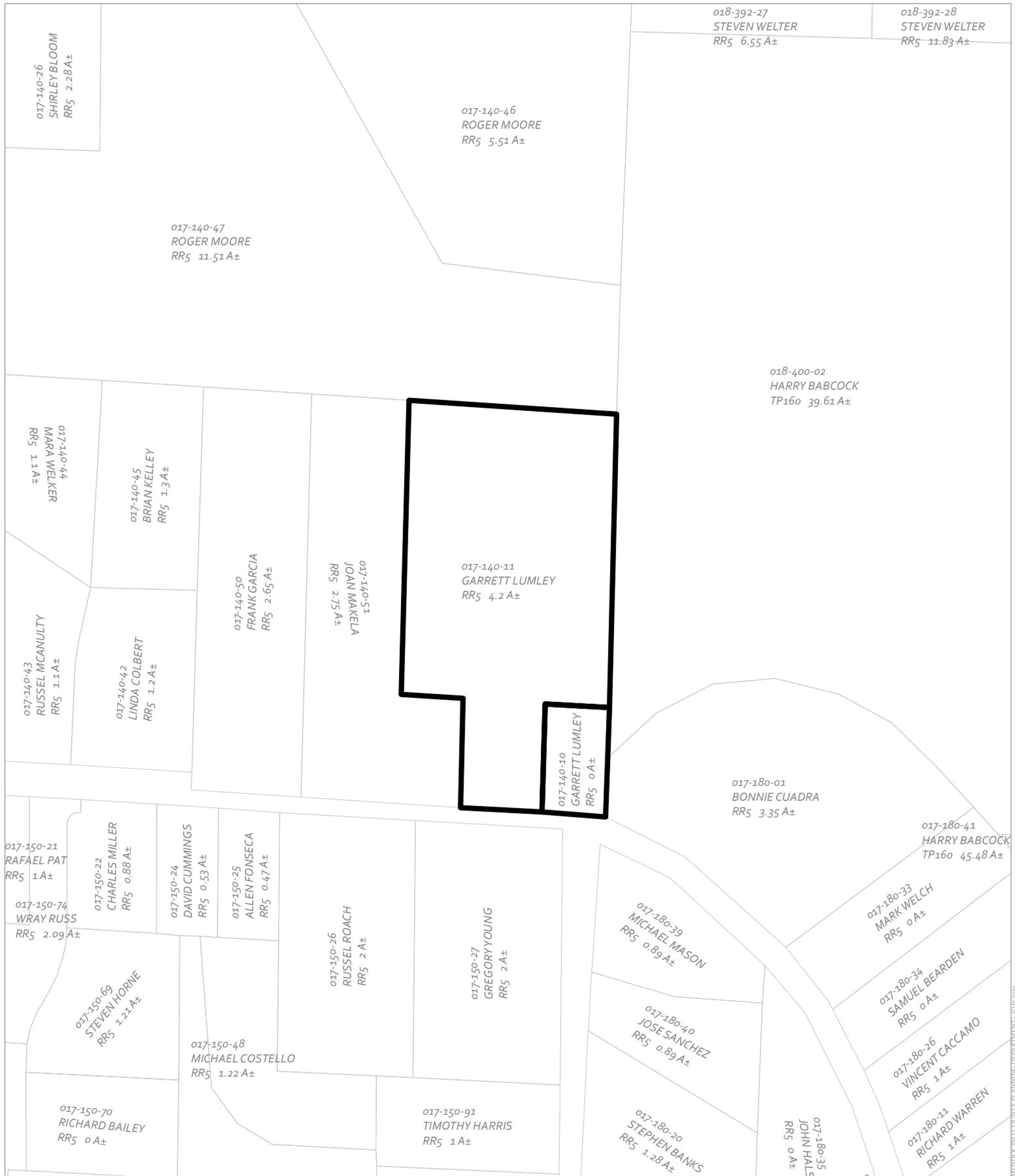
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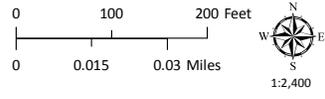
APPEALABLE AREAS

ATTACHMENT K

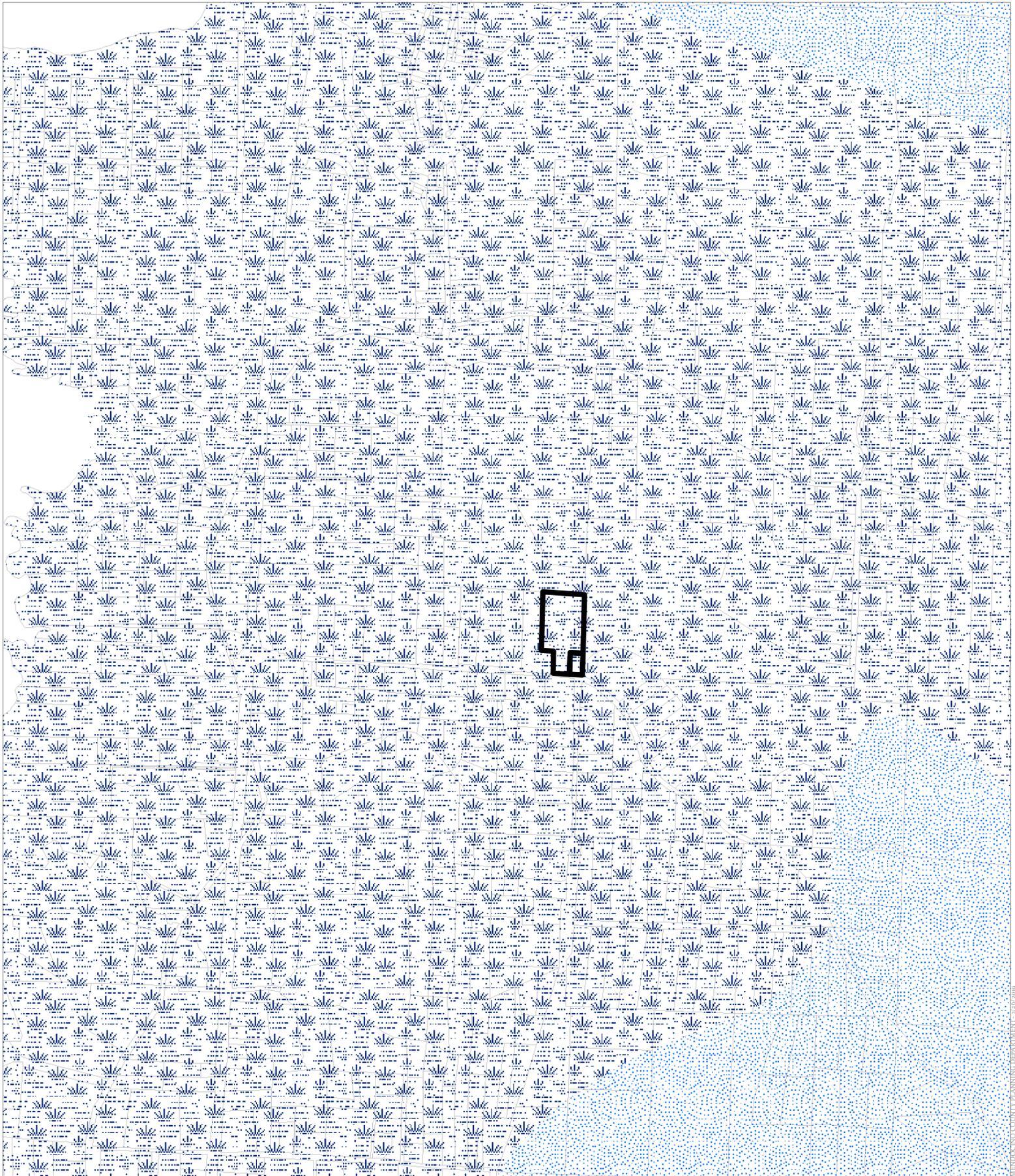
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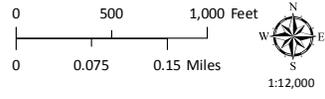


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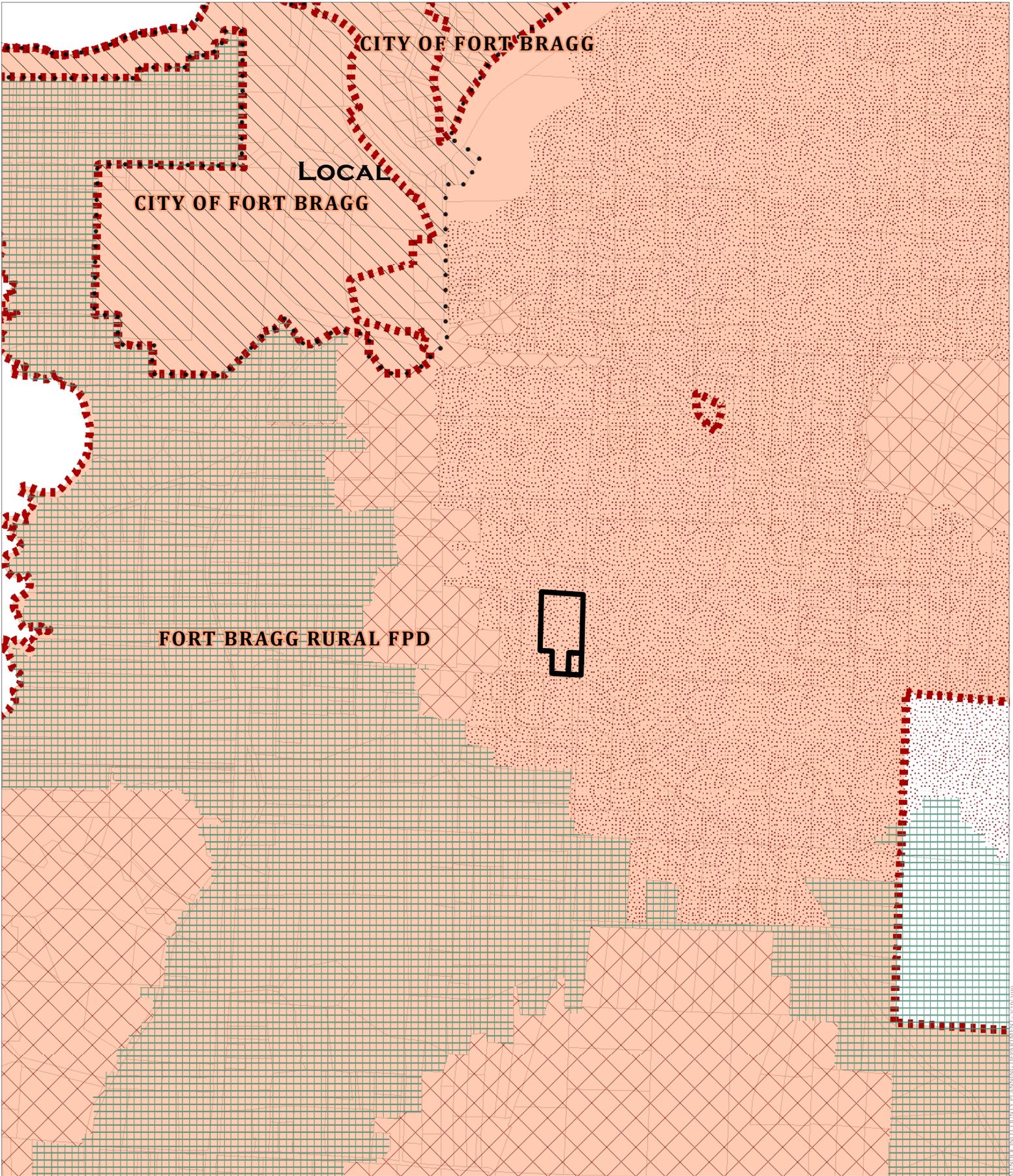
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 Sufficient Water Resources
 Marginal Water Resources



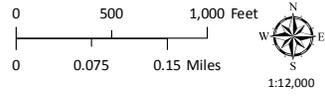
GROUND WATER RESOURCES

ATTACHMENT M

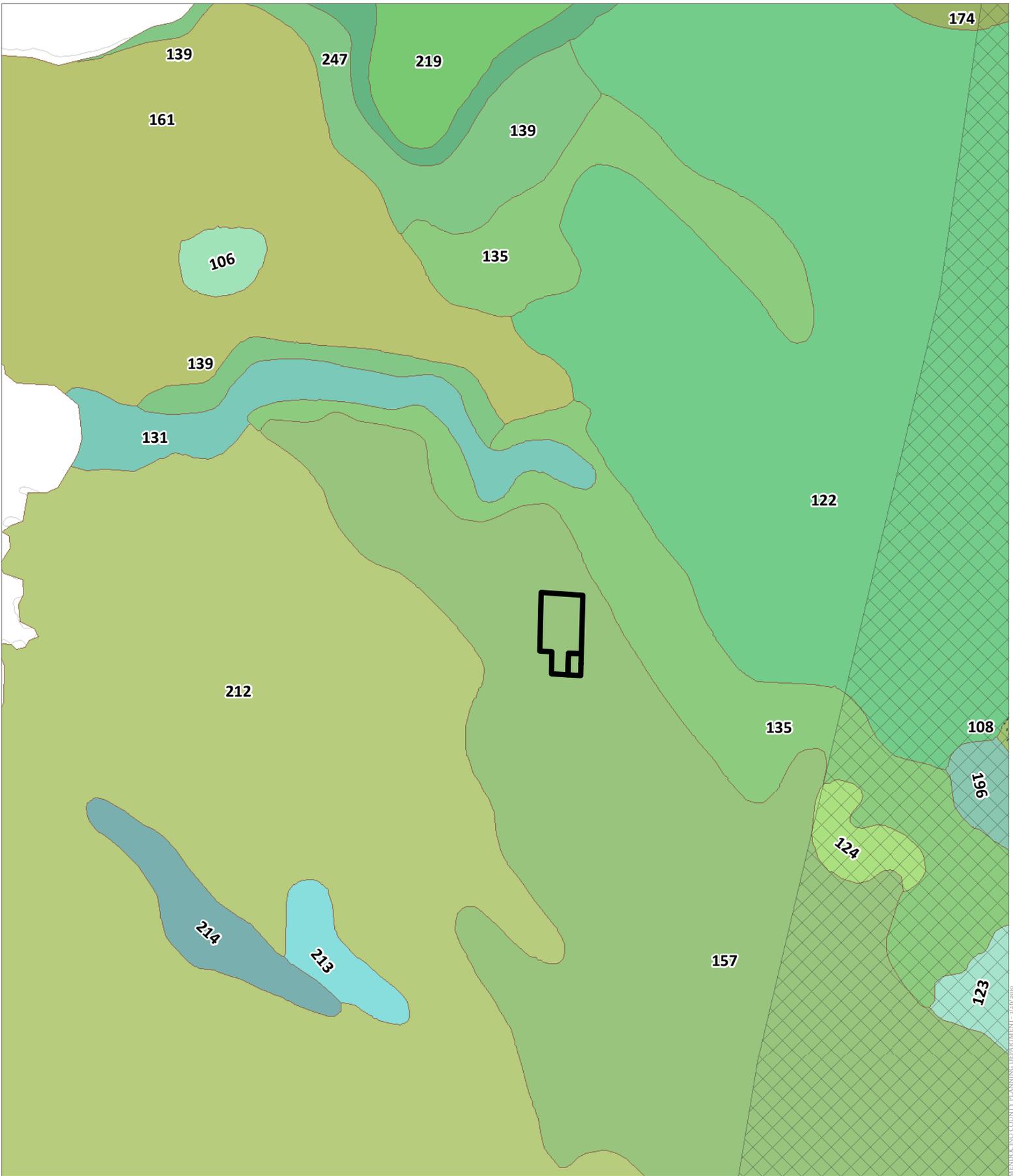


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-  Local Responsibility Areas
-  Very High Fire Hazard
-  High Fire Hazard
-  Moderate Fire Hazard
-  County Fire Districts



FIRE HAZARD ZONES & RESPONSIBILITY AREAS
STATE RESPONSIBILITY AREA



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-  Blacklock & Aborigine
-  Bishop Pine
-  Western Study Soil Types

