120 WEST FIR STREET · FORT BRAGG · CALIFORNIA · 95437

PHONE: 707-234-6650 FAX: 707-463-5709 FB PHONE: 707-964-5379 FB FAX: 707-961-2427 pbs@mendocinocounty.org www.mendocinocounty.org/pbs

BRENT SCHULTZ, DIRECTOR

October 16, 2019

#### 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 November 14, 2019, 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, in the Planning and Building Services in the Multipurpose Room. 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\_2019-0034 **DATE FILED**: 8/13/2019

OWNER/APPLICANT: LOUISE BLACK AND LYME REDWOOD TIMBERLANDS, LLC

**REQUEST:** Coastal Development Boundary Line Adjustment to transfer 2.74± acres from Lot 2 (APN: 069-101-45) into Lot 1 (APN: 069-101-21). Lot 1 will increase to 5.17± acres and Lot 2 will

decrease to 81.14± acres.

**ENVIRONMENTAL DETERMINATION:** Categorically Exempt

**LOCATION:** In the Coastal Zone, 8.95± miles north of the City of Fort Bragg, on the south side of Simpson Road (private), 0.55± miles east of its intersection with State Route 1 (SR 1), located

at 33801 Simpson Road, Fort Bragg (APN's: 069-101-21, & -45).

STAFF PLANNER: RUSSELL FORD

The staff report and notice will be available for public review 10 days prior to the hearing at 860 North Bush Street, Ukiah, and 120 Fir Street, Ft Bragg, California and on the Department of Planning and Building Services website at: https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas/CPA

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 November 13, 2019. 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 NOVEMBER 14, 2019 STAFF REPORT- BOUNDRY LINE ADJUSTMENT B 2019-0034

#### **SUMMARY**

OWNER/APPLICANT: LOUISE M. BLACK, TRUSTEE

33801 SIMPSON ROAD FORT BRAGG, CA 95437

LYME REDWOOD TIMBERLANDS, LLC, ET AL

90 REDWOOD AVENUE FORT BRAGG, CA 95437

**REQUEST:** Coastal Development Boundary Line Adjustment to

transfer 2.74± acres from Lot 2 (APN: 069-101-45) into Lot 1 (APN: 069-101-21). Lot 1 will increase to 5.17±

acres and Lot 2 will decrease to 81.14± acres.

**LOCATION:** In the Coastal Zone, 8.95± north of the City of Fort

Bragg on the south side of Simpson Road (private) 0.55± miles east of its intersection with State Route 1 (SR 1) at 33801 Simpson Road, Fort Bragg. (APN's:

069-101-21, -45)

ACREAGE: Lot 1: 2.43± (before)/5.17± (after)

Lot 2: 83.88± (before)/81.14± (after)

**GENERAL PLAN:** Lot 1: Rural Residential, 2 acre minimum (RR-2)

Lot 2: Forestland (FL)

**ZONING:** Lot 1: Rural Residential, 2 acre minimum (RR-2)

Lot 2: Timberland Production (TP)

SUPERVISORIAL DISTRICT: District 4 (Gjerde)

**ENVIRONMENTAL DETERMINATION:** Categorically Exempt: Class 5(a) (Minor lot line

adjustments not resulting in the creation of any new

parcel).

**RECOMMENDATION:** APPROVE BOUNDARY LINE ADJUSTMENT B \_2019-

0034 WITH CONDITIONS PER THE STAFF REPORT.

STAFF PLANNER: RUSSELL FORD

#### **BACKGROUND**

**PROJECT DESCRIPTION**: Louise Black has been the owner of APN: 069-101-21 since 1976. The parcel is developed with a single family residence and a number of accessory structures, including an extensive garden area in the southwest portion of the parcel. The accessory structures were constructed with respect to the existing fence line between Black and Lyme Redwoods to the south. It was later discovered that the fence line is inaccurate and a number of these structures have mistakenly encroached onto the lands of Lyme Redwood. This Boundary Line Adjustment intends to transfer 2.74± acres from Lyme to Black to alleviate the encroachment and provide a buffer from future timber operations.

<u>APPLICANT'S STATEMENT</u>: "I was told that the southern fence between parcels 21 and 45 was the legal boundary, thus I ignorantly built structures that extended south of the legal line onto what is now Lyme Redwood Forest Co. Lyme has offered to sell me 2.746 acres to rectify my error. Intention is to clear up boundary line and to clear brush and limb up trees, and to remove SOD trees."

#### **RELATED APPLICATIONS:**

#### **On-Site**

- APN: 069-101-21 was created as a part of MD 137-73 (Parcel 4)
- Associated permits for SFR, septic and accessory structures

#### **Neighboring Property**

No applicable projects

SITE CHARACTERISTICS: The project site sits on a flat marine terrace just north of a small drainage and a little more than one mile from the Pacific Ocean. A private drive called Simpson Road provides the primary access to the northern parcel, Lot 1. This area of Simpson Road is moderately developed with a number of single family residences each on 2+ acre lots. The Lyme Redwood parcel to the south is approximately 80 acres and roughly split by Little Valley Road (CR 426), which provides the primary access. This parcel extends south of Little Valley Road for approximately 40 acres. It is nearly 100% forested and undeveloped, and is adjacent to additional timberland under common ownership farther south.

#### **SURROUNDING LAND USE AND ZONING:**

	GENERAL PLAN	ZONING	LOT SIZES	USES
NORTH	Rural Residential, 2 acre	Rural Residential, 2 acre	2 to 5	Residential
	minimum (RR-2)	minimum (RR-2)	acres	
EAST	Rural Residential, 2 acre	Rural Residential, 2 acre	2 to 5	Residential
	minimum (RR-2)	minimum (RR-2)	acres	
SOUTH	Forestland (FL)	Timberland Production (TP)	400+	Forestland
WEST	Rangeland (RL)	Rangeland (RL)	50±	Rangeland

#### **PUBLIC SERVICES:**

Access: Simpson Road (Lot 1)/Little Valley Road (Lot 2)

Fire District: Fort Bragg Rural FPD

Water District: None Sewer District: None

School District: Fort Bragg Unified

**AGENCY COMMENTS**: On September 12<sup>th</sup>, 2019 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	
CALFIRE	Recommend Conditional Approval (no conditions provided)	
Environmental Health	No Comment	
Planning Division (Fort Bragg)	No Comment	

#### **KEY ISSUES**

**1. General Plan and Zoning Consistency:** The project site is currently zoned and classified as Rural Residential, 2 acre minimum (RR-2). This adjustment will increase Lot 1 to 5.17± acres, keeping its conformity. Lot 2 is classified Forestland (FL) and zoned for Timberland Production (TP) befitting its forested configuration. This adjustment will result in a split zone on Lot 1 between RR-2 and TP. Staff finds that the project is in conformance with the requirements of Sec. 20.524.025(E) regarding the

adverse effect of environmental resources, due to the existing residential use. No usable resource lands will be rendered unusable following approval of this project. 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 November 14<sup>th</sup> 2019 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:** Lot 2 is indicated as *High Productivity Timberland* on the attached LCP Land Capabilities & Natural Hazards map. The portion of Lot 2 being transferred has been previously developed for residential use. As discussed in point 1 above, no existing usable resources will be adversely affected by this adjustment. A significant amount of usable timberland remains on Lot 2.

**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 located within an environmentally sensitive habitat area, and no fully impacted parcel will be created as a result of this adjustment;
- 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 SWR (Sufficient 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 project will result in Lot 1 having a split-zone classification. Staff finds that this split-zoning will not adversely affect environmental resources or agricultural use of the property under Sec. 20.524.025(E) MCC.

**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\_2019-0034, 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,
- 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:**

- 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 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 2019-0034 and is intended to create no new parcel."

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

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

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

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

- 7. A note shall be placed on the deeds and/or legal descriptions stating that "Future development may require additional studies and/or may be subject to restrictions" and that "Future development shall be in conformance with the criteria for development within the 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.

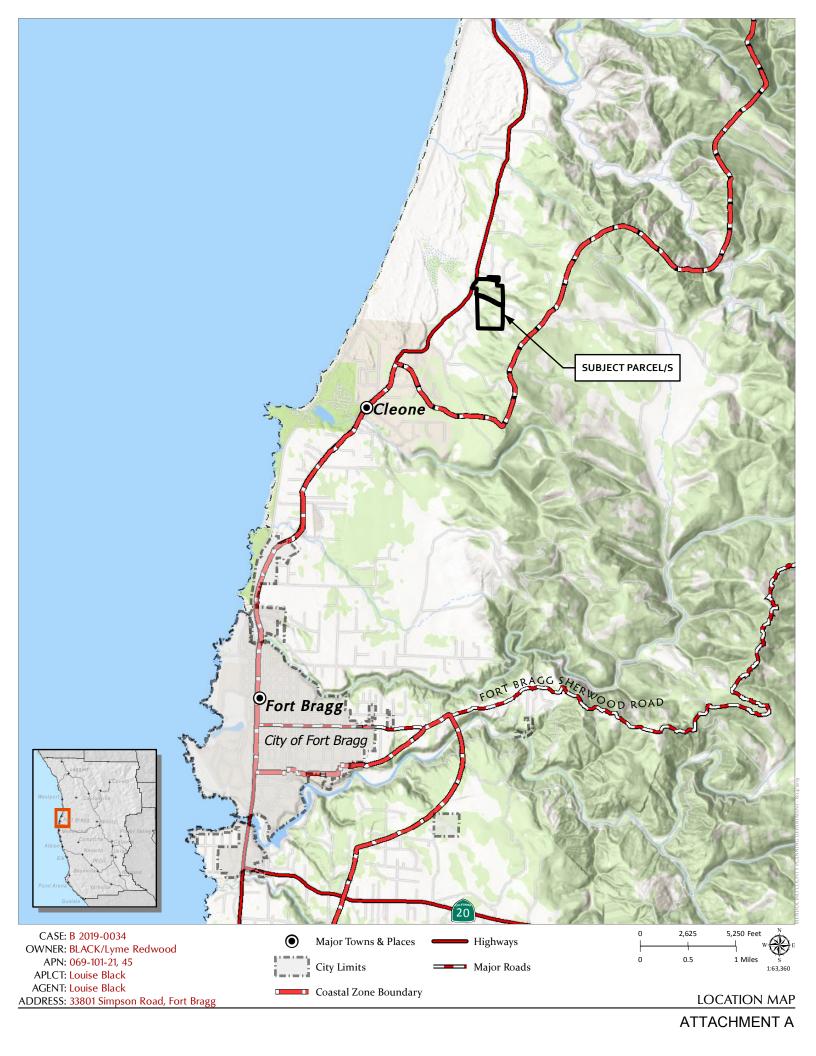
10/15/19 DATE

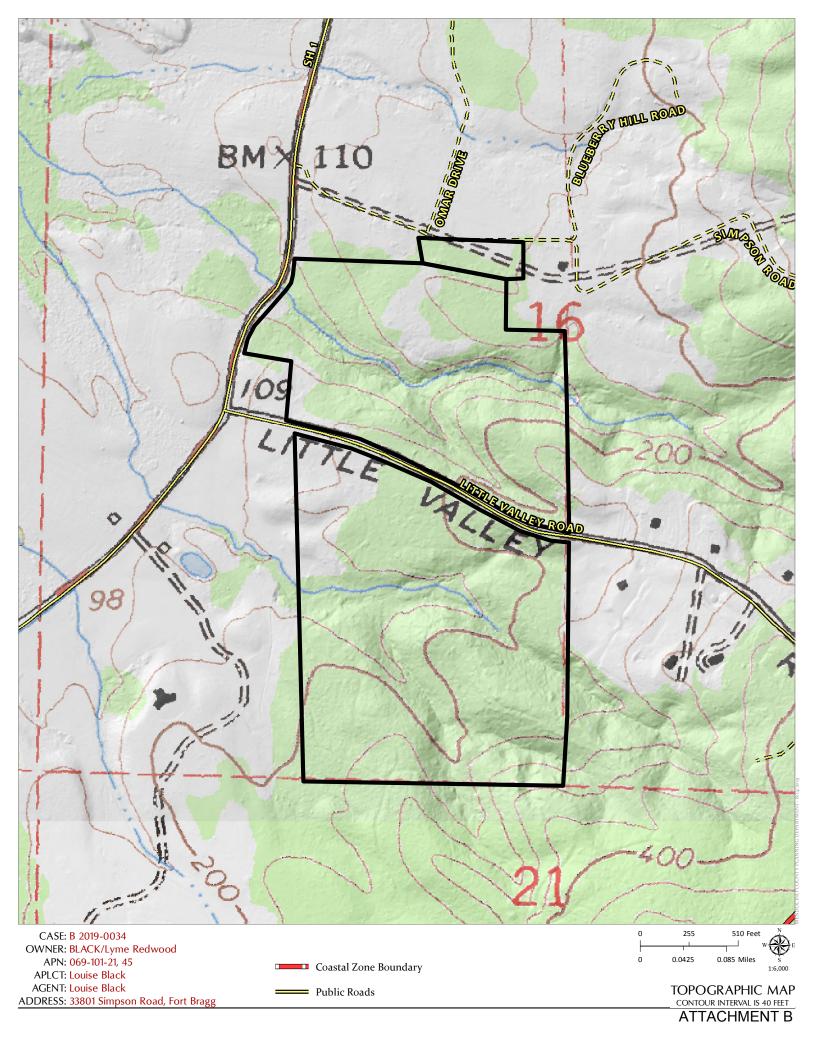
RUSSELL FÖRD PLANNER III

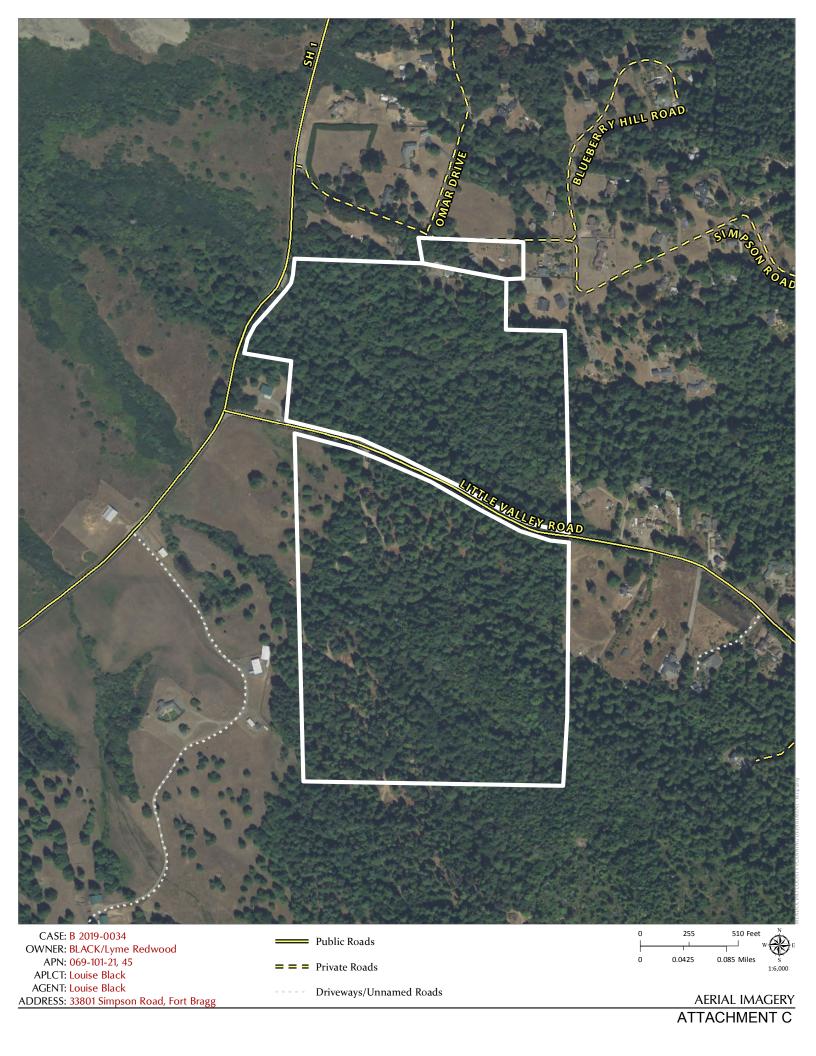
Appeal Period: 10 Days Appeal Fee: \$1,616.00

#### **ATTACHMENTS:**

- A. Location Map
- B. Topographic Map
- C. Aerial Map (Vicinity)
- D. Aerial Map (Detail)
- E. Project Area Plan
- F. Existing Lots
- G. Proposed Lots
- H. Zoning Map
- I. General Plan Classifications
- J. LCP Land Use Map
- K. LCP Land Capabilities & Natural Hazards
- L. LCP Habitats & Resources
- M. Post LCP Certification
- N. Adjacent Parcels
- O. Fire Hazard Zones
- P. Farmland Classifications
- Q. Coastal Groundwater Resources
- R. Highly Scenic & Tree Removal Areas
- S. Estimated Slope
- T. Soil Classifications
- U. Wetlands
- V. Misc

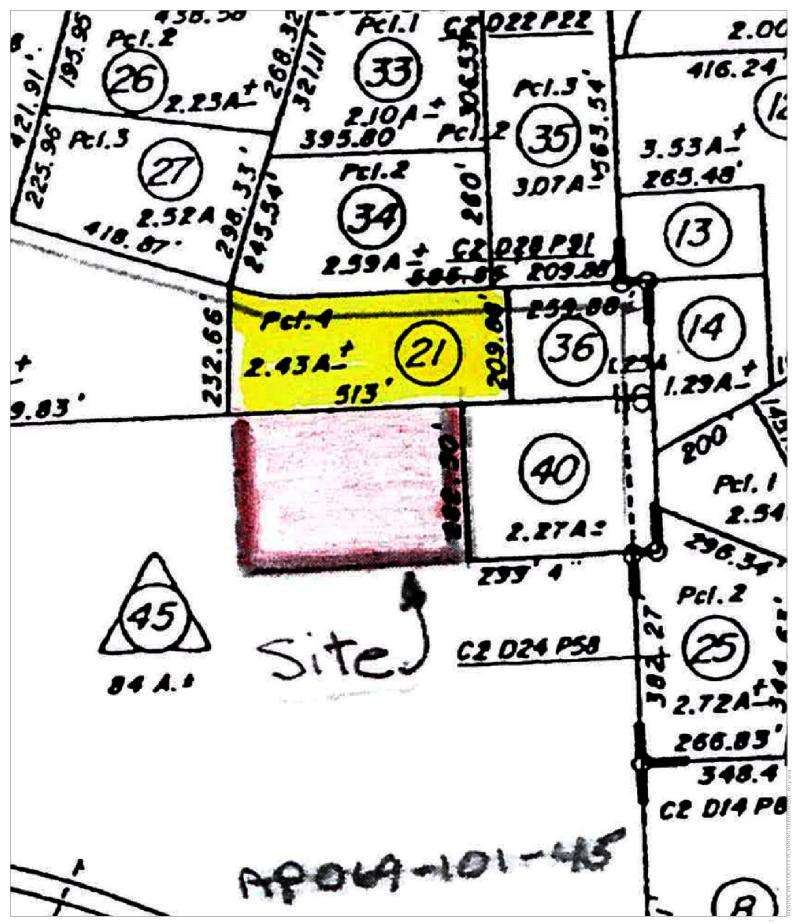








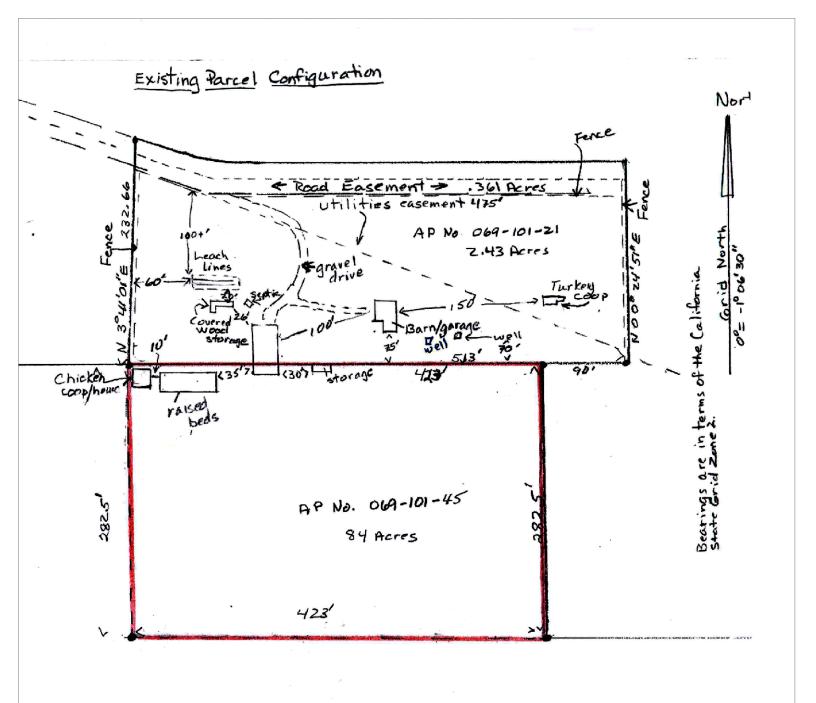
ATTACHMENT D



CASE: B 2019-0034
OWNER: BLACK/Lyme Redwood
APN: 069-101-21, 45
APLCT: Louise Black
AGENT: Louise Black
ADDRESS: 33801 Simpson Road, Fort Bragg

 $NO\ SCALE$ 

PROJECT AREA PLAN



### Owner and person preparing map:

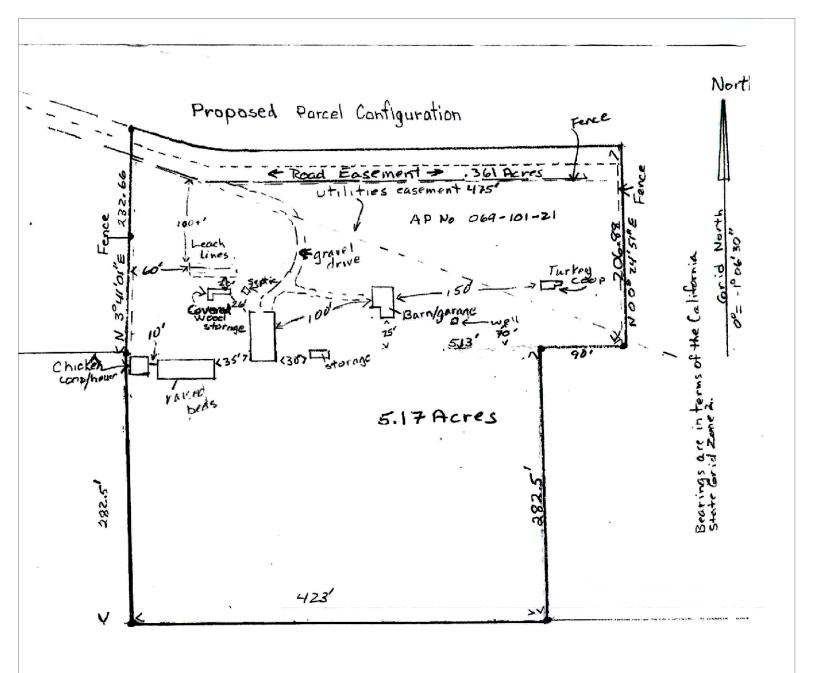
Louise Black
33801 Simpson Road
Fort Bragg, CA 95437
707 964-6976
Iblack 964@yaheo.com
13 August 2019
Scale: 1"=1001

CASE: B 2019-0034 OWNER: BLACK/Lyme Redwood APN: 069-101-21, 45

APLCT: Louise Black AGENT: Louise Black

ADDRESS: 33801 Simpson Road, Fort Bragg

NO SCALE



## Owner and person preparing map:

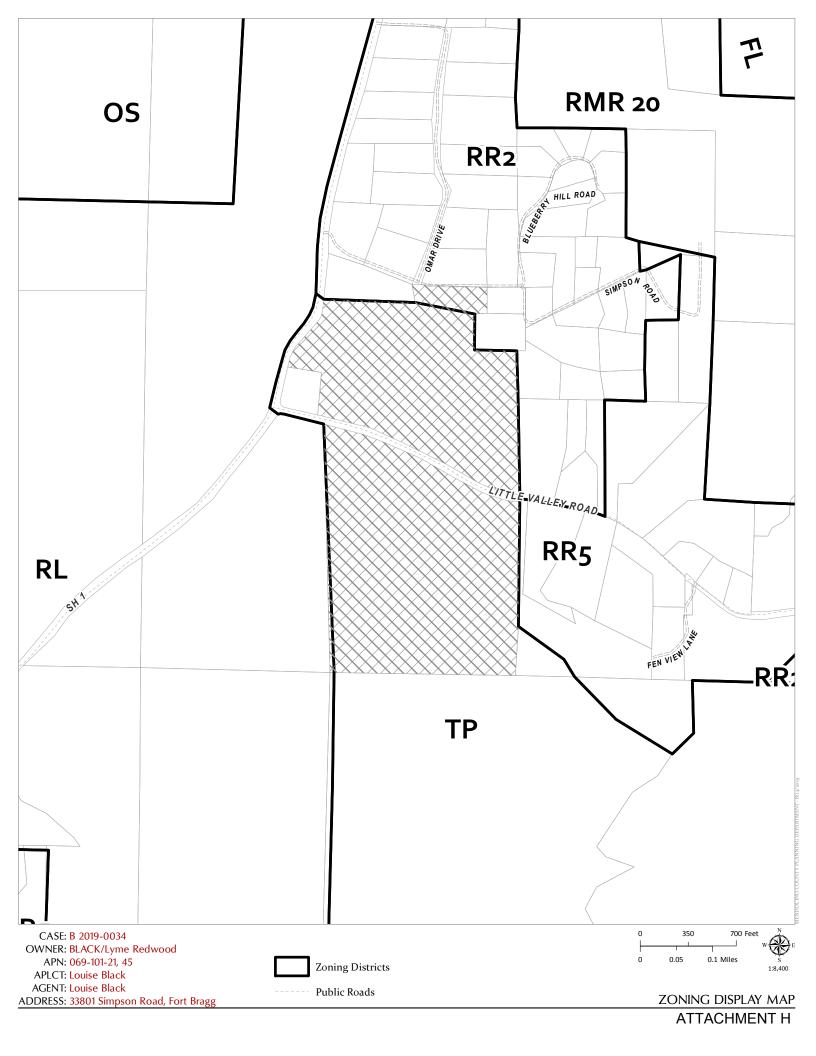
Louise Black
33801 Simpson Road
Fort Bragg, CA 95437
707 964-6976
Iblack 964 Eyahoo.com
August 13, 2019
Scale: 1"=100'

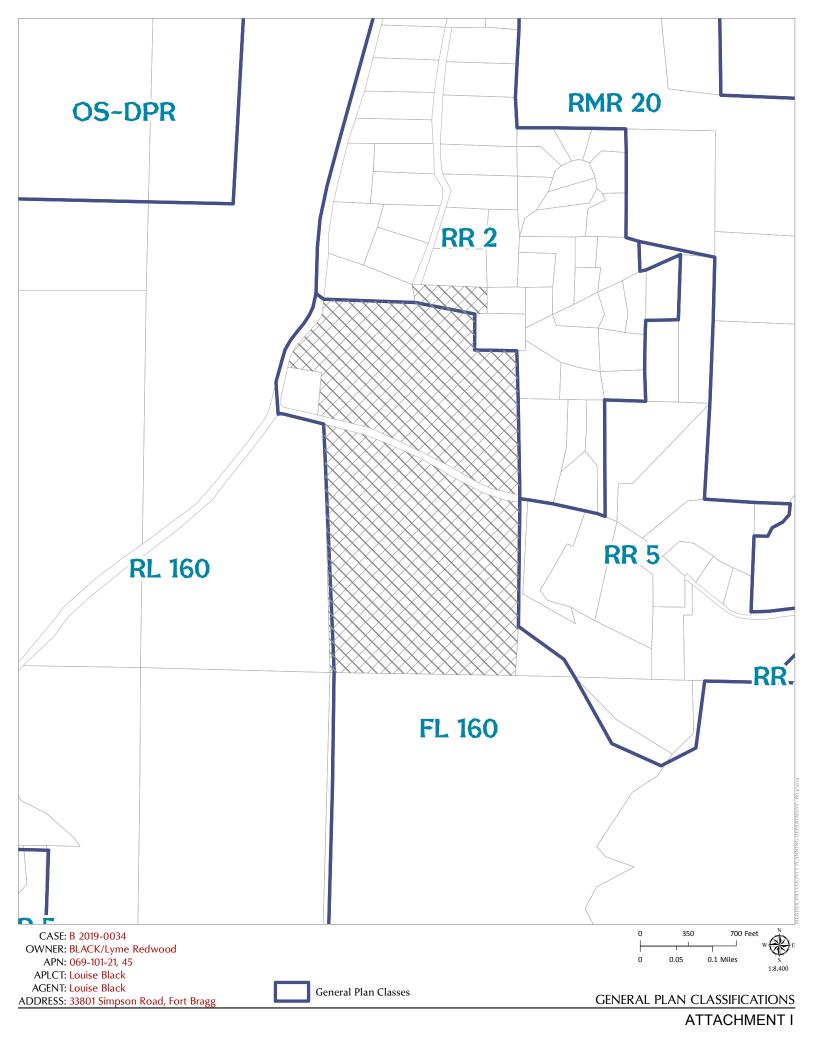
CASE: B 2019-0034 OWNER: BLACK/Lyme Redwood APN: 069-101-21, 45

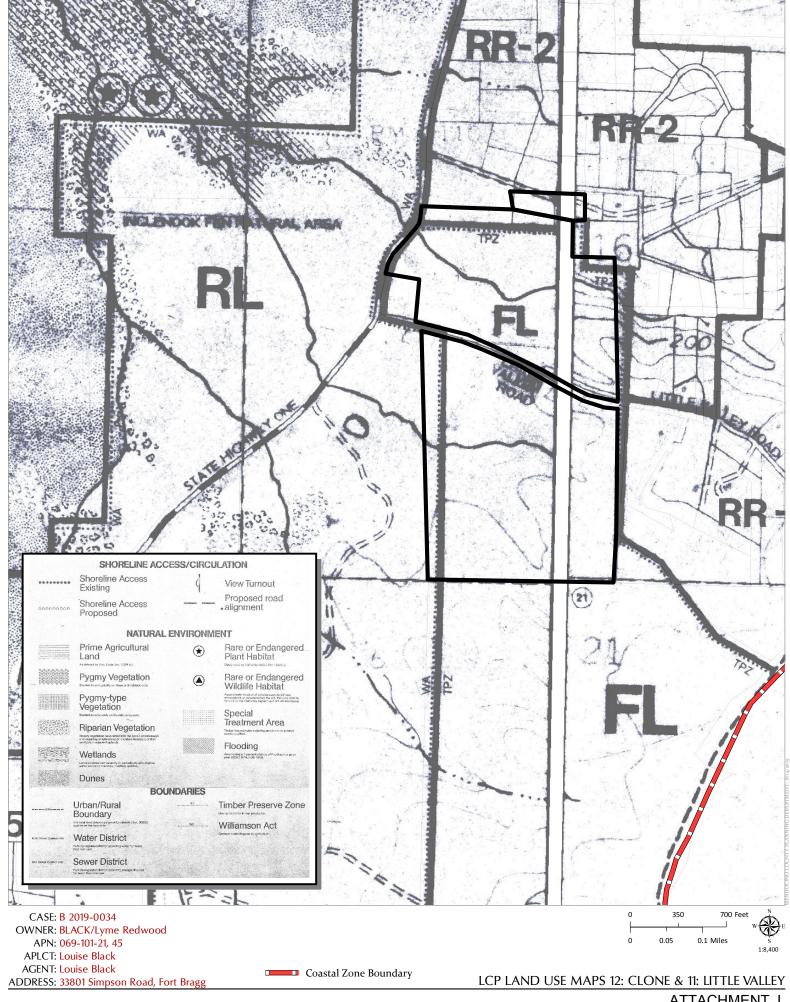
APLCT: Louise Black AGENT: Louise Black

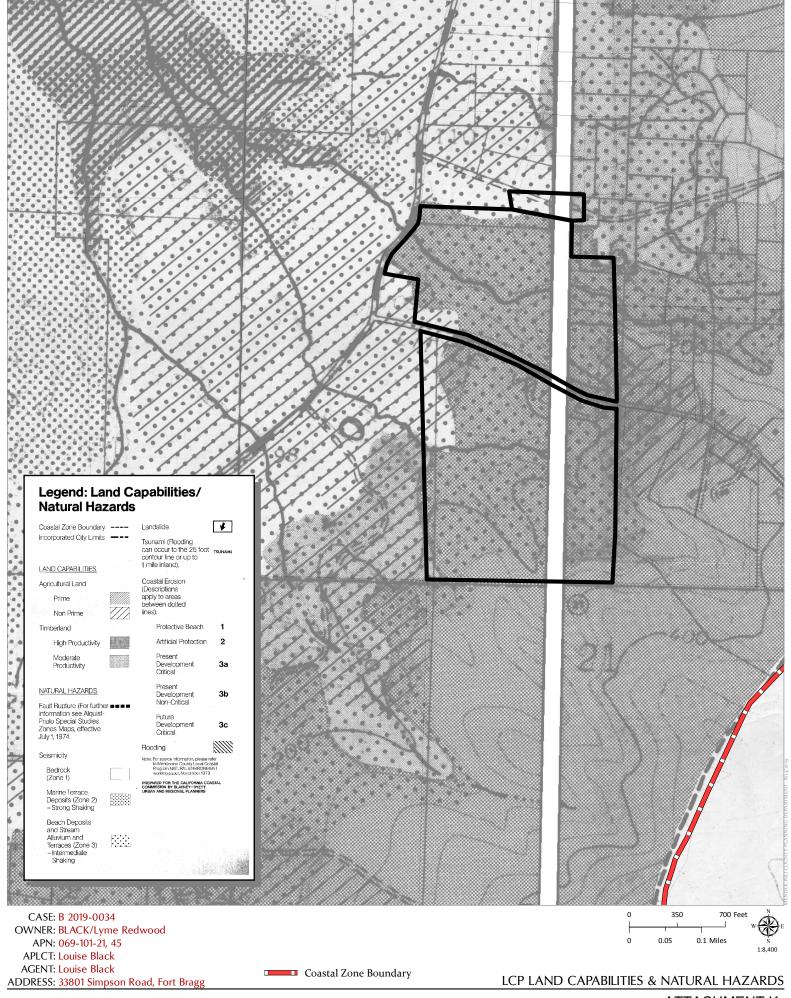
ADDRESS: 33801 Simpson Road, Fort Bragg

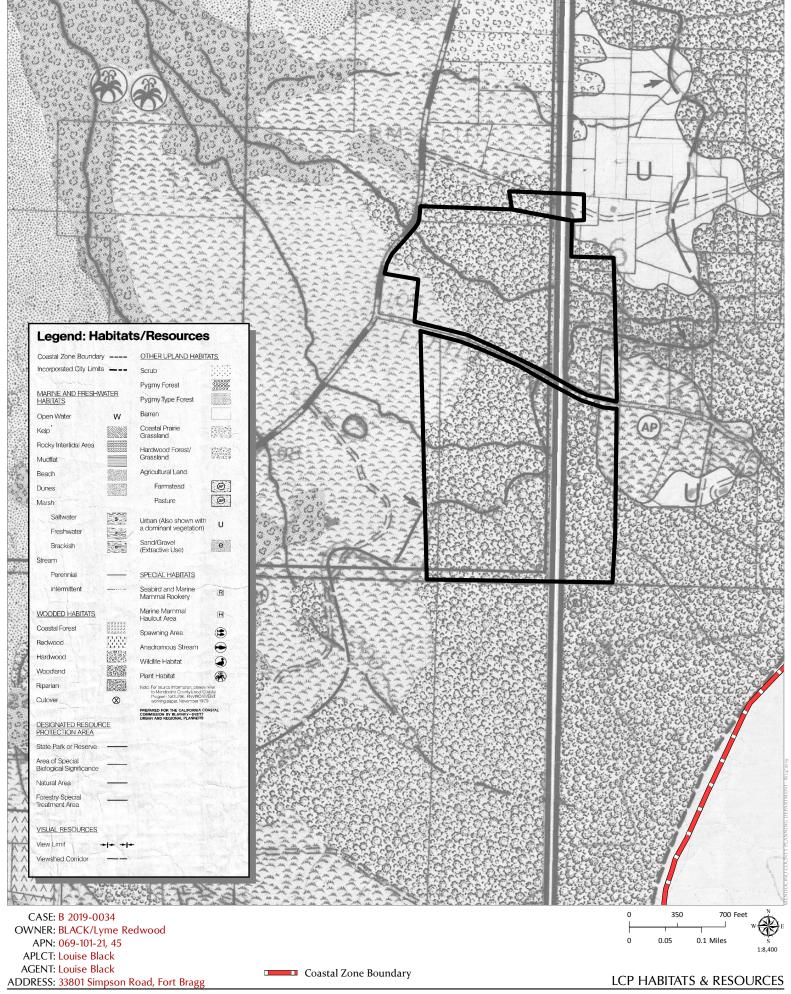
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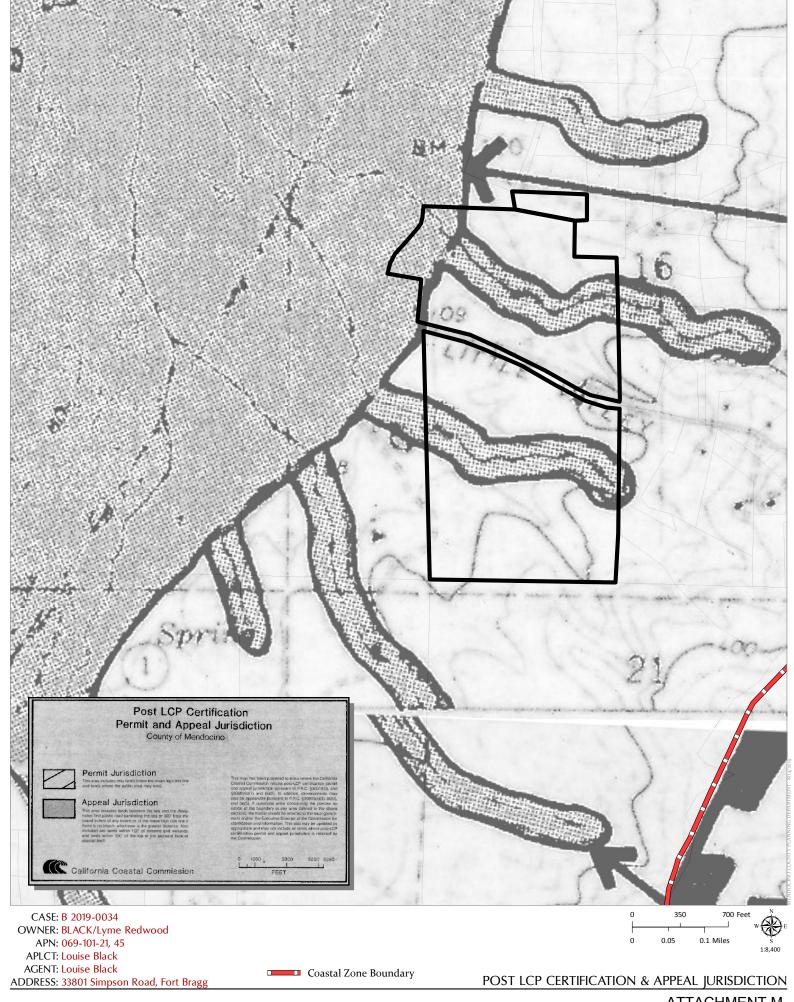


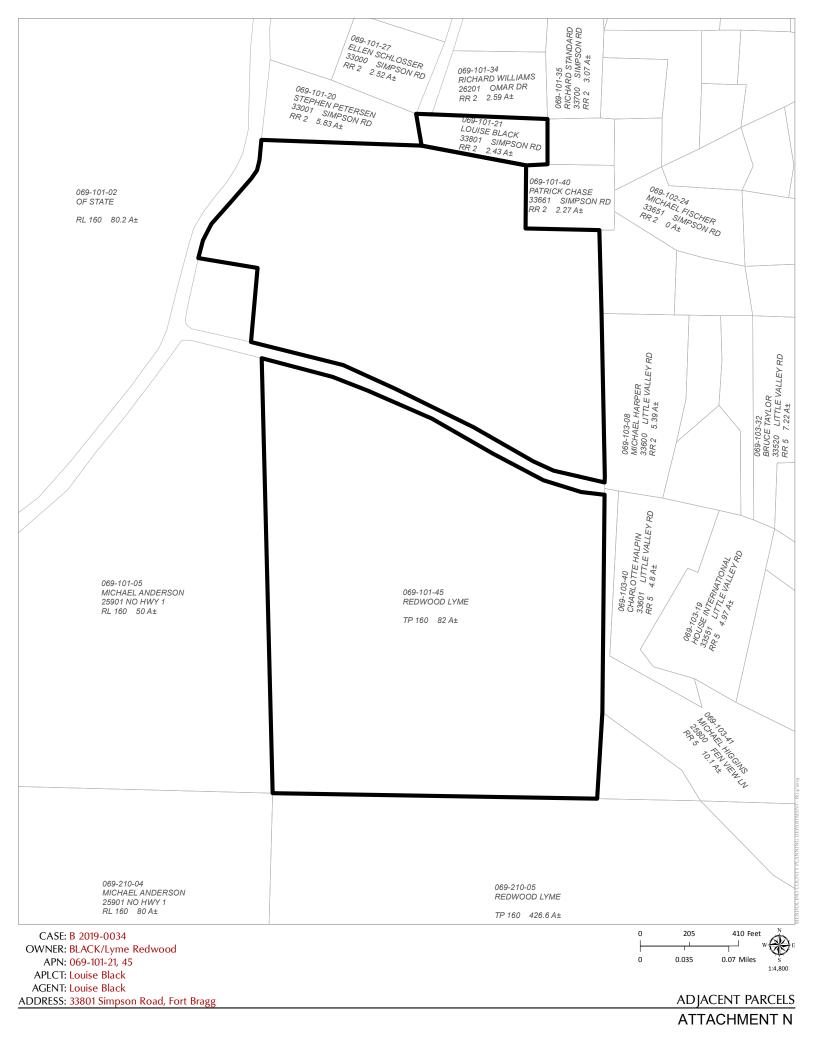














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