

COUNTY OF MENDOCINO DEPARTMENT OF PLANNING AND BUILDING SERVICES

860 North Bush Street • Ukiah • California • 95482 120 West Fir Street • Fort Bragg • California • 95437

December 20, 2023

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT the Mendocino County Subdivision Committee and Coastal Permit Administrator will consider the following project on Thursday, January 11, 2024. The Subdivision Committee will consider the boundary line adjustment at 9:00 a.m., or soon thereafter. The Coastal Permit Administrator will conduct a public hearing at 11:00 a.m., or soon thereafter to consider issuance of a coastal development permit on the boundary line adjustment. This meeting will take place in the Planning and Building Services Conference Room, 860 N. Bush Street, Ukiah, CA, and will be available for virtual attendance via Zoom. 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.gov/government/planning-building-services/meeting-agendas. The is available for viewing on the Mendocino County YouTube meeting at, page https://www.youtube.com/MendocinoCountyVideo.

CASE#: B_2023-0027 DATE FILED: 8/22/2023 OWNER/ APPLICANT: PETER BRIGHAM AGENT: MENDOCINO SURVEYORS

REQUEST: Coastal Development Boundary Line Adjustment to reconfigure the boundaries between the two (2) lots in Gualala. Lot 1 will increase to 2.94± acres, Lot 2 will decrease to 4.02± acres.

ENVIRONMENTAL DETERMINATION: CATEGORICALLY EXEMPT

LOCATION: In the Coastal Zone, 5.5± miles north of Gualala, on the east side of State Route 1 (SR 1), 0.12± miles from its intersection with Gypsy Flat Road (private), located at 46900 Gypsy Flat Drive, Gualala & 33301 South CA Hwy 1, Gualala; APN: 143-050-07 & APN: 143-050-14. **STAFF PLANNER:** SHELBY MILLER

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

Your comments regarding the above project(s) are invited; all correspondence should contain reference to the above noted case number. Written comments should be submitted by mail to the Department of Planning and Building Services Commission Staff, at 860 North Bush Street, Ukiah or 120 W. Fir Street, Fort Bragg, California. The public may participate digitally in meetings by sending comments to pbscommissions@mendocinocounty.gov by January 10, 2024, or orally via telecomment in lieu of personal attendance. А request form to provide telecomment is available at https://www.mendocinocounty.gov/government/planning-building-services/meeting-agendas.

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

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

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

Additional information regarding the above noted item may be obtained by calling the Department of Planning and Building Services at 234-6650, Monday through Friday, 8:00 a.m. through 5:00 p.m.

JULIA KROG, Director of Planning and Building Services



COASTAL PERMIT ADMINISTRATOR JANUARY 11, 2024 STAFF REPORT-COASTAL BOUNDARY LINE ADJUSTMENT B 2023-0027

<u>SUMMARY</u>				
OWNER/APPLICANT:	PETER BRIGHAM 3701 SACRAMENTO STREET SAN FRANCISCO, CA 94118			
AGENT:	MENDOCINO SURVEYORS P.O BOX 1162 MENDOCINO, CA 95460			
REQUEST:	Coastal Development Boundary Line Adjustment to reconfigure the boundaries between the two (2) lots in Gualala. Lot 1 will increase to $2.94\pm$ acres, Lot 2 will decrease to $4.02\pm$.			
LOCATION:	In the Coastal Zone, 5.5± miles north of Gualala, on the east side of State Route 1 (SR 1), 0.12± miles from its intersection with Gypsy Flat Road (private), located at 46900 Gypsy Flat Drive, Gualala; APN: 143-050-07 and 33301 South CA Hwy 1, Gualala; APN: 143-050-14.			
TOTAL ACREAGE:	BEFORE: LOT #1 2.25± acres, LOT #2 4.7± acres AFTER: LOT #1 2.94± acres, LOT #2 4.02± acres			
GENERAL PLAN:	Remote Residential-40 Acre Minimum (RMR 40:R)			
ZONING:	Remote Residential- 40 Acre Minimum (RMR:40)			
SUPERVISORIAL DISTRICT:	5 th (Williams)			
ENVIRONMENTAL DETERMINATION:	CATEGORICALLY EXEMPT			
RECOMMENDATION:	APPROVE WITH CONDITIONS			
STAFF PLANNER:	SHELBY MILLER			

BACKGROUND

PROJECT DESCRIPTION: Coastal Development Boundary Line Adjustment to reconfigure the boundaries between the two (2) lots in Gualala. Lot 1 (APN: 143-050-07) will increase to 2.94± acres, Lot 2 (APN: 143-050-14) will decrease to 4.02± acres.

APPLICANT'S STATEMENT:

"Approximately .69 acres will be adjusted from APN: 143-050-14 into APN: 143-050-07."

RELATED APPLICATIONS:

On-Site

- Finaled, PR_2023-0139 On Site Sewage System Lot 1 (APN: 143-050-07)
- Finaled, BF_2006-0716 Single-Family Residence Lot 1 (APN: 143-050-07)
- Finaled, BF_2008-0731 Ground Mount Solar Lot 1 (APN: 143-050-07)
- Finaled, CDP_2012-0004 Fence/Gate Lot 2 (APN: 143-050-14)

COASTAL PERMIT ADMINISTRATOR STAFF REPORT FOR COASTAL BOUNDARY LINE AJDUSTMENT

Neighboring Property

- Approved, CDP_1992-0004 Single-Family Residence (APN: 143-050-08)
- Approved, CDP_2012-0017 Single-Family Residence (APN: 143-050-04)
- CDP_2022-0021 Single-Family Residence, water tanks, septic, existing well (APN: 143-050-06)

<u>SITE CHARACTERISTICS</u>: The subject parcels are in the Coastal Zone, 5.5± miles north of Gualala Town Center, and located on the east side of State Route 1 (SR1). Access to Lot 1 is off Gypsy Flat Road via a driveway easement that is also shared by the neighboring property directly southeast of the project site. Access to Lot 2 is directly off State Route 1 via a driveway on State Route 1 (SR1). Lot 1 consists of single-family residence, a septic system, and a well/pump house. Lot 1 and 2 are classified as Grazing Land (G). Lot 2 consists of open grasses, trees, and potentially an abundance of the Coastal Lily which is considered Rare 21B¹. Both parcels are mapped within a 'High' severity fire zone and located within the South Coast Fire Protection District as the responsible agency.

SURROUNDING LAND USE AND ZONING:

	GENERAL PLAN	ZONING	LOT SIZES	USES
NORTH	Remote Residential (RMR40)	RMR 40, RMR 40	8±, 36.23± Acres	Undeveloped, Residential
EAST	RMR40	RMR 40	36.23± Acres	Residential
SOUTH	RMR40	RMR 40	36.23± Acres	Residential
WEST	Rural Residential (RR5)	RR5	1.37±, 1.25± Acres	Residential

PUBLIC SERVICES:

Access:State Route 1 (SR 1) and driveway via Gypsy Flat Road (private).Fire District:South Coast Fire Protection DistrictWater District:NoneSewer District:NoneSchool District:Arena Union Elementary School District

AGENCY COMMENTS: On October 6, 2023, project referrals were sent to the following responsible or trustee agencies with jurisdiction over the Project. Their required related permits, if any, are listed below. Their submitted recommended conditions of approval are contained in Exhibit A of the attached resolution. 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
Agricultural Commissioner	No Response
Air Quality Management District	No Comment
Assessor's Office	No Response
Environmental Health	No Response
South Coast Fire District	No Response
Gualala MAC	No Comment
Planning Division- Fort Bragg	No Comment
California Coastal Commission	No Response
California Dept. of Fish & Wildlife	No Response
California Native Plant Society	No Response
CALTRANS	No Response
Regional Water Quality Control Board	No Response
Cloverdale Rancheria	No Response
Redwood Valley Rancheria	No Response
Sherwood Valley Band of Pomo Indians	No Response

¹ California Native Plant Society. Rare Plants Inventory. https://rareplants.cnps.org/

COASTAL PERMIT ADMINISTRATOR STAFF REPORT FOR COASTAL BOUNDARY LINE AJDUSTMENT

<u>CDFW</u>: On November 3, 2023, the California Department of Fish & Wildlife (CDFW) submitted the following comments: *CDFW offers the following informal recommendation as its role as Trustee Agency. The suggested recommendation is to include a condition for future development projects, requiring the submission of a biological scoping report and botanical survey conducted in accordance with the Protocols of Surveying for Rare and Sensitive Natural Communities, specifically during the blooming period.*

KEY ISSUES

1. General Plan and Zoning Consistency:

Lot 1 and Lot 2 are classified in the General Plan as Remote Residential 40-Acre Minimum (RMR40), and both lie within the Remote Residential 40-Acre Minimum (RMR 40) Zoning District. Lot 1 is currently 2.25± acres and Lot 2 is 4.7± acres, which makes Lot 1 and Lot 2 legally non-conforming. Lot 1 is currently vacant. The adjustment being proposed would transfer .69± acres from Lot 2 into Lot 1.

The project site contains residential uses and is consistent with the intent of both the General Plan and the Zoning District and conforms to the uses permitted under these designations. The uses adjacent to this proposed project are both residential and undeveloped uses so this proposal would be consistent with the character and uses present in the surrounding areas. This project would have no adverse impacts on the surrounding area.

2. Habitats and Natural Resources:

The LCP Land Capabilities and Natural Hazards Map designates both parcels as containing Beach Deposits and Stream Alluvium and Terraces (Zone 3) Natural Hazards. If future development is considered on the subject parcels, additional review, and possible studies to determine potential impacts to Environmentally Sensitive Habitat Areas (ESHA), may be required to ensure adequate buffers are in place to prevent degradation of any habitats and resources. This project was referred out to California Department of Fish & Wildlife (CDFW) and California Native Plant Society (CNPS) and, to date, no comments have been received.

3. Division of Land Regulations:

The proposed project was reviewed by the County of Mendocino Subdivision Committee on January 11, 2024, at which time the Committee made recommendations concerning approval 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. The proposed boundary line adjustment is assumed to place the leach field (and replacement field) on the same parcel as the residence it serves. This will not reduce the buildability of Lot 1 since it is unlikely that a home could be built on the area being transferred given it is a leach field.

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; transferring .69± acres from Lot 2 to Lot 1 will not affect the number of units that may be constructed; and
- 2. The boundary line adjustment will not create any new parcels; and
- 3. The .69± acres from Lot 2 to Lot 1 is a leach field for Lot 1, which is developed with a single-family residence. As such, the .69± acres would not have been developable. As the portion of the parcel being removed is already determined to be undevelopable a biological survey is not required. Any future ESHAs will be addressed at a time if Lot 2 (APN: 143-050-14) proposes development.
- 4. No substandard parcel will result from the adjustment. Both parcels are nonconforming to the current minimum parcel size or their variables, and;
- 5. The property subject to the adjustment is not in an area designated Critical Water Resources

identified in the Mendocino County Coastal Groundwater Study; and;

- 6. Any future development will require a Coastal Development Permit, unless determined to be exempt; and;
- 7. The parcel is not located within a designated "Highly Scenic" area. In addition, there is no physical development proposed as part of the project. Therefore, there will be no scenic impacts as a result of the boundary line adjustment; and
- 8. The project is an appealable project, as it is a boundary line adjustment and therefore is required to be processed as a Standard Coastal Development Permit; and
- 9. No pygmy vegetation or pygmy-capable soils were identified on the project site. Both lots are not within the mapped range of pygmy-capable soils or known pygmy vegetation.

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 assumed to not result in a parcel entirely within an ESHA or would not result in a parcel that does not have adequate building site locations. Therefore, the proposed project is consistent with this policy.

Policy 3.5-3 discusses the necessity of visual resource impact analysis for development in areas designated as "Highly Scenic." The subject parcels are **not** located within an area designed as Highly Scenic, no development is proposed at this time, thus no analysis is required.

Policy 3.8-7 discusses the requirement for adequate utilities prior to the approval of a boundary line adjustment. APN 143-050-07 is currently developed with a single-family residence served by an onsite well and onsite septic system. APN 143-050-14 is undeveloped and there is no proposed development. Therefore, the proposed boundary line adjustment is consistent with this policy.

RECOMMENDATION

Staff recommends that the Coastal Permit Administrator approves Coastal Boundary Line Adjustment B_2023-0027, 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:

FINDINGS:

- Pursuant to Mendocino County Coastal Zoning Code Section 20.532.095(A)(1), the proposed boundary line adjustment is in conformance with the Coastal Element and its policies discussed in this report. The proposed project would preserve the intent of the Remote Residential land use classification (Coastal Element Chapter 2.2). The proposed project is consistent with Coastal Element Policy 3.1-1, 3.1-2, 3.1-21, and 3.1-32 as there are no developments proposed on the project site. The proposed project is consistent with all other applicable policies that discuss boundary line adjustments; and
- 2. Pursuant to Mendocino County Zoning Code Section 20.532.095(A)(2), the proposed project will be provided with adequate utilities, access roads, drainage and other necessary facilities. There is no physical development associated with the proposed boundary line adjustment. The adjustment involves the transferring of .69± acres of land, which will not impact the existing and adequate utilities provided by the onsite well and onsite septic system. Future development that

requires a Coastal Development Permit will be subject to further review to determine if existing utilities support such development; and

- 3. Pursuant to Mendocino County Coastal Zoning Code Section 20.532.095(A)(3), the proposed development is consistent with the purpose and intent of the Remote Residential zoning district applicable to the property, as well as the provisions of this Division and preserves the integrity of the zoning district. The existing legal nonconforming lots would remain less than the forty (40) acre minimum of the Remote Residential district after adjustment. No new nonconforming lot would be created. As no physical development is proposed, the proposed project would not have any impact on the integrity of the district; and
- 4. Pursuant to Mendocino County Coastal Zoning Code Section 20.532.095(A)(4), the proposed project would not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act (CEQA). The proposed boundary line adjustment was found to be Categorically Exempt from the provisions of CEQA under a Class 5(a) exemption Minor Lot Line Adjustments. and
- 5. Pursuant to Mendocino County Coastal Zoning Code Section 20.532.095(A)(5), the proposed boundary line adjustment will not have any adverse impacts on any known archaeological or paleontological resource. The proposed boundary line adjustment does not include any ground disturbing activities that would impact archaeological or paleontological resources. and
- 6. Pursuant to Mendocino County Coastal Zoning Code Section 20.532.095(A)(6), other public services including but not limited to, solid waste and public roadway capacity have been considered and are adequate to serve the proposed adjustment. The proposed adjustment will not result in additional parcels beyond what currently exist; therefore, public services remain sufficient.
- 7. Pursuant to Mendocino County Coastal Zoning Code Section 20.532.100(A)(1), the proposed project will not impact any environmentally sensitive habitat areas. No development is proposed at this time.

CONDITIONS OF APPROVAL:

- 1. This action shall become final on the 11th day following the decision unless an appeal is filed pursuant to Section 20.544.015 of the Mendocino County Code. The permit shall become effective after the ten (10) working day appeal period to the Coastal Commission has expired and no appeal has been filed with the Coastal Commission. This application is valid for 24 months from the effective date. No extensions can be granted.
- 2. That for <u>each proposed adjusted parcel</u> provide <u>one</u> perimeter description of each parcel. The new deed description submitted shall be prepared by, and bear the seal of, a Licensed Land Surveyor.
- 3. That each transfer of real property be by means of a 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_2023-0027 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 having been given clearance to record the new documents, the Applicant must send a **copy** of the recorded deed(s) to the Department of Planning and Building Services. Upon review and approval of this information, the Applicant 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 requires additional studies and/or may be subject to restrictions" and that "Future development shall be in conformance with the criteria for development within the Environmentally Sensitive Habitat and Special Treatment Areas as set forth in the Coastal Plan and Coastal Zoning Code."
- 8. A note shall be placed on the deeds and/or legal descriptions stating, "The Boundary Line Adjustment shall not relinquish, remise, release or terminate any prior right, interest in rights-of-way, easements, or other rights which may be appurtenant to and/or an encumbrance to the subject properties."
- 9. Approval of this Coastal Development Boundary Line Adjustment does not authorize any tree removal activities on either parcel. Such activates would need to be reviewed under a separate request and may require a Coastal Development Permit.
- 10. Prior to issuance of this Coastal Development Boundary Line Adjustment, applicant must pay the Mendocino County Planning and Building Department \$185 for the Gualala Municipal Advisory Council referral comments.

Once the deed(s) and/or instrument(s) have been prepared, please send a copy to the Department of Planning and Building Services. After we have reviewed the documents and accepted them as correct and all conditions of approval have been met, we will notify you. DO NOT RECORD ANY DOCUMENTS UNTIL YOU HAVE RECEIVED APPROVAL OF THE DEED(S).

PLEASE NOTE: Title must be transferred identical to the title now being held (all owners with their exact names).

NOTE: APPLICANTS OR OTHER PERSONS WHO ARE DISSATISFIED WITH A DECISION OF THE COASTAL PERMIT ADMINISTRATOR FOR A COASTAL DEVELOPMENT PERMIT FOR A BOUNDARY LINE ADJUSTMENT MAY APPEAL THE ACTION TO THE BOARD OF SUPERVISORS. AN APPEAL MUST BE MADE IN WRITING ALONG WITH THE APPLICABLE FEE TO THE CLERK OF THE BOARD OF SUPERVISORS WITHIN TEN (10) DAYS OF THE COASTAL PERMIT ADMINISTRATOR'S DECISION. THE APPEAL ISSUE WILL BE PLACED ON THE NEXT AVAILABLE BOARD OF SUPERVISOR'S AGENDA FOR CONSIDERATION, AND THE APPELLANT WILL BE NOTIFIED OF THE TIME AND DATE. APPEALS TO THE BOARD OF SUPERVISORS DO NOT NECESSARILY GUARANTEE THAT THE COASTAL PERMIT ADMINISTRATOR'S DECISION WILL BE OVERTURNED. IN SOME CASES, THE BOARD OF SUPERVISORS MAY NOT HAVE THE LEGAL AUTHORITY TO OVERTURN THE DECISION OF THE ADMINISTRATOR.

COASTAL PERMIT ADMINISTRATOR STAFF REPORT FOR COASTAL BOUNDARY LINE AJDUSTMENT

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DATE

10 SHELBY MILLER

PLANNER I

Appeal Period: 10 Days Appeal Fee: \$2674.00

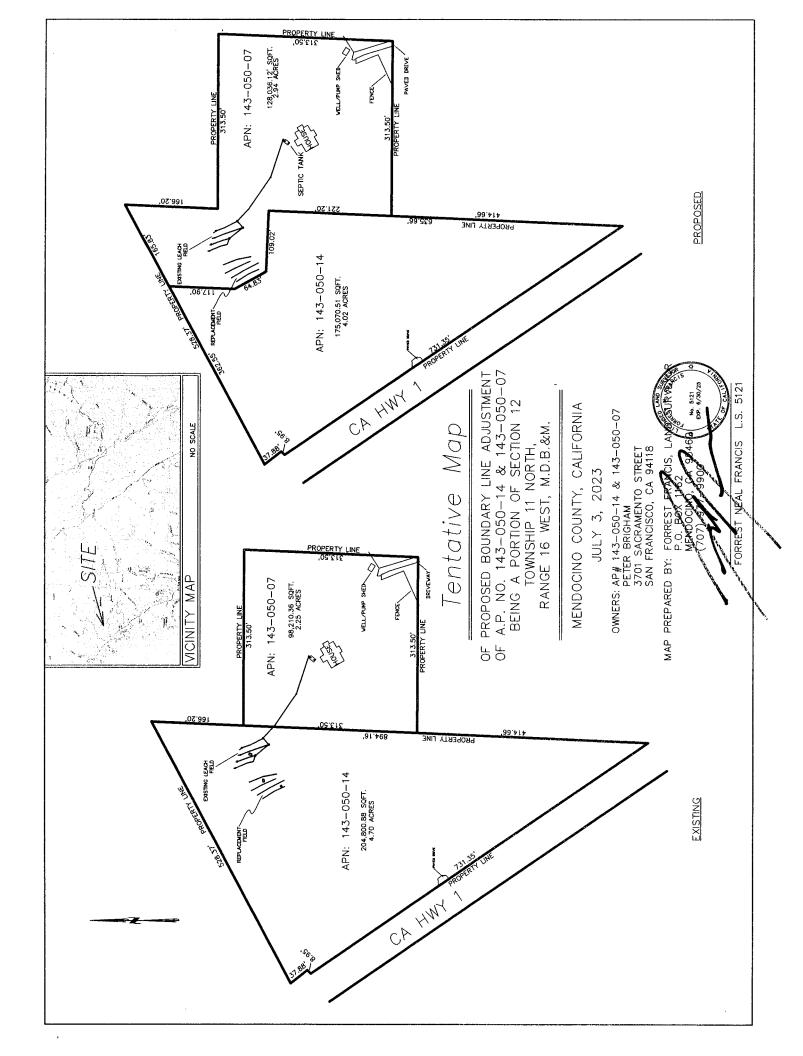
ATTACHMENTS:

- A. Site/ Tentative Map (Application)
- B. Location Map

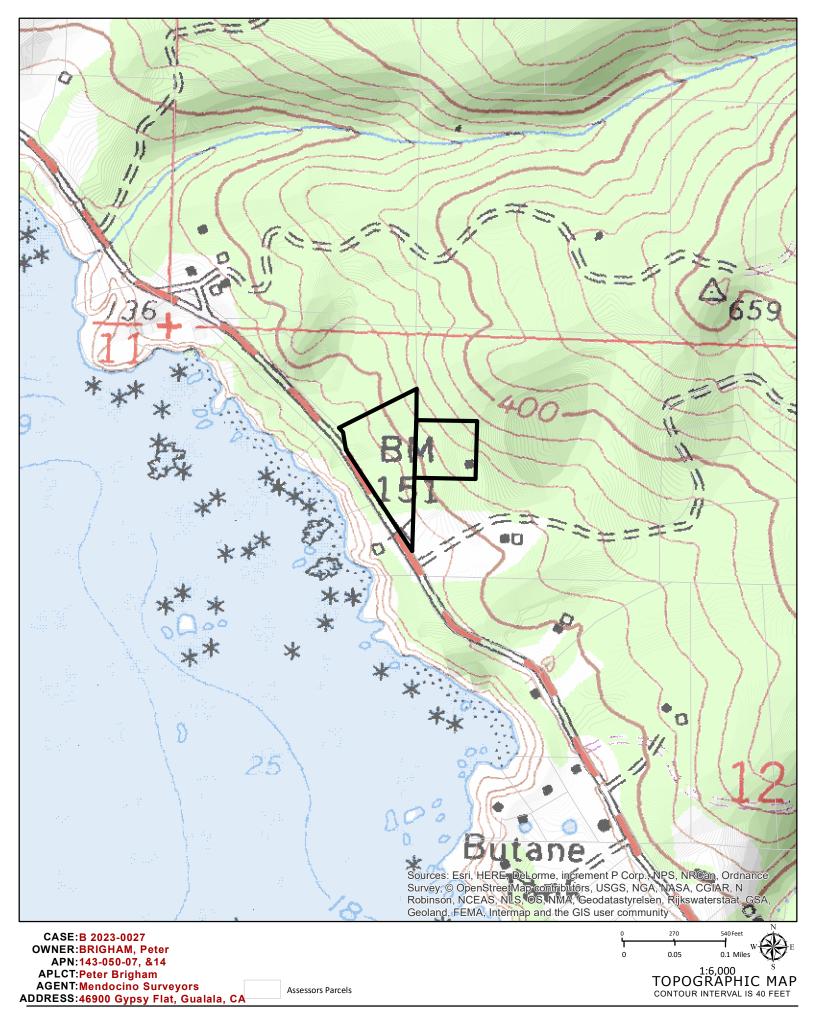
- C. Topographical Map
 D. Aerial Map
 E. Adjacent Owner Map
 F. Zoning Map
 G. General Plan
 G. Deland Plan

- H. LCP Land Use
- I. LCP Land CapabilitiesJ. LCP Habitats & ResourcesK. Fire Hazards Map

- L. Farmlands
- M. Slope Map
- N. Soils Map
- O. Ground Water Resource Area P. Municipal Advisory Council
- Q. Appealable Area
- R. Wetlands
- S. Mendocino Cypress
- T. School DistrictU. Wildland-Urban InterfaceV. Water District

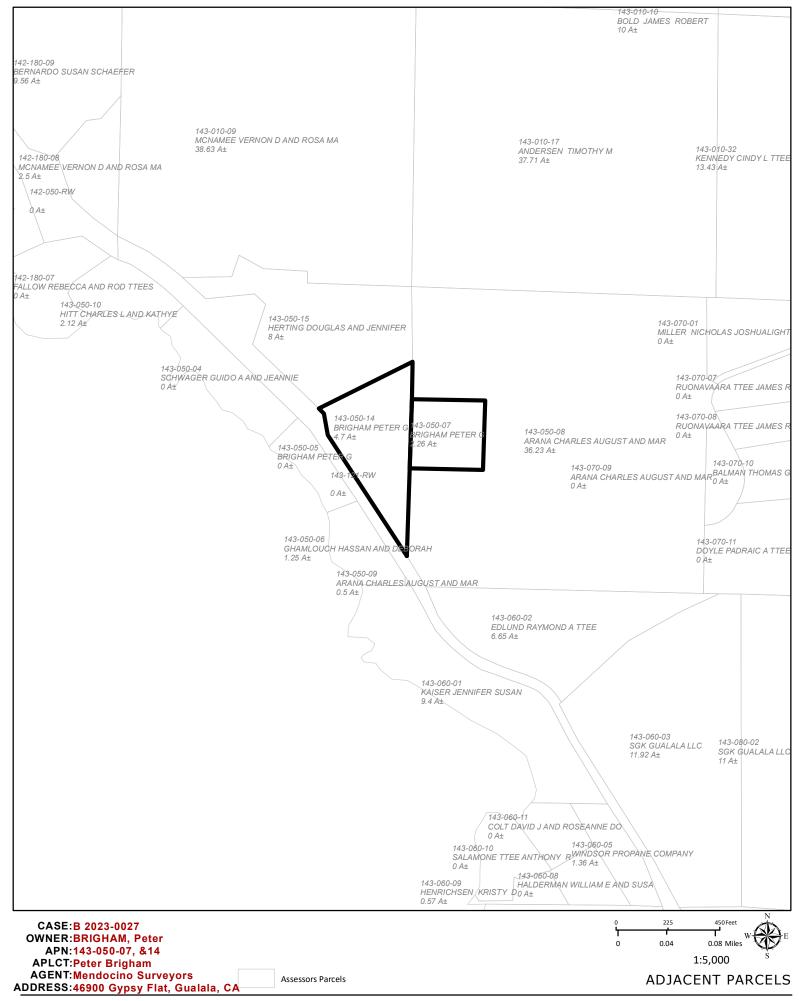


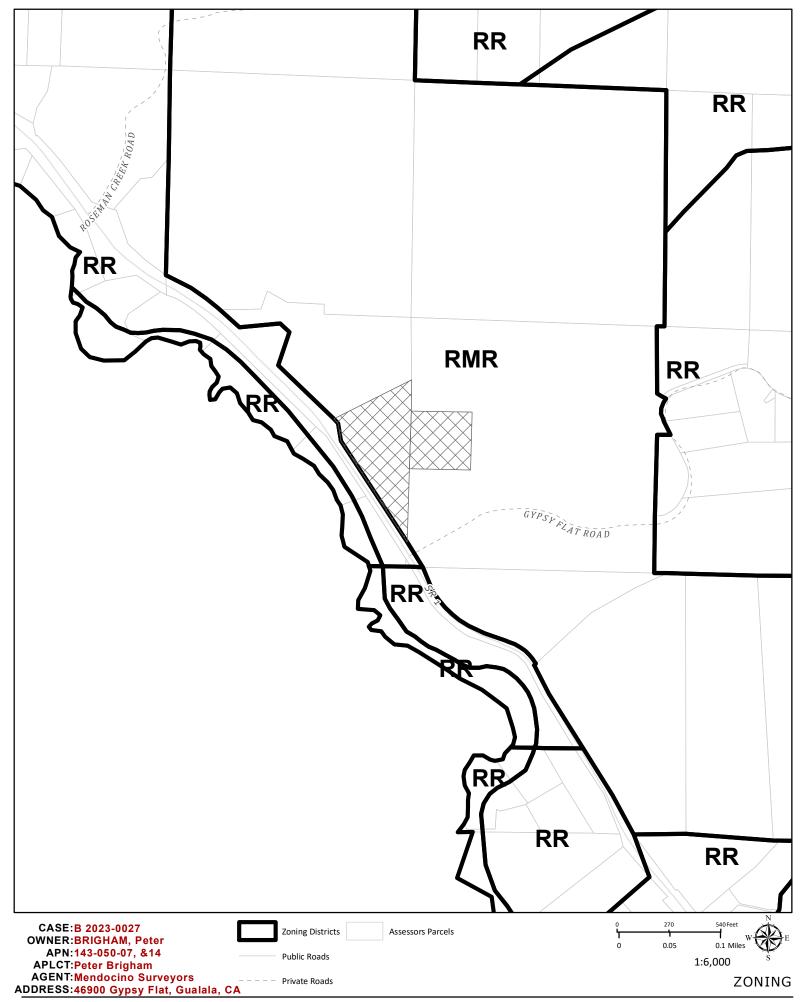


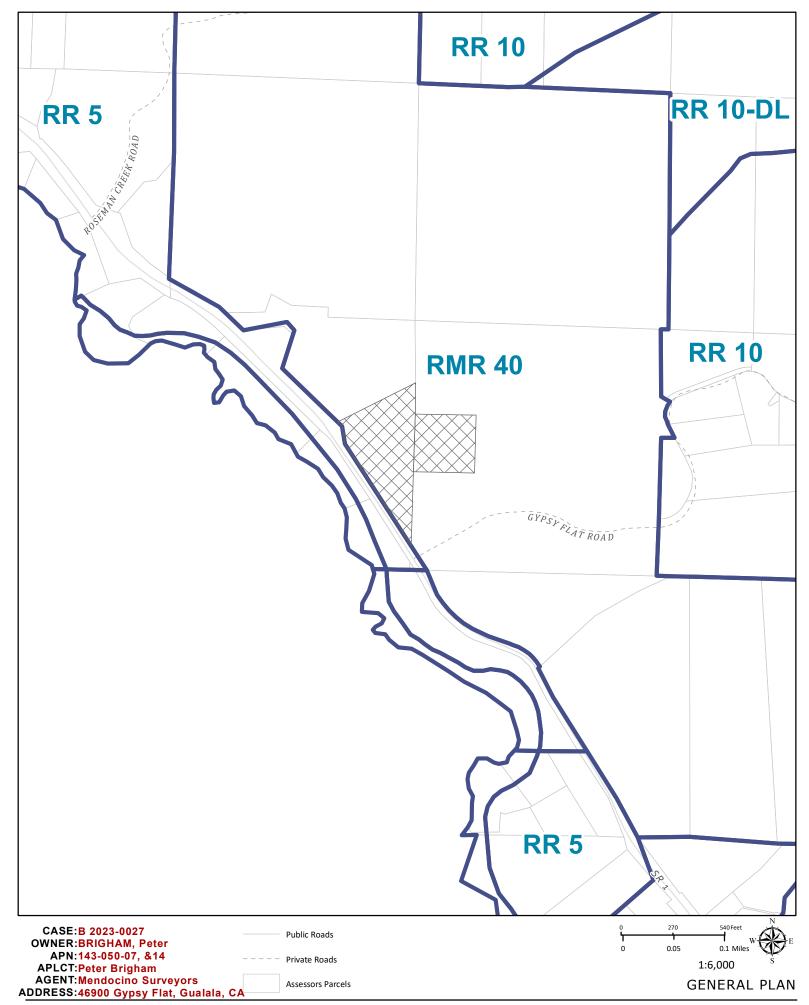


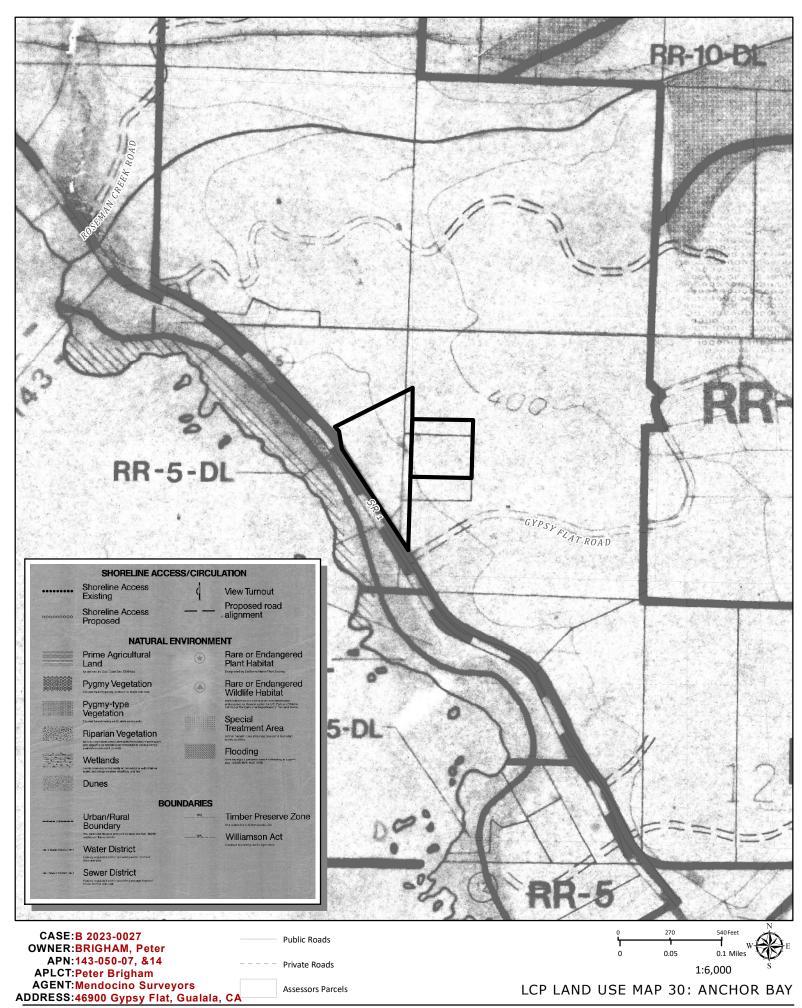


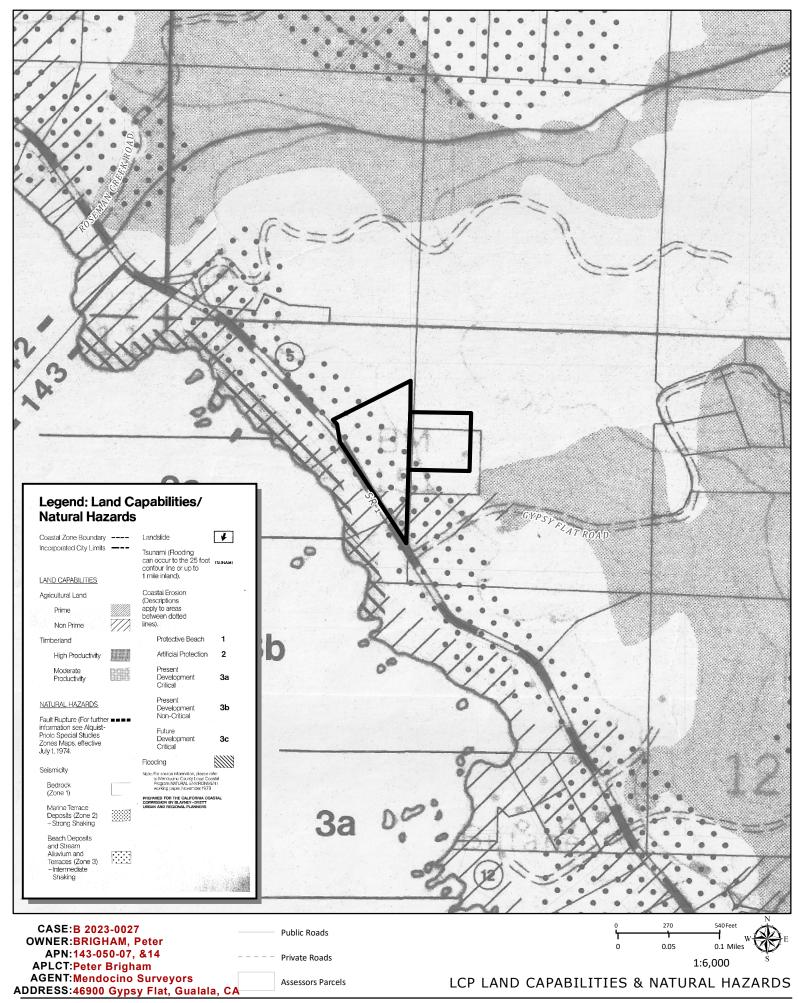


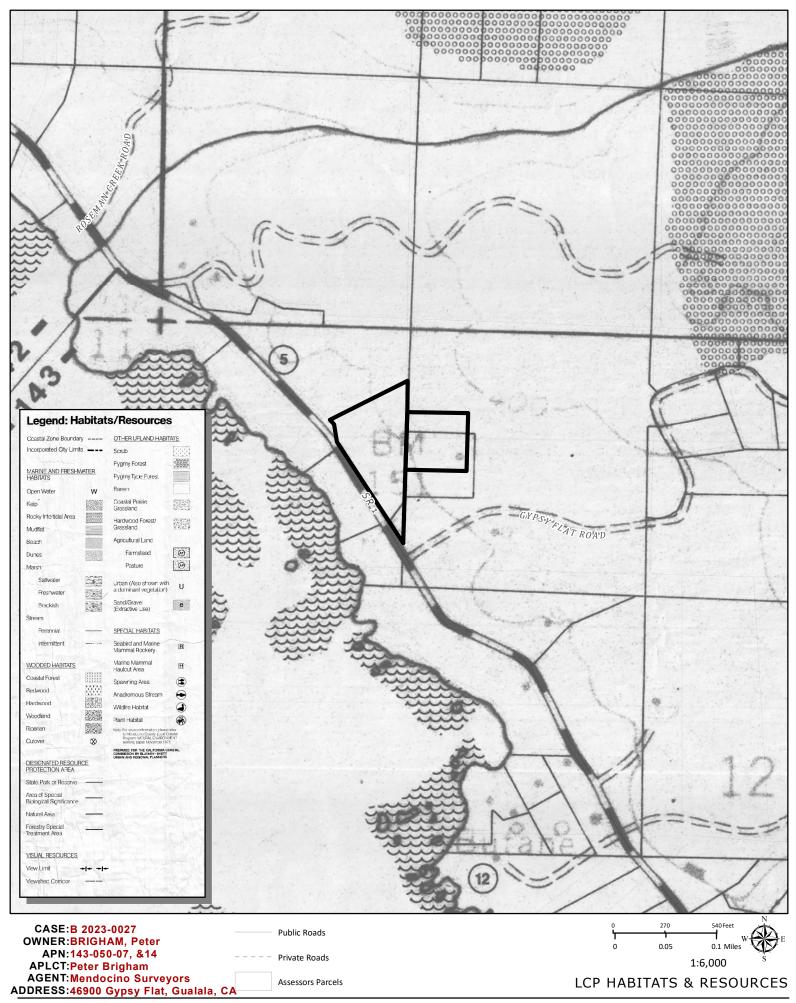


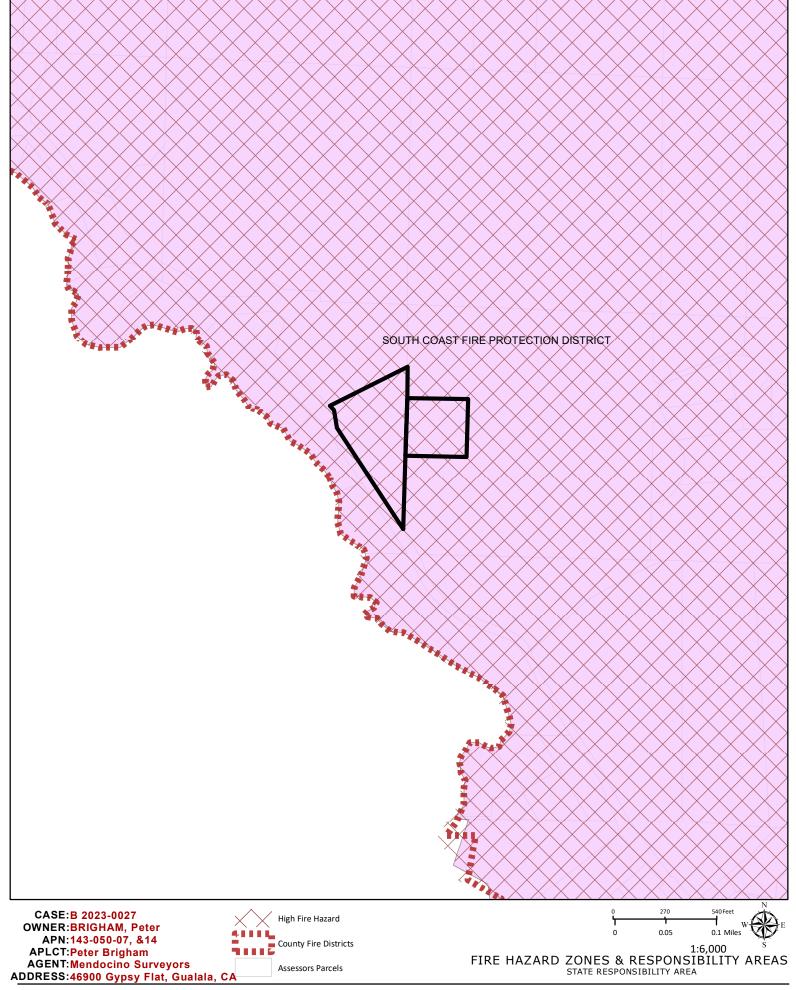


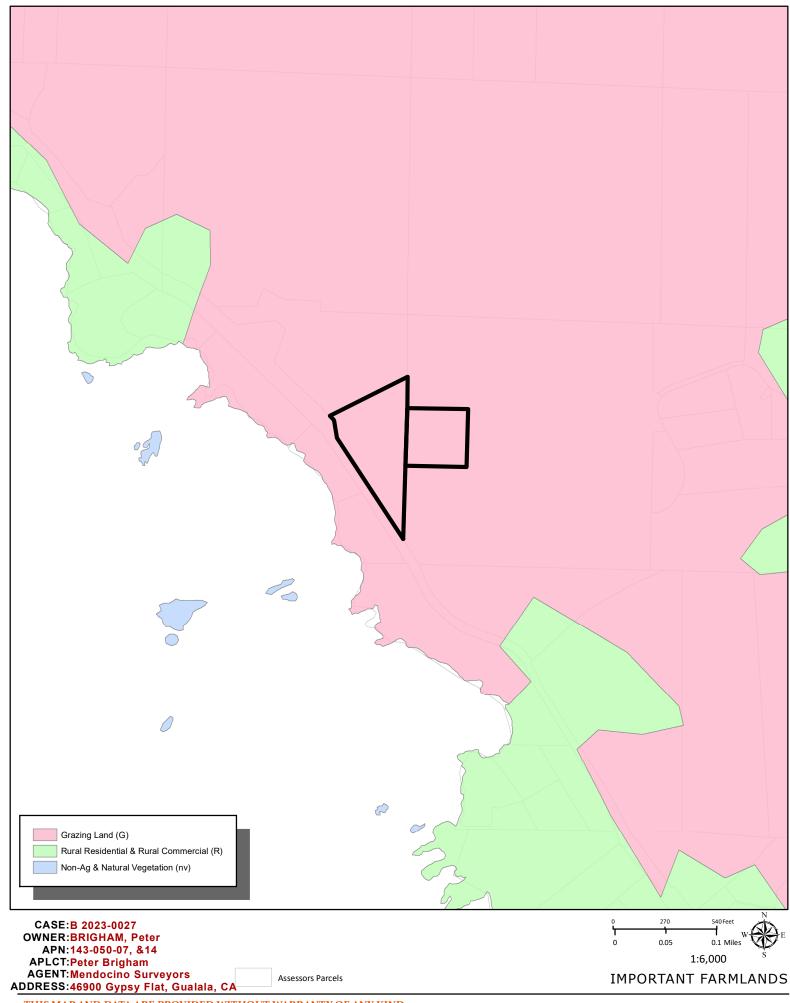


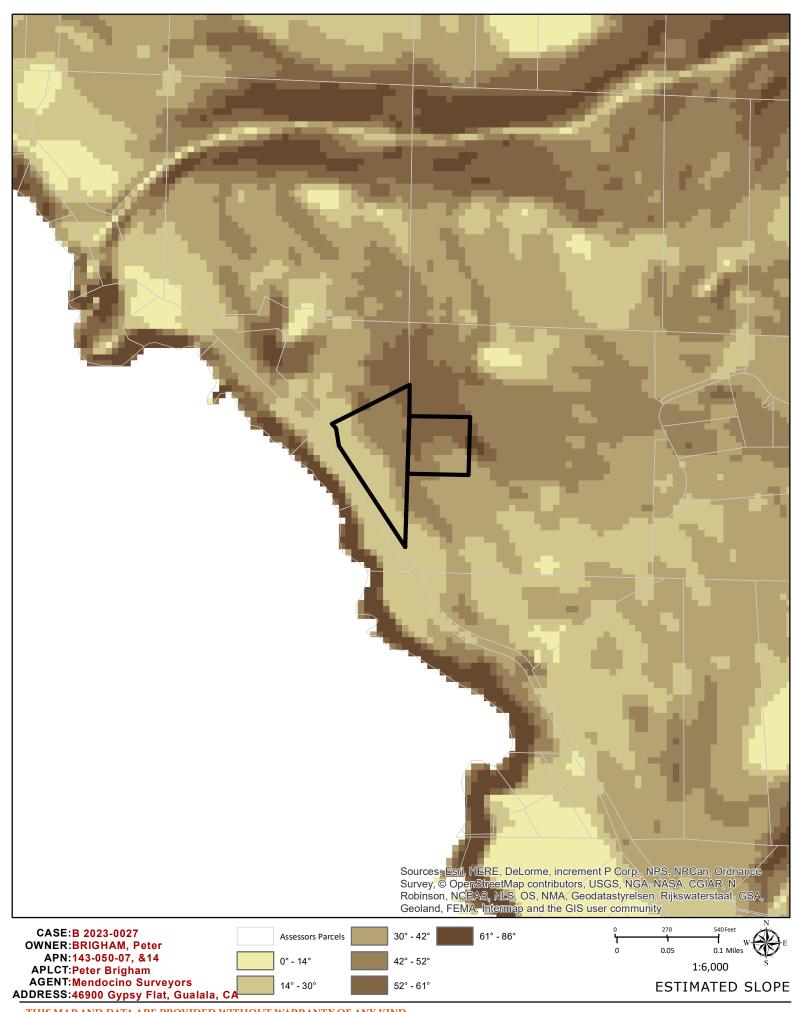


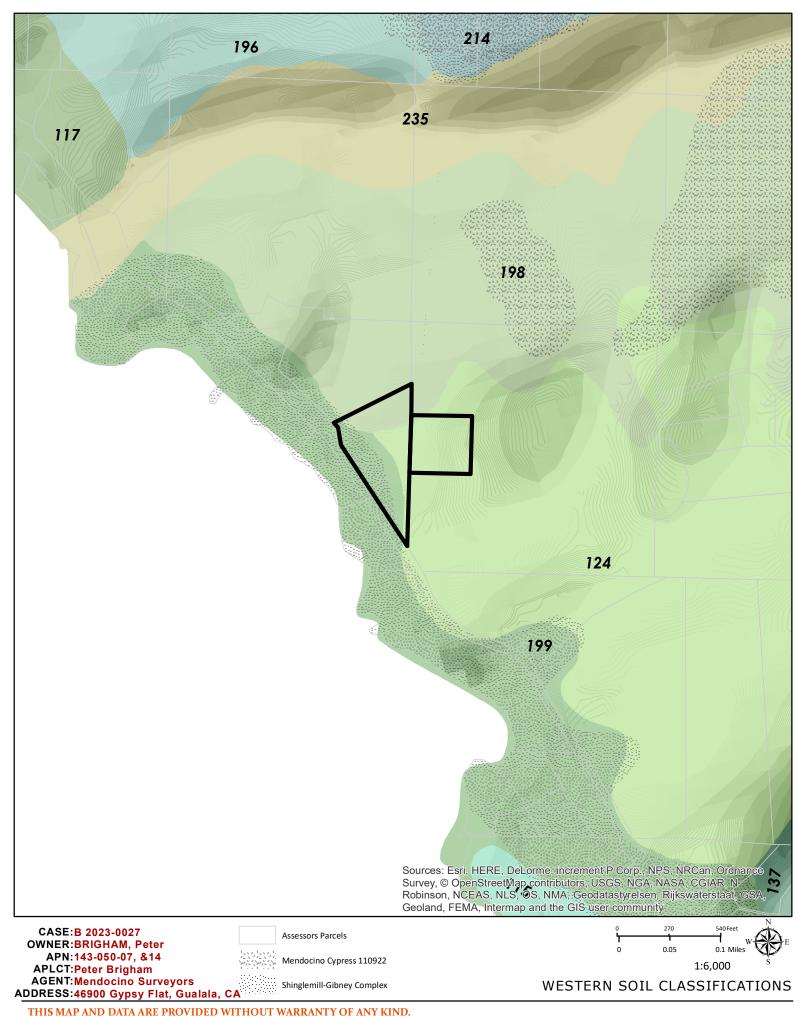




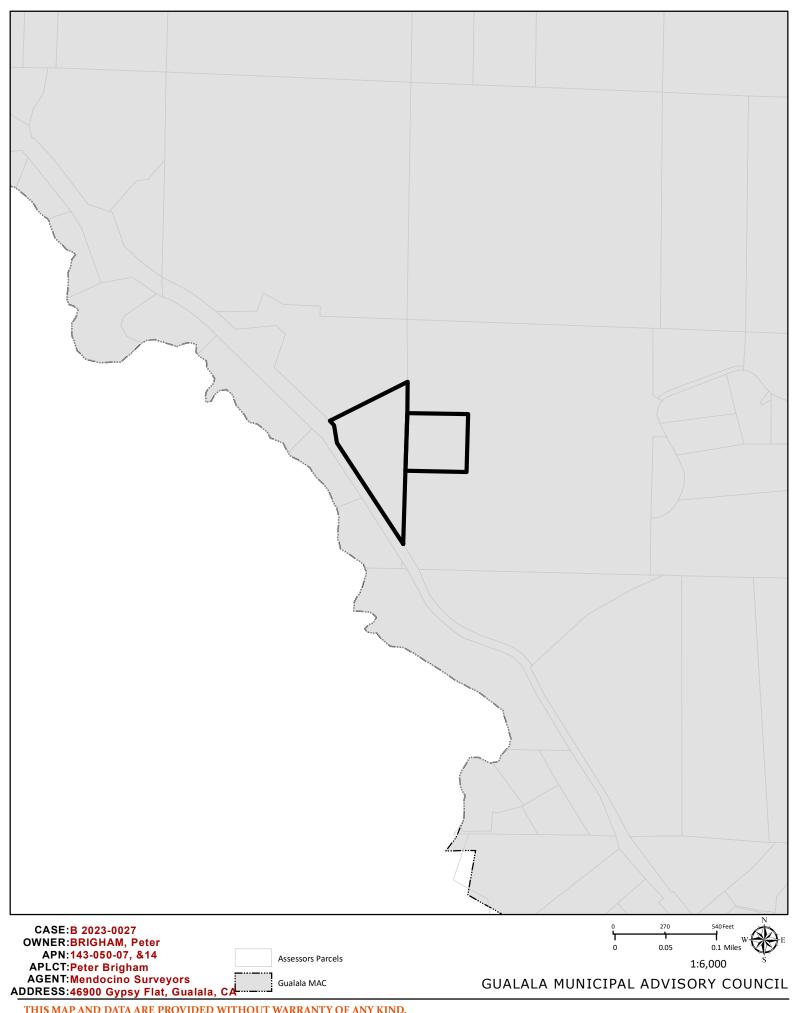


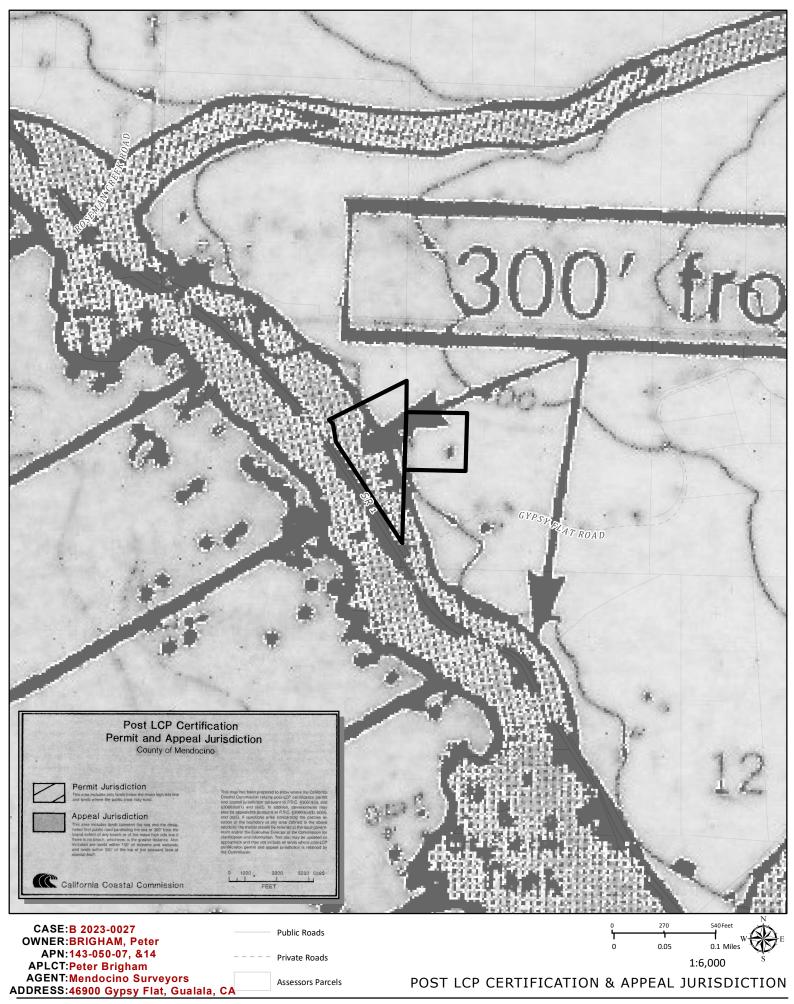


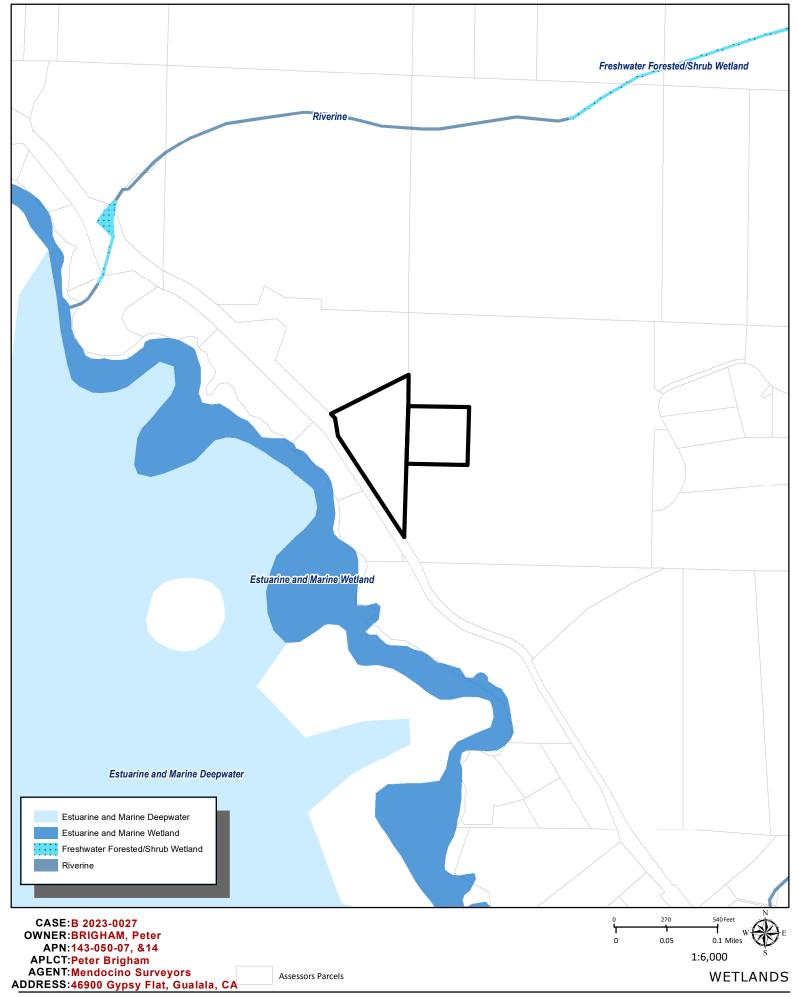


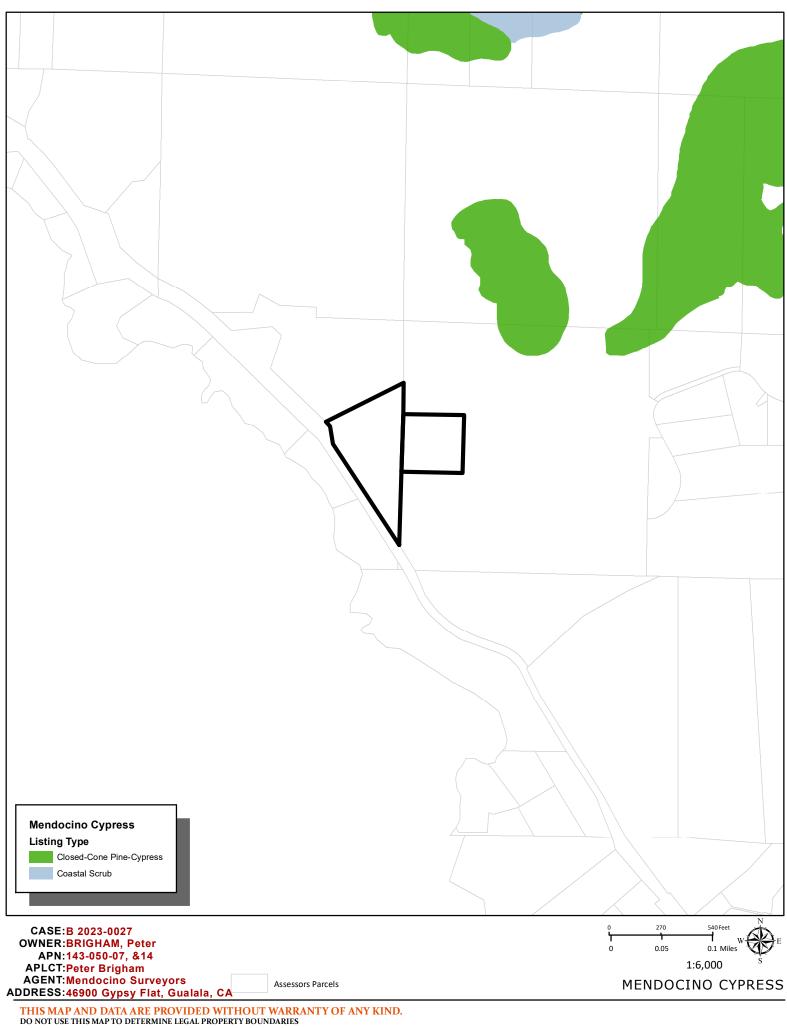


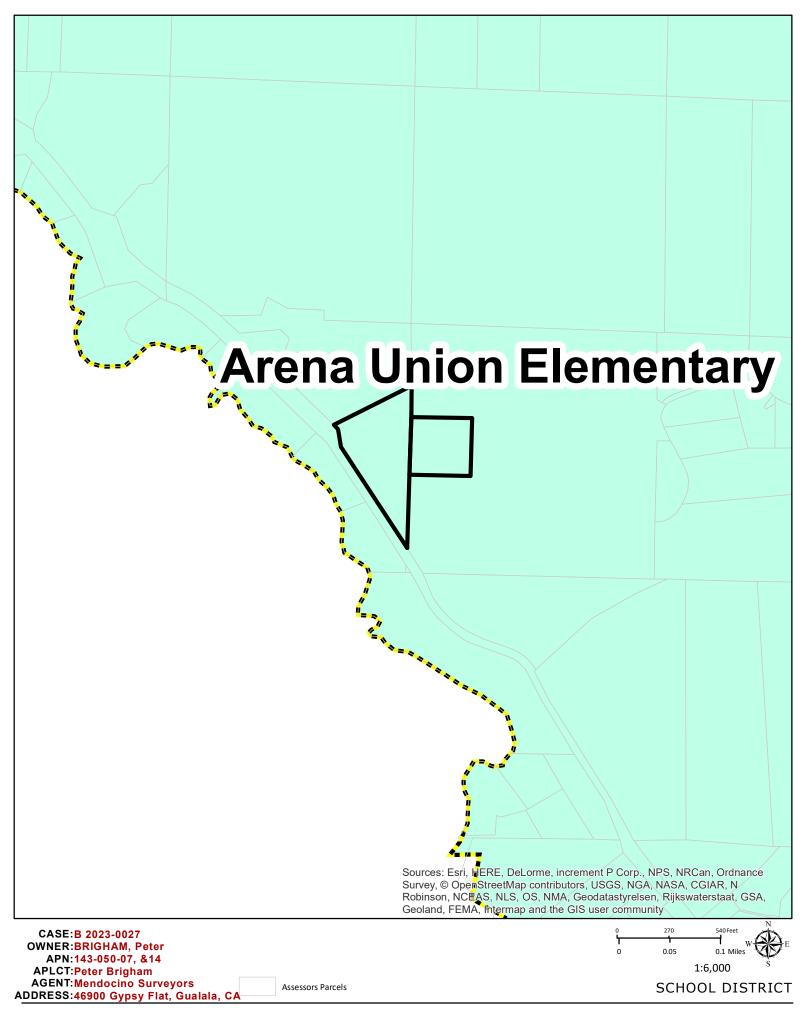
CASE:B 2023-0027 OWNER:BRIGHAM, Peter APN:143-050-07, &14 APLCT:Peter Brigham AGENT:Mendocino Surveyors ADDRESS:46900 Gypsy Flat, Gualala, CA	Critical Water Resources Assessors Parcels	COASTAL GROUND WATER RESOURCES

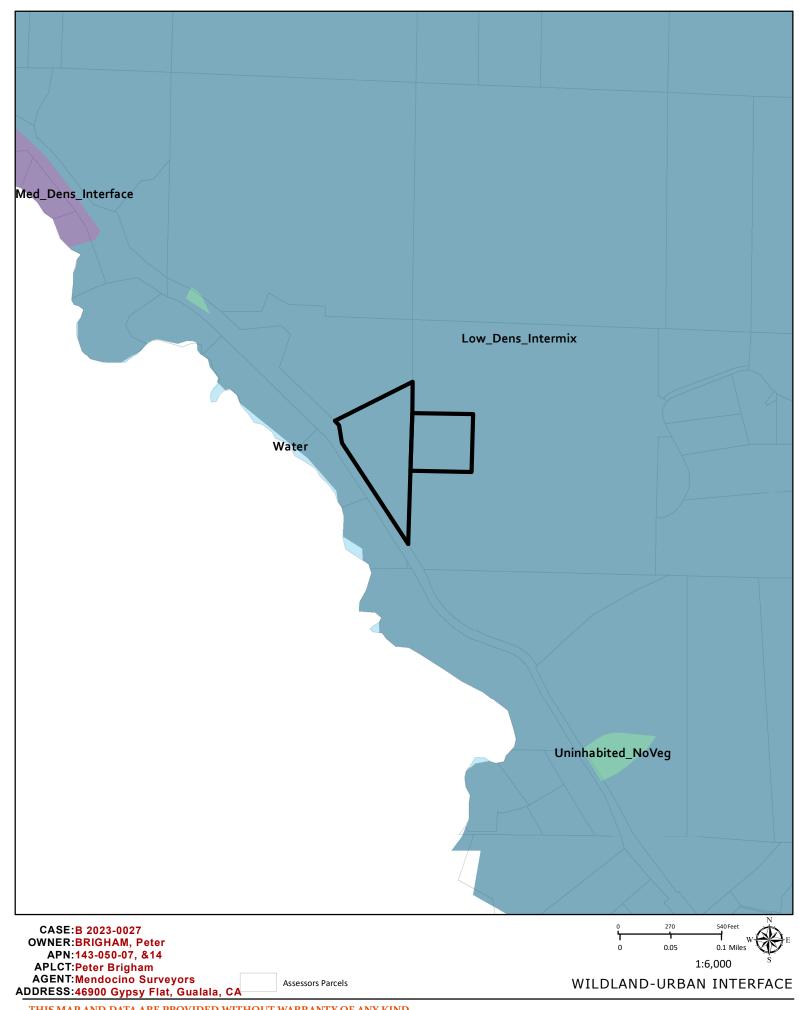












CASE:B 2023-0027 OWNER:BRIGHAM, Peter APN:143-050-07, &14 APLCT:Peter Brigham AGENT:Mendocino Surveyors ADDRESS:46900 Gypsy Flat, Gualala, (Assessors Parcels County Water Districts	0 270 540 Feet 0 0.05 0.1 Miles W E 1:6,000 VATER DISTRICT