

COUNTY OF MENDOCINO DEPARTMENT OF PLANNING AND BUILDING SERVICES

860 North Bush Street · Ukiah · California · 95482 120 West Fir Street · Fort Bragg · California · 95437 JULIA KROG, DIRECTOR PHONE: 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 19, 2022

PUBLIC HEARING NOTICE OF PENDING ACTION STANDARD COASTAL DEVELOPMENT PERMIT

The Mendocino County Coastal Permit Administrator, at a regular meeting to be held on Thursday, November 10, at 11:00 a.m. or as soon thereafter as the item may be heard, will conduct a public hearing on the below described project that is located in the Coastal Zone. 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 via telecomment. The telecomment form may be found at: https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas. The meeting is available for viewing on the Mendocino County YouTube page at, https://www.youtube.com/MendocinoCountyVideo

CASE#: B_2021-0064 DATE FILED: 12/10/2021 OWNER/APPLICANT: SAMLER HORN AGENT: RICHARD SEALE REQUEST: Coastal Boundary Line Adjustment to reconfigure the boundaries between two lots in Gualala. Lot 1 (APN 143-070-04) will increase to 2.95± acres and Lot 2 (APN 143-070-18) will decrease to 10.01± acres. ENVIRONMENTAL DETERMINATION: Categorically Exempt LOCATION: In the Coastal Zone, 5.2± miles northwest of the town of Gualala, 0.41± miles east of the intersection of Highway 1 (SR-1) and Gypsy Flat Rd. (Private); located at 46301 & 46351 Gypsy Flat Rd., Gualala (APNs 143-070-04 & 143-070-18). SUPERVISORIAL DISTRICT: 5 (Williams) STAFF PLANNER: STEVE KLEINMAN

The staff report, and notice, will be available 10 days before the hearing on the Department of Planning and Building Services website at: <u>https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas/coastal-permit-administrator</u>

As you are an adjacent property owner and/or interested party, you are invited to submit comments, at or prior to the hearing; 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, or by e-mail to <u>pbscommissions@mendocinocounty.org</u> no later than November 9, 2022. Individuals wishing to address the Coastal Permit Administrator during the public hearing under Public Expression are welcome to do so via e-mail at <u>pbscommissions@mendocinocounty.org</u>, or telecomment, in lieu of personal attendance.

All public comment will be made available to the Coastal Permit Administrator, staff, and the general public as they are received and processed by the Clerk, and can be viewed as attachments under its respective case number listed at: <u>https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas/coastal-permit-administrator</u>

The decision of the Coastal Permit Administrator shall be final unless a written appeal is submitted to the Board of Supervisors with a filing fee within 10 calendar days thereafter. If appealed, the decision of the Board of Supervisors to approve the project shall be final unless 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 above case in court, you may be limited to raising only those issues described in this notice or that you or someone else raised at the public hearing, or in written correspondence delivered

to the Coastal Permit Administrator at or prior to, the public hearing.

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.

JULIA KROG, Director of Planning and Building Services



Coastal Permit Administrator NOVEMBER 10, 2022 STAFF REPORT- BOUNDARY LINE ADJUSTMENT B_2021-0064

| <u>SUMMARY</u> | | |
|------------------------------|---|--|
| OWNER/APPLICANT: | SAMLER HORN PO BOX 393 GUALALA, CA 95445 | |
| AGENT: | RICHARD SEALE 420 REDWOOD AVE FORT BRAGG, CA 95437 | |
| REQUEST: | Coastal Boundary Line Adjustment to reconfigure the boundaries between two lots in Gualala. Lot 1 (APN 143- 070-04) will increase to 2.95± acres and Lot 2 (APN 143- 070-18) will decrease to 10.01± acres. | |
| LOCATION: | In the Coastal Zone, 5.2± miles northwest of the town of Gualala, 0.41± miles east of the intersection of State Route 1 (SR-1) and Gypsy Flat Rd. (Private); located at 46301 & 46351 Gypsy Flat Rd., Gualala; APNs 143-070- 04 & 143-070-18. | |
| TOTAL ACREAGE: | 12.96± acres | |
| GENERAL PLAN: | RR10 (Rural Residential: 10 Acre Minimum) | |
| ZONING: | RR:10 (Rural Residential: 10 Acre Minimum) | |
| SUPERVISORIAL DISTRICT: | 5 (Williams) | |
| ENVIRONMENTAL DETERMINATION: | Categorically Exempt: Section 15305, Class 5 (a) | |
| RECOMMENDATION: | APPROVE WITH CONDITIONS | |
| STAFF PLANNER: | STEVE KLEINMAN | |
| | | |

BACKGROUND

PROJECT DESCRIPTION:

Coastal Boundary Line Adjustment to reconfigure the boundaries between two lots in Gualala. Lot 1 (APN 143-070-04) will increase to 2.95± acres and Lot 2 (APN 143-070-18) will decrease to 10.01± acres.

RELATED APPLICATIONS:

On-Site

• F_2980 (Barn)

SITE CHARACTERISTICS:

The subject parcels are in the Coastal Zone, approximately 5 miles northwest of the town of Gualala. Lot 1 is undeveloped, with trees and shrubs, and is trapezoidal in shape with a pointed edge toward the west. It is approximately 2.76 acres and bordered by Gypsy Flat Road (private) along its northern boundary. Lot 2 is approximately 10.19 acres in size, rectangular in shape, and is located directly south of Lot 1. It is improved with one 1,384 square foot single family residence, well, septic, power pole, a barn, and other accessory agricultural structures. It contains sporadic trees and shrubs. Access is from Gypsy Flat Road (private).

SURROUNDING LAND USE AND ZONING:

| | GENERAL PLAN | ZONING | LOT SIZES | USES |
|-------|---|--------|--------------------------|-------------|
| NORTH | Rural Residential - | RR:10 | 4.07± acres (ac.); | Residential |
| | 10 Acre Min (RR10) | | 2.77± ac. | |
| EAST | Rural Remote Residential – 40 (RMR40) | RMR:40 | 38.5± ac. | Residential |
| SOUTH | RMR40 | RMR:40 | 67.9± ac. | Residential |
| WEST | RR10 | RR:10 | 1.24; 3.53; 7.06± ac. | Residential |

PUBLIC SERVICES:

| Access: | Gypsy Flat Road (private) |
|------------------|--------------------------------------|
| Fire District: | South Coast Fire Protection District |
| Water District: | NONE |
| Sewer District: | NONE |
| School District: | Arena Union Elementary |

AGENCY COMMENTS:

On June 3, 2022 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 | |
|--|-------------|--|
| | | |
| Department of Transportation | No Comment | |
| Environmental Health-FB/Ukiah | No Comment | |
| Building Services-Ukiah PBS | Comments | |
| One previous record found: F_2980 - Barn | | |
| Building Services-FBPBS | No Comment | |
| Air Quality Management District | No Response | |
| County Addresser | No Response | |
| Sonoma State University-NWIC | No Response | |
| South Coast Fire Protection District | No Response | |
| Gualala MAC | No Response | |
| California Coastal Commission | 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 classification, with a ten (10) acre minimum parcel size by the Mendocino General Plan Land Use designation, as well as a Rural Residential Zoning district. Lot 1 does not currently conform to the acreage minimum, and will not after the adjustment, but is considered and will remain legal nonconforming in terms of parcel size. Lot 2 currently conforms to the acreage minimum requirement and will remain conforming after the adjustment. Furthermore, the proposed boundary line adjustment does not entail any additional development or change that would be inconsistent with the General Plan or zoning district.

2. Division of Land Regulations:

The proposed boundary line adjustment was reviewed by the County of Mendocino Subdivision Committee on November 10, 2022, at which time the Committee made recommendations concerning approval if the project to the Coastal Permit Administrator per the required findings of Mendocino County Code (MCC) Section 17-17.5. No conflicts with the Division of Land Regulations were identified at the meeting.

3. Natural Resources:

The proposed boundary line adjustment does not entail any physical changes to the site, and future development may 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 as no structures are changing parcels. Additionally, the proposed boundary line adjustment does not provide for future divisions beyond that which currently exist;
- 2. The boundary line adjustment will not create any new parcels. The proposed boundary line adjustment only slightly changes the property lines between the two subject parcels;
- 3. The parcels subject to the adjustment are not situated within an ESHA, the proposed boundary line adjustment will not impact biological resources;
- 4. No substandard lot will result from the adjustment, and the minimal adjustment of 7,840± feet will not cause either parcel to be undevelopable;
- 5. The properties subject to the adjustment are in an area designated Critical Water Resources identified in the Mendocino County Coastal Groundwater Study, and is consistent with the study;
- 6. Any future development will require a Coastal Development Permit, unless determined to be exempt;
- 7. The project is an appealable project, as it is a boundary line adjustment and therefore is required to be processed as a Coastal Development Standard Permit.

ENVIRONMENTAL RECOMMENDATION: The project is Categorically Exempt under Class 5a, pursuant to California Code of Regulations Section 15305; 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's Coastal Element. Each section within Coastal Element Chapter 3 was reviewed for policies related to boundary line adjustments and are discussed below.

Policy 3.1-32 prohibits boundary line adjustments if they are located within an ESHA and (1) would create 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 this policy as neither of the resulting parcels would be located entirely within an ESHA. Furthermore, the subject parcels are not proposed for any development at this time and future development may be subject to a Coastal Development Permit.

Policy 3.8-7 discusses the requirement for adequate utilities prior to the approval of a boundary line adjustment. The 0.18 acre area that is proposed for adjustment will not affect the utility service for the parcels. Lot 2 is currently served by a well, septic system, and power pole. Lot 1 is not served by any district but would require a septic system and possibly a well at the time of development. Therefore, the proposed boundary line adjustment is consistent with this policy.

RECOMMENDED MOTION

The Coastal Permit Administrator approves Coastal Development Boundary Line Adjustment B_2021-0064, 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)(1), 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 apply to 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 when any residential development is proposed. The proposed boundary line adjustment does not change any utilities (including future water provisions, septic systems, and leach fields) between the two subject parcels and Gypsy Flat Road (private) remains the primary access for both parcels; 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 RR zoning district. Lot 1 is currently below the prescribed minimum lot size for the RR zoning district, and is therefore considered a legal non-conforming lot. Lot 2 will not be reduced to below 10 acres, therefore ensuring it remains the minimum lot size consistent with the RR10 zone. The proposed boundary line adjustment would not result in the creation of any new non-conforming lot beyond those that already exist; and,
- 4. Pursuant to Mendocino County Coastal Zoning Code Section 20.532.095(A)(4), the proposed project will 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 provision 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 project 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 boundary line adjustment does not impact the availability or delivery of public services. Lot 2 is developed with a septic systems and potable water wells, and Lot 1 is vacant.

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.

COASTAL PERMIT ADMINISTRATOR STAFF REPORT FOR BOUNDARY LINE ADJUSTMENT

- 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 <u>contained within the legal description</u>:

"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_2021-0064 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 Wetland, 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. Verification in writing that Lot 2 will maintain a minimum parcel size of at least 10 acres shall be submitted by a licensed land surveyor.

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).

<u>NOTE</u>: 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.

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

B 2021-0064 PAGE 8

10/24/22 DATE

Appeal Period: 10 Days Appeal Fee: \$2,620.00

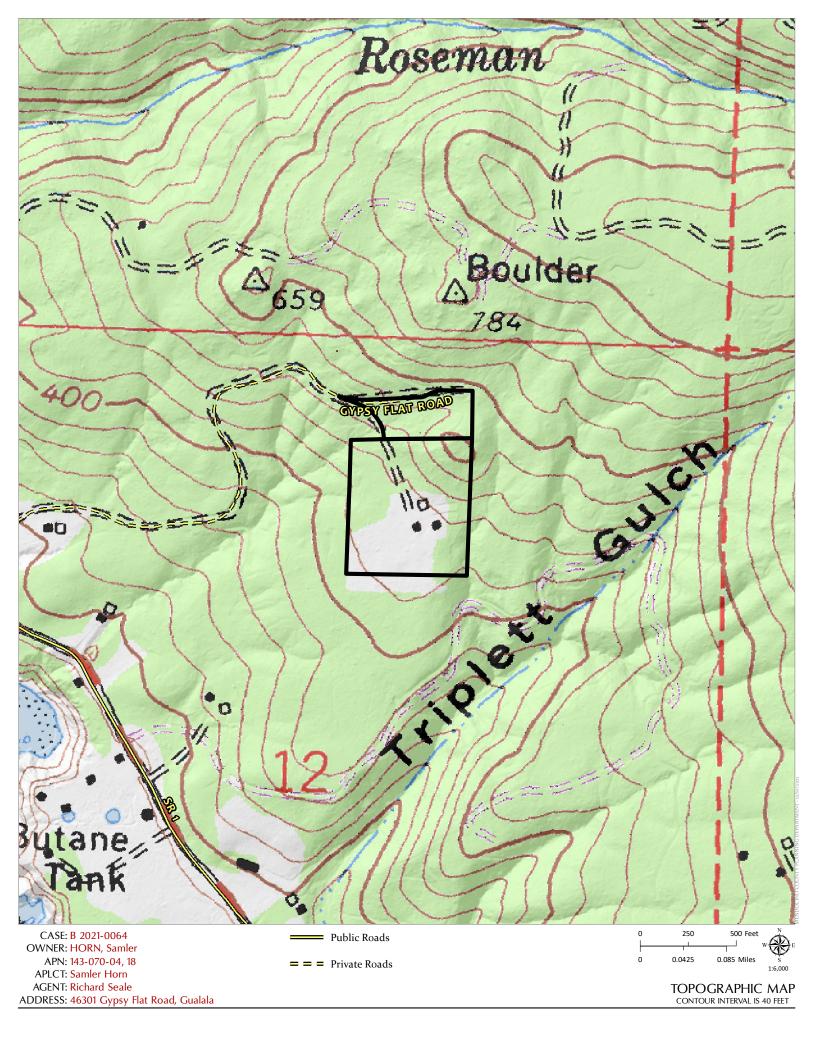
ATTACHMENTS:

- A. Location Map
- B. Topographical Map
- C. Aerial Map (vicinity)
- D. Aerial Map
- E. Site/Tentative Map
- F. Adjacent Owner Map
- G. Zoning Map
- H. General Plan
- I. LCP Land Use Map
 J. LCP Land Capabilities Map
 K. LCP Habitats & Resources

- L. Fire Hazards Map M. Wildland-Urban Interface Map
- N. Ground Water Resource Area
- O. Slope Map
- P. Soils Map
- Q. Farmland Map
- R. Coastal Commission Appeal Areas Map

LIAM CROWLEY FOR STEVE KLEINMAN





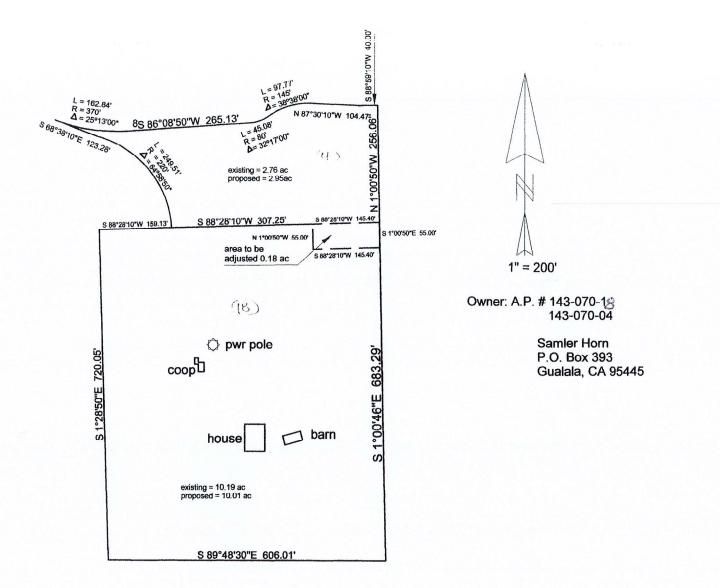


AERIAL IMAGERY



CASE: B 2021-0064 OWNER: HORN, Samler APN: 143-070-04, 18 APLCT: Samler Horn AGENT: Richard Seale ADDRESS: 46301 Gypsy Flat Road, Gualala 0 75 150 Feet 0 0.0125 0.025 Miles S 1:1,800

AERIAL IMAGERY



TENTATIVE MAP

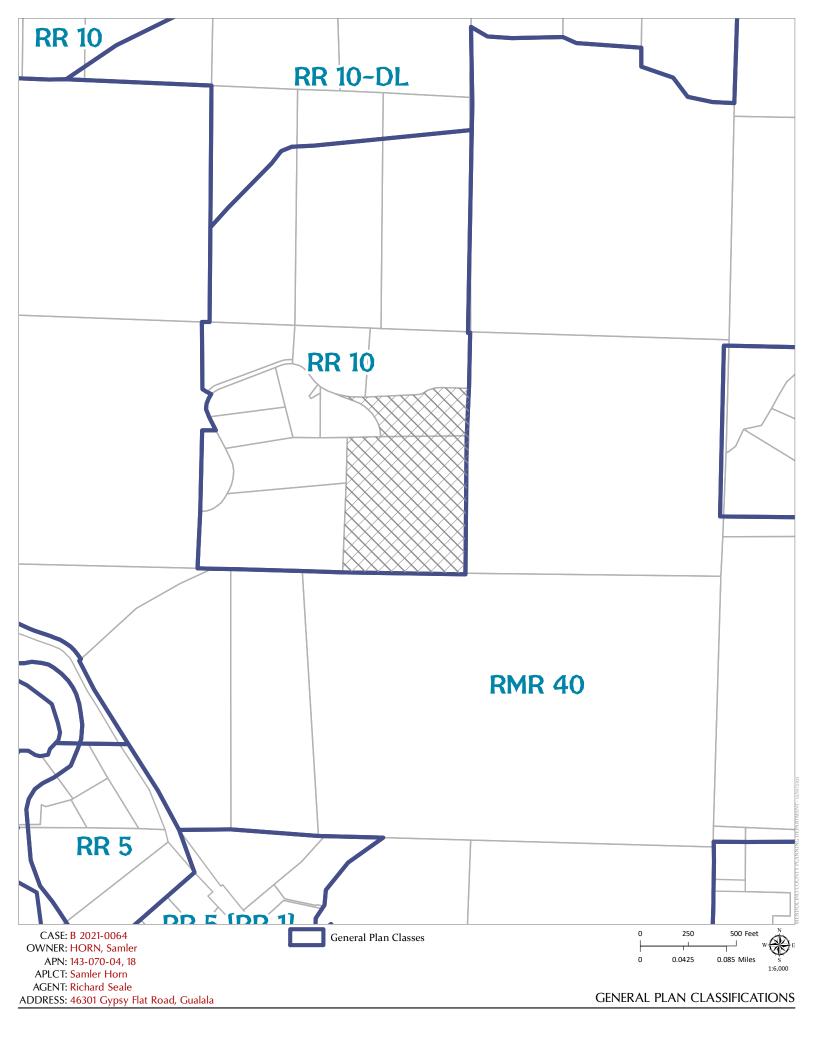
Proposed boundary line adjustment between A.P. # 143-070-04 and 143-070-18 being in the Northeast quarter of Section 12, Township 11 North, Range 16 West, Mount Diablo Base and Meridian.

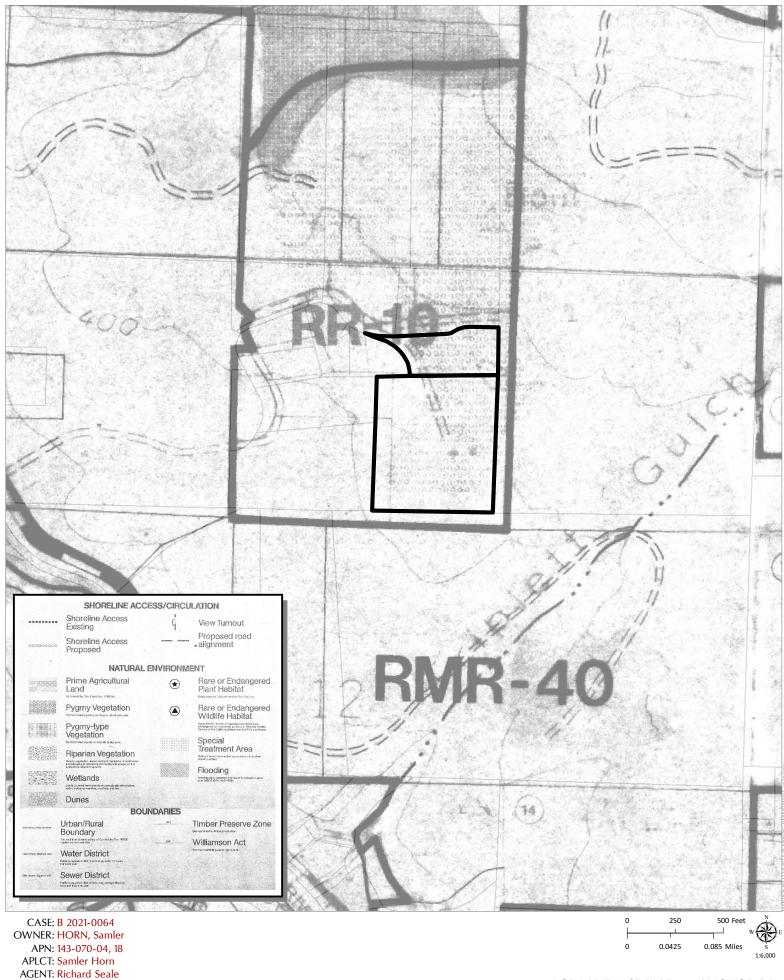
Map prepared by: Richard A. Seale 420 Redwood Ave. Fort Bragg, CA 95437 707-964-4265

Unincorporated area Mendocino County California Scale__1" = 200' August, 2021 Sheet one of one revised December, 2021



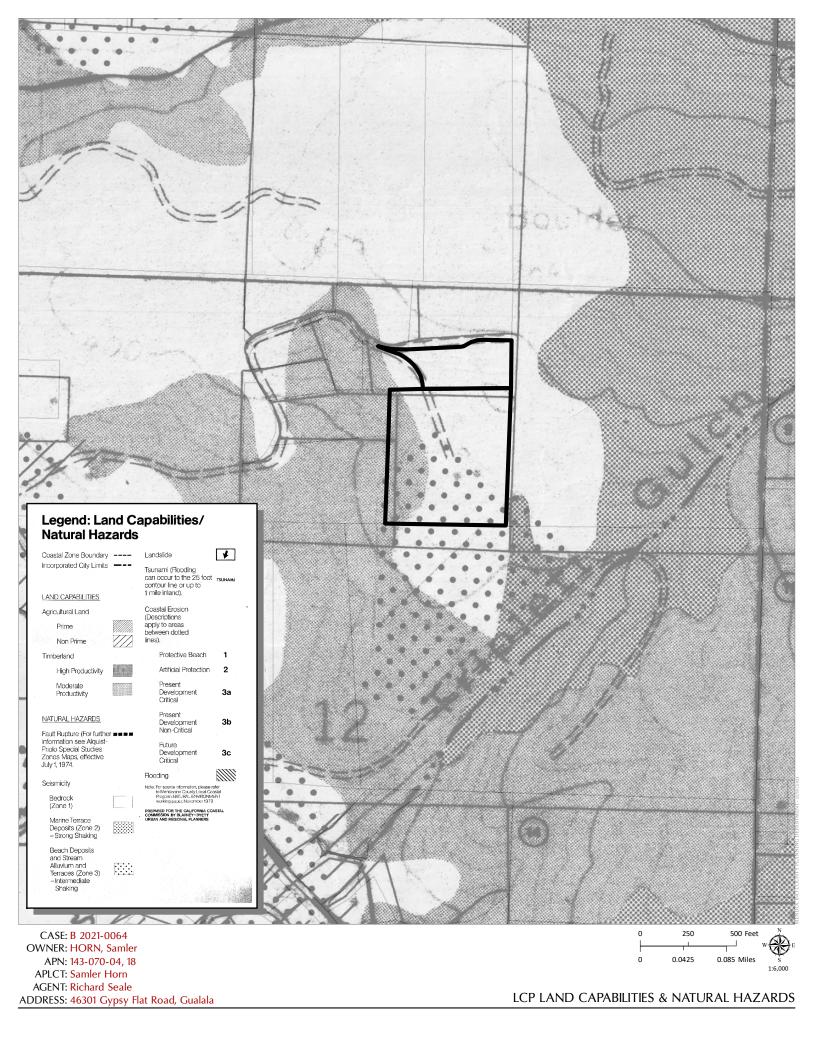


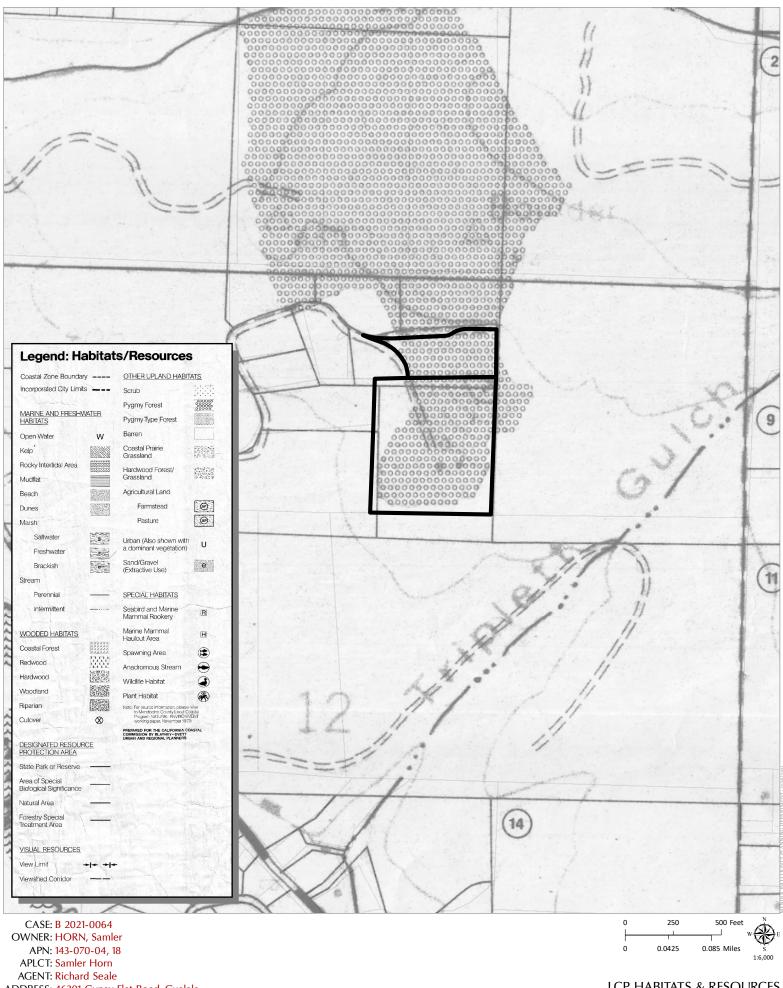




ADDRESS: 46301 Gypsy Flat Road, Gualala

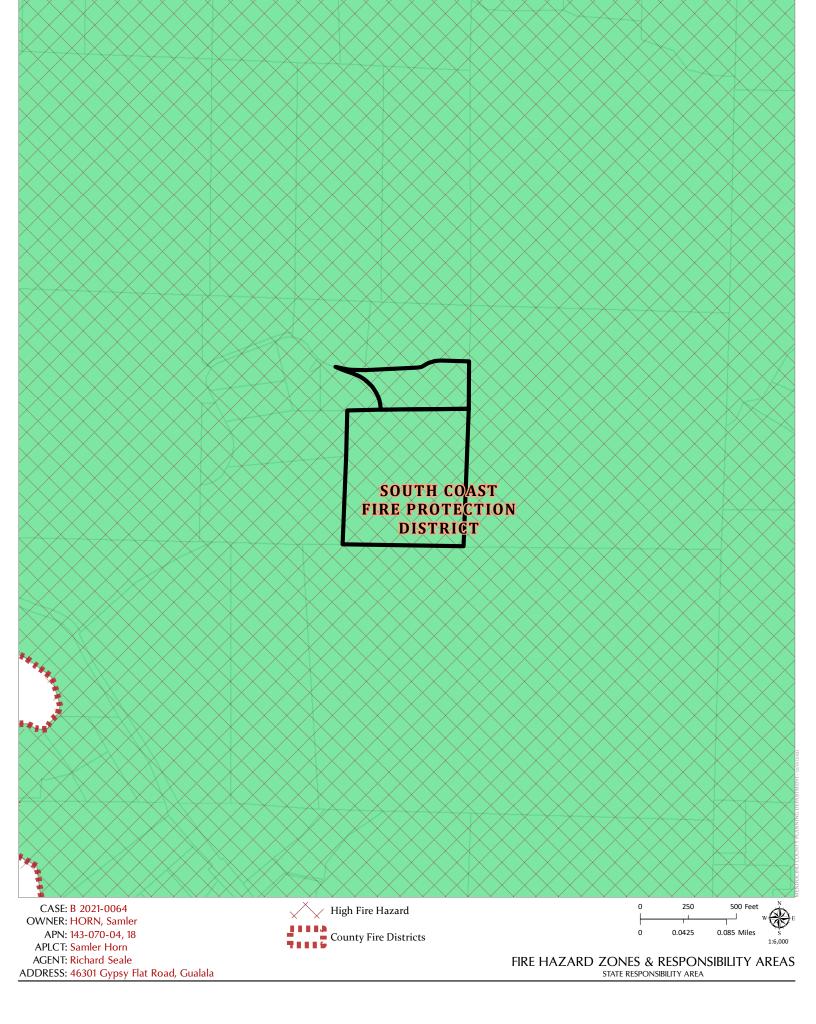
LCP LAND USE MAP 30: ANCHOR BAY

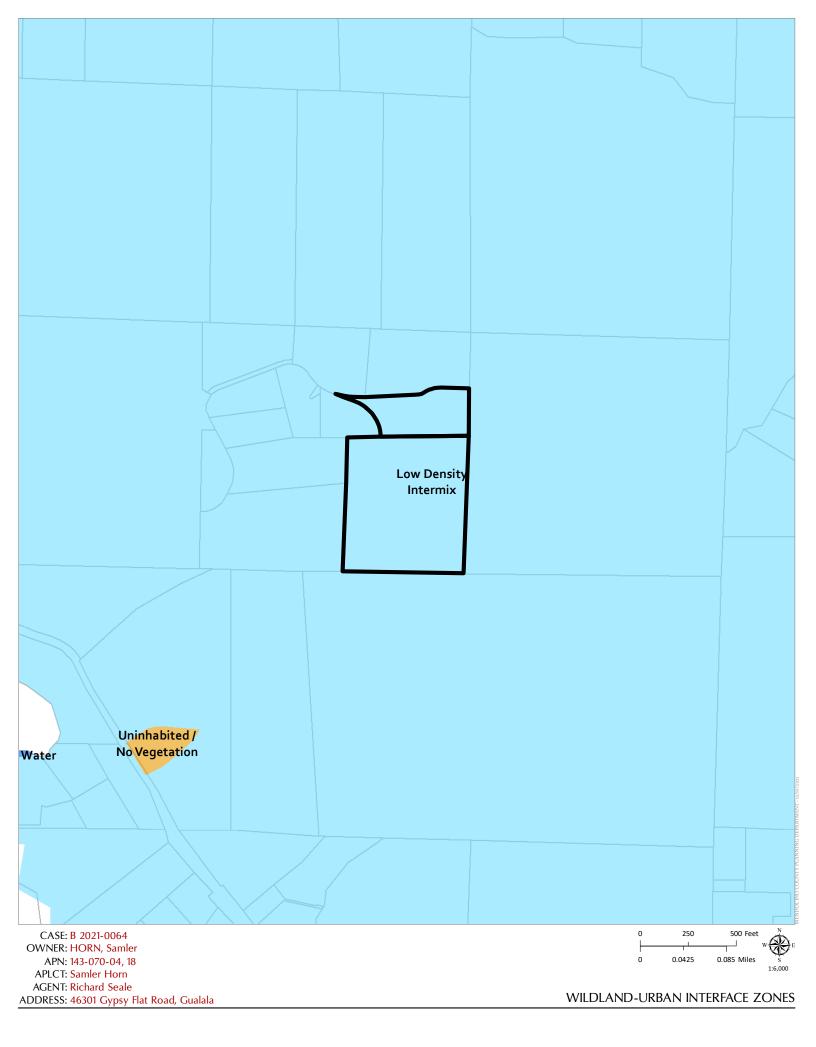


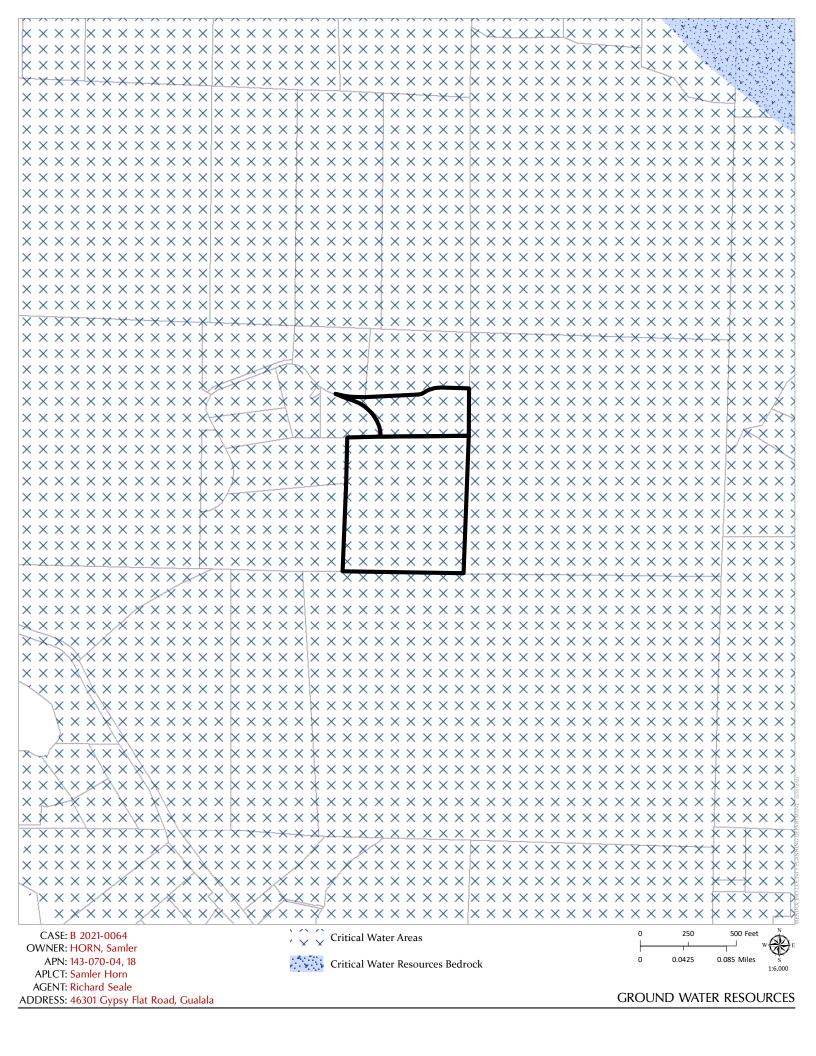


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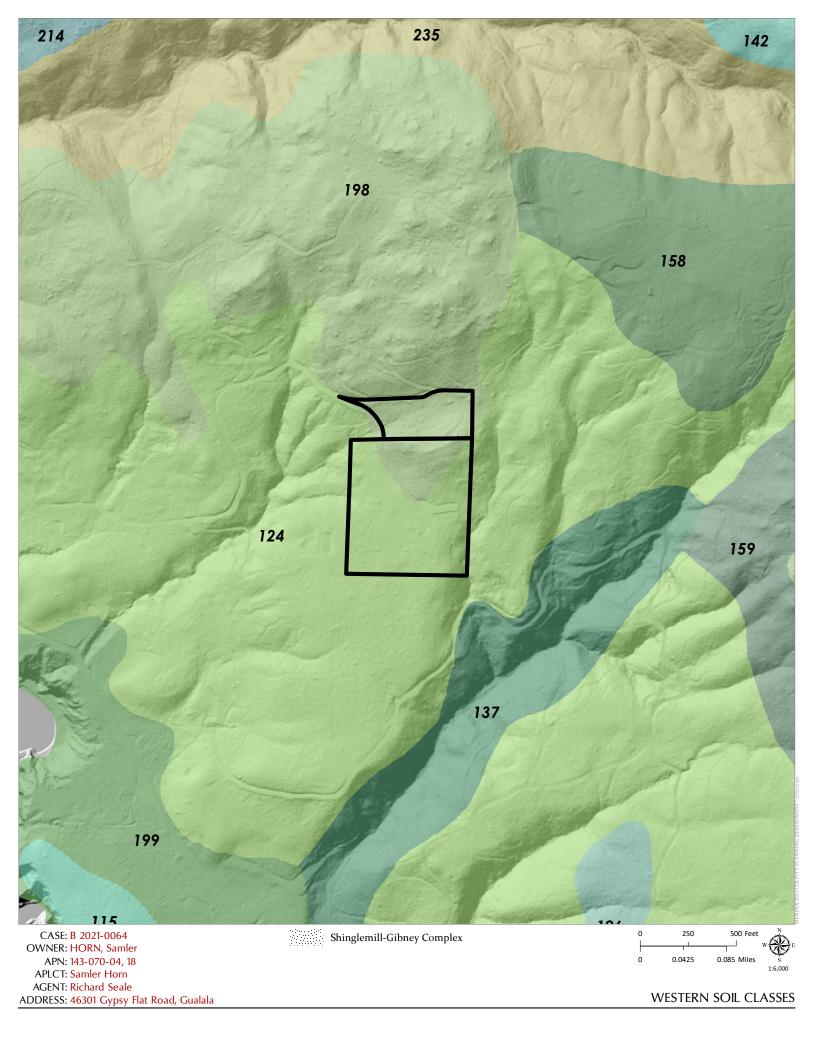
LCP HABITATS & RESOURCES

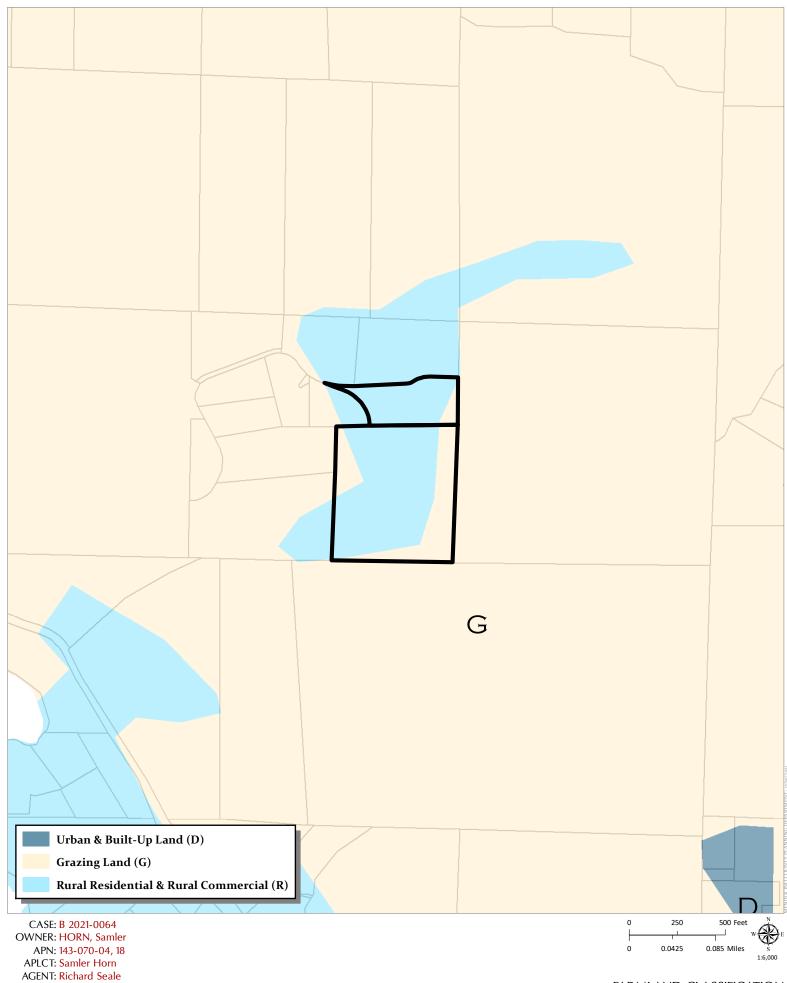






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| ACENT: Richard Seale 33° - 72° ADDRESS: 46301 Gypsy Flat Road, Gualala | estimated slope |





ADDRESS: 46301 Gypsy Flat Road, Gualala

FARMLAND CLASSIFICATION

