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August 26, 2024

## **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, September 12, 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. to consider issuance of a coastal development permit on the boundary line adjustment, commencing immediately following the Subdivision Committee meeting. This meeting will take place at the Planning & Building Services Conference Room, located at 860 North Bush Street, Ukiah and virtual attendance will be available via Zoom. Meetings are live streamed and available for viewing online on the Mendocino County YouTube page, at https://www.youtube.com/MendocinoCountyVideo. In lieu of personal attendance the public may participate digitally in meetings by sending comments to pbscommissions@mendocinocounty.gov or via Telecomment. The telecomment form may found https://www.mendocinocounty.gov/departments/planning-building-services/public-hearing-bodies.

**CASE#**: B\_2024-0012 **DATE FILED**: 3/27/2024

OWNER: Slick Rock Ranch, LLC

**APPLICANT:** Slick Rock Ranch/Don Ratcliff **AGENT:** Jim Ronco & Vance Ricks Consulting

**REQUEST:** Coastal Boundary Line Adjustment to reconfigure the boundaries between two (2) existing lots. Lot 1 (APN: 142-070-06x) will increase from 1.5± acres to 17± acres, and Lot 2

(APN: 142-110-02x) will decrease from 37± acres to 21.5± acres. **ENVIRONMENTAL DETERMINATION**: Categorically Exempt

**LOCATION:** In the Coastal Zone, 7.27± miles north of Gualala town center, lying on the east side of State Route 1 (SR 1), 1.02± miles south of its intersection with Iversen Point Rd (CR

503B), located at 31101 S. Hwy 1, Gualala; APNs: 142-070-06x, 142-110-02x.

**STAFF PLANNER:** Dirk Larson

The staff report and notice will be available for public review 10days prior to the public hearing on the Department of Planning and Building Services website at: https://www.mendocinocounty.gov/departments/planning-building-services/public-hearing-bodies.

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 September 11, 2024, or orally via telecomment in lieu of personal attendance. Α request form to provide telecomment is https://www.mendocinocounty.gov/departments/planning-building-services/public-hearing-bodies the Coastal Permit Administrator tab.

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 (707) 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 STAFF REPORT- COASTAL BOUNDARY LINE ADJUSTMENT

SEPTEMBER 12, 2024 B\_2024-0012

## PROJECT PLANNER CONTACT

Dirk Larson 860 N Bush St Ukiah, CA 95482 Phone: 707-234-665

**RECOMMENDATION:** 

Phone: 707-234-6650 Fax: larsondj@mendocinocounty.gov		
PROJECT SUMMARY		
OWNER/ APPLICANT:	Slick Rock Ranch, LLC P O Box 730 Genoa, NV 89411	
AGENT:	Vance Ricks Consulting 10580 West Rd Redwood Valley, CA 95470	
AGENT:	Jim Ronco Consulting 445 North State Street Ukiah, CA 95482	
REQUEST:	Coastal Boundary Line Adjustment to reconfigure the boundaries between two (2) existing lots. Lot 1 (APN: 142-070-06x) will increase from 1.5± acres to 17± acres, and Lot 2 (APN: 142-110-02x) will decrease from 37± acres to 21.5± acres.	
LOCATION:	In the Coastal Zone, 7.27± miles north of Gualala town center, lying on the east side of State Route 1 (SR 1), 1.02± miles south of its intersection with Iversen Point Rd (CR 503B), located at 31101 S. Hwy 1, Gualala	
TOTAL ACREAGE:	38.5+/- Total Acres	
GENERAL PLAN:	Forestland- 160 Acre Minimum (FL160)	
ZONING:	Timberland Production (TP:160)	
CODE REFERENCE:	MCC 20.364.005	
APPEALABLE	Yes	
SUPERVISORIAL DISTRICT:	District 5 (Williams)	
ENVIRONMENTAL DETERMINATION:	Categorically Exempt-Sec. 15304, Class 4	

Approve with Conditions

## PROJECT BACKGROUND & INFORMATION

**PROJECT DESCRIPTION:** Proposal to reconfigure the boundaries between two separate, legal lots located in the Coastal Zone. One of the lots involved in this proposal currently does not have a separate Assessor's Parcel Number (APN) and was recognized via Certificate of Compliance in 2005.

SITE CHARACTERISTICS: The subject parcels are located within the Coastal Zone, approximately seven (7) miles north of Gualala town center, lying on the east side of State Route 1 (SR 1), 1.02± miles south of its intersection with Iversen Point Road (CR 503 B). Both lots are zoned Timberland Production (TP) and classified Forestland (FL160) under the General Plan. The project site is mapped as a High Fire Hazard area with South Coast Fire Protection District as the responsible fire agency. The project area is located within a critical groundwater resource area and both existing residences are served by domestic well and separate septic tanks and leach fields. Neither lot is located within a Highly Scenic Area or Special Plan Area. Lot 1 (142-070-06x) is currently vacant and Lot 2 (142-070-06x, 142-110-02x) is improved with two existing residences and appurtenant structures.

#### **Public Services:**

Access: State Route 1 (SR1)

Water District: None Sewer District: None

Fire District: South Coast Fire Protection

**RELATED APPLICATIONS:** The following applications have occurred on the subject parcel or on the surrounding properties and are relevant to the proposed project. All projects listed below have already been approved, unless otherwise stated.

## **Subject Parcel Projects:**

## •(APN 142-070-06):

- Building Permit issued in 1971 to construct Main Residence which included subsequent bldg, permit in 1995 for addition (BP#95-9895).
- Second Residence (1957)-1,568 sf
- 1969 Building permit for 96 sf Storage Shed
- 1957 Building permit issued for Detached Garage/Storage Bldg.
- Permit #75418 for septic system

#### -APN 142-110-02x:

Vacant no structures present

**AGENCY COMMENTS:** On April 30, 2024 project referrals were sent to the following responsible or trustee agencies with jurisdiction over the Project. Their submitted recommended conditions are discussed in this staff report and contained in Conditions of Approval. A summary of the submitted agency comments are listed below.

TABLE 1: Referral Agency Responses		
REFERRAL AGENCIES	COMMENT	
Assessor's Office	No Response	
Building Division (FB)	No Comments	
County Addressor	No Comments	
Dept. of Transportation	No Comments	
Environmental Health (FB)	No Comments	
Forestry Advisor	No Response	
South Coast Fire Protection	No Response	

Gualala MAC	No Response
Planning Division (FB)	No Comments
CalFire (Land Use)	No Response
CalFire (Resource Management)	No Response
California Coastal Commission	Comments
Cloverdale Rancheria	No Response
Potter Valley Tribe	No Response
Redwood Valley Rancheria	No Response
Sherwood Valley Band of Pomo Indians	No Response

The California Coastal Commission (CCC) commented on the project and raised concerns regarding the existence of two residences already in place and whether the property was exceeding the maximum density allowance under the zoning of the property. Concern was also raised that the existing improvements currently straddle the parcel boundary line break between APNs 142-070-06 and 142-110-02 and whether this could impact the proposal. Lastly, the CCC questioned the tentative map and its inclusion of a 'Potential Site Area' identified within 'Parcel 2' of said map. Staff responded by highlighting the fact that one of the lots involved with the proposal was created via Certificate of Compliance (CC#35-2005) in 2007 and that per Mendocino County BLA Procedures, there must be evidence that any lot created via CC, land patent, or other instrument be able to demonstrate that development could occur in the current configuration of the lot. Although the project site area is near sensitive resources, the proposed BLA would locate all existing improvements within what would become 'Lot 1' and that proposed 'Lot 2' would be vacant and any future development would be subject to possible studies to mitigate any potential impacts to such resources. Although the project involves two existing residences in place on the property, they were constructed prior to the enactment of the Local Coastal Plan (LCP) and are considered legal, non-conforming.

## **PROJECT ANALYSIS**

GENERAL PLAN AND ZONING DISTRICT CONSISTENCY: Lots 1 and 2 of this proposal are designated Forestland under the General Plan and located within a Timberland Production (TP) Zoning District. Lot 1, recognized via Certificate of Compliance in 2007, is currently a portion of APN: 142-070-06 and made up of 1.5± acres. Lot 2 consisting of all of APN: 142-110-02 and a portion of APN: 142-070-06 is approximately 37 acres. All improvements, which consist of two single-family residences, a shop, storage shed, well, and septic system serving both homes, currently reside on Lot 2 and are situated along the current parcel line separating the two APNs involved with the project. Chapter 20.364 of Division II of the Mendocino County Coastal Zoning is intended to encompass land with soil types and land suitable for growing and harvesting timber. Although soils conducive to growing timber may exist within the project site, both lots are considered 'legal, non-conforming' as they do not meet the minimum parcel size requirements under the General Plan or TP Zoning District currently. This proposal would not change the status of either lot post BLA as Lot 1 and Lot 2 would become 17± acres and 21.5± acres in size respectively and remain non-conforming. This project is in an area with several sub-standard size lots also zoned TP and would not have a negative impact to the surrounding properties and/or timberland. The proposed boundary line adjustment would include all improvements on Lot 1 post BLA, while Lot 2 would be vacant. Lot 1 would be at maximum density under the TP zoning district and not permit additional residential development thereon. Lot 2, proposed to be vacant, would likely be subject to a Coastal Development Permit (CDP) for any future proposed development. Residential development is a principally permitted use under the zoning district so the project would be consistent with Section 20.364.010 of the Coastal Timberland Production Zoning Chapter.

<u>DIVISION OF LAND REGULATIONS</u>: The proposed project was reviewed by the County of Mendocino Subdivision Committee on **September 12**, **2024**, at which time the Committee made recommendations concerning approval to the Coastal Permit Administrator per the required findings of Mendocino County Code (MCC) Sec. 17-17.5. No conflicts with the Division of Land Regulations were identified at the meeting.

<u>NATURAL RESOURCES:</u> The project site does have identified Environmentally Sensitive Habitat Areas (ESHA) in the western most portion of the property along State Route 1 (SR 1). The property currently consists of two (2) single-family residences and appurtenant structures. This project will locate all existing improvements within one of the newly proposed lots, Lot 1, which is nearest the identified ESHA area.

However, no additional residential development would be permitted on this lot as maximum density under the zoning district has been realized. The other newly proposed parcel, Lot 2, will be vacant but falls outside the 100 foot buffer requirement from the identified ESHA. Any future proposed development within Lot 2 will require additional review by Planning staff and may require additional studies to determine any potential impacts to any sensitive habitats and resources located in close proximity. Although proposed Lot 1 is at maximum density, any appurtenant structures proposed in the future on this lot would also be subject to review by Planning staff as well as potential building permit requirements.

**COASTAL POLICY CONSISTENCY REVIEW**: Staff reviewed the project relative to coastal issues and determined the following:

- 1. The Boundary Line Adjustment does not create the opportunity for additional residential development but does not change the density and development possibilities that existed prior to this proposal.
- 2. The boundary line adjustment will not create any new parcels; and
- 3. The parcels subject to the adjustment include existing improvements in place. The proposed lot, Lot 1, that would be in close proximity to an ESHA is fully developed. Proposed Lot 2, to be vacant, is not located within an ESHA, thus the proposed boundary line adjustment will not impact biological resources; and
- 4. Both lots involved in this project do not currently conform to the minimum size requirement for the zoning district and are considered 'legal, non-conforming' in size. This project will not further diminish the non-conformity and bring both lots closer to the minimum parcel size requirement for the district, and
- 5. The property subject to the adjustment is in an area designated Critical Water Areas identified in the Mendocino County Coastal Groundwater Study, and is consistent with the study; and
- Any future development will require a Coastal Development Permit, unless determined to be exempt; and
- 7. The project site area is not located within a designated "Highly Scenic" area.
- 8. The project is an appealable project, as it is a boundary line adjustment and therefore is required to be processed as a Standard Coastal Development Permit.

**ENVIRONMENTAL RECOMMENDATION:** The project is Categorically Exempt under Class 5a, pursuant to California Code of Regulations Section 15305, Minor Alteration in Land Use Limitation; 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 proposing any development at this time.

**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. Lot 1 is currently developed with two single-family residences

and appurtenant structures and is served by private well and onsite septic systems. This project proposes to locate all existing improvements within one of the newly created lots, thereby limited any future development. Lot 2 will be vacant and will require a Coastal Development Permit and possible additional studies to determine possible impacts to habitats and resources that may be present in the area.

#### **RECOMMENDED MOTION**

The Coastal Permit Administrator approves Coastal Boundary Line Adjustment B\_2024-0012 subject to the following findings and 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 discuss boundary line adjustments; and,
- 2. Pursuant to Mendocino County Coastal Zoning Code Section 20.532.095(A)(2), the proposed project will be provided with adequate utilities, access roads, drainage, and other necessary facilities. The proposed boundary line adjustment does not change any utilities already existing and access will still be off of State Route 1; 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 TP zoning district to better align residential lands and activities. The proposed boundary line adjustment would not result in the creation of any new non-conforming lot beyond that which already exists; 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; and
- 7. Pursuant to Mendocino County Coastal Zoning Code Section 20.532.095(B)(1), The proposed project does not have public access or public recreation on site. The proposed boundary line adjustment is in conformance with the Coastal Element, Chapter 3.

## **CONDITIONS OF APPROVAL:**

 This action shall become final on the 11th day following the decision unless an appeal is filed pursuant to Section 20.544.015 of the Mendocino County Code. The permit shall become effective after the 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 quit claim deed containing the following wording to be contained within the legal description:

"Any and all lands and any and all interest thereto lying within the following described real property (perimeter description of the adjusted parcel(s)."

And.

"This deed is given pursuant to Mendocino County Coastal Development Boundary Line Adjustment B 2024-0012 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 Auditor Controller 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. This project shall adhere to the applicable sections of Title 14 of the California Code of Regulations, Division 1.5, Chapter 7, Sub-Chapter 2-State Fire Safe Regulations.

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.

DATE

PLANNER III

Appeal Period: 10 Days Appeal Fee: \$2.674.00

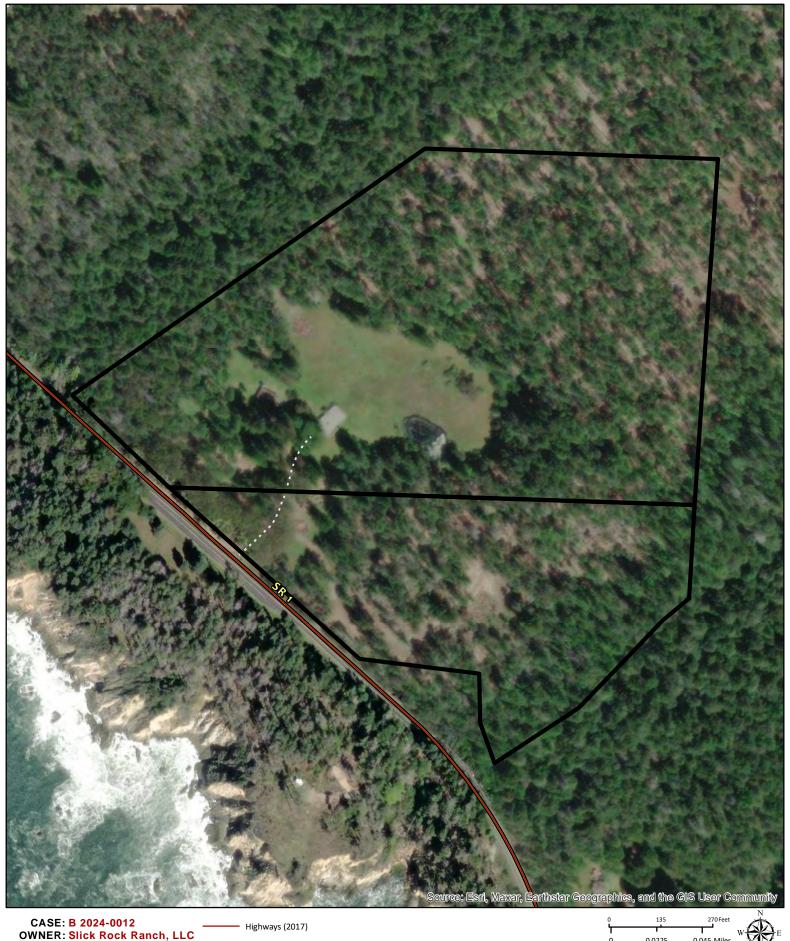
## ATTACHMENTS:

- A. Location Map
- B. Aerial Vicinity Map
- C. Aerial Detail Map
- D. Topographical Map
- E. Site/Tentative Map/Project Plans
- F. Zoning Map
- G. General Plan Map

- H. LCP Maps
- I. CDP Exclusion Zone Map
- J. Adjacent Owner Map
- K. Fire Hazards Map
- L. Gualala MAC





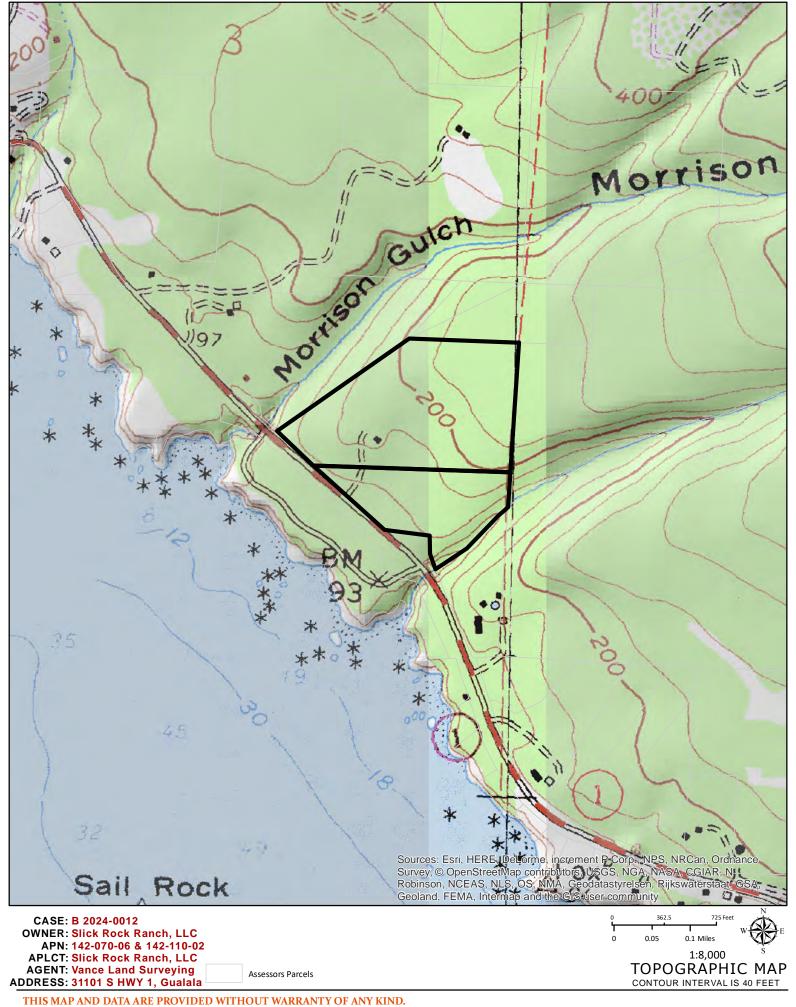


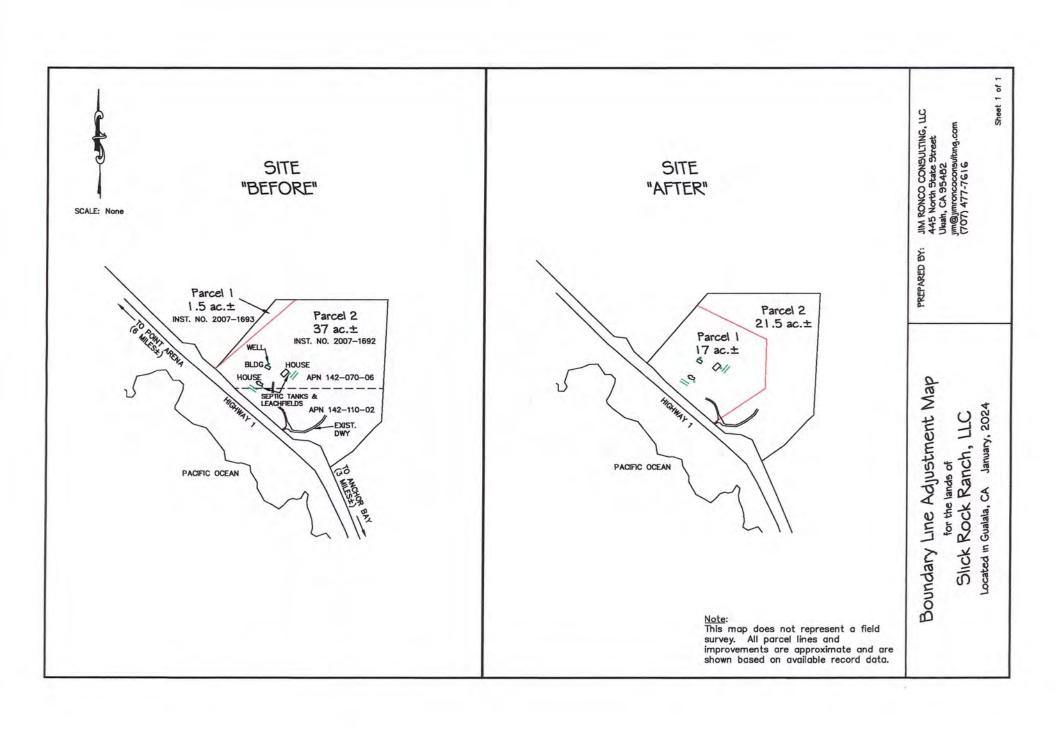
APN: 142-070-06 & 142-110-02= Public Roads **APLCT: Slick Rock Ranch, LLC** AGENT: Vance Land Surveying ADDRESS: 31101 S HWY 1, Gualala

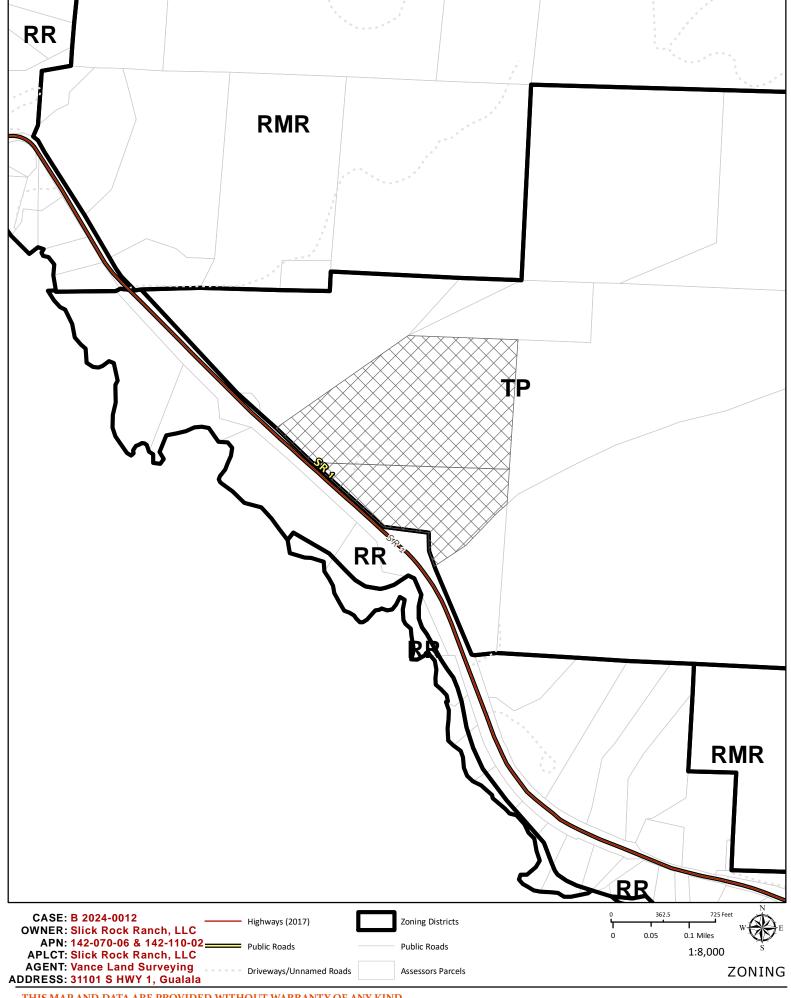
Driveways/Unnamed Roads

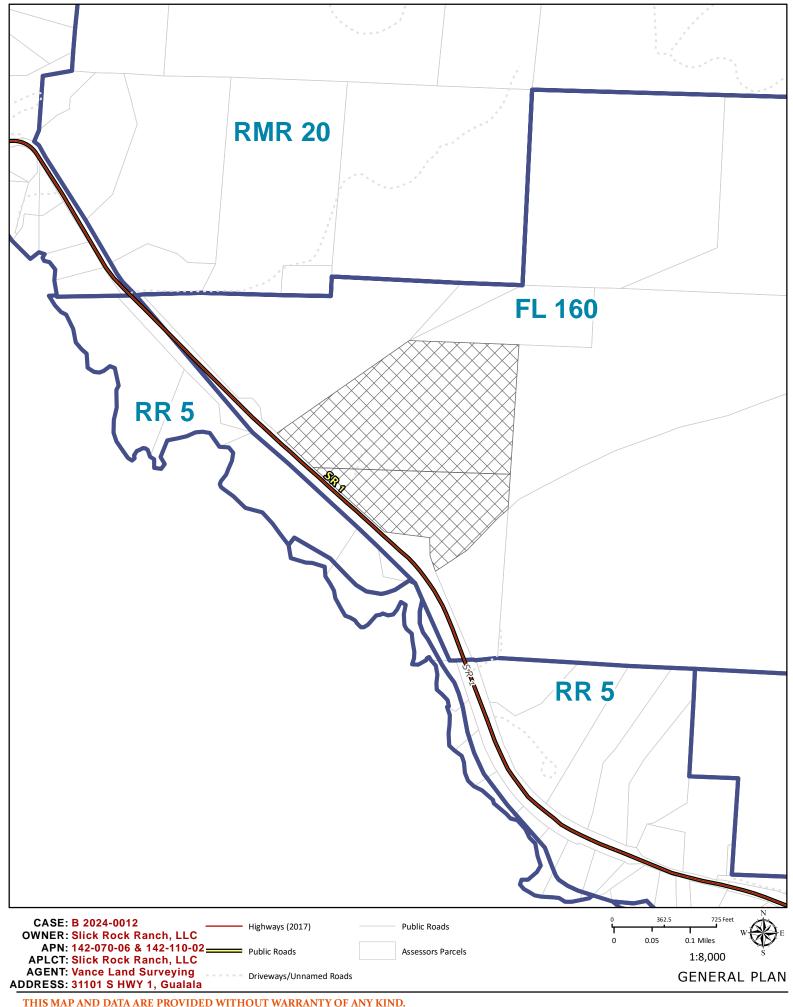
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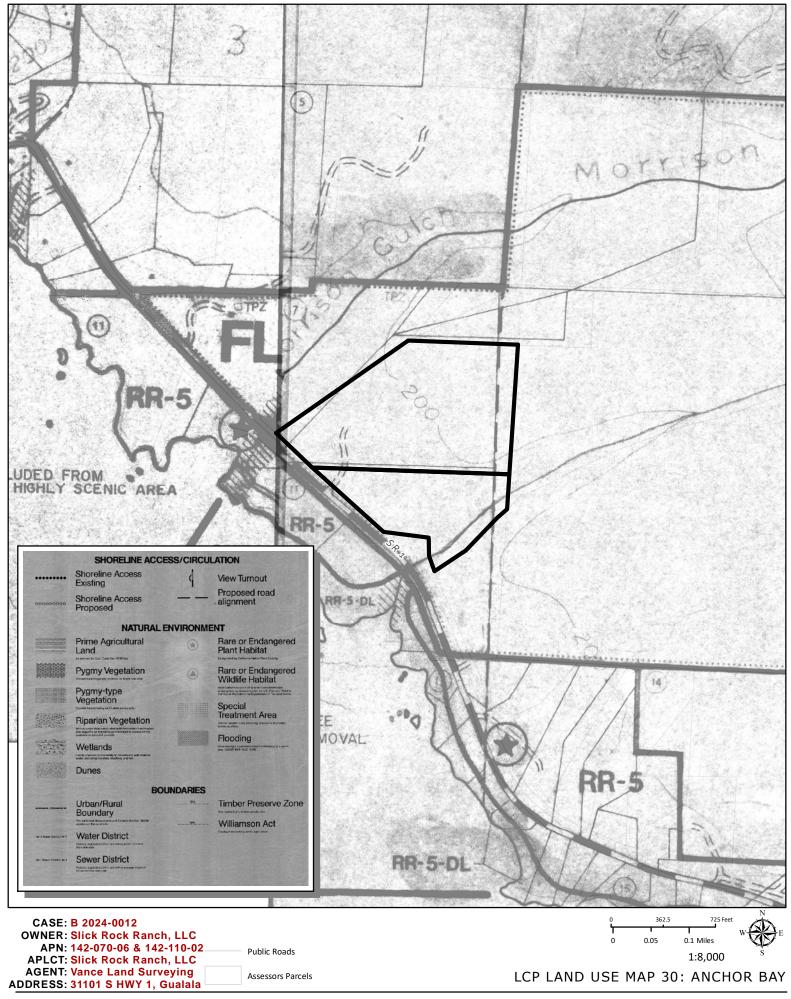
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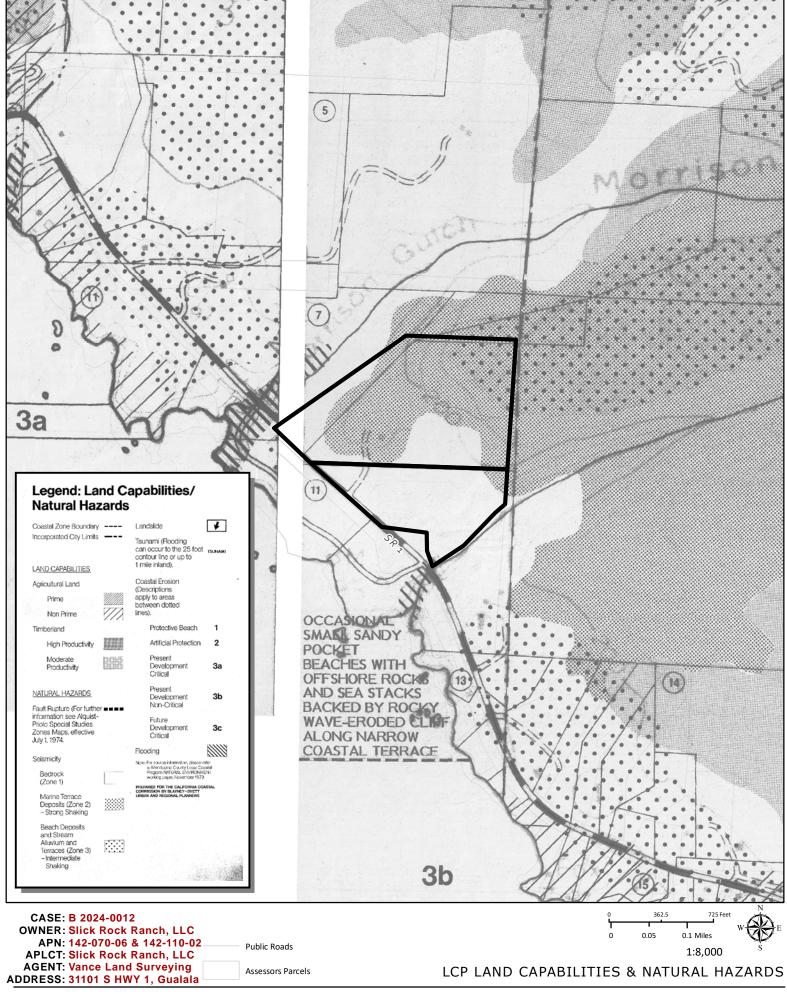


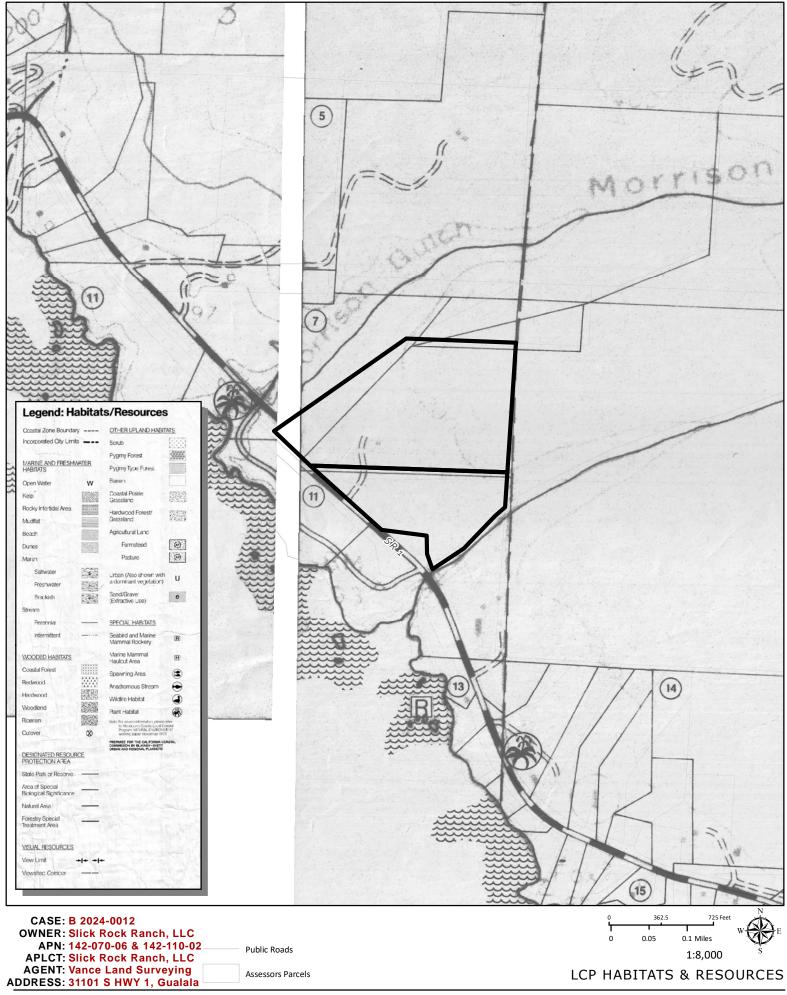


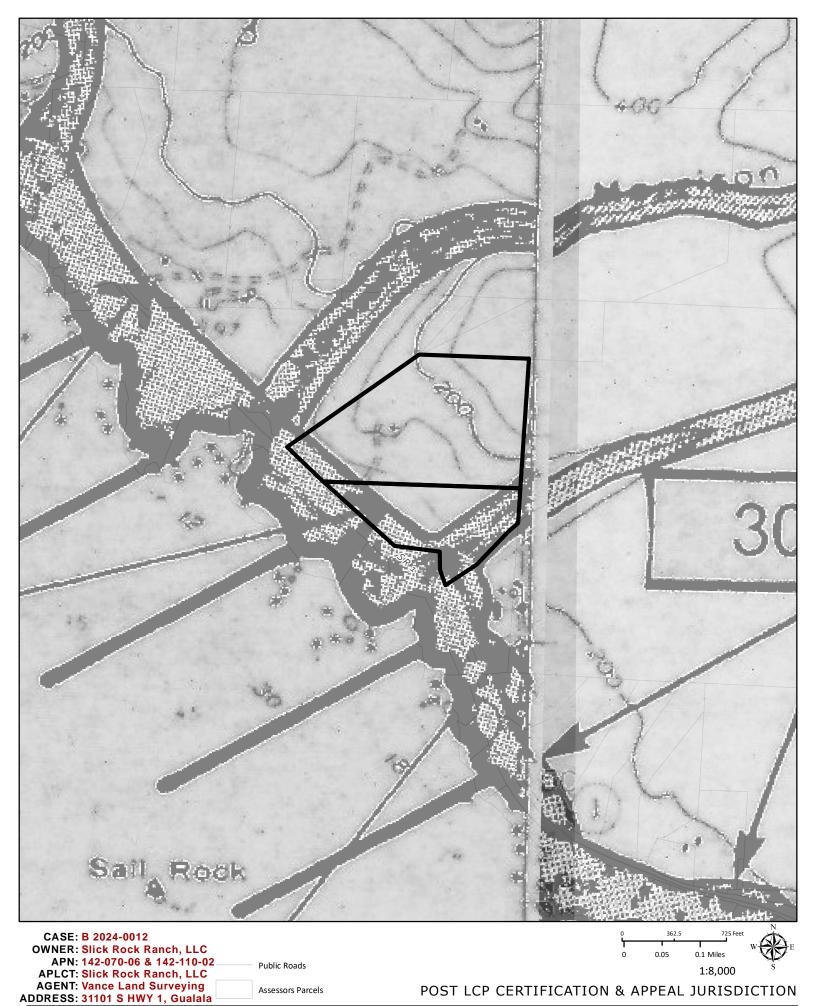












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