

COUNTY OF MENDOCINO DEPARTMENT OF PLANNING AND BUILDING SERVICES

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

November 28, 2018

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 December 13, 2018, in the Planning and Building Services, Public Conference Room, 860 North Bush Street, Ukiah, California. 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 to consider issuance of a coastal development permit on the boundary line adjustment, commencing immediately following the Subdivision Committee meeting.

CASE#: B_2018-0060 DATE FILED: 9/19/2018 OWNER: GENE A & SUSAN MATTIUZZO APPLICANT/AGENT: CLIFFORD ZIMMERMAN REQUEST: Coastal Development Boundary Line Adjustment to reconfigure the boundary between 2 parcels from a north/south configuration to an east/west configuration. Parcel 1 (APN: 017-180-32) will decrease to 5± acres and Parcel 2 (APN: 017-180-31) will increase to 3.67± acres. ENVIRONMENTAL DETERMINATION: Categorically Exempt LOCATION: 2.5± miles southwest of the City of Fort Bragg on the north side of Simpson Ln. (CR 414), 0.9± east of its intersection with State Hwy. 1 (SH 1), no address assigned (APNs: 017-180-31, & -32).

STAFF PLANNER: RUSSELL FORD

You are invited to appear at the hearing or to direct written comments to the Department of Planning and Building Services Commission Staff, at 860 North Bush Street, Ukiah, California, no later than December 12, 2018. You may receive notification of the decision on this project by requesting notification in writing and providing a self-addressed stamped envelope to the Department of Planning and Building Services. All correspondence should contain reference to the above noted case number.

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.

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.

BRENT SCHULTZ, DIRECTOR PLANNING AND BUILDING SERVICES



COASTAL PERMIT ADMINISTRATOR STAFF REPORT- COASTAL BOUNDARY LINE ADJUSTMENT

| | SUMMARY |
|------------------------------|--|
| OWNER: | GENE A. & SUSAN A. MATTIUZZO, TRUSTEES 32100 SIMPSON LANE FORT BRAGG, CA 95437 |
| APPLICANT: | CLIFF ZIMMERMAN 32200 FOREST LANE FORT BRAGG, CA 95437 |
| REQUEST: | Coastal Development Boundary Line Adjustment to reconfigure the boundary between 2 parcels from a north/south configuration to an east/west configuration. Parcel 1 (APN 017-180-32) will decrease to 5 acres, and Parcel 2 (APN 017-180-31) will increase to 3.67± acres. |
| LOCATION: | In the Coastal Zone, $2.5\pm$ miles southeast of the City of Fort Bragg on the north side of Simpson Lane (CR 414), .9± miles east of its intersection with State Hwy. 1; APNs: 017-180-31, & -32. |
| ACREAGE: | APN: 017-180-31 Before = 3.04± Ac., After = 3.67± Ac. APN: 017-180-32 Before = 5.63± Ac., After = 5.00± Ac. |
| GENERAL PLAN: | Rural Residential, 5 acre minimum/Rural Residential, 2 acre minimum (RR-5)/(RR-2) |
| ZONING: | Rural Residential, 5 acre minimum/Rural Residential, 2 acre minimum (RR-5)/(RR-2) |
| SUPERVISORIAL DISTRICT: | 4 |
| ENVIRONMENTAL DETERMINATION: | Categorically Exempt: Class 5(a) (Minor lot line adjustments not resulting in the creation of any new parcel). |
| RECOMMENDATION: | Approve with Special Conditions. |
| STAFF PLANNER: | Russell Ford |
| _ | |

BACKGROUND

PROJECT DESCRIPTION: Gene & Susan Mattiuzzo own two legal parcels on the north side of Simpson Lane (CR 414), .9± miles east of State Highway 1. The parcels were acquired years apart but have never been otherwise reviewed through planning projects. The majority of the parcels lie within the Coastal Zone, with the "foot" of the eastern parcel being in the inland zone. The applicants wish to reconfigure the current boundary from a north/south orientation to an east/west one. Both parcels are currently undeveloped.

<u>APPLICANT'S STATEMENT</u>: "Property line between the two parcels to be changed from a north-south orientation to an east-west. Resulting in a 5 ac. Northerly parcel and 3.67 southerly parcel."

RELATED APPLICATIONS:

On-Site

None

Neighboring Property

• No applicable projects

<u>SITE CHARACTERISTICS</u>: The project sits on a marine terrace 1.25± miles from the Pacific Ocean and on the southern bank of Hare Creek. The southwestern portion of the site is flat with gradually declining slopes to the northeast as the site approaches the creek itself. Both sites are currently undeveloped and entirely forested. The southwest corner of the site touches Simpson Lane and currently provides access for both parcels.

The site soil is evenly split between Harecreek sandy loam and Caspar-Quinliven-Ferncreek complex, both of which support predominantly redwood and bishop pine as reflected by aerial imagery.

SURROUNDING LAND USE AND ZONING:

| | GENERAL PLAN | ZONING | LOT SIZES | USES |
|-------|-----------------------------------|-----------------------------------|------------|-------------|
| NORTH | Forestland (FL) | Timber Production (TP) | 45± Acres | Forestland |
| EAST | Public Land (PL) | Timber Production (TP) | 160± Acres | Forestland |
| SOUTH | Rural Residential 5 ac., variable | Rural Residential 5 ac., variable | 5± Acres | Residential |
| | to 2 ac. (RR-5 [RR-2]) | to 2 ac. (RR-5 [RR-2]) | | |
| WEST | Rural Residential, 5 ac. (RR-5) | Rural Residential, 5 ac. (RR-5) | 5± Acres | Residential |

PUBLIC SERVICES:

| Access: | Simpson Lane (CR 414) |
|------------------|---|
| Fire District: | Fort Bragg Rural Fire Protection District |
| Water District: | None |
| Sewer District: | None |
| School District: | Fort Bragg Unified |

<u>AGENCY COMMENTS</u>: On October 4th, 2018 project referrals were sent to the following responsible or trustee agencies with jurisdiction over the Project. A summary of the submitted agency comments are listed below. Any comment that would trigger a project modification or denial are discussed in full as key issues in the following section.

| REFERRAL AGENCIES COMMENT | |
|-----------------------------------|------------|
| | |
| Building Division (Fort Bragg) | No Comment |
| Department of Transportation | N/A |
| Environmental Health (Fort Bragg) | No Comment |
| Fort Bragg Rural Fire District | N/A |
| Planning Division (Fort Bragg) | No Comment |
| CALFIRE (Land Use) | No Comment |
| Coastal Commission | N/A |

COASTAL PERMIT ADMINISTRATOR STAFF REPORT FOR COASTAL BOUNDARY LINE ADJUSTMENT

KEY ISSUES

1. General Plan and Zoning Consistency: The majority of the site is currently zoned and classified as Rural Residential 5 acre minimum (RR-5). The western lot is currently conforming at $5.63\pm$ acres, and the eastern lot is non-conforming at $3.04\pm$ acres. The proposed adjustment will alter the size of the lots only slightly, while keeping the conformity of the larger lot at 5 acres. Neither of the lots are currently developed, and any future development may be subject to a Coastal Development Permit.

2. Division of Land Regulations: This project is scheduled to be reviewed by the County Subdivision Committee on December 13th, 2018 at which time the Subdivision Committee will make recommendations concerning approval to the Coastal Permit Administrator per the required finding in Section 17-17.5 of the Mendocino County Code. No conflicts with the County Division of Land Regulations were identified.

3. Natural Resources: After review of the LCP land use maps, the county's Biological Resources Map and the State of California's Natural Diversity Database, no threatened flora, fauna or environmentally sensitive habitat areas were identified within the project site. The northern tip of the site is within 150 feet of Hare Creek and is within an appealable area. The entire project site is heavily forested but is not currently within a zoning classification intended for timber harvest. As a Boundary Line Adjustment, no additional development or site disturbance is requested or approved. Any further development may require a Coastal Development Permit and will be further reviewed at that time.

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. The proposed adjustment does not provide for future divisions beyond that which currently exist;
- 2. The boundary line adjustment will not create any new parcels;
- 3. The parcels subject to the adjustment are not situated within an environmentally sensitive habitat area.
- 4. No substandard lot will result from the adjustment. All currently conforming lots will remain so.
- 5. The property subject to the adjustment is in an area designated MWR (Marginal Water Resources) identified in the Mendocino County Groundwater Study, and is consistent with the study.
- 6. No pygmy or pygmy-capable soils were identified on the project site.
- 7. The project is not located within a designated "Highly Scenic" area.
- 8. The project is an appealable project, as it is a boundary line adjustment.
- 9. The 5 acre parcel must be certified by a licensed Land Surveyor to verify that it maintains the 5 acre minimum.

ENVIRONMENTAL RECOMMENDATION: The application is Categorically Exempt – Class 5a. 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 and Coastal Element.

RECOMMENDED MOTION

The Coastal Permit Administrator approves Coastal Development Boundary Line Adjustment B_2018-0060, subject to the following Conditions of Approval, finding that the application and supporting documents and exhibits contain sufficient information and conditions to establish, as required by the Coastal Zoning Code, that:

1. The proposed boundary line adjustment is in conformance with the Coastal Element; and,

- 2. The proposed development will be provided with adequate utilities, access roads, drainage, and other necessary facilities;
- 3. The proposed boundary line adjustment is consistent with the purpose and intent of the zoning district applicable to the property, as well as the provisions of the Coastal Zoning Code and preserves the integrity of the zoning district; and,
- 4. The proposed boundary line adjustment will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act (CEQA);
- 5. The proposed boundary line adjustment will not have any adverse impacts on any known archaeological or paleontological resource;
- 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;
- 7. The proposed adjustment is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act and the Coastal Element of the General Plan.

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 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 <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_2018-0060 and is intended to create no new parcel."

4. Per Mendocino County Code Section 17-17.5(I) (2):

"That the Treasurer-Tax Collector certifies that all taxes and assessments due on each parcel affected by the adjustment have been paid or cleared, and that a deposit to secure payment of the taxes and assessments which are due but not yet payable have been made."

The enclosed **Certificate of the Official Redeeming Officer form** must be certified by the Treasurer-Tax Collector and a copy returned to the Department of Planning and Building Services.

- 5. After you have been given clearance to record the new documents, you must send a **copy** of the recorded deed(s) to the Department of Planning and Building Services. Upon review and approval of this information, you will receive a Completion Certificate.
- 6. In the event that archaeological resources are encountered during development of the property, work in the immediate vicinity of the find shall be halted until all requirements of Chapter 22.12 of the Mendocino County Code relating to archaeological discoveries have been satisfied.

COASTAL PERMIT ADMINISTRATOR STAFF REPORT FOR COASTAL BOUNDARY LINE ADJUSTMENT

- 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 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."

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).

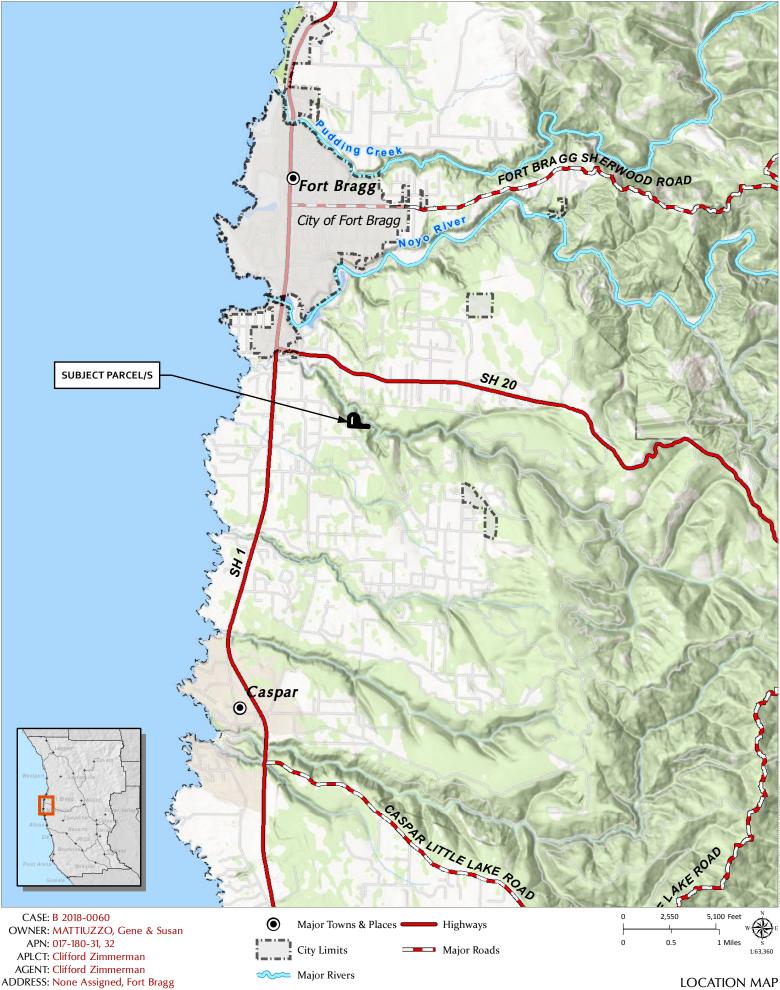
NOTE: APPLICANTS OR OTHER PERSONS WHO ARE DISSATISFIED WITH A DECISION OF THE COASTAL PERMIT ADMINISTRATOR FOR A COASTAL DEVELOPMENT PERMIT FOR A BOUNDARY LINE ADJUSTMENT MAY APPEAL THE ACTION TO THE BOARD OF SUPERVISORS. AN APPEAL MUST BE MADE IN WRITING ALONG WITH THE APPLICABLE FEE TO THE CLERK OF 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.

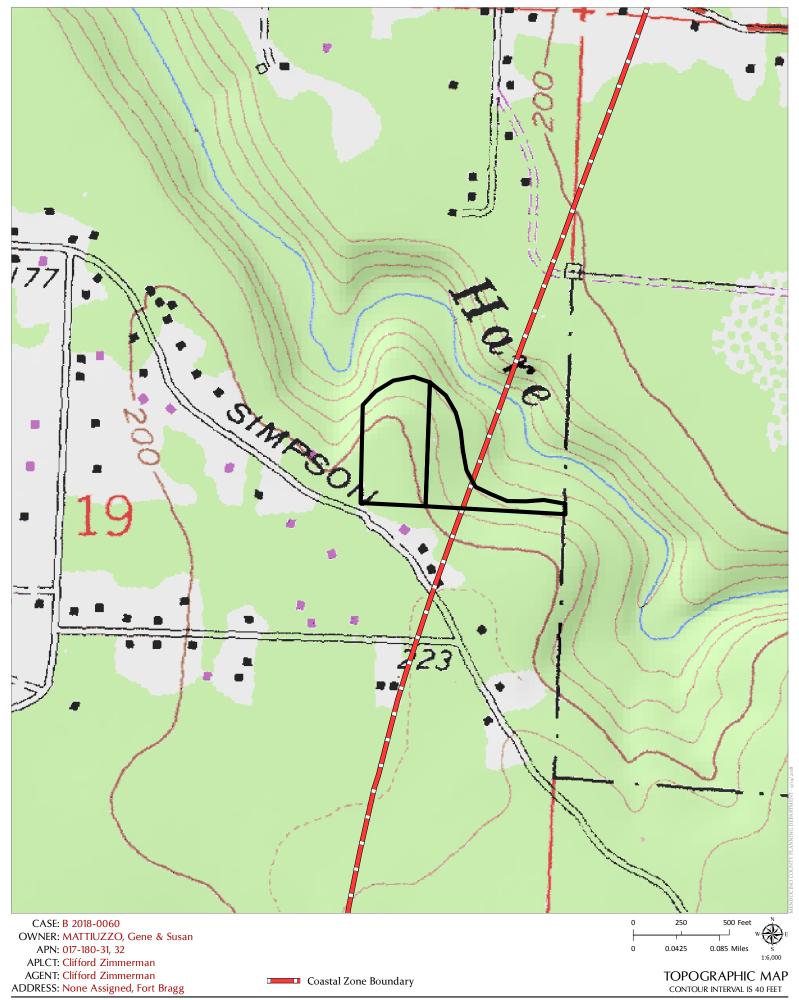
RUSSELL FORD PLANNER III/CARTOGRAPHER

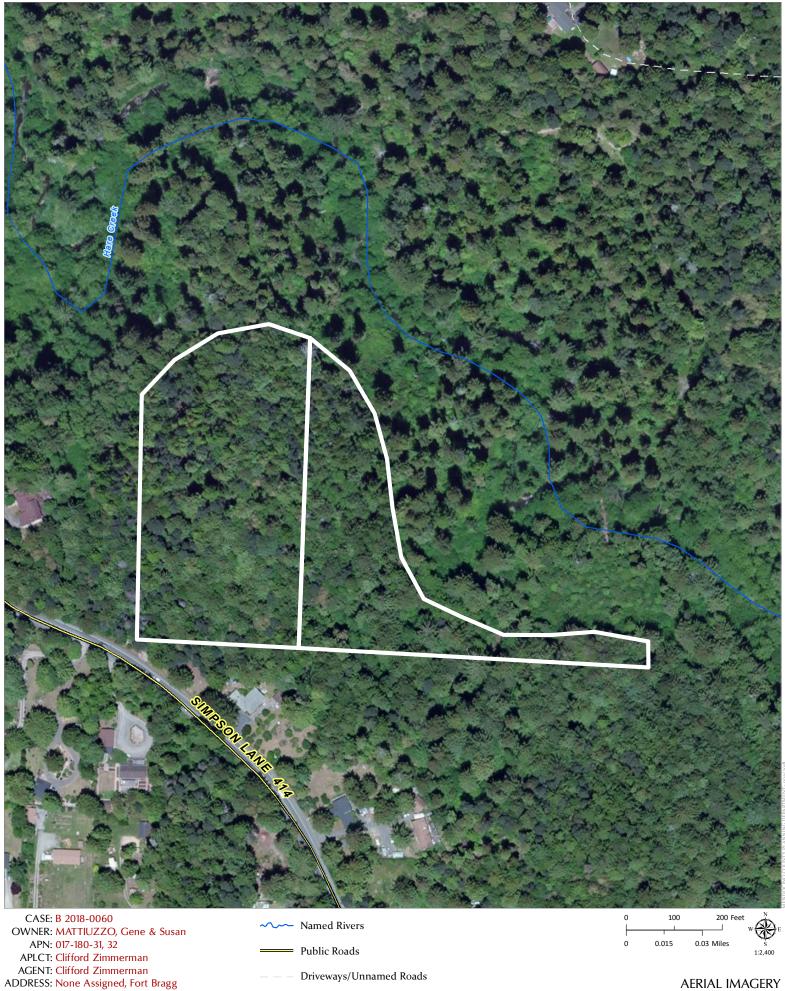
Appeal Period: 10 Days Appeal Fee: \$1,616.00

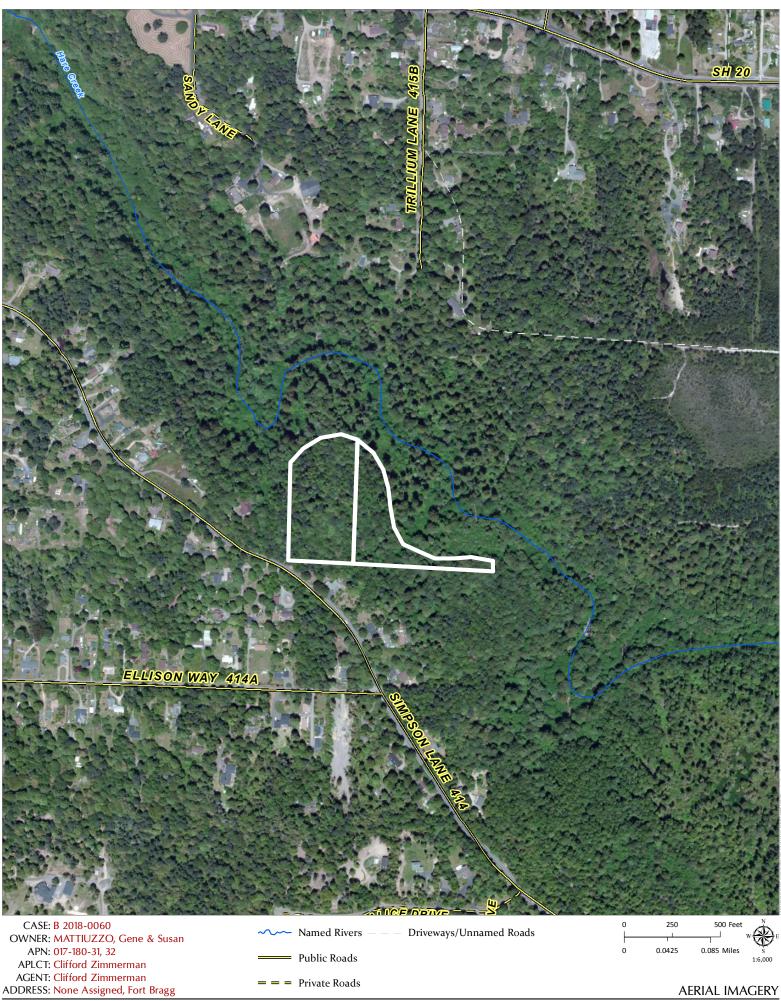
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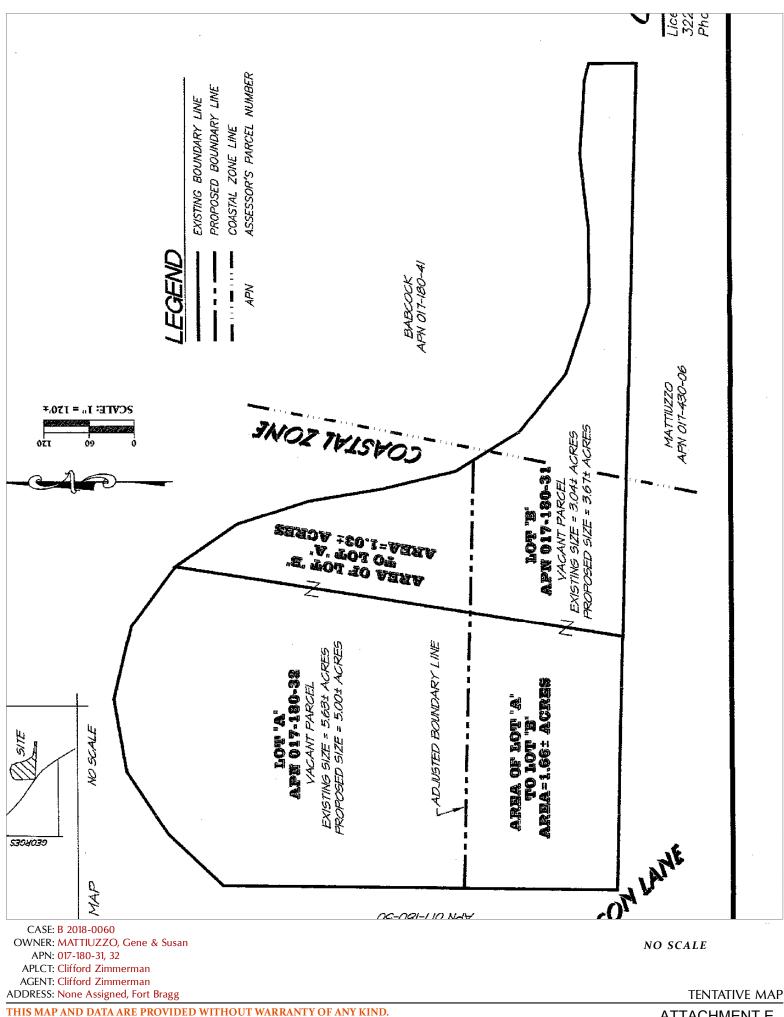
- A. Location Map
- B. Topographic Map
- C. Aerial Vicinity Map
- D. Aerial Map
- E. Tentative Map
- F. Zoning Map
- G. General Plan Classifications
- H. LCP Land Capabilities
- I. LCP Habitats & Resources
- J. LCP Land Use
- K. Appealable Areas
- L. Adjacent Parcels
- M. Fire Hazard Zones
- N. Coastal Groundwater Resources
- O. Local Soils
- P. Stormwater
- Q. Timber Production Zones
- R. Wetlands

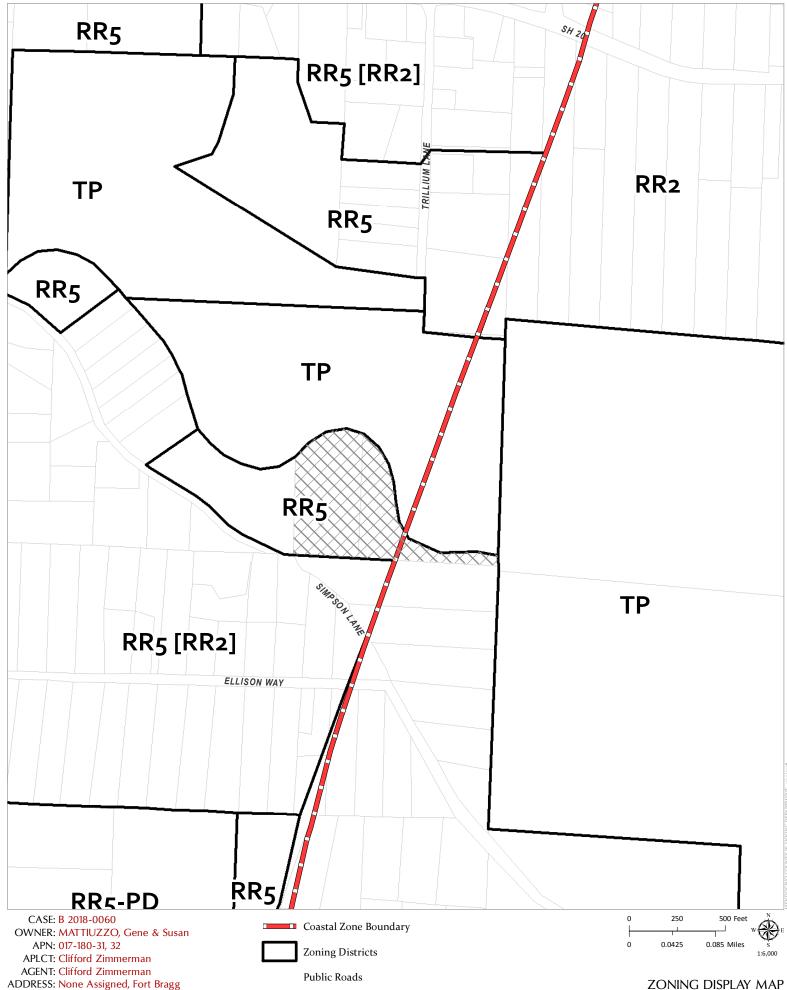






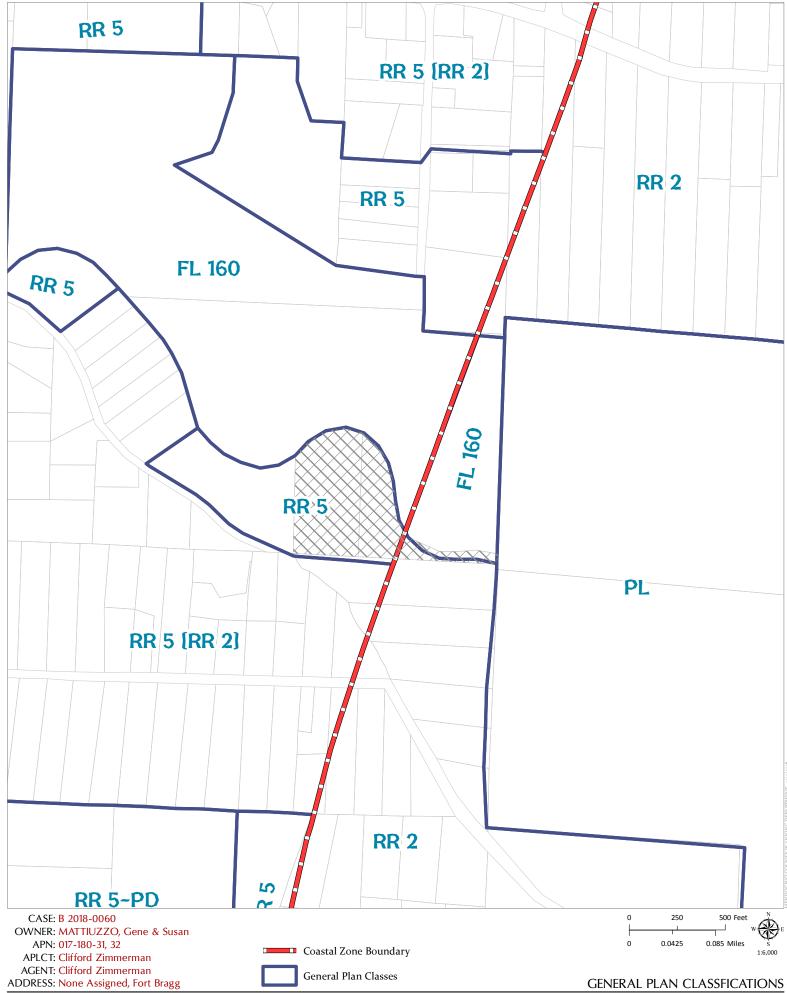


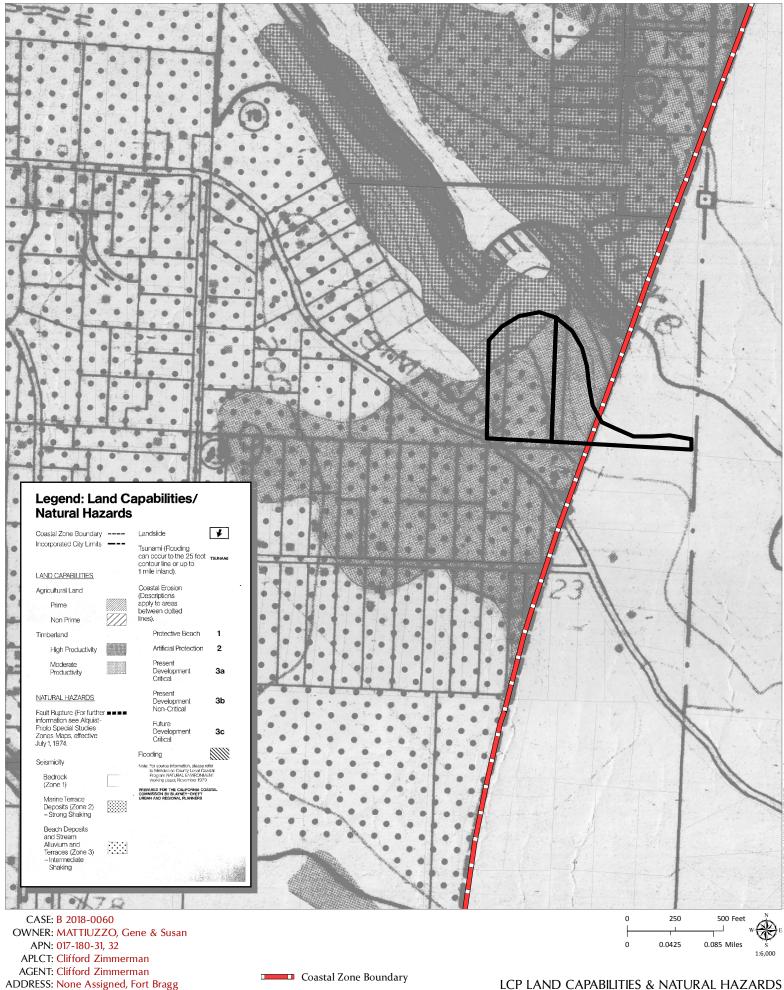




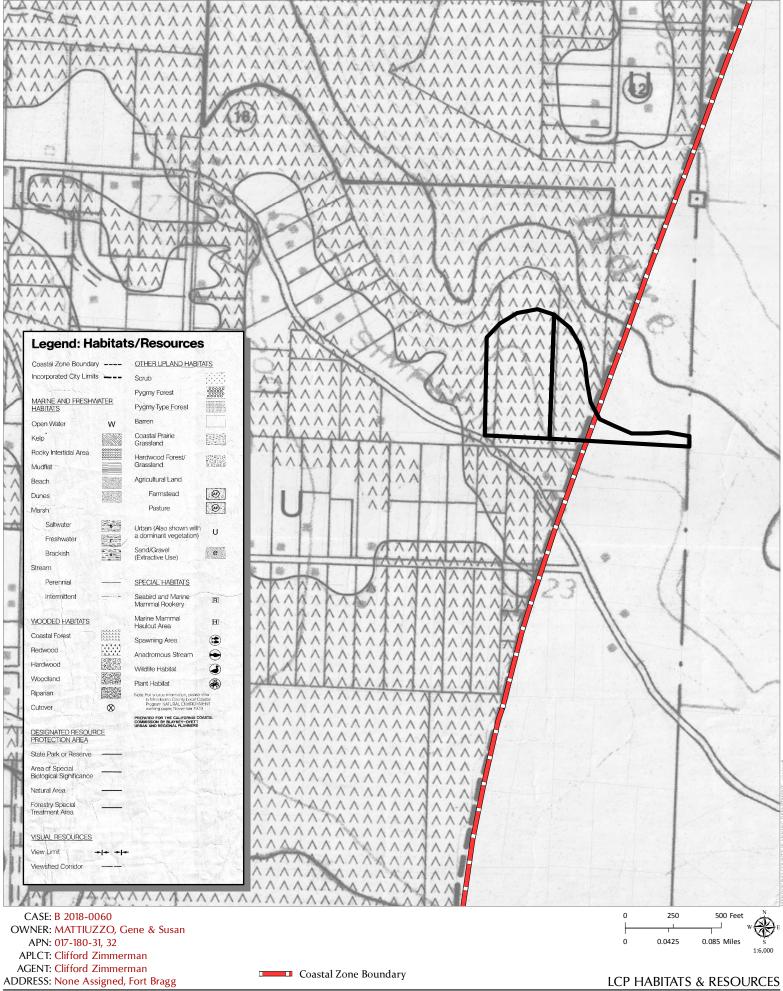
ZONING DISPLAY MAP

ATTACHMENT F

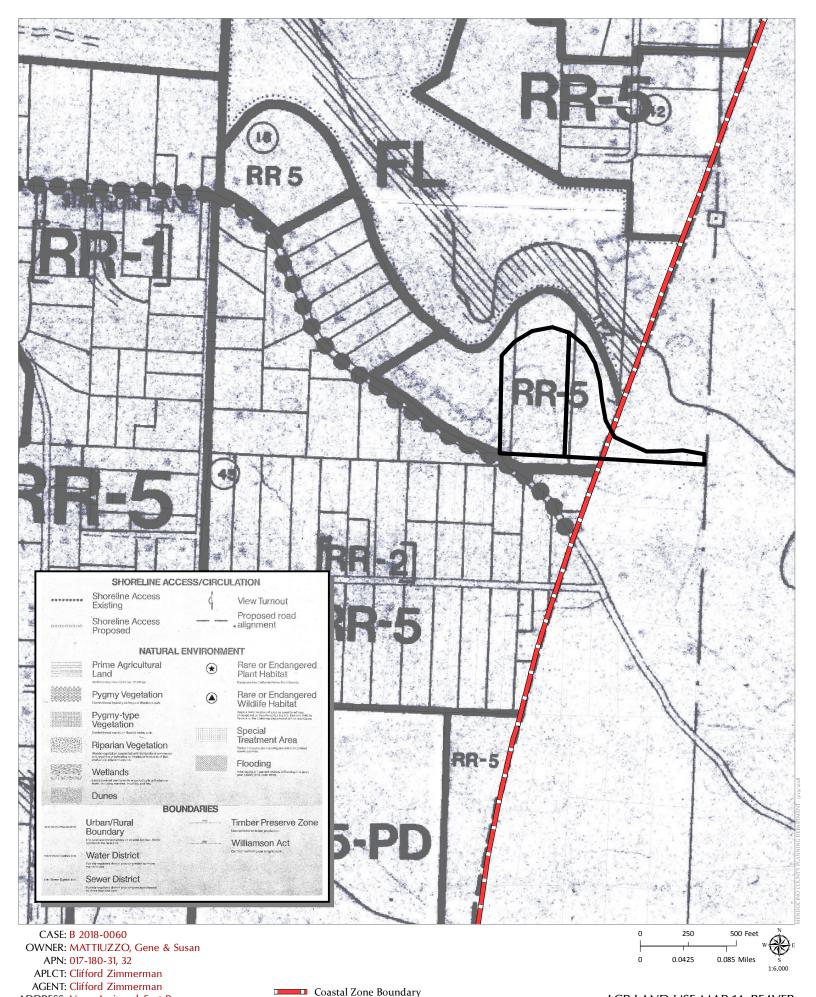




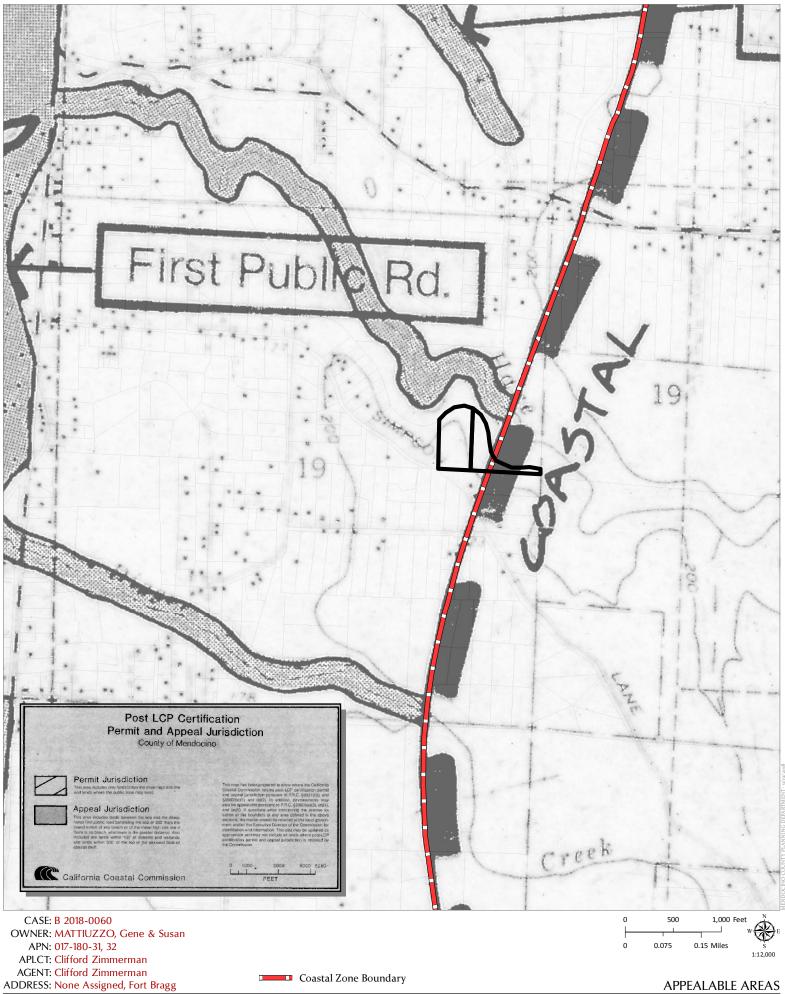
LCP LAND CAPABILITIES & NATURAL HAZARDS

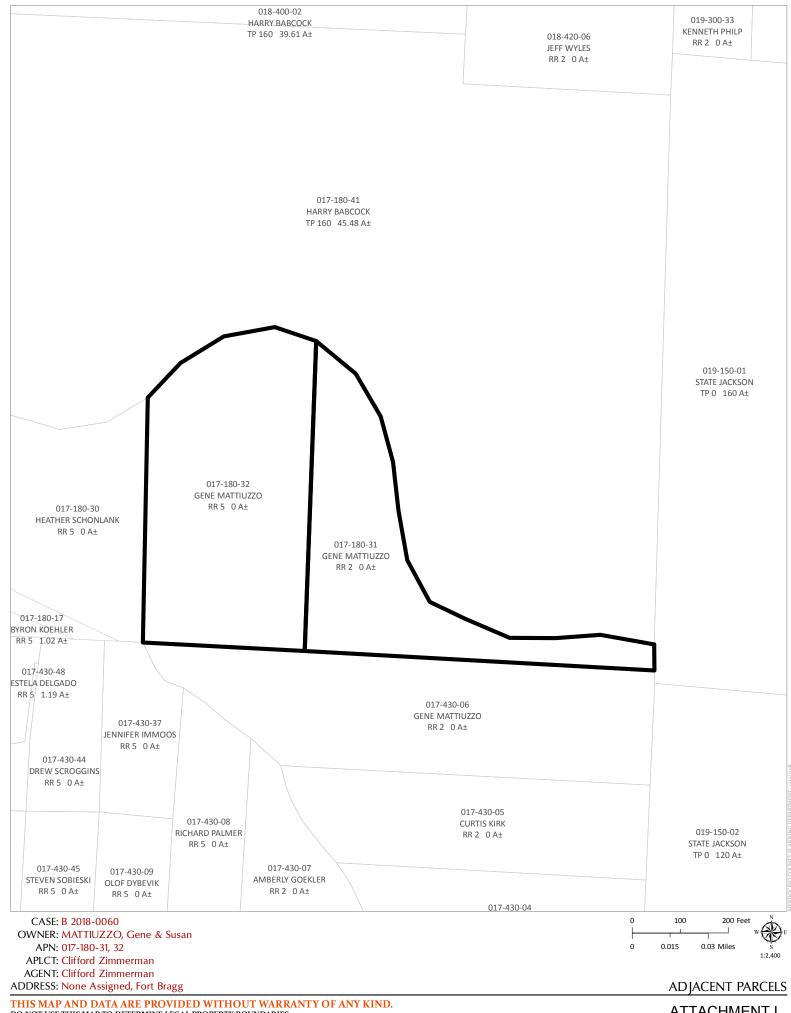


ATTACHMENT I



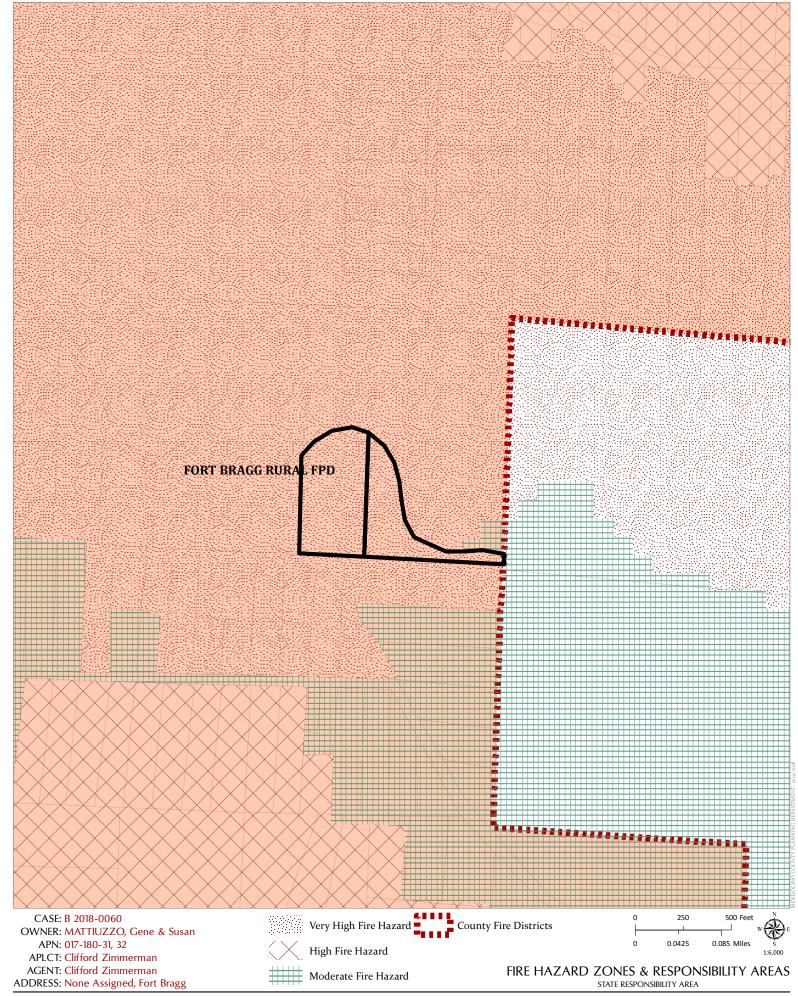
ADDRESS: None Assigned, Fort Bragg THIS MAP AND DATA ARE PROVIDED WITHOUT WARRANTY OF ANY KIND. DO NOT USE THIS MAP TO DETERMINE LEGAL PROPERTY BOUNDARIES LCP LAND USE MAP 14: BEAVER



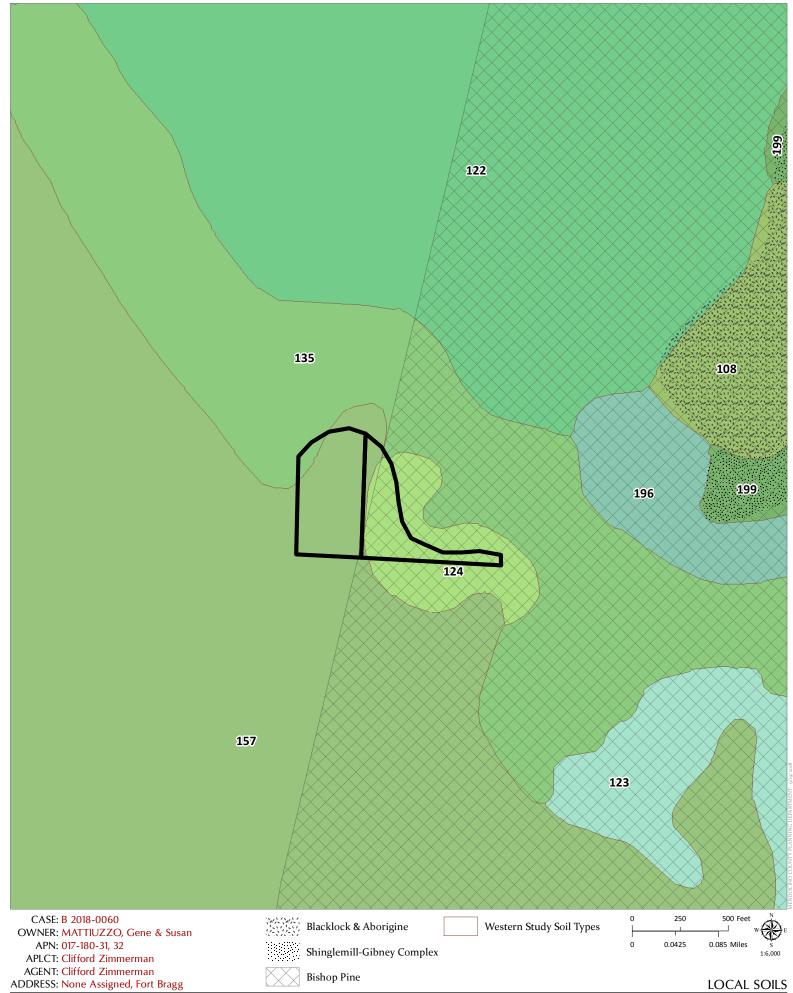


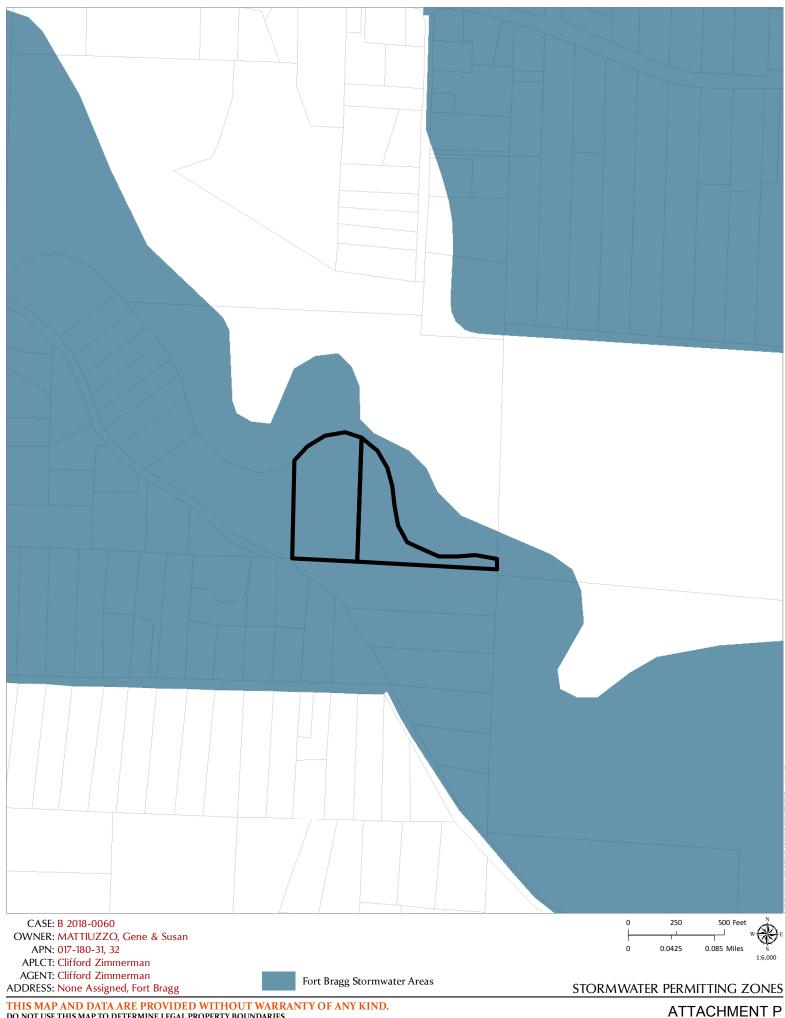
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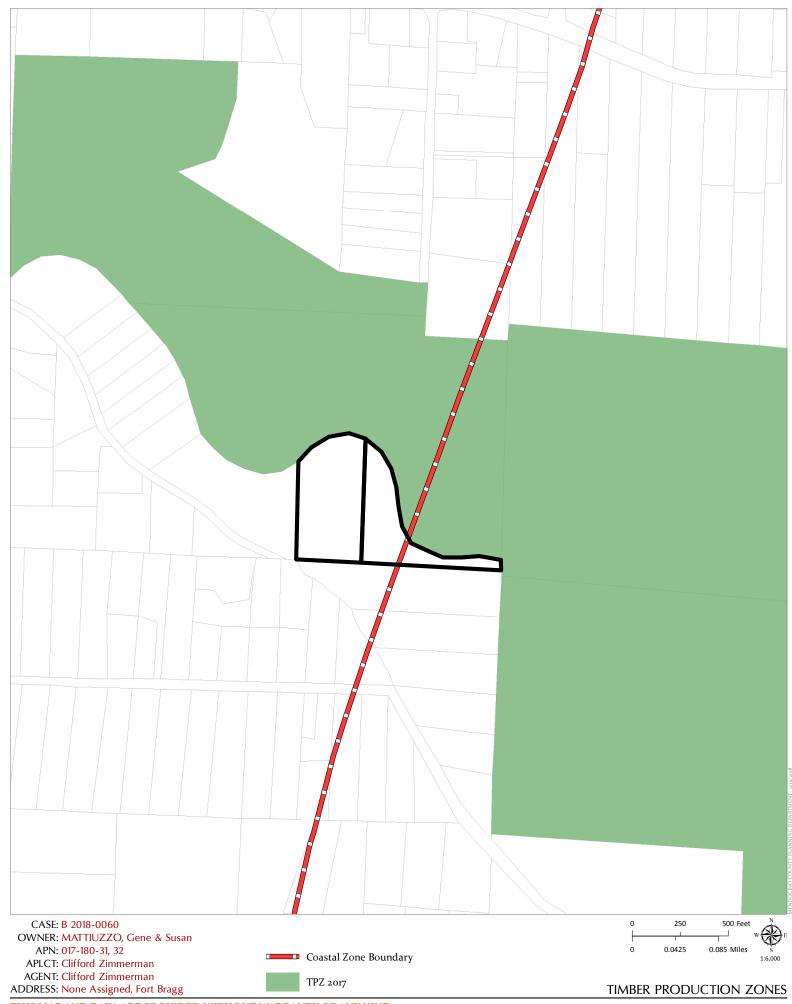
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| AGENT: Clifford Zimmerman ADDRESS: None Assigned, Fort Bragg | Marginal Water Resources GR | | NATER | RESOU | RCFS |







ATTACHMENT Q

