DEPARTMENT OF PLANNING AND BUILDING SERVICES

860 North Bush Street · Ukiah · California · 95482 120 WEST FIR STREET · FORT BRAGG · CALIFORNIA · 95437

FB PHONE: 707-964-5379 FB Fax: 707-961-2427 pbs@mendocinocounty.org www.mendocinocounty.org/pbs

Fax: 707-463-5709

December 10, 2021

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, January 13, 2022. The Subdivision Committee will consider the boundary line adjustment at 9:00 a.m., or soon thereafter. The Coastal Permit Administrator will conduct a public hearing to consider issuance of a coastal development permit on the boundary line adjustment at 11:00 a.m., or soon thereafter.

This meeting will be conducted virtually and not available for in person public participation in an effort to slow the spread of COVID-19 and pursuant to the recommendation of the Mendocino County Health Officer and the California Department of Industrial Relations. In order to minimize the risk of exposure during this time of emergency, the public may participate digitally in meetings by sending comments to pbscommissions@mendocinocounty.org or orally via Telecomment, and is available for viewing on the Mendocino County YouTube page, at https://www.youtube.com/MendocinoCountyVideo.

CASE#: B 2021-0040 **DATE FILED:** 7/27/2021

OWNER: SUNNY RIDGE WEST FARM LLC. AND RONALD HORN

APPLICANT: RONALD HORN AGENT: RICHARD SEALE

REQUEST: Coastal Development Boundary Line Adjustment to adjust approximately two (2) acres from Lot 1 (APN 027-501-37) to Lot 2 (027-501-46). Lot 1 will decrease to 20.94± acres and

Lot 2 will increase to 4.0± acres.

ENVIRONMENTAL DETERMINATION: Categorically Exempt

LOCATION: In the Coastal Zone, 7.9± miles northwest of Gualala town center, lying on the west side of Iversen Road (CR 503) 1.3± miles northeast of its intersection with Iversen Drive (private):

Located at 45001 and 44951 Iversen Road; APNs: 027-501-37 and 027-501-46.

STAFF PLANNER: MATT GOINES

The staff report and notice will be available for public review 10 days prior to the public hearing on the Department and Building Services of Planning website at: https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas/coastalpermit-administrator.

Your comments regarding the above project(s) are invited; all correspondence should contain reference to the above noted case number. Written comments should be submitted by mail to the Department of Planning and Building Services Commission Staff, at 860 North Bush Street, Ukiah or 120 W. Fir Street, Fort Bragg, California. In order to minimize the risk of exposure during this time of emergency, the public may participate digitally in meetings by sending comments to pbscommissions@mendocinocounty.org by January 12, 2022, or orally via telecomment in lieu of personal attendance. A request form to provide telecomment available https://www.mendocinocounty.org/government/planning-buildingis at services/meeting-agendas and must be received the morning of the meeting.

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.

AMERICANS WITH DISABILITIES ACT (ADA) COMPLIANCE. Mendocino County complies with ADA requirements and upon request, will attempt to reasonably accommodate individuals with disabilities by making meeting material available in appropriate alternate formats (pursuant to Government Code Section 54953.2). Anyone requiring reasonable accommodation to participate in the meeting should contact the Department of Planning and Building Services by calling (707) 234-6650 at least five days prior to the meeting.

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.

NASH GONZALEZ, INTERIM DIRECTOR PLANNING AND BUILDING SERVICES

JANUARY 13, 2022 B_2021-0040

SUMMARY

OWNERS:	SUNNY RIDGE WEST FARMS LLC. P.O. BOX 262 POINT ARENA, CA. 95468	
	RONALD S. HORN P.O BOX 2 POINT ARENA, CA. 95468	
APPLICANT:	RONALD S. HORN P.O BOX 2 POINT ARENA, CA. 95468	
AGENT:	RICHARD SEALE 420 REDWOOD AVE. FORT BRAGG, CA. 95437	
REQUEST:	Coastal Development Boundary Line Adjustment to adjust approximately two (2) acres from Lot 1 (APN 027-501-37) to Lot 2 (027-501-46). Lot 1 will decrease to 20.94± acres and Lot 2 will increase to 4.0± acres.	
LOCATION:	In the Coastal Zone, 7.9± miles northwest of Gualala town center, lying on the west side of Iversen Road (CR 503) 1.3± miles northeast of its intersection with Iversen Drive (private); Located at 45001 and 44951 Iversen Road; APNs: 027-501-37 and 027-501-46.	
ACREAGE:	Lot 1: 22.9± (before)/20.94± (after) Lot 2: 2.05± (before)/4.0± (after)	
GENERAL PLAN:	Lot 1: Remote Residential (RMR:20) Lot 2: Remote Residential (RMR:20)	
ZONING:	Lot 1: Remote Residential (RMR 20) Lot 2: Remote Residential (RMR 20)	
SUPERVISORIAL DISTRICT:	5 (Williams)	
ENVIRONMENTAL DETERMINATION:	Categorically Exempt: Class 5(a) (Minor lot line adjustments not resulting in the creation of any new parcel).	
RECOMMENDATION:	APPROVE WITH CONDITIONS	
STAFE DI ANNED:	MATT COINES	

BACKGROUND

PROJECT DESCRIPTION: Coastal Development Boundary Line Adjustment to adjust approximately two (2) acres from Lot 1 (APN 027-501-37) to Lot 2 (027-501-46). Lot 1 will decrease from 22.9± acres to 20.94± acres and Lot 2 will increase from 2.05± acres to 4.0± acres.

RELATED APPLICATIONS:

On-Site

- Lot 2 was recognized as a separate legal parcel via Certificate of Compliance CC 23-2006
- Categorical Exclusion CE 77-95 Well (Lot 1)
- Categorical Exclusion CE 05-08 Well (Lot 2)

Neighboring Property

- 919-871 for destroyed Single Family Residence
- LCP 91-90
- 2445-F Septic
- Categorical Exclusion CE 77-95 Well
- Categorical Exclusion CE 20-2007 Well

SITE CHARACTERISTICS: The lots are located near the Iversen Subdivision along the west side of Iversen Road (CR 503). The lots are thickly forested and situated on a sloping hillside and sit on a small ridgeline along Iversen Road. The region is not within a highly scenic area, no watercourses or wetlands were identified on the project site. Portions of Lot 1 contain Shinglemill-Gibney Complex (soils capable of supporting pygmy vegetation); however, because the project does not propose any development, the pygmy soil capabilities will not be impacted.

SURROUNDING LAND USE AND ZONING:

	GENERAL PLAN	ZONING	LOT SIZES	USES
NORTH	Remote Residential (RMR:20)	Remote Residential (RMR-20)	7.19±, 0.8±, 9.1±, 17.4± Acres	Residential
EAST	Remote Residential (RMR:20)	Remote Residential (RMR-20)	7.45± Acres	Residential
SOUTH	Remote Residential (RMR:20)	Remote Residential (RMR-20)	83.48±, 24.4±, 16.96± Acres	Residential
WEST	Remote Residential (RMR:20)	Remote Residential (RMR-20)	3.5±, 1.05± Acres	Residential

PUBLIC SERVICES:

Access: Iversen Road (CR 503)

Fire District: South Coast Fire Protection District

Water District: None Sewer District: None

School District: Arena Union Elementary

AGENCY COMMENTS: On September 22, 2021 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. Any comment that would trigger a project modification or denial are discussed in full as key issues in the following section.

REFERRAL AGENCIES	COMMENT
Building Division (Fort Bragg)	No Comment
Department of Transportation	No Comment
Environmental Health (Fort Bragg)	No Response
South Coast Fire District	No Response
Assessor's Office	No Response
Planning Division (Fort Bragg)	No Comment
Calfire (Land Use)	No Comment
California Coastal Commission	No Response
Cloverdale Rancheria	No Response
Redwood Valley Rancheria	No Response
Sherwood Valley Band of Pomo Indians	No Response
Gualala Municipal Advisory Council	No Comment
California Department of Fish and Wildlife	No Response

KEY ISSUES

- 1. General Plan and Zoning Consistency: The project site is currently zoned and classified as Remote Residential, 20 acre minimum. Lot 1 is conforming at 22.9± acres, Lot 2 is non-conforming at 2.05± acres, and both are currently vacant. These lots are not situated within a water or sewer district. This application proposes to adjust approximately 2 acres of land from one to another, this will not take away the capability for future development to be supported for either of the lots. Staff finds that the project is in conformance with the requirements of Sec. 20.516.015 regarding the approval of Boundary Line Adjustments within the Coastal Zone. Any future development may be subject to a Coastal Development Permit.
- **2. Division of Land Regulations:** The project was reviewed by the Mendocino County Subdivision Committee on December 9th, 2021 at which time the Subdivision Committee made recommendations concerning approval to the Coastal Permit Administrator per the required findings of Mendocino County Code Section 17-17.5. No conflicts with the County Division of Land Regulations were identified at the meeting.
- **3. Natural Resources:** Portions of the properties on the LCP maps are designated as "High Productivity Timberland". However, given its conversion to residential use and development in the area, it's not likely that those resources will be utilized. This project will not affect the use of existing timber resources either way, and staff has determined there to be no conflict between the proposed adjustment and the LCP map information. Additionally, the boundary line adjustment would not create any parcels which are restricted by environmental setbacks or ESHA (environmentally sensitive habitat area) buffers.

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 net loss of density; transferring two acres from Lot 1 to the smaller Lot 2 will not affect the number of units that may be constructed.;
- 2. The boundary line adjustment will not create any new parcels;
- 3. The parcels subject to the adjustment are not located within an environmentally sensitive habitat area, and no fully impacted parcel will be created as a result of this adjustment;

- 4. No substandard lot will result from the adjustment. After the adjustment, Lot 1 will continue to conform to the RMR 20 acre minimum. Lot 2 is currently non-conforming and will remain so, but will see a slight increase in size.
- 5. The property subject to the adjustment is in an area designated CWR (Critical Water Resources) identified in the Mendocino County Groundwater Study, and is consistent with the study.
- 6. Pygmy-capable soils were identified on the project site. However because no development is being proposed no impacts will occur.
- 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 and therefore is required to be processed as a Standard Coastal Development Permit.

ENVIRONMENTAL RECOMMENDATION: The application is Categorically Exempt – Class 5a: Minor lot line adjustments, side yard, and set back variances not resulting in the creation of any new parcel. Therefore, no further environmental review is required (Sec. 15305(a)).

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

Policy 3.1-32 discusses the prohibition of a boundary line adjustment if it is located within an ESHA and (1) creates a parcel entirely within an ESHA, or (2) would result in a parcel that does not have adequate building site locations. The proposed boundary line adjustment is consistent with the policy as the resulting parcel would not be located entirely within an ESHA nor would the resulting parcel provide inadequate building site locations.

Policy 3.5-3 discusses the necessity of visual resource impact analysis for development in areas designated as "Highly Scenic". The subject parcels of the proposed boundary line adjustment are not located within an area designated as such and thus the proposed project is not adherent to this policy.

Policy 3.8-7 states that "proposed development, including lot line adjustments" shall be approved only where a community sewage disposal system with available capacity exists and is obligated to provide service. The subject parcels are currently undeveloped and not served by any existing district. Therefore, no district is obligated to provide service in the event of future development and the project is considered to be consistent with this policy.

RECOMMENDED MOTION

The Coastal Permit Administrator approves Coastal Development Boundary Line Adjustment B 2021-0040, 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. Pursuant to Mendocino County Coastal Zoning Code Section 20.532.095(A)(2), the proposed project is in conformance with the Coastal Element and its policies discussed in this report. The proposed boundary line adjustment is consistent with all applicable policies that discuss boundary line adjustments; and
- 2. Pursuant to Mendocino County Coastal Zoning Code Section 20.532.095(A)(2), the proposed project will be provided with adequate utilities, access roads, drainage and other necessary facilities. Each lot that is subject to the boundary line adjustment has adequate access from Iversen Road and the boundary line adjustment request does not require the use of any utilities or facilities, therefore it is consistent with this finding; and

- 3. Pursuant to Mendocino County Coastal Zoning Code Section 20.532.095(A)(3), the proposed project is consistent with the purpose and intent of the zoning district applicable to the property, as well as the provisions of the Mendocino County Coastal Zoning Code and preserves the integrity of the zoning district. The proposed boundary line adjustment will change the property line between two parcels within the RMR zoning district and will not result in the creation of any new non-conforming lot; and
- 4. Pursuant to Mendocino County Coastal Zoning Code Section 20.532.095(A)(4), the proposed project would not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act (CEQA). The proposed boundary line adjustment was found to be Categorically Exempt from the provisions of CEQA under a Class 5(a) exemption; and
- 5. Pursuant to Mendocino County Coastal Zoning Code Section 20.532.095(A)(5), the proposed boundary line adjustment will not have any adverse impacts on any known archaeological or paleontological resource. The proposed boundary line adjustment does not include any ground disturbing activities that would impact archaeological or paleontological resources. Additionally, as the project is categorically exempt from CEQA, the proposed boundary line adjustment is not subject to additional archaeological survey requirements per Mendocino County Code Section 22.12.050(A); and
- 6. Pursuant to Mendocino County Coastal Zoning Code Section 20.532.095(A)(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. The proposed adjustment will not result in additional parcels beyond what exist today; therefore, public services remain sufficient; and
- 7. Pursuant to Mendocino County Coastal Zoning Code Section 20.532.100(A)(1), the proposed project will not impact any environmentally sensitive habitat areas. Furthermore, the proposed boundary line adjustment does not create parcels that are undevelopable due to ESHA buffers or other environmental setbacks.

CONDITIONS OF APPROVAL:

- 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 <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 Quitclaim 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 2021-0040 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."
- Approval of this Coastal Development Boundary Line Adjustment does not authorize any tree removal
 activities on either parcel. Such activates would need to be reviewed under a separate request and
 may require a Coastal Development Permit.

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.

/28/21 DATE

MATT GOINES

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

ATTACHMENTS:

- A. Location Map
- B. Aerial Map (Vicinity)
- C. Site Plan
- D. Topographic Map
- E. Zoning MapF. General Plan Classifications
- G. LCP Land Use H. LCP Land Cap
- I. LCP Hab and Res
- J. Appealable Areas
- K. Adjacent Parcels
- L. Fire Hazard Zones
- M. Wildland-Urban Interface Areas N. Coastal Groundwater Resources
- O. Highly Scenic and Tree Removal
- P. Slopes
- Q. Soils
- R. Farmland Classifications
- S. Misc.





































