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

October 25, 2019

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT the Mendocino County Subdivision Committee and Coastal Permit Administrator will consider the following project on Thursday November 14, 2019, in the Planning and Building Services, Public Conference Room, 860 North Bush Street, Ukiah, California. The Subdivision Committee will consider the boundary line adjustment at 9:00 a.m., or soon thereafter, in the Planning and Building Services in the Multipurpose Room. The Coastal Permit Administrator will conduct a public hearing to consider issuance of a coastal development permit on the boundary line adjustment, commencing immediately following the Subdivision Committee meeting.

CASE#: B 2019-0039 **DATE FILED:** 8/22/2019

OWNER/APPLICANT: LARRY & ABBIE COLBERT

REQUEST: Boundary Line Adjustment to reconfigure 10.13± acres between two separate legal parcels. Parcel 2 will transfer 10.13± acres to Parcel 1, resulting in parcels of 12.18± acres and 2.74± acres.

ENVIRONMENTAL DETERMINATION: Categorically Exempt

LOCATION: In the Coastal Zone, 3± miles south of Fort Bragg town center, on the west side of Pelican Way (CR 428B), 0.4± miles from its intersection with Ocean Drive (CR 436), located at 34260 Pelican Way (APN: 017-080-44) and 34561 Pelican Way, Fort Bragg (APN: 017-060-19).

SUPERVISORIAL DISTRICT: 4

STAFF PLANNER: SAM VANDEWATER

The staff report and notice will be available for public review 10 days prior to the hearing at 860 North Bush Street, Ukiah, California or 120 Fir Street, Fort Bragg, California and on the Department of Planning and Building Services website at: https://www.mendocinocounty.org/government/planning-buildingservices/meeting-agendas/CPA

You are invited to appear at the hearing or to direct written comments to the Department of Planning and Building Services Commission Staff, at 860 North Bush Street, Ukiah, California, no later than November 13, 2019. You may receive notification of the decision on this project by requesting notification in writing and providing a self-addressed stamped envelope to the Department of Planning and Building Services. All correspondence should contain reference to the above noted case number.

Action by the Subdivision Committee and Coastal Permit Administrator shall be final unless appealed to the Board of Supervisors. The appeal must be filed in writing with a filing fee with the Clerk of the Board within 10 calendar days after such action. If appealed, the decision of the Board of Supervisors shall be final except that an approved project may be appealed to the Coastal Commission in writing within 10 working days following Coastal Commission receipt of a Notice of Final Action on this project.

If you challenge the project in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Department of Planning and Building Services, the Subdivision Committee or Coastal Permit Administrator, at or prior to, the public hearings.

Additional information regarding the above noted item 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.

BRENT SCHULTZ, Director of Planning and Building Services



COASTAL PERMIT ADMINISTRATOR NOVEMBER 14, 2019 STAFF REPORT- COASTAL BOUNDARY LINE ADJ B 2019-0039

SUMMARY

OWNER/APPLICANT:

ABBIE & LARRY COLBERT

18350 N HWY 1

FORT BRAGG, CA 95437

REQUEST:

Boundary Line Adjustment to reconfigure 10.13± acres

between two separate legal parcels. Parcel 2 will transfer 10.13± acres to Parcel 1, resulting in parcels of

12.18± acres and 2.74± acres.

LOCATION:

In the Coastal Zone, 3± miles south of Fort Bragg town center, on the west side of Pelican Way (CR 428B), 0.4± miles from its intersection with Ocean Drive (CR 436), located at 34260 Pelican Way (APN: 017-080-44) and 34561 Pelican Way, Fort Bragg (APN: 017-060-19).

TOTAL ACREAGE:

Lot #	Owner(s)	APN	Acreage Before	Acreage After
1	Abbie & Larry Colbert	017-060-19	2.05±	12.18±
2	Abbie & Larry Colbert	017-080-44	12.87±	2.74±

GENERAL PLAN:

Rural Residential (RR5(2):U)

ZONING:

Rural Residential (RR:5)

SUPERVISORIAL DISTRICT:

District 4 (Gjerde)

ENVIRONMENTAL DETERMINATION:

Categorically Exempt; Class 5a, Section 15305

RECOMMENDATION:

APPROVE WITH CONDITIONS

STAFF PLANNER:

SAM 'VANDY' VANDEWATER

BACKGROUND

PROJECT DESCRIPTION: Boundary Line Adjustment to reconfigure 10.13± acres between two separate legal parcels. Parcel 2 will transfer 10.13± acres to Parcel 1, resulting in parcels of 12.18± acres and 2.74± acres.

<u>SITE CHARACTERISTICS</u>: The subject parcels are located in the Coastal Zone, approximately 3 miles south of Fort Bragg, and includes bluff top features. Lot 1 is developed with a single-family residence, garage, septic system, well, fence, propane tank, gate, landscaping, and a graveled access road, while Lot 2 has had six test wells and a drain system, but is otherwise undeveloped. The parcels gain access from Pelican Way and are located within the Fort Bragg Rural Fire District.

RELATED APPLICATIONS: The related parcel projects include two subdivisions which helped to create the subject parcels; **MS 6-90** created parcels 017-060-19 and 017-080-44.

SURROUNDING LAND USE AND ZONING:

	GENERAL PLAN	ZONING	LOT SIZES (ACRES)	USES
NORTH	RR:5 [RR:2]	RR:5 [RR:2]	2±, 2±, 5±	Residential
EAST	RR:5 [RR:2]	RR:5 [RR:2]	11±	Residential
SOUTH	RR:5 [RR:2]	RR:5 [RR:2]	2±, 2±, 2±, 2±, 2±	Residential
WEST	RR:5 [RR:2]	RR:5 [RR:2]	2±, 2±	Residential

PUBLIC SERVICES:

Access: Pelican Way (CR 428B)

Fire District: Fort Bragg Rural Fire Protection District

Water District: None Sewer District: None

School District: Fort Bragg Unified

AGENCY COMMENTS: On September 17, 2019, 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 the conditions of approval. Any comment that would trigger a project modification or denial are discussed in full as key issues in the following section.

REFERRAL AGENCIES	COMMENT
CONTRACTOR DESCRIPTION OF THE AGENCY OF THE PROPERTY OF THE PR	
Planning Division (Fort Bragg)	No Response
Department of Transportation	No Comments
Environmental Health (Fort Bragg)	No Comments
Building Division (Fort Bragg)	No Response
Assessor	No Response
County Addresser	No Response
California Coastal Commission	Comments
Fort Bragg Fire Protection Authority	No Response
Cloverdale Rancheria	No Response
Redwood Valley Rancheria	No Response
Sherwood Valley Band of Pomo Indians	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 parcel size with an alternate density of 2 acre minimum parcel size. Currently, Parcel 2 is the only parcel that conforms to the five acre minimum, but the parcels are also subject to an alternate density, mentioned above, that reduces the minimum parcel size down to 2 acres consistent with MCC Section 20.516.015(B)(3). Previous Coastal Development Minor Subdivision CDMS 12-2003 required completion of a "Supplement to Hydrological Study" (Original study for previous division -dated 1991) report prepared by Don Clark Engineering dated November 10, 2004, was reviewed by Dennis Slota of the County Water Agency. Mr. Slota stated that "Staff concludes that the additional information provides assurance that sufficient water is available for the intended residential use with less than 10% impact on any existing well." By providing the hydrological report and demonstrating the adequacy of the water supply, no further review of available water resources was required in order to allow parcels to be approved at a less than 5 acre parcel size. Therefore, based upon the evidence in the record from the prior Coastal Development Minor Subdivision. both proposed parcels adhere to the requirements of MCC Section 20.516.015(B)(3) and may be established at a less than 5 acre but greater than 2 acre minimum parcel size. 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 November 14, 2019, 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.
- **3. Natural Resources:** The propose boundary line adjustment does exhibit environmentally sensitive habitat areas in the form of riparian vegetation, per Attachments E and Q. However, the proposed boundary line adjustment does not entail any physical changes and all future development will be subject to Coastal Development Permit requirements.

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 partially situated within an environmentally sensitive habitat area, but will not be impacted by the boundary line adjustment.
- 4. No substandard lot will result from the adjustment.
- 5. The property subject to the adjustment is in an area designated MWR (Marginal 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 located within a designated "Highly Scenic" area.
- 8. The project is an appealable project, as it is a boundary line adjustment.

ENVIRONMENTAL RECOMMENDATION: The project is Categorically Exempt under Class 5a, pursuant to California Code of Regulations Section 15304; 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_2019-0039, 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,
- 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 <u>each proposed adjusted parcel</u> provide <u>one</u> 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_2019-0039 and is intended to create no new parcel."

4. Per Mendocino County Code Section 17-17.5(I) (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."
- 9. Prior to completion of this Boundary Line Adjustment, the applicant shall submit a letter to the Department of Planning & Building Services withdrawing minor subdivision case CDMS 12-2003.

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.

SAM VANDY VANDEWATER

PLANNER II

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

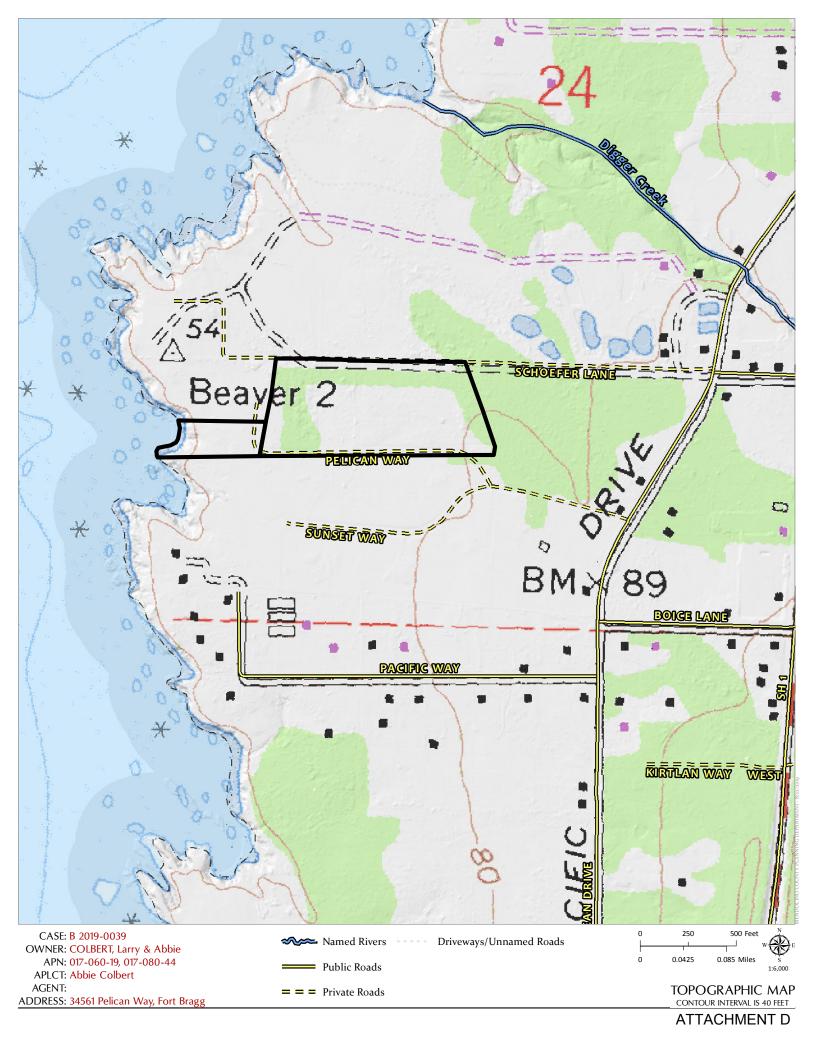
ATTACHMENTS:

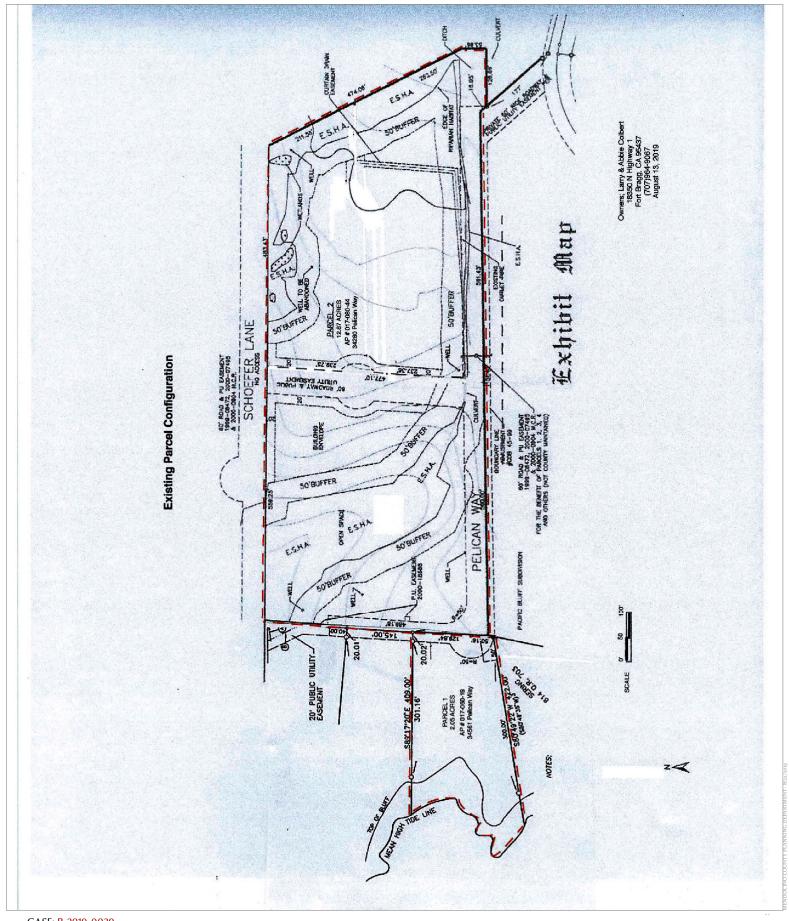
- A. Location Map
- B. Aerial Map (Regional)
- C. Aerial Map (Vicinity)
- D. Topography Map
- E. Existing Lot Map
- F. Proposed Lot Map G. Zoning Map
- H. General Plan Map
- LCP Land Use Map
- J. LCP Land Capabilities & Natural Hazards Map
- K. LCP Habitats & Resources Map
- L. LCP Appealable Areas Map
- M. Adjacent Owner Map
- N. Fire Hazards Map
- O. Wildland-Urban Interface Map
- P. Flood Hazard Map
- Q. Wetland Map
- R. Stormwater Map
- S. Ground Water Resource Area
- T. Highly Scenic Map
- U. Slope Map
- V. Soils Map
- W. Farmland Map









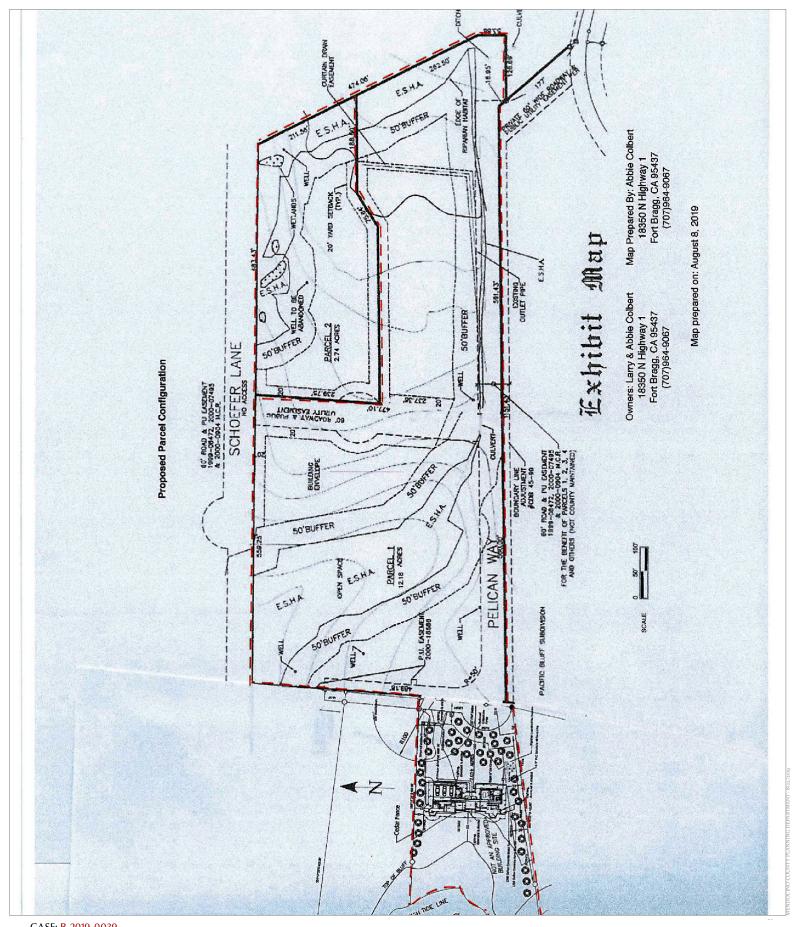


CASE: B 2019-0039

OWNER: COLBERT, Larry & Abbie APN: 017-060-19, 017-080-44 APLCT: Abbie Colbert AGENT:

ADDRESS: 34561 Pelican Way, Fort Bragg

NO SCALE

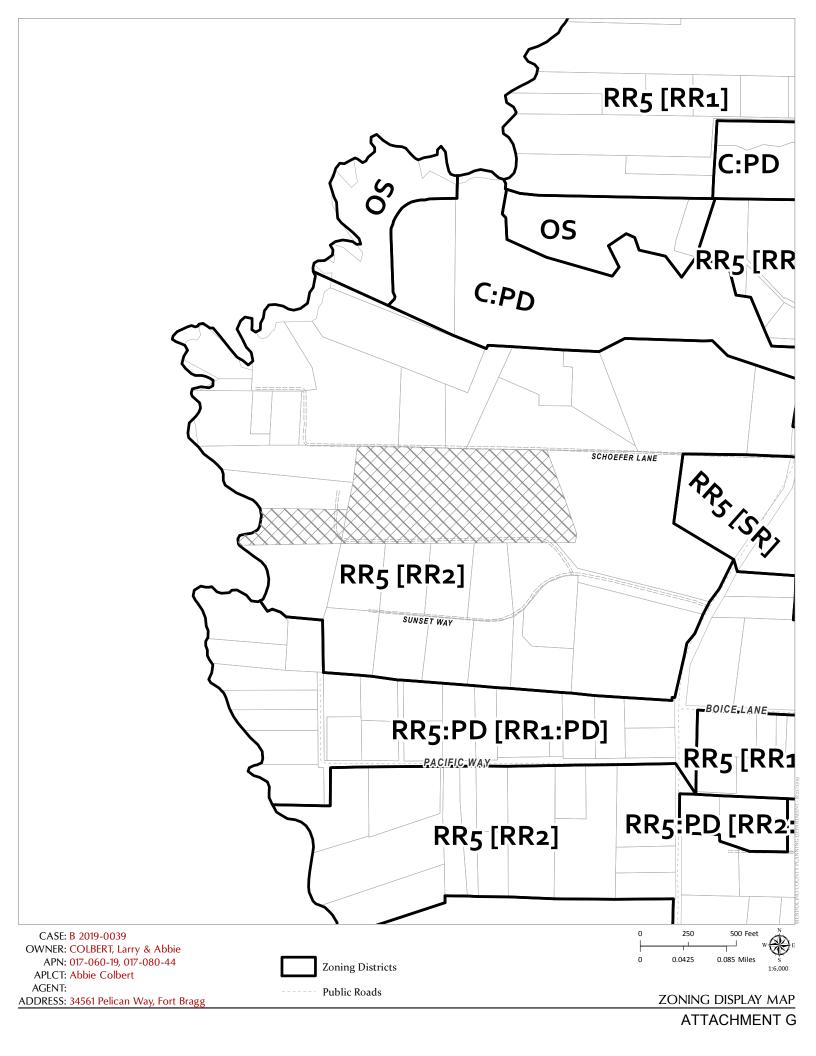


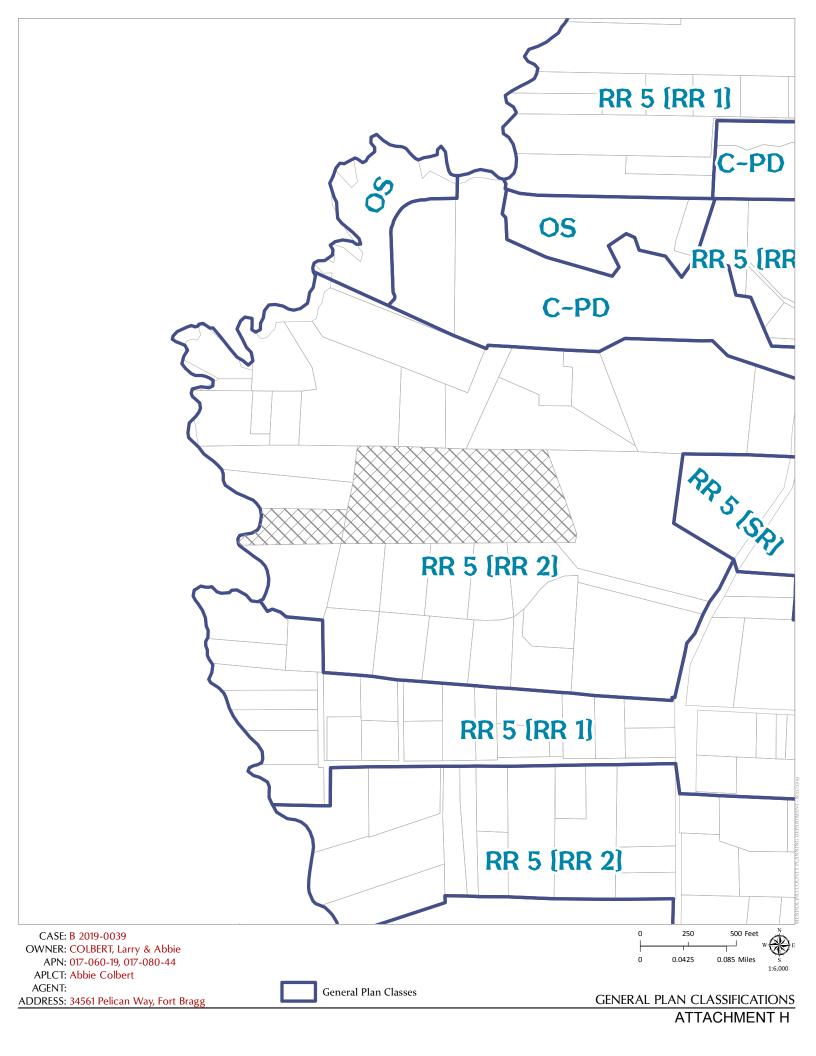
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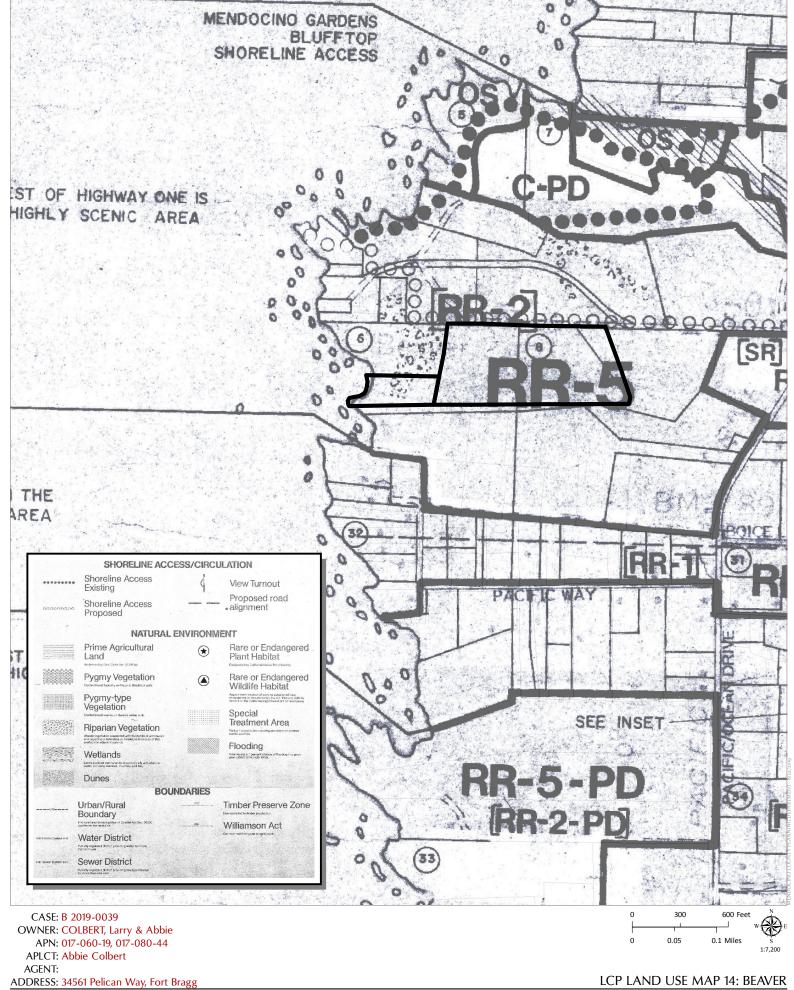
ADDRESS: 34561 Pelican Way, Fort Bragg

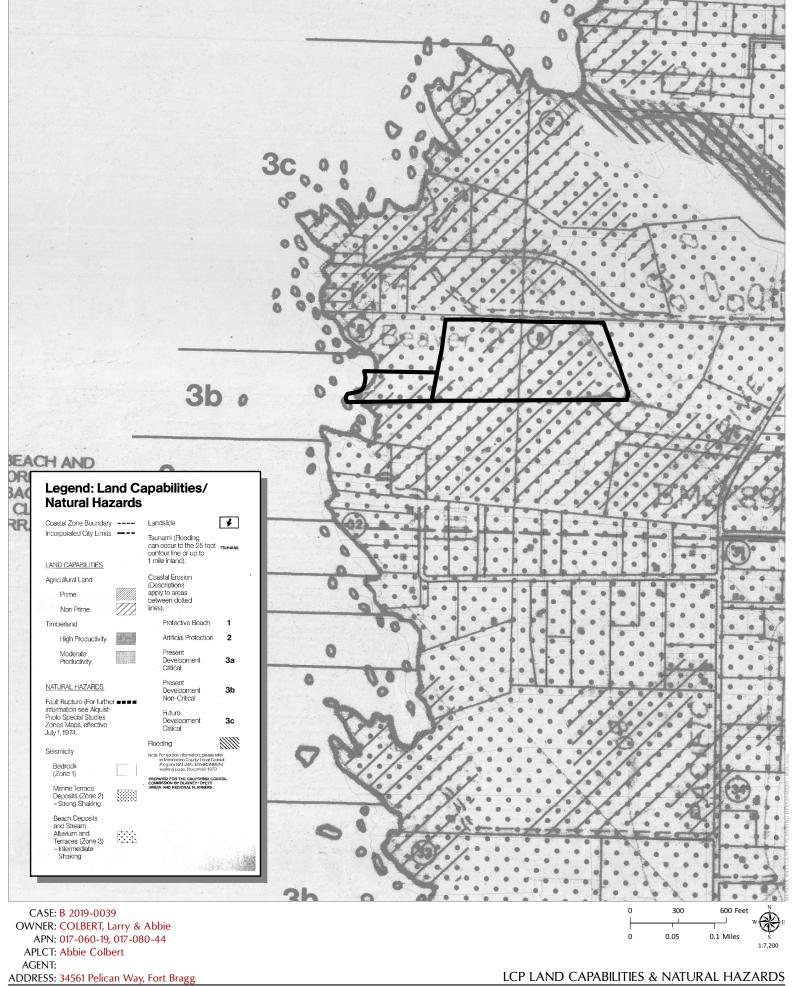
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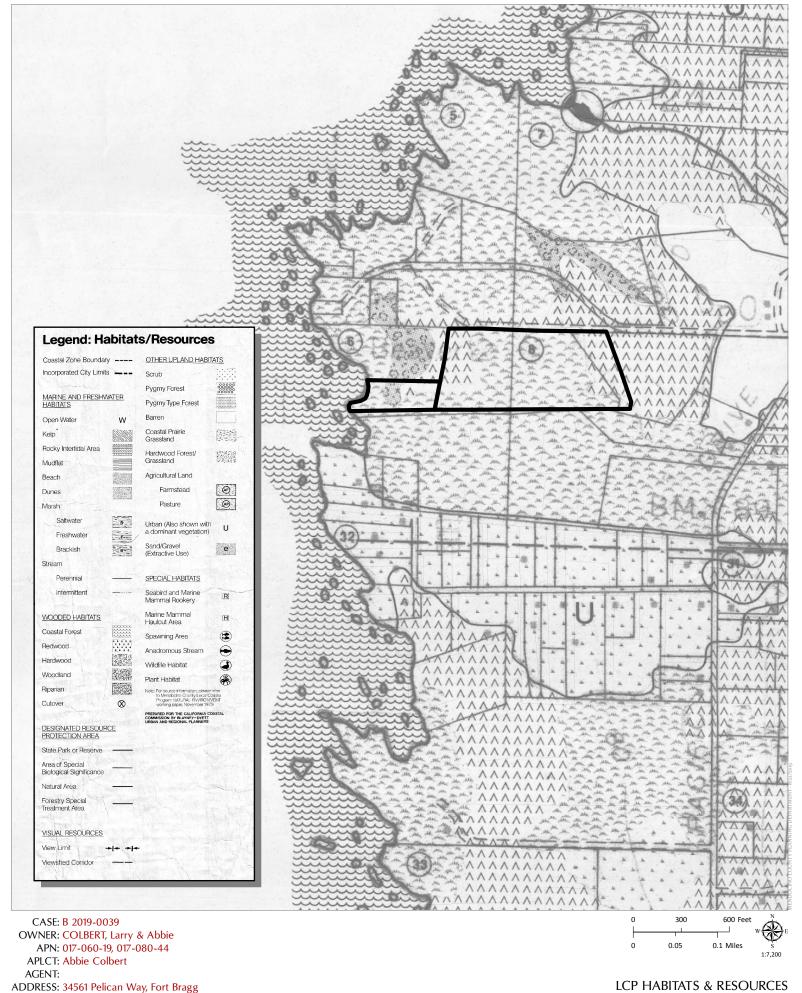
PROPOSED LOTS



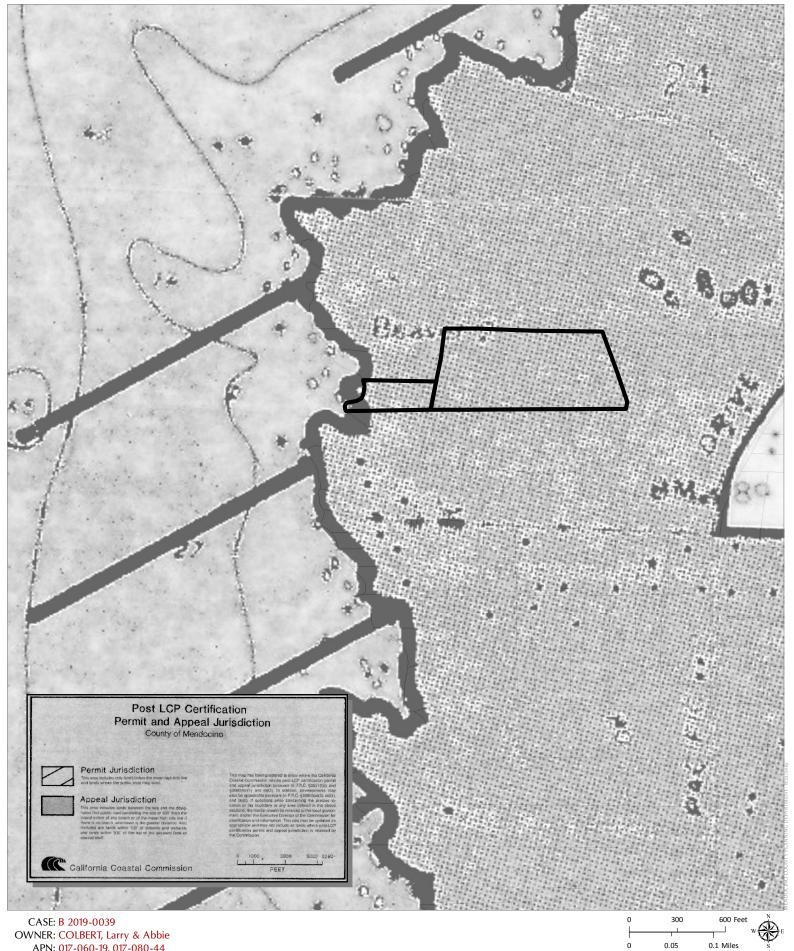








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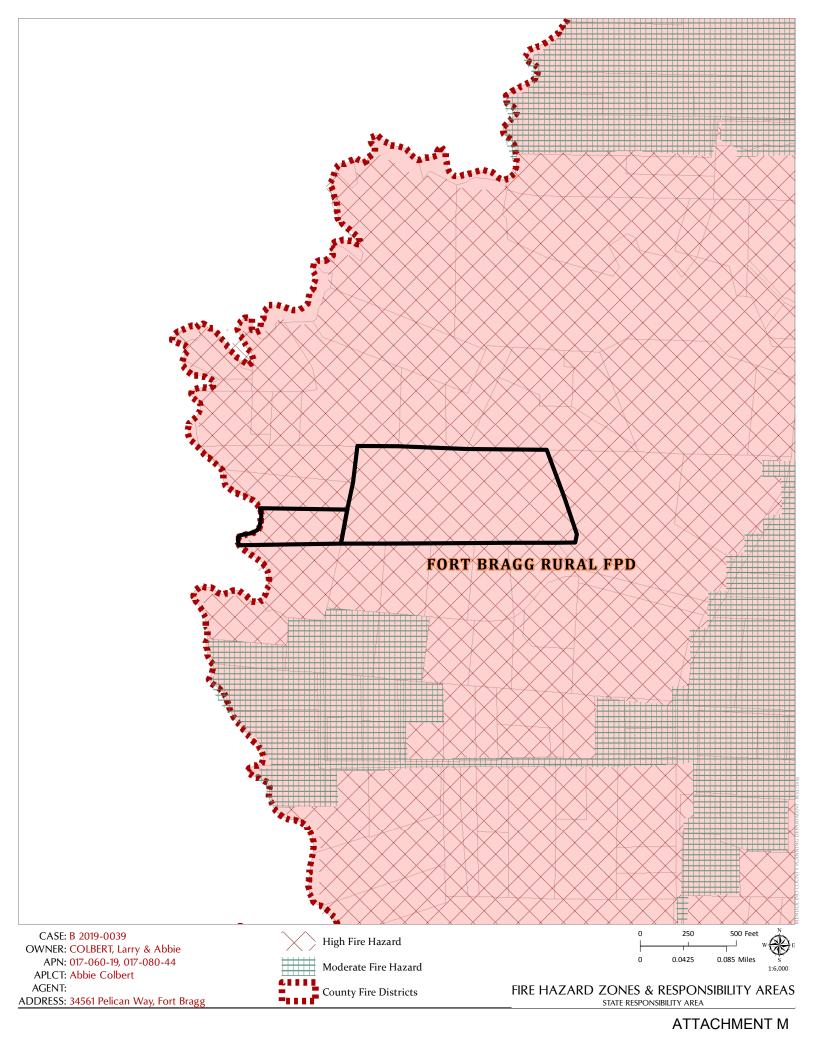
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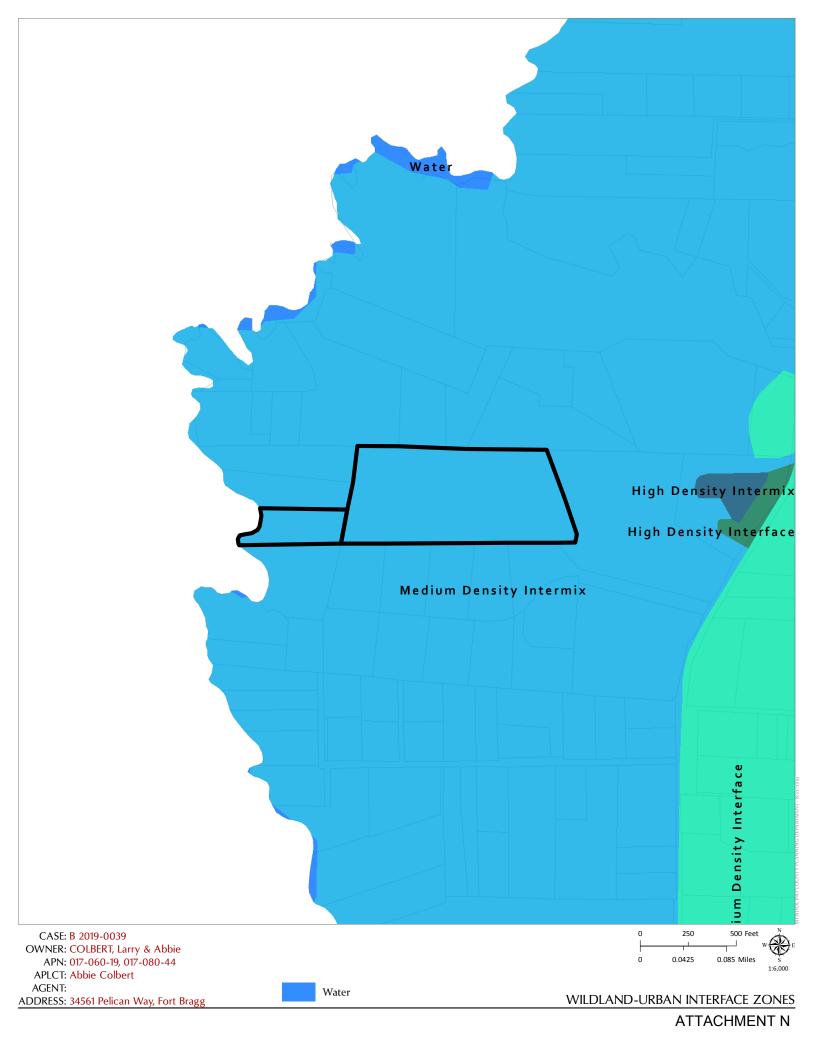
APLCT: Abbie Colbert

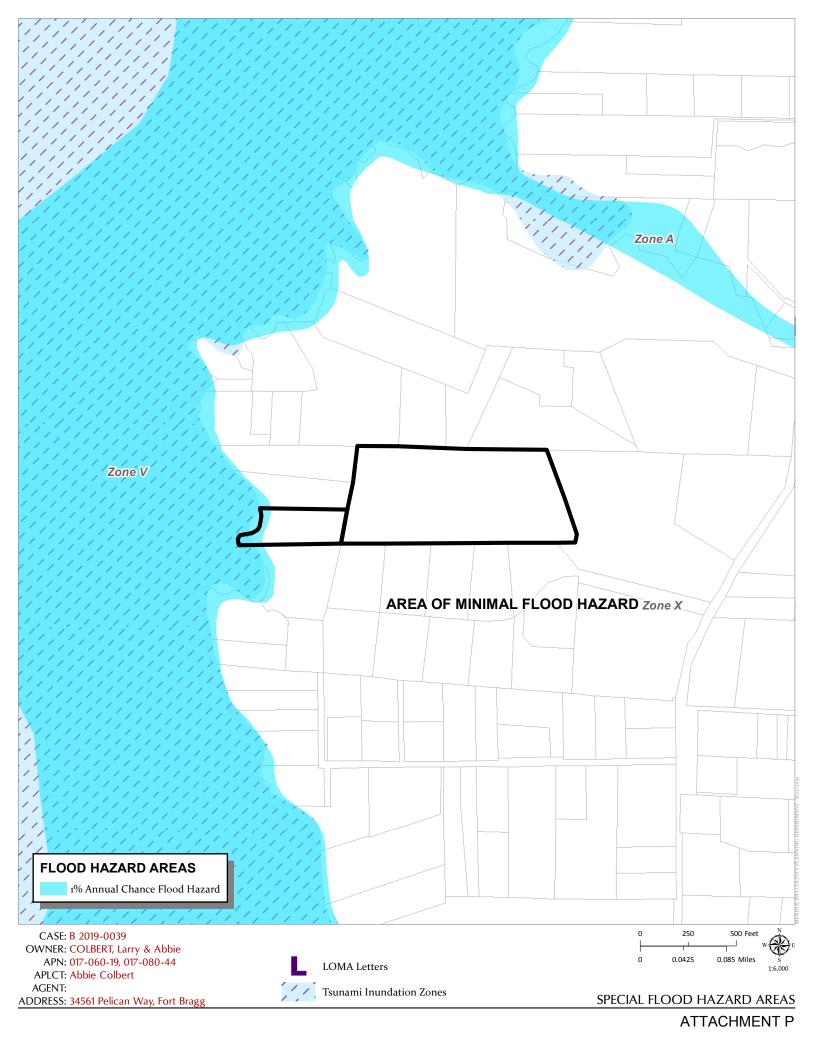
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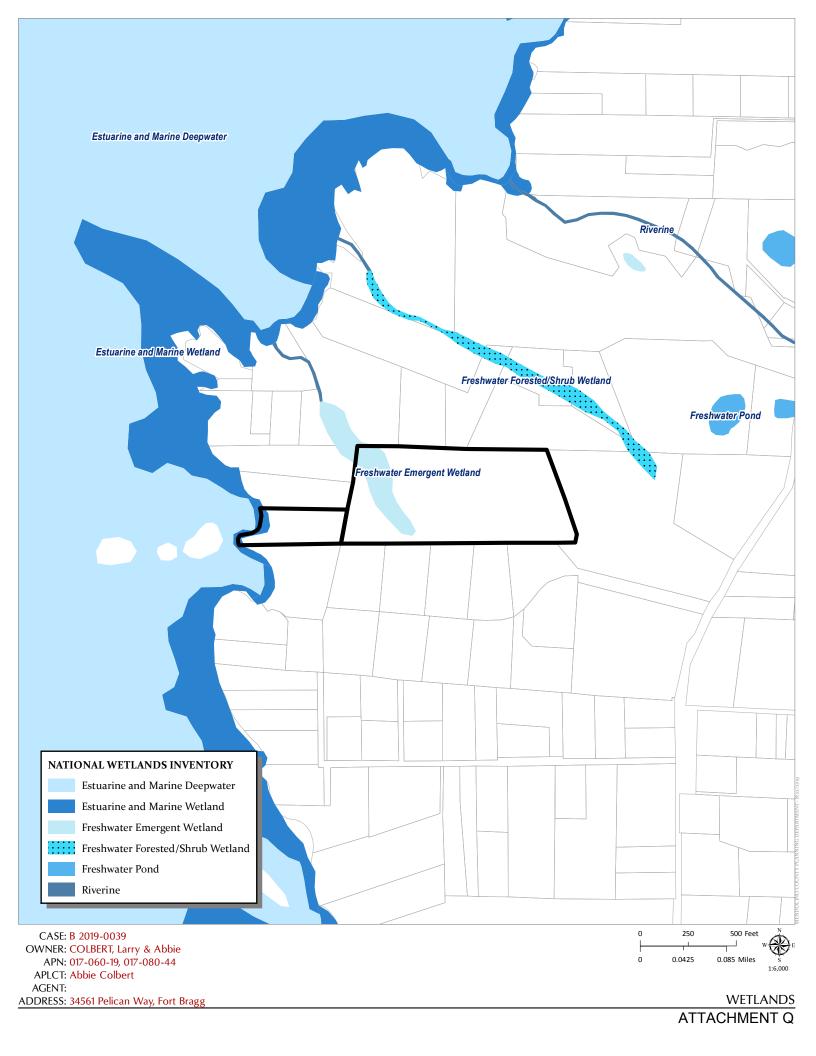
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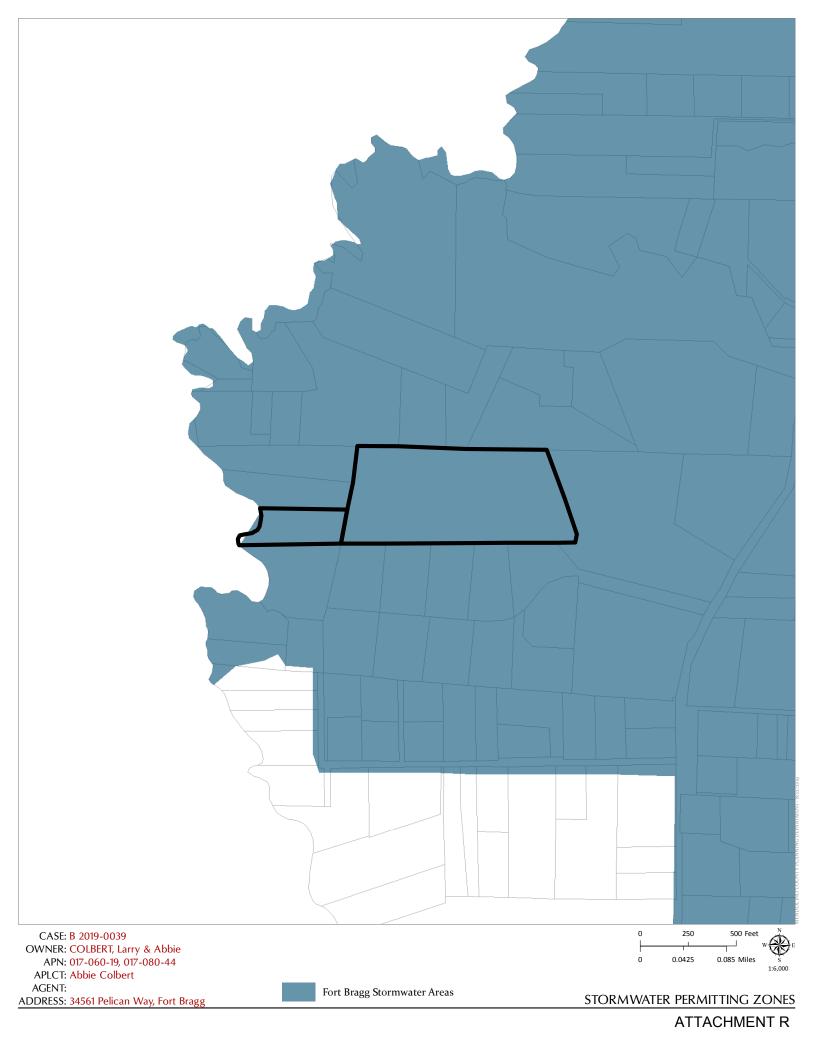


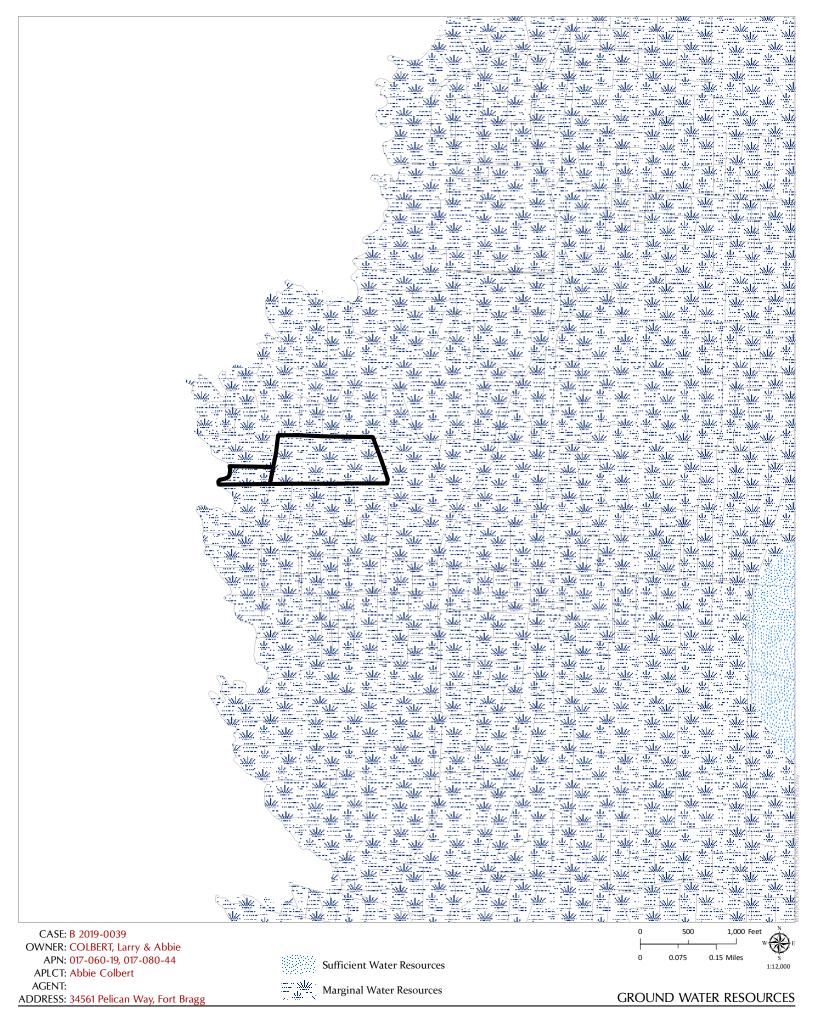


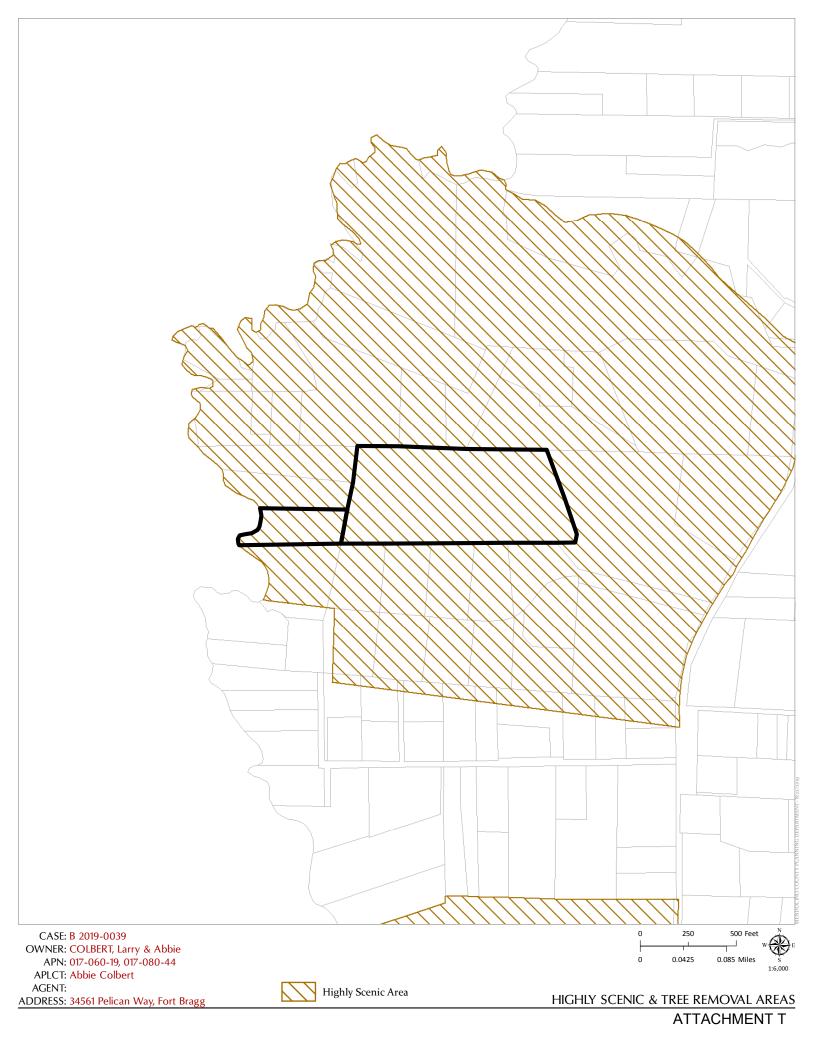


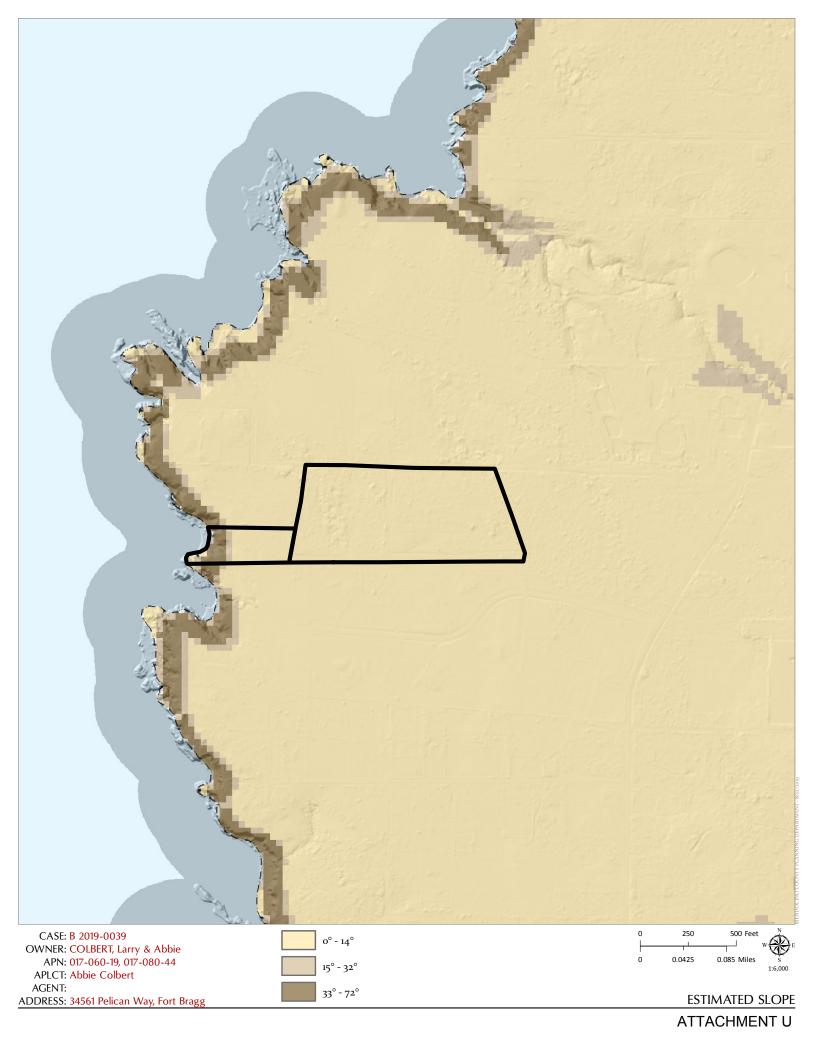


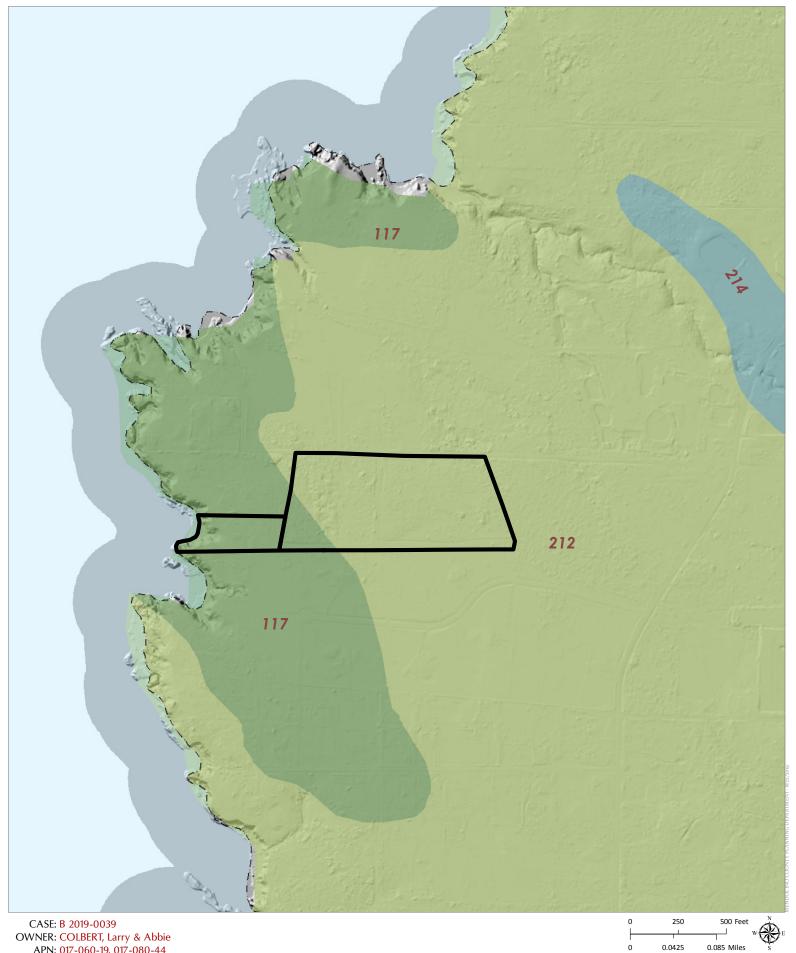












CASE: B 2019-0039
OWNER: COLBERT, Larry & Abbie
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APLCT: Abbie Colbert
AGENT:
ADDRESS: 34561 Pelican Way, Fort Bragg

