



COUNTY OF MENDOCINO
DEPARTMENT OF PLANNING AND BUILDING SERVICES

860 NORTH BUSH STREET · UKIAH · CALIFORNIA · 95482
 120 WEST FIR STREET · FT. BRAGG · CALIFORNIA · 95437

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 www.mendocinocounty.org/pbs

August 23, 2022

Department of Transportation
 Environmental Health - Ukiah
 Building Inspection - Ukiah
 Assessor

Department of Forestry/ CalFire
 -Land Use
 County Addresser- Russ Ford
 Cloverdale Rancheria

Redwood Valley Rancheria
 Sherwood Valley Band of Pomo Indians
 Ukiah Valley Fire District

CASE#: V_2022-0004
DATE FILED: 7/15/2022
OWNER: YULUPA INVESTMENTS LLC
APPLICANT: WASTE CONNECTIONS
AGENT: LACO ASSOCIATES
REQUEST: Variance to allow for reduced setback at western boundary from 20 feet to 8.7 feet, post proposed Boundary Line Adjustment B_2022-0026. The proposed boundary line adjustment would locate structures utilized for industrial operations onto one parcel, and residential structures onto the other.
LOCATION: 3.1± miles south of the City of Ukiah, 0.5± miles lying on the south side of Taylor Dr. (CR 143), 0.4± miles south of its intersection with Plant Rd. (CR 142), located at 3501 Taylor Dr., Ukiah (APN: 184-170-02 & 03).
SUPERVISORIAL DISTRICT: 1
STAFF PLANNER: MARK CLISER
RESPONSE DUE DATE: September 6, 2022

PROJECT INFORMATION CAN BE FOUND AT:

www.mendocinocounty.org

Select "Government" from the drop-down; then locate Planning and Building Services/Public Agency Referrals.

Mendocino County Planning & Building Services is soliciting your input, which will be used in staff analysis and forwarded to the appropriate public hearing. You are invited to comment on any aspect of the proposed project(s). Please convey any requirements or conditions your agency requires for project compliance to the project coordinator at the above address, or submit your comments by email to pbs@mendocinocounty.org. Please note the case number and name of the project coordinator with all correspondence to this department.

We have reviewed the above application and recommend the following (please check one):

- No comment at this time.
- Recommend conditional approval (attached).
- Applicant to submit additional information (attach items needed, or contact the applicant directly, copying Planning and Building Services in any correspondence you may have with the applicant)
- Recommend denial (Attach reasons for recommending denial).
- Recommend preparation of an Environmental Impact Report (attach reasons why an EIR should be required).
- Other comments (attach as necessary).

REVIEWED BY:

Signature _____ Department _____ Date _____

CASE: V_2022-0004

OWNER: YULUPA INVESTMENTS LLC

APPLICANT: Waste Connections

AGENT: LACO Associates

REQUEST: Variance to allow for reduced setback at western boundary from 20 feet to 8.7 feet, post proposed Boundary Line Adjustment B_2022-0026. The proposed boundary line adjustment would locate structures utilized for industrial operations onto one parcel, and residential structures onto the other.

LOCATION: 3.1± miles south of the City of Ukiah, 0.5± miles lying on the south side of Taylor Dr. (CR 143), 0.4± miles south of its intersection with Plant Rd. (CR 142), located at 3501 Taylor Dr., Ukiah (APN: 184-170-02 & 03).

APN/S: 184-170-02-00

PARCEL SIZE: 3.4± acres

GENERAL PLAN: I: (Industrial)

ZONING: I1:6K (Industrial)

EXISTING USES: Residential

DISTRICT: Supervisorial District 1 (McGourty)

RELATED CASES: GP 4-2010/R 4-2006. General Plan Amendment and Rezone of AP#'s 184-170-03, 184-170-06, 184-170-07 and 184-170-11 (approximately 15.07+/- acres) from Agriculture 40 (AG 40) to Industrial-Light (I1).

	<u>ADJACENT GENERAL PLAN</u>	<u>ADJACENT ZONING</u>	<u>ADJACENT LOT SIZES</u>	<u>ADJACENT USES</u>
NORTH:	Industrial (I)	Industrial (I2)	12±; 1.7± acres	Industrial
EAST:	Industrial (I)	Industrial (I2)	3.4± acres	Industrial
SOUTH:	Industrial (I)	Industrial (I2)	8± acres	Industrial
WEST:	Agricultural (AG40:)	Agricultural (AG:40)	13.6± acres	Public Service

REFERRAL AGENCIES

LOCAL

- Assessor's Office
- Building Division Ukiah
- County Addresser
- Department of Transportation (DOT)

- Environmental Health (EH)
- Ukiah Valley Fire District

STATE

- CALFIRE (Land Use)

TRIBAL

- Cloverdale Rancheria
 - Redwood Valley Rancheria
 - Sherwood Valley Band of Pomo Indians
-

ADDITIONAL INFORMATION: Parcel located in Yokayo Rancho Lot 69. Neither Variance or Boundary Line Adjustment propose any changes to existing uses. Additional development is not being requested.

STAFF PLANNER: MARK CLISER

DATE: 8/22/2022

ENVIRONMENTAL DATA

1. MAC:

GIS

2. FIRE HAZARD SEVERITY ZONE:

CALFIRE FRAP maps/GIS

3. FIRE RESPONSIBILITY AREA:

CALFIRE FRAP maps/GIS

4. FARMLAND CLASSIFICATION:

GIS

5. FLOOD ZONE CLASSIFICATION:

FEMA Flood Insurance Rate Maps (FIRM)

YES

6. COASTAL GROUNDWATER RESOURCE AREA:

Coastal Groundwater Study/GIS

7. SOIL CLASSIFICATION:

Mendocino County Soils Study Eastern/Western Part

8. PYGMY VEGETATION OR PYGMY CAPABLE SOIL:

LCP maps, Pygmy Soils Maps; GIS

9. WILLIAMSON ACT CONTRACT:

GIS/Mendocino County Assessor's Office

NO

10. TIMBER PRODUCTION ZONE:

GIS

NO

11. WETLANDS CLASSIFICATION:

GIS

12. EARTHQUAKE FAULT ZONE:

Earthquake Fault Zone Maps; GIS

NO

13. AIRPORT LAND USE PLANNING AREA:

Airport Land Use Plan; GIS

YES

14. SUPERFUND/BROWNFIELD/HAZMAT SITE:

GIS; General Plan 3-11

YES

15. NATURAL DIVERSITY DATABASE:

CA Dept. of Fish & Wildlife Rarefind Database/GIS

NO

16. STATE FOREST/PARK/RECREATION AREA ADJACENT:

GIS; General Plan 3-10

17. LANDSLIDE HAZARD:

Hazards and Landslides Map; GIS; Policy RM-61; General Plan 4-44

18. WATER EFFICIENT LANDSCAPE REQUIRED:

Policy RM-7; General Plan 4-34

19. WILD AND SCENIC RIVER:

www.rivers.gov (Eel Only); GIS

20. SPECIFIC PLAN/SPECIAL PLAN AREA:

Various Adopted Specific Plan Areas; GIS

21. STATE CLEARINGHOUSE REQUIRED:

Policy

22. OAK WOODLAND AREA:

USDA

23. HARBOR DISTRICT:

Sec. 20.512



PLANNING & BUILDING SERVICES

Case No: 2022-0004, Date Filed: 7-15-22, Fee: \$2,692, Received By: K G

APPLICATION FORM

APPLICANT:

Name: Waste Connections of California, Inc. Phone: (360) 448-6968
Mailing Address: 3 Waterway Square Place, Suite 110
City: The Woodlands State/Zip: TX/77380 Email: Kelly.Kincella@WasteConnections.com

PROPERTY OWNER:

Name: Waste Connections of California, Inc. Phone: (360) 448-6968
Mailing Address: 3 Waterway Square Place, Suite 110
City: The Woodlands State/Zip: TX/77380 Email: Kelly.Kincella@WasteConnections.com

AGENT:

Name: LACO Associates (Becky Dalske) Phone: (707) 462-0222
Mailing Address: 1072 N State Street
City: Ukiah State/Zip: CA/95482 Email: dalsker@lacoassociates.com

ASSESSOR'S PARCEL NUMBER/S: 184-170-03 and 184-170-02

TYPE OF APPLICATION:

- Administrative Permit, Agricultural Preserve: New Contract, General Plan Amendment, Land Division - Minor, Use Permit - Cottage, etc.

I certify that the information submitted with this application is true and accurate.

Signature of Applicant/Agent: Susan L. Vandenberg Date: 7/13/22 Signature of Owner: Susan L. Vandenberg Date: 7/13/22

SITE AND PROJECT DESCRIPTION QUESTIONNAIRE

The purpose of this questionnaire is to relate information concerning your application to the Department of Planning and Building Services and other agencies who will be reviewing your project proposal. Please remember that the clearer picture that you give us of your project and the site, the easier it will be to promptly process your application. Please answer all questions. Those questions which do not pertain to your project please indicate "Not applicable" or "N/A".

THE PROJECT

1. Describe your project. Include secondary improvements such as wells, septic systems, grading, vegetation removal, roads, etc.

The proposed project is a request for a variance to support a setback reduction requested as part of a proposed Boundary Line Adjustment (BLA). The proposed BLA would adjust the westerly boundary line of the parcels identified by Assessor's Parcel Numbers (APNs) 184-170-03 and 184-170-11 (together constituting one legal parcel) and APN 184-170-02. The BLA would adjust the westerly boundary line of APN 184-170-03 to the west, between the structures associated with the housing units to the west and the open storage structures associated with the industrial development to the east. As proposed, the eastern storage buildings would not meet the 20-foot setback required for nonconforming parcels less than 5 acres in size in the AG zoning district. The proposed variance would allow the BLA to move forward, as proposed. The project proposes no changes to existing uses, land uses, zoning designations, or development.

Please refer to the attached Variance Request for Setback Reduction technical memorandum prepared by LACO Associates to support this request.

2. Structures/Lot Coverage	NO. OF UNITS		SQUARE FOOTAGE		
	EXISTING	PROPOSED	EXISTING	PROPOSED	TOTAL
<input type="checkbox"/> Single Family <input type="checkbox"/> Mobile Home <input type="checkbox"/> Duplex <input type="checkbox"/> Multifamily <input type="checkbox"/> Other: <input type="checkbox"/> Other:		N/A - no change in structures proposed			
GRAND TOTAL (Equal to gross area of Parcel):					

3. If the project is commercial, industrial or institutional, complete the following: N/A

Estimated No. of Employees per shift: _____

Estimated No. of shifts per day: _____

Type of loading facilities proposed: _____

4. Will the project be phased?

YES NO If yes, explain your plans for phasing:

5. Will vegetation be removed on areas other than the building sites and roads?

YES NO If no, explain:

Not applicable to the proposed BLA.

6. Will the project involve the use or disposal of potentially hazardous materials such as toxic substances, flammables, or explosives?

YES NO If yes, explain:

7. How much off-street parking will be provided?

	Number	Size	
No. of covered spaces:	_____	_____	N/A
No. of uncovered spaces:	_____	_____	
No. of standard spaces:	_____	_____	
No. of accessible spaces:	_____	_____	
Existing no. of spaces:	_____	_____	
Proposed additional spaces:	_____	_____	
Total:	_____	_____	

8. Is any road construction or grading planned? If yes, grading and drainage plans may be required.

YES NO Also, please describe the terrain to be traversed. (e.g., steep, moderate slope, flat, etc.)

Not applicable to the proposed BLA.

9. For grading or road construction, complete the following:

N/A

Amount of cut: _____ cubic yards

Amount of fill: _____ cubic yards

Max. height of fill slope: _____ feet

Max. height of cut slope: _____ feet

Amount of import/export: _____ cubic yards

Location of borrow or disposal site: _____

10. Does the project involve sand removal, mining or gravel extraction? If yes, detailed extraction, reclamation and monitoring plans may be required.

YES NO

11. Will the proposed development convert land currently or previously used for agriculture to another use?

YES NO

12. Will the development provide public or private recreation opportunities?

YES NO If yes, explain how:

13. Is the proposed development visible from State Highway 1 or other scenic route?

YES NO

14. Is the proposed development visible from a park, beach or other recreational area?

YES NO

15. Does the development involve diking, filling, dredging or placing structures in open coastal water, wetlands, estuaries or lakes?

Diking: YES NO

Filling: YES NO

Dredging: YES NO

Structures: Open Coastal Waters Wetlands Estuaries Lakes

If so, what is the amount of material to be dredged/filled?: _____ cubic yards

Location of dredged material disposal site?: _____

Has a U.S. Army Corps of Engineers permit been applied for? YES NO

16. Will there be any exterior lighting?

YES NO If yes, describe below and identify the location of all exterior lighting on the plot and building plans.

17. Utilities will be supplied to the site as follows: N/A

Electricity: Utility Company (service exists to parcel)
 Utility Company (requires extension of service to site): _____ feet _____ miles
 On Site Generation – Specify:

Gas: Utility Company/Tank
 On Site Generation – Specify:
 None

Telephone: YES NO

18. What will be the method of sewage disposal?

- Community Sewage System (specify supplier): N/A
- Septic Tank
- Other (specify): _____

19. What will be the domestic water source:

N/A

- Community Water System (specify supplier): _____
- Well
- Spring
- Other (specify): _____

20. Are there any associated projects and/or adjacent properties under your ownership?

- YES NO If yes, explain: (e.g., Assessor's Parcel Number, address, etc.)

21. List and describe any other related permits and other public approval required for this project, including those required by other County departments, city, regional, State and Federal agencies:

A BLA is proposed between APNs 184-170-03 and 184-170-11 (together constituting one legal parcel) and APN 184-170-02. The proposed BLA would adjust the westerly boundary line of APN 184-170-03 to the east, between the residential buildings to the west and the open storage structures associated with with the industrial development to the east.

22. Describe the location of the site in terms of readily identifiable landmarks: (e.g., mailboxes, mile posts, street intersections, etc.)

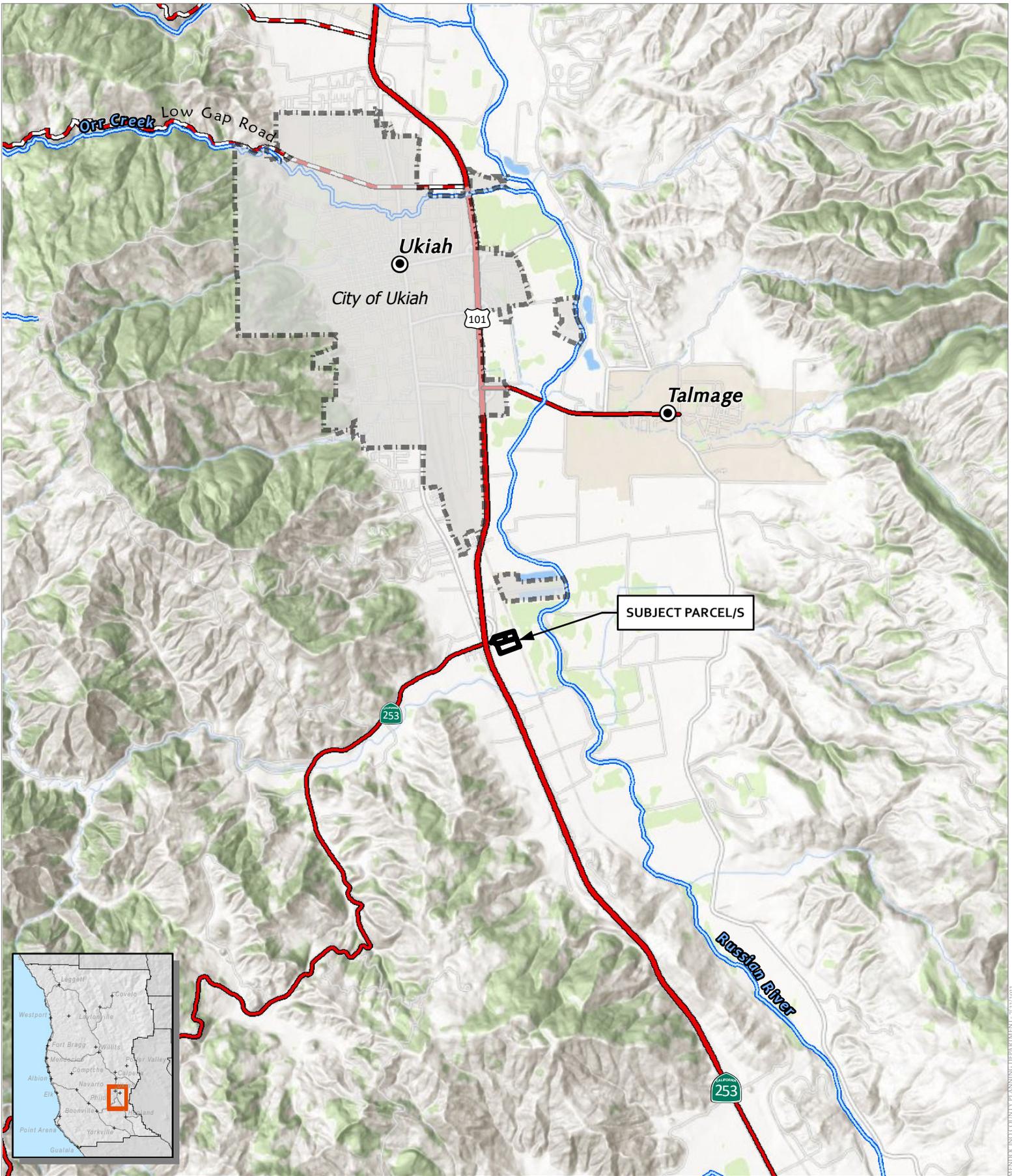
The project site is looated on the north side of Taylor Drive, directly north of the C&S Waste Solutions offices at 3515 Taylor Drive, Ukiah, approximately 0.5 miles south of the intersection of Taylor Drive and Plant Road.

23. Are there existing structures on the property? If yes, describe below and identify the use of each structure on the plot plan or tentative map if the proposal is for a subdivision.

- YES NO

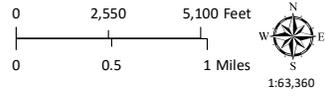
24. Will any existing structure be demolished or removed? If yes, describe the type of development to be demolished or removed, including the relocation site, if applicable.

- YES NO



CASE: V 2022-0004
 OWNER: Waste Connections of California, Inc.
 APN: 184-170-02
 APLCT: Waste Connections of California, Inc.
 AGENT: Becky Dalske
 ADDRESS: 3501 Taylor Drive, Ukiah

- Major Towns & Places
- Major Roads
- City Limits
- Highways



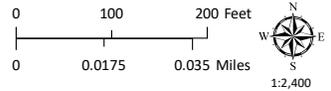
LOCATION MAP

MENDOCINO COUNTY PLANNING DEPARTMENT 7/23/2022



CASE: V 2022-0004
OWNER: Waste Connections of California, Inc.
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AGENT: Becky Dalske
ADDRESS: 3501 Taylor Drive, Ukiah

Public Roads



AERIAL IMAGERY

MENDOCINO COUNTY PLANNING DEPARTMENT 7/22/2022

REUSE OF DOCUMENTS: This document and the ideas and design incorporated herein, as an instrument of professional service, is the property of LACO Associates and shall not be reused in whole or in part for any other project without LACO Associates' express written authorization.

**TENTATIVE MAP
FOR
BOUNDARY LINE ADJUSTMENT
PROPOSED PARCEL CONFIGURATION**

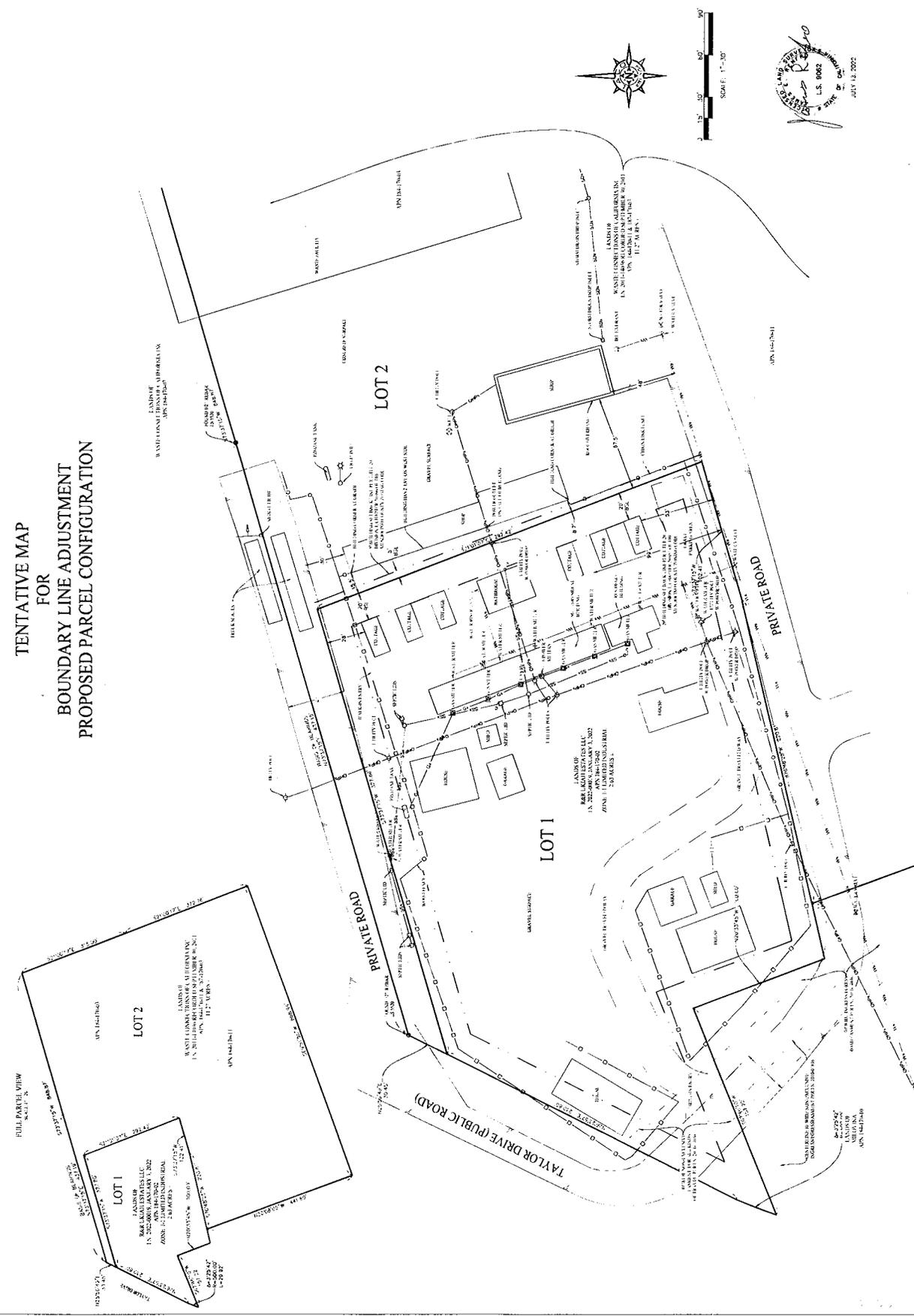
NO.	BY	CHK.	DATE
X	X	X	X
X	X	X	X
X	X	X	X

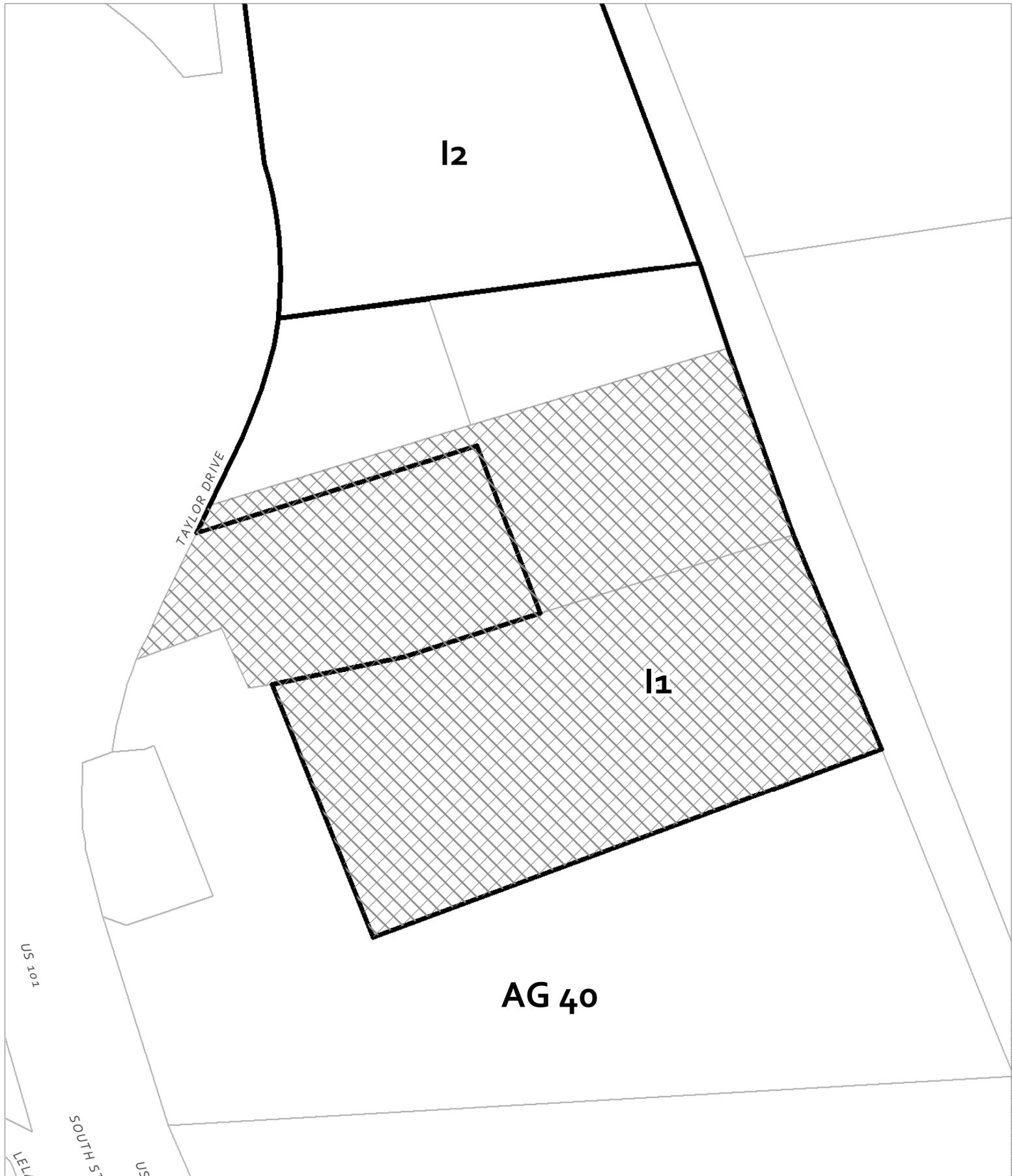
HISTORICAL REVISION

LACO
 UREKA • UKIAH • SANTA ROSA • CHICO
 WWW.LACOCORPORATION.COM • 800-513-5054

CLIENT NAME: C & S WASTE SOLUTIONS
 SITE ADDRESS: 3501 TAYLOR DRIVE, UKIAH, CA 95482

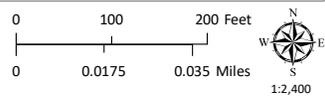
BOUNDARY LINE ADJUSTMENT
DRAWN: [Signature]
CHECK: [Signature]
APPROVED: [Signature]
DATE: 07/13/2022
JOB NUMBER: 901109
SHEET OF: 2 / 2





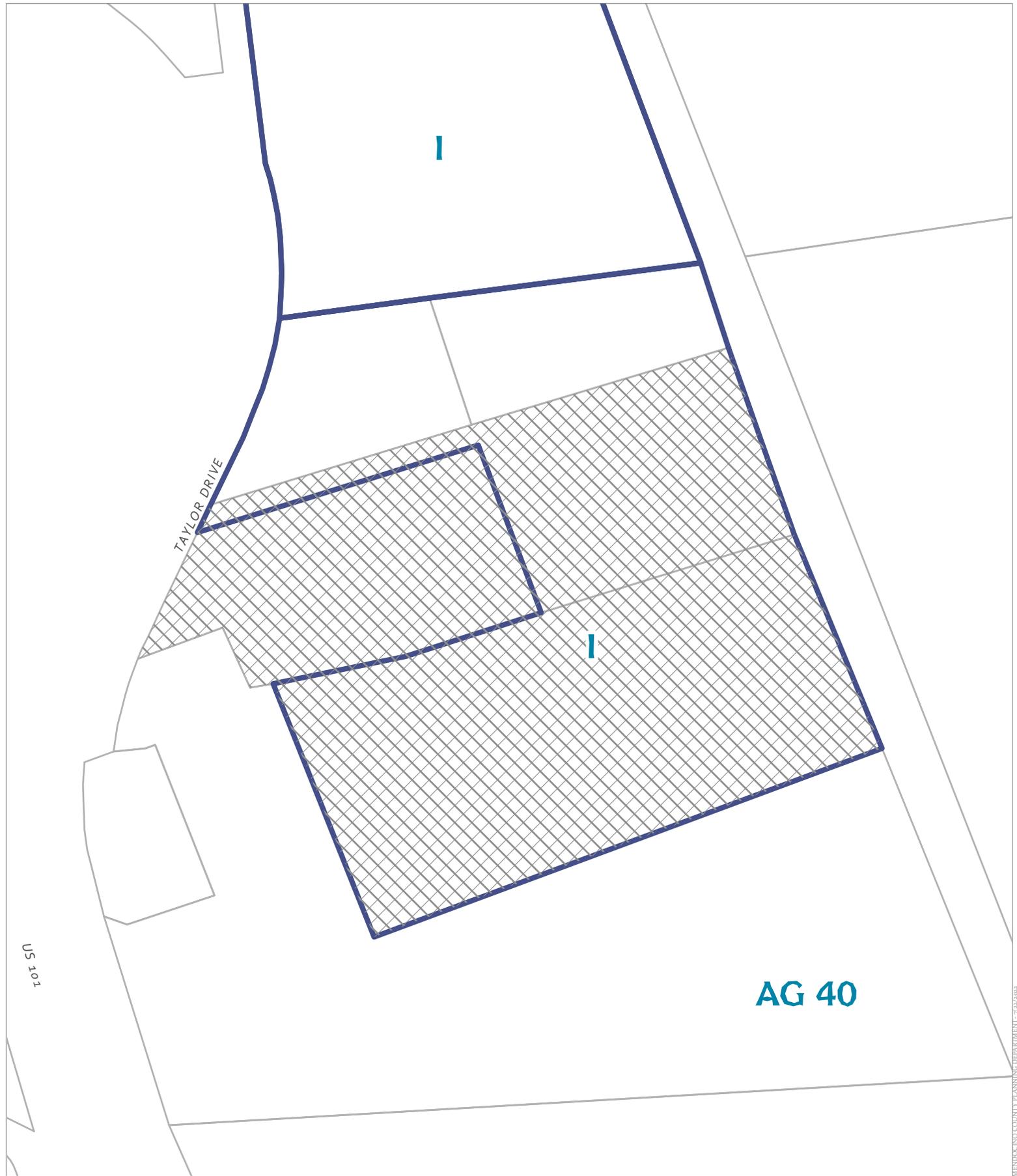
CASE: V 2022-0004
 OWNER: Waste Connections of California, Inc.
 APN: 184-170- 2
 APLCT: Waste Connections of California, Inc.
 AGENT: Becky Dalske
 ADDRESS: 3501 Taylor Drive, Ukiah

 Zoning Districts
 Public Roads



ZONING DISPLAY MAP

MENDOCINO COUNTY PLANNING DEPARTMENT - 7/22/2022



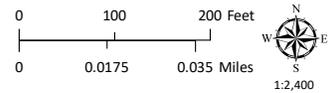
US 101

TAYLOR DRIVE

AG 40

CASE: V 2022-0004
 OWNER: Waste Connections of California, Inc.
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 APLCT: Waste Connections of California, Inc.
 AGENT: Becky Dalske
 ADDRESS: 3501 Taylor Drive, Ukiah

 General Plan Classes
 Public Roads



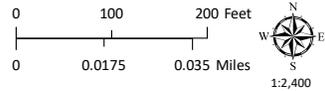
GENERAL PLAN CLASSIFICATIONS

MENDOCINO COUNTY PLANNING DEPARTMENT - 7/22/2022

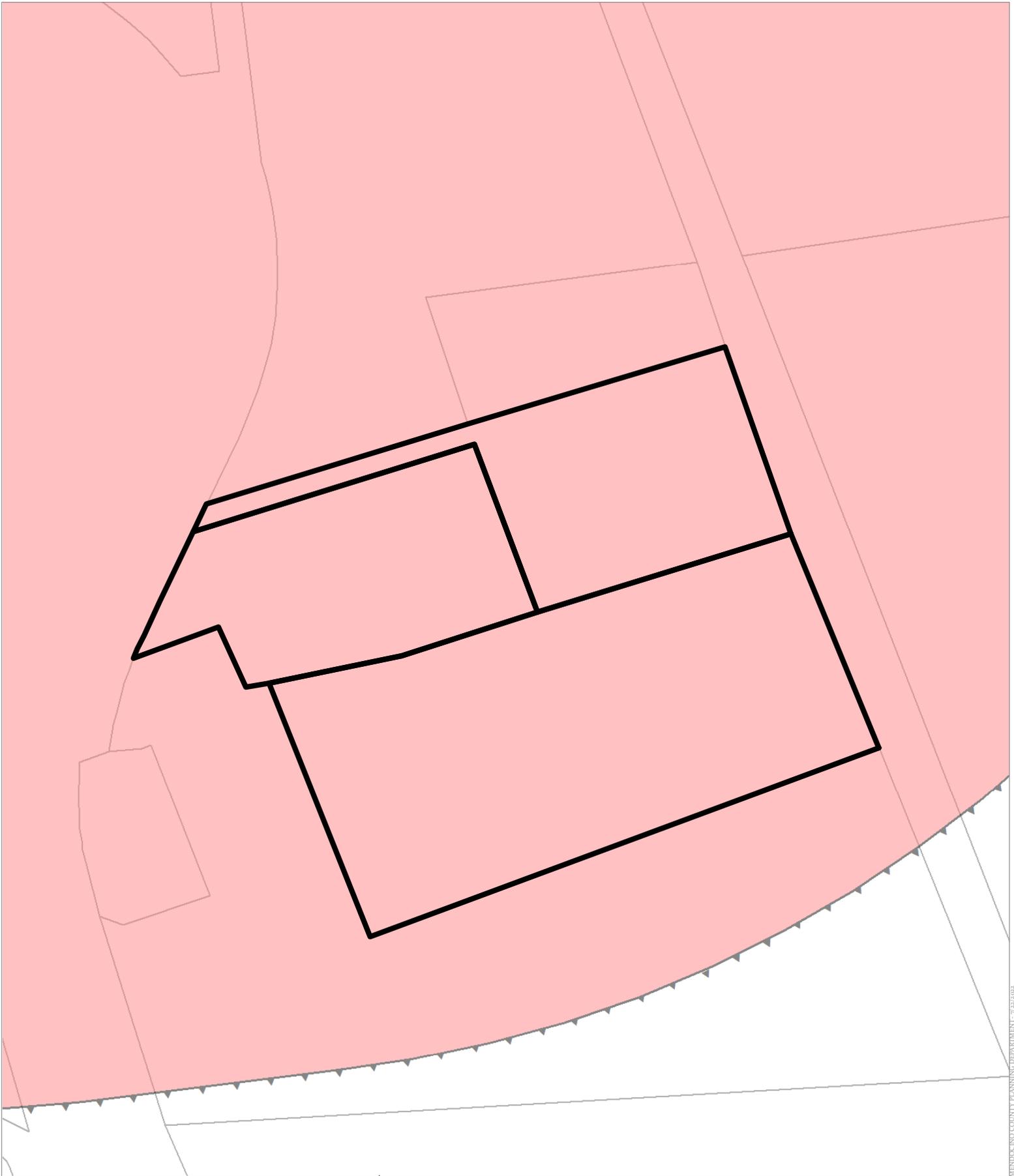


MENDOCINO COUNTY PLANNING DEPARTMENT - 7/22/2022

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 OWNER: Waste Connections of California, Inc.
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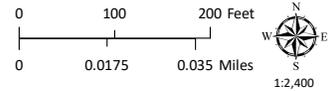
ADJACENT PARCELS



MENDOCINO COUNTY PLANNING DEPARTMENT - 7/22/2022

CASE: V 2022-0004
OWNER: Waste Connections of California, Inc.
APN: 184-170-02
APLCT: Waste Connections of California, Inc.
AGENT: Becky Dalske
ADDRESS: 3501 Taylor Drive, Ukiah

 Superfund Buffer



SUPERFUND BUFFER

TECHNICAL MEMORANDUM

3501 Taylor Drive Boundary Line Adjustment

Date: July 13, 2022
Project No.: 9016.06
Prepared For: Waste Connections of California, Inc.

Prepared By: Becky Dalske, AICP – Senior Planner



Reviewed By: Meghan Ryan, Planning Director



1.0 INTRODUCTION

Waste Connections of California, Inc. and R&R Ukiah Estates, LLC (Owners, Applicants), seek to complete a Boundary Line Adjustment (BLA), pursuant to the Mendocino County (Code) and the Subdivision Map Act to adjust the parcels identified by Assessor's Parcel Numbers (APNs) 184-170-03 and 184-170-11 (together constituting one legal parcel identified as the "east parcel") and 184-170-02 (west parcel).

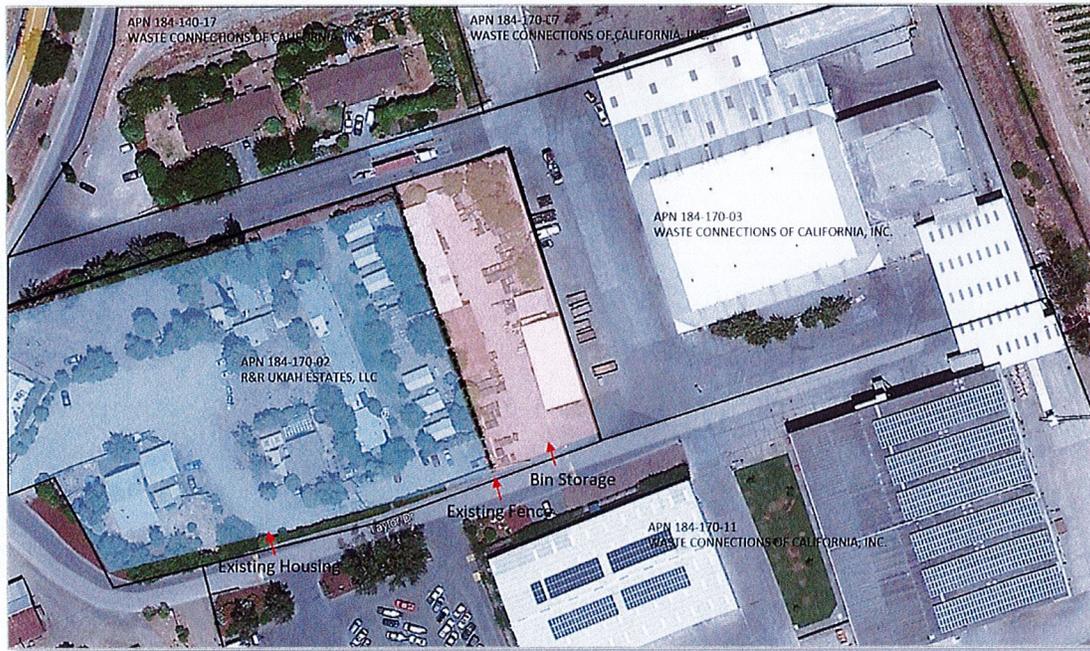
1.1 Background and Existing Conditions

The parcels are currently under separate ownership, with the east parcel currently owned by Waste Connections of California, Inc. and the west parcel currently owned by R&R Ukiah Estates, LLC. The open storage area on the west parcel is utilized to support the Tri County Scrap Metal industrial operations, which is owned and managed by Waste Connections of California, Inc.

The approximately 11.27-acre east parcel has a land use designation of Industrial (I) per the Mendocino County General Plan (2009) and Ukiah Valley Area Plan (UVAP, 2011) and a zoning designation of Limited Industrial (I1) per the Mendocino County Zoning Code (Code). The approximately 3.44-acre west parcel has a land use designation of Agricultural Lands (AG) and a zoning designation of Agricultural, 40-acre minimum (AG:40). With a 40-acre minimum in the AG zoning district, at approximately 3.44 acres, the west parcel is currently legal non-conforming. In 2011, a General Plan Amendment (GP 4-2010) and Rezone (R 5-2010) were approved for the east parcel (and the parcels identified by APNs 184-170-06 and -07), changing the land use designation from AG to I and the zoning designation from AG to I1.

As shown in Figure 1 below, the east parcel contains industrial buildings and the west parcel contains housing units (developed decades ago as farm worker housing) and appurtenant structures, and open storage buildings used to support adjacent industrial operations. An existing chain link fence surrounds the open storage buildings, which are utilized for bin and cart storage, repair, and a bin wash yard. The parcels have been utilized in their current state since industrial operations began on the east parcel and surrounding industrial parcels in or around 2012. According to the staff report for GP 4-2010, dated July 21, 2011, the parcels in this area were previously utilized for the Thomas Pear Packing and Got Fruit Facility, which operated for several decades prior to the use of the properties in their current capacities.

Figure 1. Existing Conditions



1.2 Setback Requirements

The following setback requirements are applicable to the east and west parcels, pursuant to Sections 20.096.030 and 20.096.035, and 20.052.050 of the Code, for the I1 and AG zoning districts, respectively.

Table 1. Parcel Information and Setback Requirements

Parcel	Zoning	Size	Setback Requirement
APN 184-170-03 and 184-170-11 (east parcel)	I1	11.27 acres	Front Yard: 10-foot minimum Side or Rear: No minimum, except that any side or rear yard contiguous to any district other than commercial or industrial is required to have a minimum side yard of 5 feet and a minimum rear yard of 20 feet
APN 184-170-02 (west parcel)	AG	3.44 acres	A nonconforming parcel less than 5 acres in size is required to observe a minimum front, side, and rear yard setback of 20 feet

1.3 Definitions

California Government Code Section 66412 states that "a local agency or advisory agency shall limit its review and approval [of a lot line adjustment] to a determination of whether or not the parcels resulting from the lot line adjustment will conform to the local general plan, any applicable specific plan, any applicable coastal plan, and zoning and building ordinances" and that "an advisory agency or local agency shall not impose conditions or exactions on its approval of a lot line adjustment except to conform to the local general plan, any applicable specific plan, any applicable coastal plan, and zoning and building ordinances, to require the prepayment of real property taxes prior to the approval of the lot line adjustment, or to facilitate the relocation of existing utilities, infrastructure, or easements."

In Mendocino County, lot line adjustments, as defined in California Government Code Section 66412 are defined as BLAs. According to Section 17-17.5 of the Code, a "Boundary Line Adjustment" means the transfer of property by deed to a respective owner or owners of contiguous property for the purpose of adjusting a boundary line and not for the purpose of creating an additional lot or parcel. County standards and requirements related to lot line adjustments are provided in Section 17-17.5 of the Code – *Title 17 Division of Land Regulations*, which requires that the tentative map prepared for the BLA be reviewed by the Subdivision Committee, which may approve the proposed BLA subject to reasonable conditions that conform to Government Code Section 66412, subdivision (d), including requirements to ensure that the adjustment shall not have the effect of creating a new lot or parcel.

2.0 PROPOSED BOUNDARY LINE ADJUSTMENT

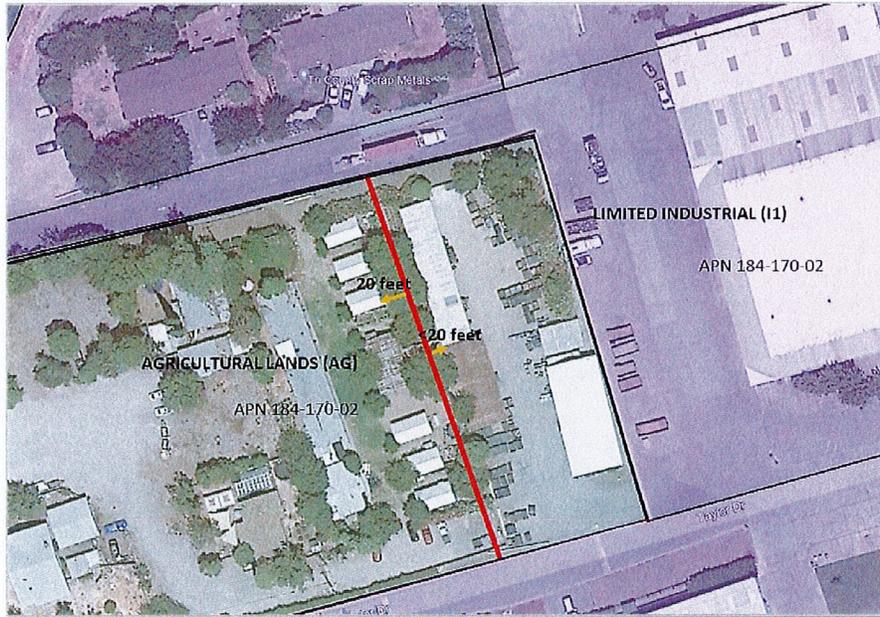
As shown on Figure 2, below, the proposed BLA would adjust the westerly boundary line of APN 184-170-03 approximately 120.85 feet to the west, between the structures associated with the housing units to the west and the open storage structures associated with the industrial development to the east. This adjustment would co-locate the structures utilized for industrial operations on one parcel, separating the open storage buildings from the housing units. The new boundary line would reduce the size of the west parcel by approximately 0.81 acres (based on an approximate measurement in Google Earth) and increase the size of the east parcel by the same amount, while establishing the east parcel as a split-zoned parcel (I1 and AG). See Table 2, below for a summary of the existing and proposed approximate lot sizes.

Table 2. Parcel Sizes (Existing vs. Proposed)

Parcel	Existing Size	Proposed Adjustment	Proposed Size
APN 184-170-03 (east parcel)	11.27 acres	+0.81 acres	12.08 acres
APN 184-170-02 (west parcel)	3.44 acres	-0.81 acres	2.63 acres

As noted in Table 1, above, a nonconforming parcel less than 5 acres in size in the AG zoning district is required to observe a minimum front, side, and rear yard setback of 20 feet. At a size of approximately 2.44 acres following the proposed BLA, the west parcel would continue to be a non-conforming parcel. The adjusted boundary line is proposed to be located 20 feet east of the residential structures on the west parcel and approximately 8.7 feet from the open storage buildings on the east parcel, allowing the housing units to meet the required setback while necessitating a reduction in the setback from the open storage buildings on the east parcel.

Figure 2. Representative Proposed Boundary Line Adjustment



3.0 PROPOSED SETBACK REDUCTION REQUEST AND VARIANCE FINDINGS

The Applicant requests approval of a Variance to support the reduction in the 20-foot side yard setback by 11.3 feet to 8.7 feet to from the open storage buildings to the east of the proposed boundary line, as generally shown in Figure 2, above. The residential structures that would be west of the new boundary line would conform to the 20-foot setback requirement. No changes to the existing development, use, zoning, or land use of either parcel are proposed. The requested Variance could be supported as follows in Subsection 3.1.1 below.

Additionally, the proposed BLA (with the reduced setback on the eastern side of the proposed boundary line) would be in compliance with the requirements of California Government Code Section 66412 and County Code Section 17-17.5, as discussed in Subsection 3.1.2, below.

3.1.1 Variance Findings

Pursuant to Section 20.200.020 of the Code, the following findings are required to be met in order to grant a variance:

(A) That there are special circumstances applicable to the property involved, including size, shape, topography, location, or surrounding.

The special circumstances applicable to the proposed project are the historical use of the affected parcels and surrounding development. As discussed above, the open storage area currently on the west parcel is utilized to support the Tri County Scrap Metal industrial operations, which is owned and

managed by Waste Connections of California, Inc., the current owner of the east parcel and surrounding lands. The existing open storage areas has been utilized in its current state for at least the last 10 years. The setback reduction would not change existing uses, land uses, or zoning designations, but would co-locate related uses on the same parcels. This use will continue after the BLA is complete.

(B) That such special circumstances or conditions are not due to any action of the applicant subsequent to the application of the zoning regulations contained in the Division.

The housing units and appurtenant structures, and open storage buildings were developed decades ago to support the historical Thomas Peak Packing and Got Fruit Facility, which operated for several decades prior to the use of the properties in their current capacities. While the Applicants constructed a fence around the open storage buildings in or around 2012 to separate the open storage area from the existing housing units to the west, the special circumstances had existed for years prior when the housing units were approved to be constructed adjacent to industrial (historically agricultural) uses.

(C) That such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and zone and denied to the property in question.

The Applicants seek to obtain ownership of the portions of the affected parcels that are related to the current uses. Approval of the proposed project would allow the existing uses to continue in their current state and would allow the existing residential use to be separated from the existing industrial operations that utilize the open storage area. If the existing structures were to meet the required setbacks, the BLA would otherwise be allowed to proceed as proposed.

(D) That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such vicinity and zone in which the property is located.

Approval of the proposed project would not be detrimental to the public welfare or injurious to the properties in the vicinity as there would be no change in land use, zoning, or operations of the affected parcels. The existing development would be retained in its current state, with the only change from current conditions being a change in ownership.

(E) That the granting of such variance will not adversely affect the General Plan.

As noted above, the project parcels are subject to the jurisdiction of the Mendocino County General Plan (2009) and UVAP (2011). The proposed BLA does not propose any change to the existing land use designations or uses of the project parcels and would therefore conform to the relevant standards of the Mendocino County General Plan (2009) and UVAP (2011).

3.1.2 General BLA Findings

California Government Code Section 66412 and County Code Section 17-17.5 require that the BLA not have the effect of creating a new parcel.

The proposed BLA would adjust one lot line between two parcels and no new parcels would be created.

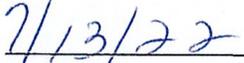
California Government Code requires that a local agency limits its review, approval, and conditions [of a lot line adjustment] to a determination of whether or not the parcels resulting from the lot line adjustment will conform to the local general plan, any applicable specific plan, any applicable coastal plan, and zoning and building ordinances.

As noted above, the project parcels are subject to the jurisdiction of the Mendocino County General Plan (2009) and UVAP (2011). The proposed BLA does not propose any change to the existing land use designations or uses of the project parcels and would therefore conform to the relevant standards of the Mendocino County General Plan (2009) and UVAP (2011). The proposed BLA would comply with the Code, including zoning and building requirements as no changes to the existing uses, structures, or zoning designations are proposed. While the west parcel would be reduced in size, the parcel is currently legal non-conforming in the AG zoning district with a minimum lot size of 40 acres, and would continue to be. As shown in Figure 2, above, the new boundary line is proposed between the existing residential structures and the open storage buildings in a location that would allow the existing residential parcels to meet the required 20-foot setback. While the open storage buildings would require a variance to allow for a reduction in the 20-foot setback required for legal non-conforming parcels in the AG zoning district, the existing use and development would not be altered. Additionally, the project parcels are not located in the Mendocino County Coastal Zone and so are not subject to the Mendocino County Local Coastal Plan.

CERTIFICATION AND SITE VIEW AUTHORIZATION

1. I hereby certify that I have read this completed application and that, to the best of my knowledge, the information in this application, and all attached appendices and exhibits, is complete and correct. I understand that the failure to provide any requested information or any misstatements submitted in support of the application shall be grounds for either refusing to accept this application, for denying the permit, for suspending or revoking a permit issued on the basis of such misrepresentations, or for seeking of such further relief as may seem proper to the County.
2. I hereby grant permission for County Planning and Building Services staff and hearing bodies to enter upon and site view the premises for which this application is made in order to obtain information necessary for the preparation of required reports and render its decision.

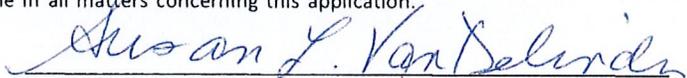

 Owner/Authorized Agent

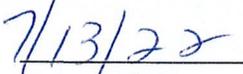

 Date

NOTE: IF SIGNED BY AGENT, OWNER MUST SIGN BELOW.

AUTHORIZATION OF AGENT

I hereby authorize LACO Associates (Becky Dalske) to act as my representative and to bind me in all matters concerning this application.


 Owner


 Date

MAIL DIRECTION

To facilitate proper handling of this application, please indicate the names and mailing addresses of individuals to whom you wish correspondence and/or staff reports mailed if different from those identified on Page 1 of the application form.

Name	Name	Name
Mailing Address	Mailing Address	Mailing Address