



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
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

December 8, 2022

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT the Mendocino County Zoning Administrator, at a Special Meeting to be held on Thursday, December 22, 2022, at **12:00 PM**, will conduct a public hearing on the following project at the time listed or as soon thereafter as the item may be heard. 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#: V_2021-0004

DATE FILED: 10/26/2021

OWNER/APPLICANT: TEX AND LYNNE SAWYER

REQUEST: Variance to allow a deck to be constructed thirteen-feet two and one-half inches (13', 2.5") into the required twenty (20) foot side yard setback in the Rural Residential (RR 5) Zoning District.

ENVIRONMENTAL DETERMINATION: Categorically Exempt

LOCATION: 0.40± miles southeast of the town of Philo on the east side of Whipple Ridge Road (private) 400± feet east of its intersection with Philo School Road (CR 130); located at 8821 Whipple Ridge Road, Philo; APN:046-080-21.

SUPERVISORIAL DISTRICT: 5 (Williams)

STAFF PLANNER: KEITH GRONENDYKE

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

Your comments regarding the above project(s) are invited. Written comments should be submitted by mail to the Department of Planning and Building Services Commission Staff, at 860 North Bush Street, Ukiah, California. In order to minimize the risk of exposure during this time of emergency, the public may participate digitally in meetings by emailing comments to pbscommissions@mendocinocounty.org by December 21, 2022 or orally via Telecomment in lieu of personal attendance. All public comment will be made available to the Zoning Administrator, staff, and the general public as they are received and processed by staff, and can be viewed as attachments to this meeting agenda at

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 or the Zoning Administrator at, or prior to, the public hearing.

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. Should you desire notification of the Zoning Administrator's decision you may do so by requesting notification in writing and providing a self-addressed stamped envelope to the Department of Planning and Building Services.

JULIA KROG, Director of Planning and Building Services



**ZONING ADMINISTRATOR
STAFF REPORT - VARIANCE**

**DECEMBER 22, 2022
V_2021-0004**

OWNER/APPLICANT: TEX AND LYNNE SAWYER
P O BOX 304
PHILO CA 95466

REQUEST: Variance to allow a deck to be constructed thirteen feet two and one-half inches (13', 2.5") into the required twenty (20) foot side yard setback in the Rural Residential (RR 5) Zoning District.

LOCATION: 0.40± miles southeast of the town of Philo on the east side of Whipple Ridge Road (private) 400± feet east of its intersection with Philo School Road (CR 130); located at 8821 Whipple Ridge Road, Philo; APN:046-080-21.

TOTAL ACREAGE: 0.60± Acre

GENERAL PLAN: Rural Residential (RR5)

ZONING: Rural Residential (RR5)

SUPERVISORIAL DISTRICT: 5 (Williams)

ENVIRONMENTAL DETERMINATION: Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA) per §15303 (Class 3) (e) new construction of an accessory structure, which can include a deck.

RECOMMENDATION: Approve with Conditions

STAFF PLANNER: Keith Gronendyke

BACKGROUND: There is an existing single-family residence and a detached accessory structure, consisting of a garage on the property. This accessory structure also was approved for construction by the granting of a variance (V_2018-0003) that reduced the front yard setback. The reason for granting the variance was that the rear portion of the property directly behind the residence slopes steeply down to Indian Creek, which precludes development, without extensive grading and engineering of any structure.

PROJECT DESCRIPTION: This variance request is for a reduced side yard setback. County regulations contained in Section 20.048.045 - Setback Exception of the Zoning Ordinance require that buildings/structures be set back not only from front property lines a certain distance, depending on what zoning district the property is located in, but also set back from the side and rear property lines as well. The setback from the property line within the RR5 Zoning District and on a parcel that is less than five acres in size is 20 feet from each side property line. As shown on the attached plot plan (see *Attachment C*) the applicant is requesting a setback from the side property line on the south side to the closest corner of the proposed deck to be six-feet, nine and one-half inches (6', 9.5", which is thirteen-feet two and one-half inches (13', 2.5") less than the requirement.

APPLICANT'S STATEMENT: The applicant has provided the following support for his request for a variance:

"To allow ease of access to the existing structure, a portion of the entry deck will project into the 20' property line setback."

According to the applicant the existing residence has one entrance that requires entry from the external deck. The new deck will feature a wider entrance feature from the parking area in front of the residence to accommodate aging and disabled visitors.

SITE CHARACTERISTICS: The project site is 0.4± miles southeast of the town of Philo, 700± ft. east of State

Route 128 (SR 128), located at 8821 Whipple Ridge Rd. (private), Philo (*See attached Location Map*). Indian Creek runs along the north and east property boundaries. This area of the property is located within the floodplain, but the proposed deck is not to be located within this floodplain area. The area along Indian creek is heavily wooded with an Oak woodland type habitat. The surrounding area is also heavily wooded. The subject parcel is relatively flat at the front of the lot, but slopes steeply towards the creek on the rear portion of the lot.

The parcel is currently developed with an existing single-family residence, a detached garage and a bathroom, whose combined square footage is 2,380 square feet. The existing deck is currently located approximately 12 and ½ feet from the side property line, which is within the required 20-foot side yard setback associated with the RR 5 zoning district. Surrounding properties are developed with single-family dwellings and a large lumber yard. Electricity and gas to the site are provided by existing utility companies.

The elevation of the site ranges from 263 feet above mean sea level along Whipple Ridge Road to 230 feet above mean sea level at the approximate location of Indian Creek. The subject property along with the lumber yard to the west are within a mapped “Moderate Fire Hazard” zone and is within a California Department of Forestry and Fire Protection (CALFIRE) responsibility area. It should be noted that properties to the north and south are classified as being within a High Fire Hazard Zone. Anderson Valley Fire District is the nearest local fire agency.

SURROUNDING LAND USE AND ZONING: As listed on Table 1 below, the site and surrounding lands are designated a variety of different zoning and general plan districts.

	ADJACENT GENERAL PLAN	ADJACENT ZONING	ADJACENT LOT SIZES	ADJACENT USES
NORTH:	Agricultural (AG40)	Rangeland (RL 160)	340± Acres	Vineyard, Single-Family Dwelling
EAST:	Rural Residential (RR5)	Rural Residential (RR5)	3± Acres	Single-Family Dwelling
SOUTH:	Rural Residential (RR5)	Rural Residential (RR5)	3.08± Acres	Single-Family Dwelling
WEST:	Rural Communities (RC)	Limited Industrial(L1) and Rural Communities (RC)	1.5± and 4± Acres	PG&E and Lumber Yard

SERVICES:

Access: Whipple Ridge Road (Private Road)
 Fire District: Anderson Valley Fire Department/Calfire
 Water District: On site well
 Sewer District: N/A Septic
 School District: Anderson Valley Unified School District

ENVIRONMENTAL REVIEW: The project has been determined to be categorically exempt from CEQA pursuant to Section 15303 (e) (New Construction or Conversion of Small Structures).

AGENCY COMMENTS: On March 17, 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:

REFERRAL AGENCIES	COMMENT
Environmental Health-Ukiah	Comments
Building Inspection-Ukiah	No Comment
Assessor	No response
Cal Fire	Comments
Sherwood Valley Rancheria	No Comment
Cloverdale Rancheria	No Response
Redwood Valley Rancheria	No Response

RESPONSE TO SPECIFIC COMMENTS RECEIVED

Mendocino County Division of Environmental Health: Environmental Health indicated that the department did not have any objections to the project.

CalFire: Comments submitted by CalFire (#396-21) listed conditions that will need to be met by the property owner during construction these conditions are incorporated into the conditions of approval numbered 2-5.

APPLICANT'S INFORMATION: The applicant has submitted the following information to substantiate the required findings that must be made prior to action by the Zoning Administrator:

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

"To allow ease of access to the existing structure, a portion of the entry deck will project into the 20-foot property line setback zone."

(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 narrowness of the lot and the minimal flatness required the position of the single-family residence."

(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 single-family structure has one entrance requiring entry from an external deck. The expansion will allow ease of access for aging and disabled visitors."

(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;*

"The public will not come in contact with the deck structure. It will not interfere with traffic movement or any commercial uses of neighboring properties."

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

"The single-family residence with attached deck is consistent with rural residential use of the property and its zoning."

STAFF ANALYSIS: After reviewing the application materials, reviewing the findings, the applicant's statement and requisite Mendocino County documents staff determined that the findings that must be made as noted in Mendocino County Code Section 20.200.020 can be substantiated.

Required Findings:

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

The rear of the property falls off quite steeply ending at the bank of Indian Creek. The approximate distance from the rear of the existing single-family residence to the bank of Indian Creek is 120 feet, with an elevation change of roughly 40 feet, which equates to an approximate slope of thirty-three (33) percent. **Because of this special circumstance applicable to the rear topography of the lot, Finding (A) can be made.**

(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 chapter.**

The special circumstances are primarily caused by the existing steep slope of the land that naturally occurred as a result of Indian Creek slowly and naturally eroding the surrounding hillsides, including the one immediately adjacent to the applicant's residence. **As such, Finding (B) can be made.**

- (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.**

It is self-evident from viewing an aerial photograph of the area that the subject property is the smallest lot in the area. The property to the north is 340± acres, the property to the south is 3.08± acres, the property to the east is 3.09± acres and the property to the west is 1.09± acres. Additionally, all these properties are much wider than the subject property. It appears that residential development has been established on three of the surrounding parcels, but with the greater lot widths on these other parcels, a side yard variance is not needed. **As such, Finding (C) can be made.**

- (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.**

The applicant posits that the granting of such variance will not be materially detrimental to the public welfare. As previously stated by the applicant: "The public will not come in contact with the deck structure. It will not interfere with traffic movement or any commercial uses of neighboring properties." Staff agrees with the applicant's assessment in that a minor side yard reduction will not negatively affect traffic along Whipple Ridge Road, nor will it negatively affect neighboring property owner's views of the surrounding countryside. **As such, Finding (D) can be made.**

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

Policy CP-AV-21 of the Mendocino County General Plan states: "*Hillside development that results in excessive grading or removal or disturbance of native vegetation in Anderson Valley shall be limited to the extent possible.*" The variance seeks to expand the already non-conforming deck to be more non-conforming by increasing the side yard encroachment. While this increase is not in compliance with B above, staff feels that it is not going to adversely affect Policy CP-AV-21 of the General Plan. **As such, the variance is consistent with the above noted General Plan policy and Finding (E) can be made.**

Policy DE-1 of the Mendocino County General Plan states in part: "*To the extent possible, future growth in Mendocino County should be accommodated in the cities...and in unincorporated communities with the infrastructure and service capacity to support growth. Future growth should be encouraged on infill parcels and areas contiguous to existing development.*" This development proposal is close to the unincorporated community of Philo and could be considered to be an infill parcel within the Anderson Valley area of Mendocino County. **As such, the variance is consistent with the above noted General Plan policy and Finding (E) can be made.**

Staff would recommend that the variance application be approved and allow a proposed wood material deck to encroach thirteen feet-two and one/half inches into the required twenty-foot side yard of the lot located at 8821 Whipple Ridge Road, Philo CA

DATE

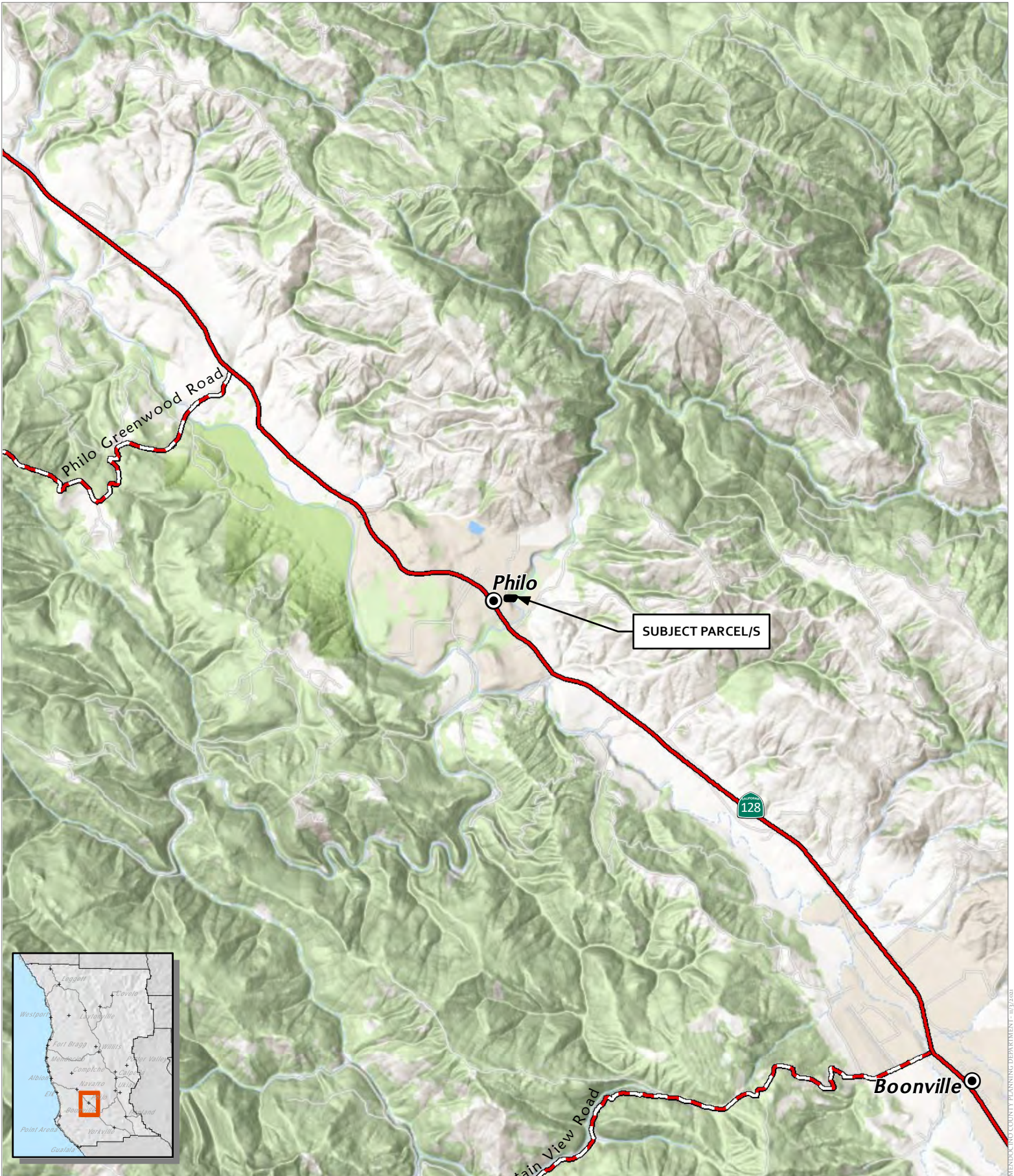
KEITH GRONENDYKE
PLANNER III

Appeal Fee \$2,620.00
Appeal Period 10 days

ATTACHMENTS:

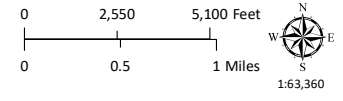
- A. Location Map
- B. Aerial Imagery
- C. Application
- D. Site Plan
- E. Location Map
- F. Site Photographs
- G. Zoning Map
- H. General Plan
- I. Adjacent Parcels

Resolution and Conditions of Approval (Exhibit A)



CASE: V 2021-0004
 OWNER: SAWYER, Willis & Lynne
 APN: 046-080-21
 APLCT: Willis & Lynne Sawyer
 AGENT: Willis & Lynne Sawyer
 ADDRESS: 8821 Whipple Ridge Road, Philo

- Major Towns & Places
- Highways
- Major Roads



LOCATION MAP

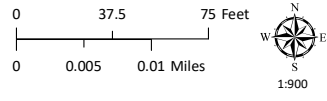
MENDOCINO COUNTY PLANNING DEPARTMENT - 10/21/2021



MENDOCINO COUNTY PLANNING DEPARTMENT - 10/24/2021

CASE: V 2021-0004
OWNER: SAWYER, Willits & Lynne
APN: 046-080-21
APLCT: Willis & Lynne Sawyer
AGENT: Willis & Lynne Sawyer
ADDRESS: 8821 Whipple Ridge Road, Philo

== Private Roads



AERIAL IMAGERY

COUNTY OF MENDOCINO
DEPT OF PLANNING AND BUILDING SERVICES
 501 LOW GAP ROAD, ROOM 1440
 UKIAH, CA 95482
 Telephone: 707-463-4281
 FAX: 707-463-5709
 pbs@co.mendocino.ca.us
 www.co.mendocino.ca.us/planning



Case No(s)	V-2021-0004
CDF No(s)	
Date Filed	10-26-2021
Fee	\$ 2170.03
Receipt No.	PRJ-046004
Received by	Angie
Office Use Only	

APPLICATION FORM

APPLICANT

Name WILLIST & LYNNE S. SAUVYER
 Mailing Address PO. BOX 304
 City PHILO State CA Zip Code 95466 Phone 707-895-2328

PROPERTY OWNER

Name SAME AS ABOVE
 Mailing Address _____
 City _____ State _____ Zip Code _____ Phone _____

AGENT

Name SAME AS ABOVE
 Mailing Address _____
 City _____ State _____ Zip Code _____ Phone _____

PARCEL SIZE

25,199.3 Square feet
 Acres

STREET ADDRESS OF PROJECT

8821 WHIPPLE RIDGE RD., PHILO, CA

ASSESSOR'S PARCEL NUMBER(S)

AP# 46-08-21

TYPE OF APPLICATION

(Check Appropriate Boxes)

- | | |
|---|--|
| <input type="checkbox"/> Rezoning | <input type="checkbox"/> Use Permit |
| <input type="checkbox"/> Land Division: Minor | <input checked="" type="checkbox"/> Variance |
| <input type="checkbox"/> Land Division: Major | <input type="checkbox"/> General Plan Amendment |
| <input type="checkbox"/> Land Division: Parcel | <input type="checkbox"/> Agricultural Preserve |
| <input type="checkbox"/> Land Division: Resubdivision | <input type="checkbox"/> Reversion to Acreage |
| <input type="checkbox"/> Exception | <input type="checkbox"/> Certificate of Compliance |
| <input type="checkbox"/> Modification of Conditions | <input type="checkbox"/> Other: _____ |

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

[Signature]
 Signature of Applicant/Agent Date 6 October 21

[Signature]
 Signature of Owner Date 6 October 2021

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.

EXISTING HOUSE
ENTRY DECK REPLACEMENT
AND EXPANSION.

5. Will vegetation be removed on areas other than the building sites and roads? Yes No

Explain:

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
Number of covered spaces	<u>1</u>	<u>12' x 20'</u>
Number of uncovered spaces	<u>4</u>	<u>25' x 35'</u>
Number of standard spaces	<u> </u>	<u> </u>
Number of handicapped spaces	<u> </u>	<u> </u>
Existing Number of Spaces	<u>5</u>	
Proposed Additional Spaces	<u>0</u>	
Total	<u>5</u>	

8. Is any road construction or grading planned? Yes No If yes, grading and drainage plans may be required. Also, describe the terrain to be traversed (e.g., steep, moderate slope, flat, etc.).

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

A. Amount of cut _____ cubic yards
 B. Amount of fill _____ cubic yards
 C. Maximum height of fill slope _____ feet
 D. Maximum height of cut slope _____ feet
 E. Amount of import or export _____ cubic yards
 F. Location of borrow or disposal site _____

10. Does the project involve sand removal, mining or gravel extraction? Yes No
 If yes, detailed extraction, reclamation and monitoring plans may be required?

11. Will the proposed development convert land currently or previously used for agriculture to another use? Yes No
 If yes, how many acres will be converted? _____ acres. An agricultural economic feasibility study may be required.

12. Will the development provide public or private recreational opportunities? Yes No
 If yes, explain below:

<p>13. Is the proposed development visible from State Highway 1 or other scenic route? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>14. Is the proposed development visible from a park, beach or other recreational area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
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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

Placement of structures in:

- open coastal waters
- wetlands
- estuaries
- lakes

If so, amount of material to be dredged or 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 plan and building plans.

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

A. Electricity:

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

B. Gas:

- Utility Company/Tank
- On Site Generation - Specify: _____
- None

C. Telephone: Yes No

18. What will be the method of sewage disposal?

- Community sewage system - Specify supplier _____
- Septic Tank
- Other - Specify: _____

19. What will be the domestic water source:

- 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:

NA

THE SITE

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

First House on right approx 200' past PG & E Philo
Substation on Whipple Ridge Rd. North &
East of PG & E Transmission & Distribution
lines.

23. Are there existing structures on the property? Yes No
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.

- Single family Dwelling WITH ATTACHED DECK
- Garage

24. Will any existing structures be demolished? Yes No
Will any existing structures be removed? Yes No

If yes to either question, describe the type of development to be demolished or removed, including the relocation site, if applicable?

Current entry deck will be ~~removed~~ ^{demolished} and replaced
with the proposed expanded deck for entry.

25. Project Height. Maximum height of existing structures 28 feet. Maximum height of proposed structures 1 feet.

26. Gross floor area of existing structures 2380 square feet (including covered parking and accessory buildings). Gross floor area of proposed structures 810.5 square feet (including covered parking and accessory buildings).

27. Lot area (within property lines): 25,199.3 square feet acres.

28. Briefly describe the project site as it exists before the project, including information on existing structures and their uses, slopes, soil stability, plants and animals, and any cultural, historical or scenic aspects. Attach any photographs of the site that you feel would be helpful.

It is a rural residential property bordering Indian Creek on the East & Whipple Ridge Rd on the West.

Has natural cover combined with bay laurel, oak & Madrone Trees.

Pb & E contract crews have removed some of the trees from their easement

29. Briefly describe the surrounding properties, including information on plants, animals and any cultural, historic or scenic aspects. Indicate the type of land use (use chart below) and its general intensity. Attach any photographs of the vicinity that you feel would be helpful.

South side property is rural residential.

North side property neighbor is woodland & vineyard.

Ground under proposed deck expansion is alluvial gravel & cobbles of ancient structure sloping gradually to Indian Creek.

30. Indicate the surrounding land uses:

	North	East	South	West
Vacant				
Residential	✓	✓	✓	
Agricultural	✓	✓		
Commercial			✓	✓
Industrial			✓	✓
Institutional				
Timberland				
Other				

**FINDINGS FOR VARIANCES OUTSIDE THE COASTAL ZONE
MENDOCINO COUNTY CODE SECTION 20.200.020(A) THROUGH (E)**

Please provide information to substantiate the required findings. All of the five findings must be substantiated by adequate and accurate information. Attach additional information if necessary.

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

To allow access (access to the existing structure a portion of the entry deck will project into the 20' property line set back by one.

- (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 narrowness of the lot & the minimal flat areas required the position of the single family structure.

- (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 single family structure has one entrance requiring entry from an external deck. The expansion will allow ease of access for aging & disabled visitors.

- (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;

The public will not come in contact with the deck structure. It will not interfere with traffic movement or any commercial uses of neighboring properties.

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

The single family dwelling with attached deck is consistent with rural residential use of the property & its zoning.

SUBMIT ONLY ONE COPY

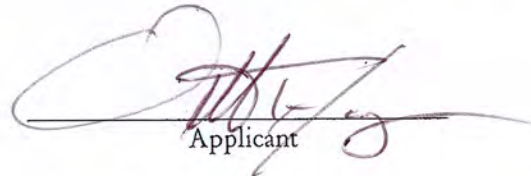
INDEMNIFICATION AND HOLD HARMLESS

ORDINANCE NO. 3780, adopted by the Board of Supervisors on June 4, 1991, requires applicants for discretionary land use approvals, to sign the following Indemnification Agreement. Failure to sign this agreement will result in the application being considered incomplete and withheld from further processing.

INDEMNIFICATION AGREEMENT

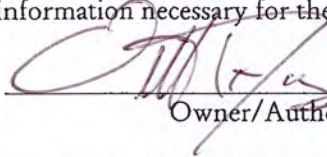
As part of this application, applicant agrees to defend, indemnify, release and hold harmless the County of Mendocino, its agents, officers, attorneys, employees, boards and commissions, as more particularly set forth in Mendocino County Code Section 1.04.120, from any claim, action or proceeding brought against any of the foregoing individuals or entities, the purpose of which is to attack, set aside, void or annul the approval of this application or adoption of the environmental document which accompanies it. The indemnification shall include, but not be limited to, damages, costs, expenses, attorney fees or expert witness fees that may be asserted by any person or entity, including the applicant, arising out of or in connection with the approval of this application, whether or not there is concurrent, passive or active negligence on the part of the County, its agents, officers, attorneys, employees, boards and commissions.

Date: 6 October 2021


Applicant

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

6 October 2021

Date

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

AUTHORIZATION OF AGENT

I hereby authorize _____ to act as my representative and to bind me in all matters concerning this application.

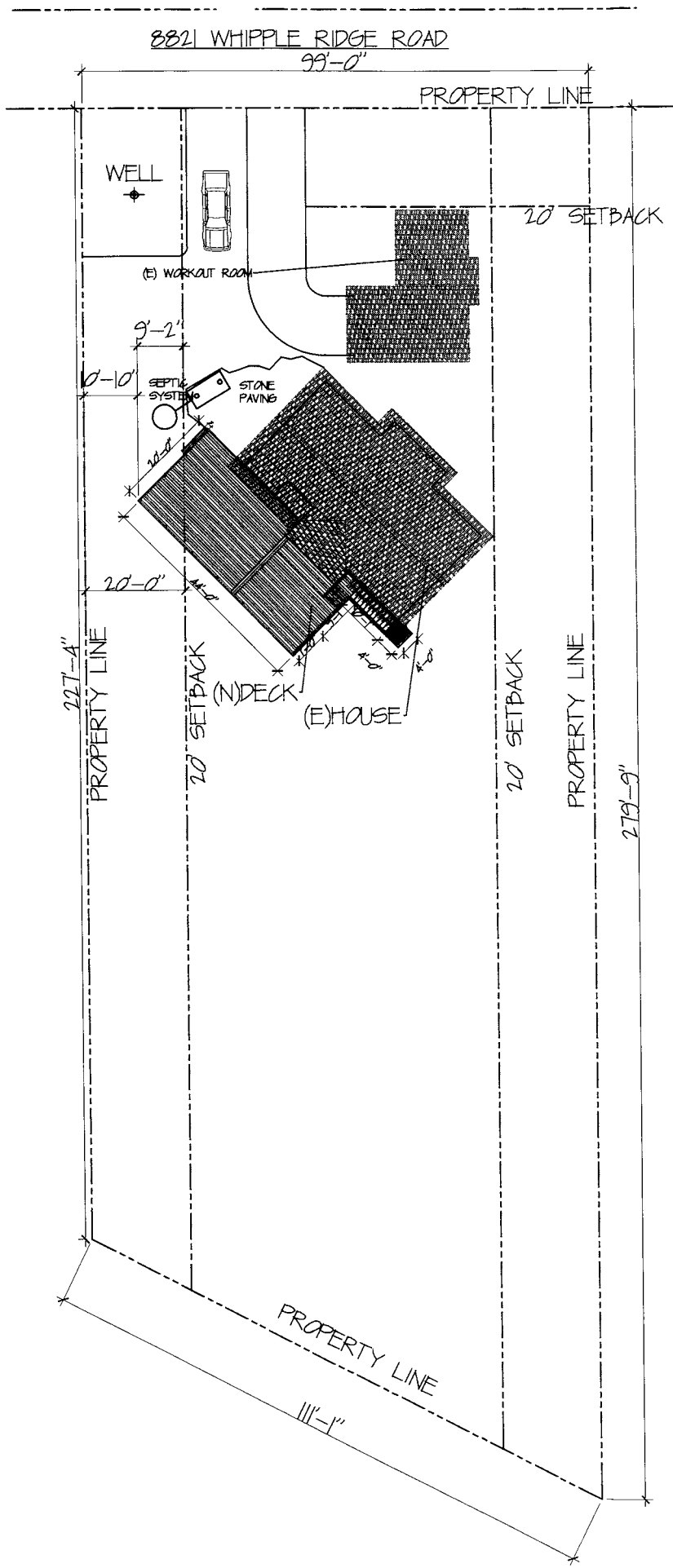
Owner

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 One of the application form.

Name	Name	Name
Mailing Address	Mailing Address	Mailing Address



PLOT PLAN

TEX & LYNNE SAWYER
 PO BOX 304
 PHILO, CA 95466
 AP #A6-08-21
 SCALE: 1" = 29'-0"
 JULY 12, 2021

Steven Wood Architect

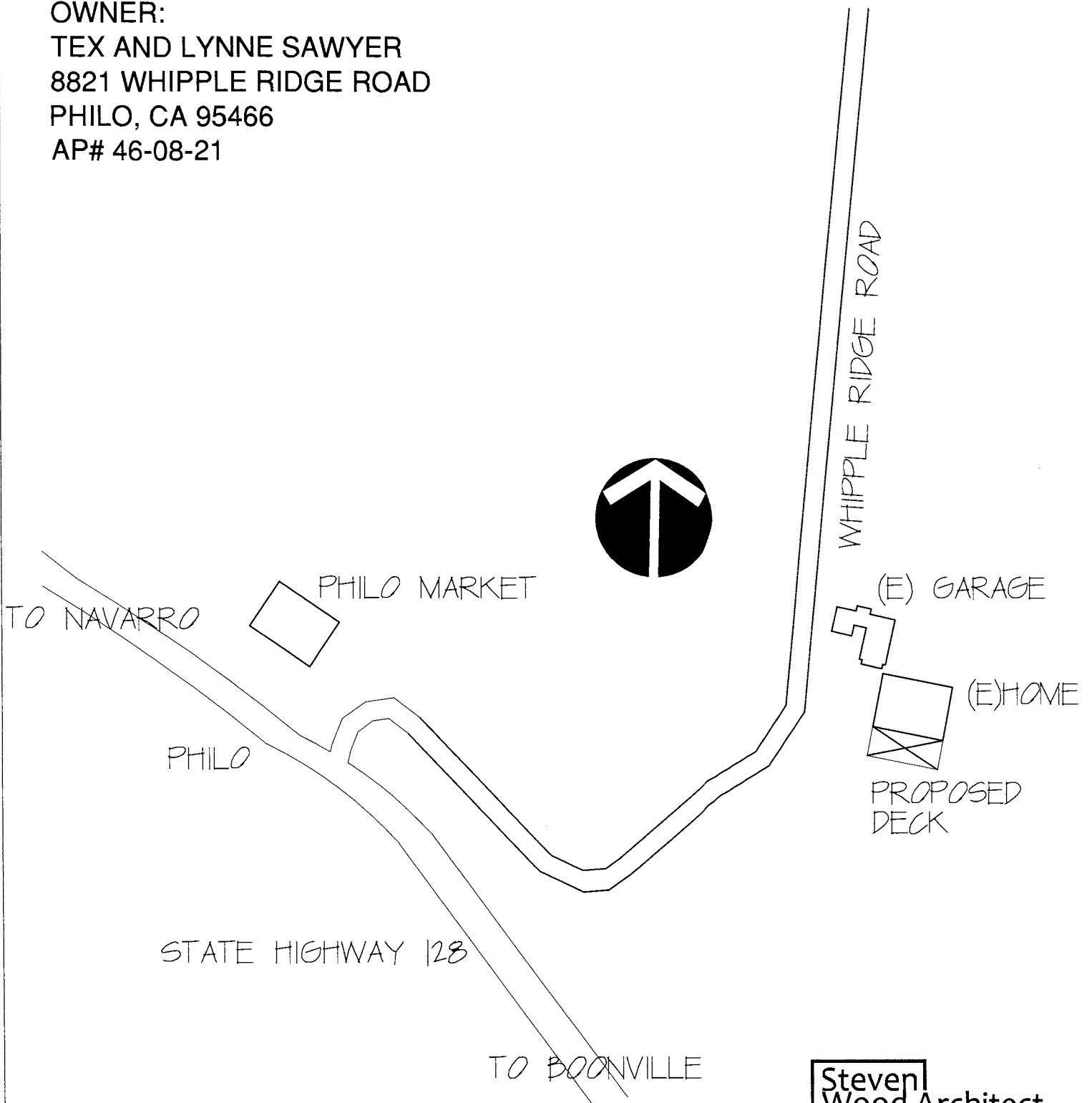
PO BOX 166
 BOONVILLE, CA 95415
 707-895-2500
 stevenwood1945@gmail.com

LOCATION MAP

SCALE: 1" = 570' +/-

OWNER:

TEX AND LYNNE SAWYER
8821 WHIPPLE RIDGE ROAD
PHILO, CA 95466
AP# 46-08-21



**Steven
Wood Architect**

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Mendocino County
NOV 17 2021
Planning & Building Services



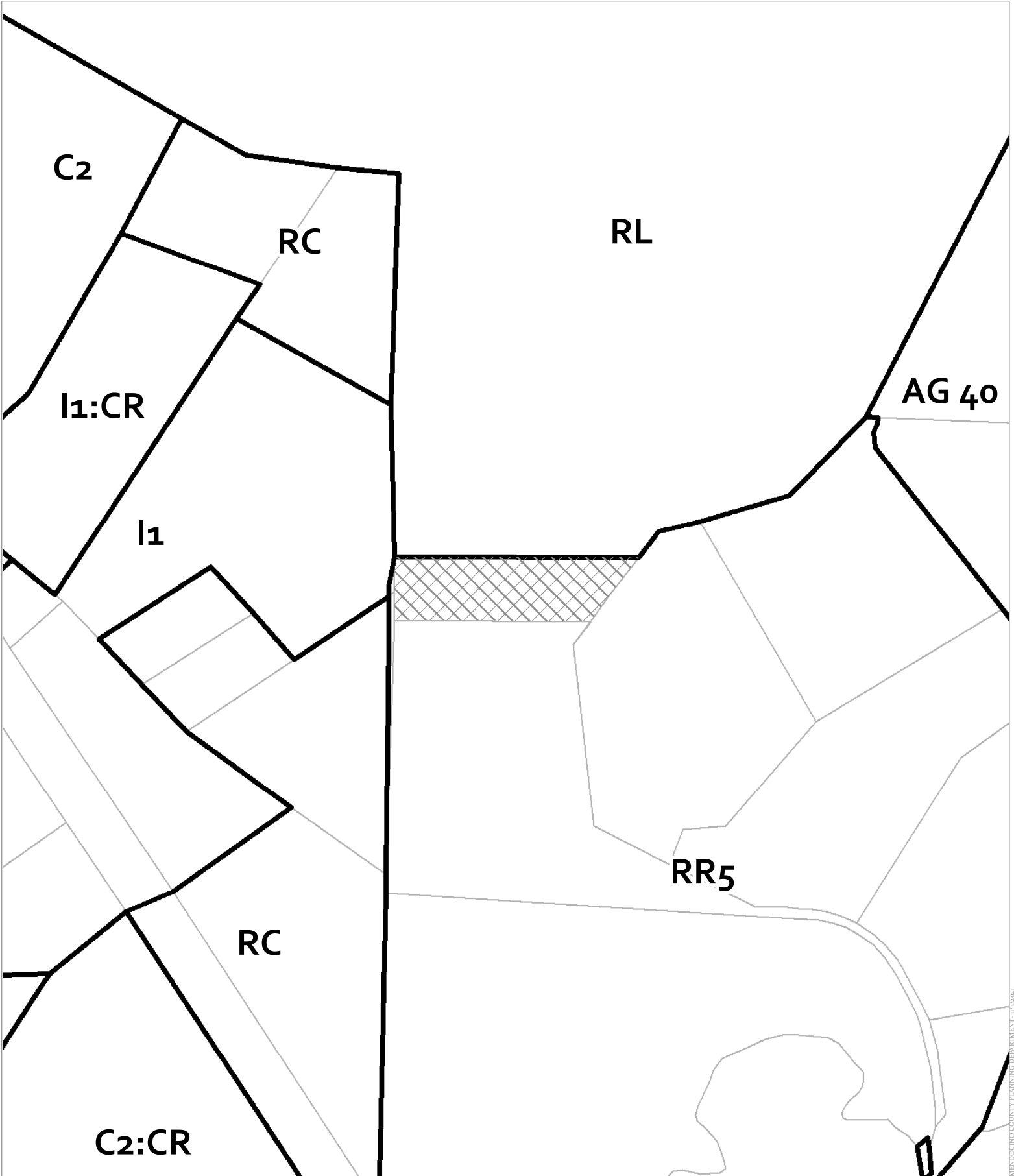
Mendocino County
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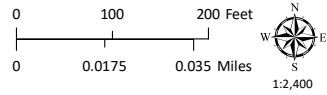
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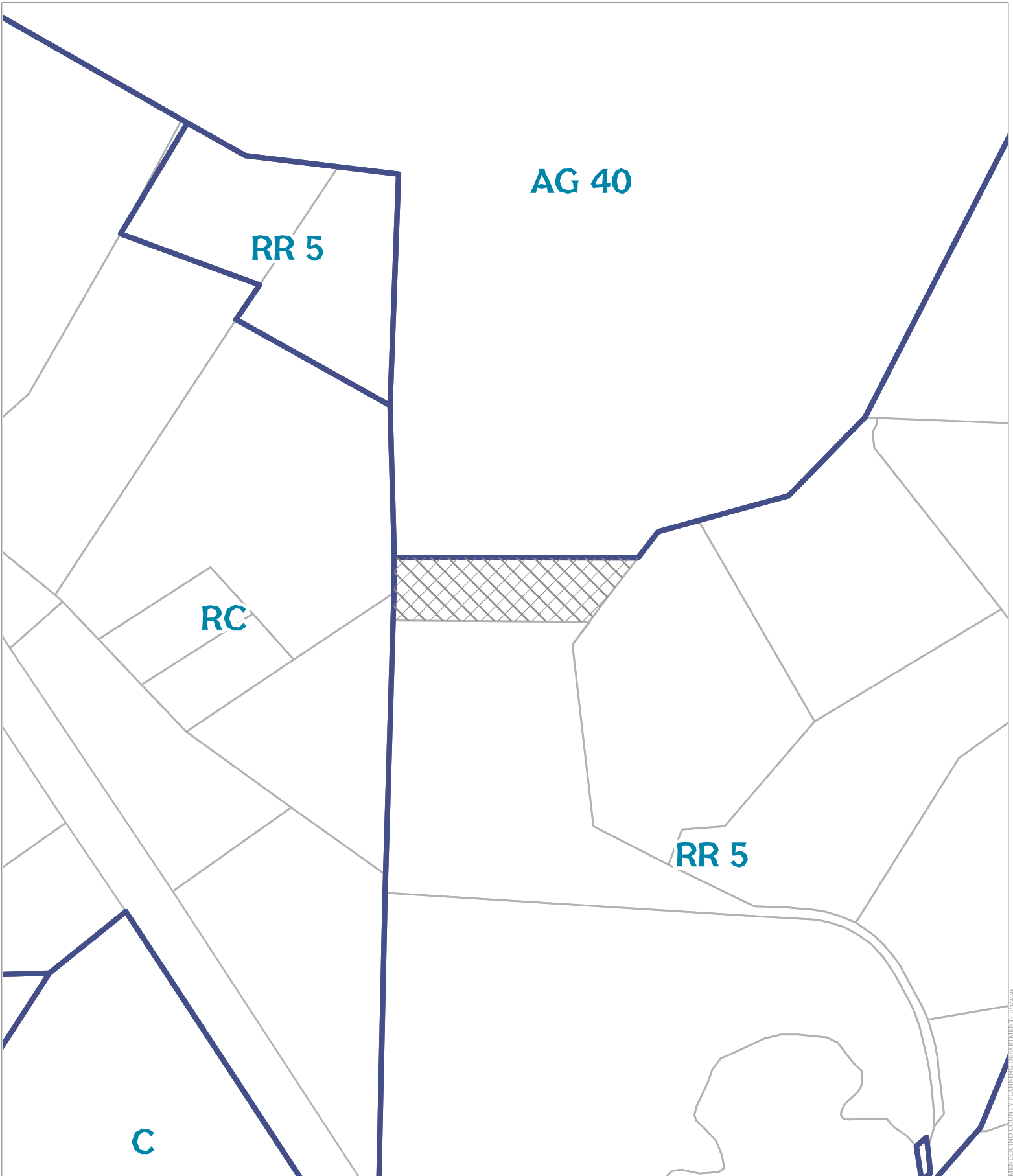
MENDOCINO COUNTY PLANNING DEPARTMENT - 10/2/2021

CASE: V 2021-0004
 OWNER: SAWYER, Willits & Lynne
 APN: 046-080-21
 APLCT: Willis & Lynne Sawyer
 AGENT: Willis & Lynne Sawyer
 ADDRESS: 8821 Whipple Ridge Road, Philo

 Zoning Districts



ZONING DISPLAY MAP



MENDOCINO COUNTY PLANNING DEPARTMENT - 10/3/2021

CASE: V 2021-0004
 OWNER: SAWYER, Willits & Lynne
 APN: 046-080-21
 APLCT: Willis & Lynne Sawyer
 AGENT: Willis & Lynne Sawyer
 ADDRESS: 8821 Whipple Ridge Road, Philo

GENERAL PLAN CLASSIFICATIONS

046-050-17
ARTURO BENAVIDES
RC40K 1.4 A± (1.37 A±)

046-031-73
GROVE REDWOOD
RL160 340 A± (336.16 A±)

046-060-15
GARY ISLAND
I140K 4.08 A± (3.98 A±)

046-080-34
JAY TILDWELL
RR5 0 A± (2.64 A±)

046-080-21
WILLIS SAWYER
RR5 0 A± (0.59 A±)

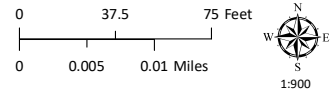
046-080-21
WILLIS SAWYER
RR5 0 A± (0.59 A±)

046-080-31
SCOTT SMITH
RR5 0 A± (3.06 A±)

046-060-18
GAS PACIFIC
RC40K 1.5 A± (1.66 A±)

046-080-02
LINDA FILER
RR5 3.08 A± (3.67 A±)

CASE: V 2021-0004
OWNER: SAWYER, Willits & Lynne
APN: 046-080-21
APLCT: Willis & Lynne Sawyer
AGENT: Willis & Lynne Sawyer
ADDRESS: 8821 Whipple Ridge Road, Philo



ADJACENT PARCELS

Resolution Number _____

County of Mendocino
Ukiah, California

DECEMBER 22, 2022

V_2021-0004 – SAWYER

RESOLUTION OF THE ZONING ADMINISTRATOR, COUNTY OF MENDOCINO, STATE OF CALIFORNIA, GRANTING A VARIANCE TO ALLOW A DECK TO BE CONSTRUCTED WITHIN A SIDE YARD SETBACK.

WHEREAS, the applicants, Tex and Lynne Sawyer, filed an application for a variance with the Mendocino County Department of Planning and Building Services to allow a deck to be constructed thirteen feet two and one-half inches (13',2.5") into the required twenty (20) foot side yard setback in the Rural Residential (RR 5) Zoning District, 0.40± miles southeast of the town of Philo on the east side of Whipple Ridge Road (private) 400± feet east of its intersection with Philo School Road (CR 130) located at 8821 Whipple Ridge Road, Philo. (APN:046-080-21); 5th Supervisorial District; and

WHEREAS, the proposed project has been determined to be Categorically Exempt from the California Environmental Quality Act (CEQA) per Section 15303, Class 3e, for the construction of an accessory structure, which can include a deck. The granting of this variance will not result in any changes to land use or density, as the proposed use type is a permitted use by right in the Rural Residential zone.

WHEREAS, in accordance with applicable provisions of law, the Zoning Administrator held a public hearing on December 22, 2022 at which time the Zoning Administrator heard and received all relevant testimony and evidence presented orally or in writing regarding the Project. All interested persons were given an opportunity to hear and be heard regarding the Project; and

WHEREAS, the Zoning Administrator has had an opportunity to review this Resolution and finds that it accurately sets forth the intentions of the Zoning Administrator regarding the Project.

NOW, THEREFORE, BE IT RESOLVED, that the Zoning Administrator makes the following findings;

1. *That there are special circumstances applicable to the property involved, including size, shape, topography, location, or surrounding;*

The rear of the property falls off quite steeply ending at the bank of Indian Creek. The approximate distance from the rear of the existing single-family residence to the bank of Indian Creek is 120 feet, with an elevation change of roughly 40 feet, which equates to an approximate slope of thirty-three (33) percent. Because of this special circumstance applicable to the rear topography of the lot, Finding (1) can be made.

2. *That such special circumstances or conditions are not due to any actions of the applicant subsequent to the application of the zoning regulations contained in the Division;*

The special circumstances are primarily caused by the existing steep slope of the land that naturally occurred as a result of Indian Creek slowly and naturally eroding the surrounding hillsides, including the one immediately adjacent to the applicant's residence. As such, Finding (B) can be made.

3. *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;*

It is self-evident from viewing an aerial photograph of the area that the subject property is the smallest lot in the area. The property to the north is 340± acres, the property to the south is 3.08± acres, the property to the east is 3.09± acres and the property to the west is 1.09± acres. Additionally, all these

properties are much wider than the subject property. It appears that residential development has been established on three of the surrounding parcels, but with the greater lot widths on these other parcels, a side yard variance is not needed. As such, Finding (C) can be made.

4. *That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such a vicinity and zone in which the property is located;*

The applicant posits that the granting of such variance will not be materially detrimental to the public welfare. As previously stated by the applicant: "The public will not come in contact with the deck structure. It will not interfere with traffic movement or any commercial uses of neighboring properties." Staff agrees with the applicant's assessment in that a minor side yard reduction will not negatively affect traffic along Whipple Ridge Road, nor will it negatively affect neighboring property owner's views of the surrounding countryside. As such, Finding (D) can be made.

5. *That the granting of such variance will not adversely affect the General Plan;*

Policy CP-AV-21 of the Mendocino County General Plan states: "Hillside development that results in excessive grading or removal or disturbance of native vegetation in Anderson Valley shall be limited to the extent possible." The variance seeks to expand the already non-conforming deck to be more non-conforming by increasing the side yard encroachment. While this increase is not in compliance with B above, staff feels that it is not going to adversely affect Policy CP-AV-21 of the General Plan. As such, the variance is consistent with the above noted General Plan policy and Finding (E) can be made.

6. *That that granting of such variance will be Categorically Exempt from the California Environmental Quality Act (CEQA) per Section 15305(a), for setback variances that do not result in the creation of any new parcels.*

The granting of this variance will not result in any new parcels as the request is for the construction of a new replacement deck. Finding can be made.

BE IT FURTHER RESOLVED that the Zoning Administrator hereby approves the requested Variance subject to the findings above.

BE IT FURTHER RESOLVED that the Zoning Administrator designates the Secretary as the custodian of the document and other material which constitutes the record of proceedings upon which the Zoning Administrator decision herein is based. These documents may be found at the office of the County of Mendocino Planning and Building Services, 860 North Bush Street, Ukiah, CA 95482.

BE IT FURTHER RESOLVED that the Zoning Administrator action shall be final on the 11th day (pending approval) after the date of the Resolution unless an appeal is taken.

I hereby certify that according to the Provisions of Government Code Section 25103 delivery of this document has been made.

ATTEST: BROOKE LARSEN
 Commission Services Supervisor

By: _____

BY: IGNACIO GONZALEZ
 Zoning Administrator

EXHIBIT A

CONDITIONS OF APPROVAL

DECEMBER 22, 2022

V_2021-0004 – SAWYER

APPROVED PROJECT DESCRIPTION: Variance to allow a deck to be constructed thirteen feet two and one-half inches (13', 2.5") into the required twenty (20) foot side yard setback in the Rural Residential (RR 5) Zoning District.

CONDITIONS OF APPROVAL:

1. The use of the premises shall be established and maintained in conformance with the provisions of Title 20 of the Mendocino County Code unless modified by conditions of the Variance.
2. Prior to final signoff of the building permit for the new deck, the existing driveway shall be demonstrated to the Mendocino County Building Inspector to be compliant with CalFire Standards: §1273.01(c), §1273(b), §1273.03, §1273.05, §1273.06 and §1273.09.
3. Prior to final signoff of the building permit for the new deck, the permit holder shall show compliance to the Mendocino County Building Inspector with CalFire Standards: §1274.03 and §1274.04 regarding address standards.
4. The permit holder shall be in compliance with CalFire standards: §1276.01-§1276.04 regarding defensible space.
5. Prior to final signoff of a new deck permit, the applicant shall receive a Final Clearance from CalFire for the Existing Class K Residence, permit number BU_2017-1066.
6. The application along with supplemental exhibits and related material shall be considered elements of this entitlement and that compliance therewith be mandatory, unless a modification has been approved by the Zoning Administrator.
7. This permit shall be subject to revocation or modification by the Zoning Administrator upon a finding of any 1 or more of the following grounds:
 - a. That such permit was obtained or extended by fraud.
 - b. That one or more of the conditions upon which such permit was granted have been violated.
 - c. That the use for which the permit was granted is so conducted as to be detrimental to the public health, welfare or safety, or as to be a nuisance.
 - d. A final judgment of a court of competent jurisdiction has declared one or more conditions to be void or ineffective, or has enjoined or otherwise prohibited the enforcement or operation of one or more such conditions.

Any such revocation shall proceed as specified in Title 20 of the Mendocino County Code.

8. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit described boundaries. Should, at any time, a legal determination be made that the number, size or shape of parcels within the permit described boundaries are different than that which is legally required by this permit, this permit shall become null and void.
9. This permit is subject to the securing of all necessary permits for the proposed development and eventual use from County, State and Federal agencies having jurisdiction, including those required by the Division of Environmental Health Land Use, as well as the Department of Planning & Building Services. Any requirements imposed by an agency having jurisdiction shall be considered a condition of this permit.
10. The Applicant is advised that this variance will expire at the end of 2 years, on December 22, 2024, unless construction of the billboard sign is commenced and diligently pursued in compliance with required building permits prior to that date.
11. In the event that additional archaeological resources are encountered during development of the property, the Director of Planning and Building Services shall be notified, and 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.