



COUNTY OF MENDOCINO
DEPARTMENT OF PLANNING AND BUILDING SERVICES

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MEMORANDUM

Date: March 30, 2017
To: Coastal Permit Administrator
From: Planning and Building Services
Subject: V-2015-0006 Anderson Variance

On February 23, 2017, the CPA continued this time to March and directed staff to complete a review of documents submitted by the applicant on February 21, 2017 and to prepare revised findings.

Staff has completed a review of the information submitted. While staff continues to recommend denying the request as no special circumstance has been established, an alternative resolution has been prepared and is attached.

Resolution Number _____

County of Mendocino
Ukiah, California
March 23, 2017

V_2015-0006 ANDERSON MYLES & STACEY

RESOLUTION OF THE COASTAL PERMIT ADMINISTRATOR,
COUNTY OF MENDOCINO, STATE OF CALIFORNIA, ADOPTING A
CATEGORICAL EXEMPTION AND **GRANTING** A COASTAL
DEVELOPMENT VARIANCE FOR A REDUCED SIDE YARD

WHEREAS, the applicant, ANDERSON MYLES & STACEY, filed an application for Coastal Development Variance with the Mendocino County Department of Planning and Building Services to construct an accessory structure 30-feet from the northerly property line. The site lies east of North Highway 1 and near post mile 67.60 in Inglenook, and located at 26767 North Highway 1, Fort Bragg; APN 069-060-24; General Plan RR10:R; Zoning RR:10/NONE; Supervisorial District 4; (the "Project"); and

WHEREAS, the 10.45-acre lot is bisected by mapped California Coastal Commission Post-LCP Certification Appeal Jurisdiction boundaries, which coincides with National Wetlands Inventory of nontidal wetlands (PSS1C) and a riverine (R4SBA); and

WHEREAS, approximately 5.64 acres of the lot are constrained by a constructed pond, riverine, emergent wetland, suggested 100-foot buffers from sensitive coastal resources, and, to the east of an existing barn, steep slopes with Redwood Forest (rarity ranking of S3); and

WHEREAS, the property owner has established that the land located at 26767 North Highway 1 (APN 069-060-24) includes sensitive coastal resources that may in the future preclude exemptions from the requirements Mendocino County's Local Coastal Plan and MCC Chapter 20.532 *Coastal Development Permit Regulations - General*; and

WHEREAS, it is the intent of the Rural Residential land use classification to encourage local, small-scale food production in areas which are not well suited for large scale commercial agriculture; and

WHEREAS, the existing site development supports the intent of the Rural Residential land use classification, because the lot includes the principally permitted residential land use type (a single-family residence with associated driveway, well, pump house, underground electrical conduit, and leach fields), Light Agriculture (barn, coral, cattle, horse, coop, fowl) and Row and Tree Crop land uses; and

WHEREAS, structures (similar to the proposed 20-foot tall, 2,756-square-foot workshop) would be accessory uses to the principally permitted land use type Family Residential, subject to the restrictions and limitations of Division II Chapter 20.456 *Accessory Use Regulations*; and

WHEREAS, the applicant has stated they do not intend to conduct commercial, industrial, or *Cottage Industries* on the property; and

WHEREAS, the Secretary for Resources has found that certain classes of projects have been determined not to have a significant effect on the environment and are therefore exempt from the requirement for the preparation of environmental documents, and the Project was determined to meet the criteria for a Categorical Exemption from the California Environmental Quality Act (CEQA) Class 3(e); and

WHEREAS, in accordance with applicable provisions of law, the Coastal Permit Administrator conducted a publically noticed site view on February 21, 2017 and held public hearings on January 26,

2017, February 23, 2017, and March 30, 2017, at which time the Coastal Permit Administrator heard and received all relevant testimony and evidence presented orally or in writing regarding the Categorical Exemption and the Project. All interested persons were given an opportunity to hear and be heard regarding the Class 3(e) Categorical Exemption and the Project; and

WHEREAS, the Coastal Permit Administrator has had an opportunity to review this Resolution and finds that it accurately sets for the intentions of the Coastal Permit Administrator regarding the Class 3(e) Categorical Exemption and the Project.

NOW, THEREFORE, BE IT RESOLVED, that the Coastal Permit Administrator makes the following findings:

1. *General Plan:* The intent of the Rural Residential classification is to encourage local, small-scale food production in areas that are not well suited for large-scale commercial agriculture. The proposed 20-foot tall, 2,756-square-foot workshop is accessory to an existing single-family residence, which is a principally permitted land use type on Rural Residential classified lands. On-site land uses include light agriculture and row and tree crops. These activities support the objectives of the Rural Residential land use classification.
2. *Zoning Codes:* The location for the accessory structure is inconsistent with the Mendocino County Coastal Zoning Ordinance (MCC) Section 20.376 for Rural Residential (RR-10) properties, as the project does not comply with MCC Section 20.376.035 Minimum Side Yard Setbacks. The granting of a 20-foot reduction in the required side yard (or 30-foot setback from the northerly property boundary) allows the property owner to enjoy an accessory structure in a manner consistent with established regulations, with minor setback variations that will place the owner in parity with other property owners in the RR-10 District.
3. *Per MCC Section 20.540.020(A), it shall be shown that "there are special circumstances applicable to the property involved, including size, shape, topography, location, or surroundings."* The 10.45-acre lot is bisected by mapped California Coastal Commission Post-LCP Certification Appeal Jurisdiction boundaries, which coincides with nontidal wetlands and a riverine. Vegetation, like Grand fir forest and Bishop pine, and emergent wetlands, in the eastern and southeastern areas of the lot, have the effect of reducing the buildable areas of this 10.45-acre site. Approximately 5.64 acres of the lot are constrained by a constructed pond, riverine, emergent wetland, suggested 100-foot buffers from sensitive coastal resources, and to the east of the existing barn, steep slopes with Redwood Forest (rarity ranking of S3).
4. *Per MCC Section 20.540.020(B), it shall be shown that "...such special circumstances or conditions are not due to any action of the applicant subsequent to the application of the zoning regulations contained in this Division and applicable policies of the Coastal Element."* No action by the applicant established a special circumstance or condition on this constrained 10.45-acre lot located at 26767 North Highway 1.
5. *Per MCC Section 20.540.020(C), it shall be shown that "such variance is necessary for the preservation and enjoyment of privileges possessed by other property in the same vicinity and zone and denied to the property in question because of the special circumstances identified in Subsection (A)."* The circumstances of the site's physical constraints are unique: riverine, wetlands, slopes, buffers from sensitive coastal resources, small-scale farming, electrical conduit and septic infrastructure. These physical constraints create disparities between property located at 26767 North Highway 1 and other RR-10 lands in the vicinity and are a unique hardship to the property owner. By granting a variance allowing a 30-foot setback from the northerly property boundary, the property owner may enjoy privileges possessed by other properties in the vicinity and RR-10 District.
6. *Per MCC Section 20.540.020(D), it shall be shown that "the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such*

vicinity and zone in which the property is located.” Granting the variance will not adversely affect the interest of the public, or other residents and property owners within the vicinity of 26767 North Highway 1, as accessory structures are permitted land uses in the RR-10 District.

7. Per MCC Section 20.540.020(E), it shall be shown that *“the variance does not authorize a use or activity that is not otherwise expressly authorized by the zoning provisions governing the parcel.”* Granting the variance would allow a 20-foot tall, 2,756-square-foot workshop for personal use. Accessory structures, like a workshop, are expressly authorized by Mendocino County Coastal Zoning Codes 20.456. Granting the variance does not authorize commercial use of the workshop.

BE IT FURTHER RESOLVED that the Coastal Permit Administrator hereby adopts the Class 3(e) Categorical Exemption and the Coastal Development Variance as set forth in the Conditions of Approval. The Coastal Permit Administrator certifies that the Class 3(e) Categorical Exemption has been completed, reviewed, and considered, together with the comments received during the public review process, in compliance with CEQA and State and County CEQA Guidelines, and finds that the Class 3(e) Categorical Exemption reflects the independent judgment and analysis of the Coastal Permit Administrator.

BE IT FURTHER RESOLVED that the Coastal Permit Administrator hereby grants a Coastal Development Variance for a 30-foot setback from the northerly property boundary to accommodate the location of a 2,756-square-foot accessory building and subject to the Conditions of Approval in Exhibit “A”, attached hereto.

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

BE IT FURTHER RESOLVED that the Coastal Permit Administrator action shall be final on the 11th day after the date of the Resolution unless an appeal is taken.

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

ATTEST: VICTORIA DAVIS
Commission Services Supervisor

By: _____

BY: STEVEN D. DUNNICLIFF
Director

JULIA ACKER
Coastal Permit Administrator

EXHIBIT A

CONDITIONS OF APPROVAL V_2015-0006 1/26/2017

A Coastal Development Variance reducing a side yard setback from 50-feet to 30-feet and construction of a 2,756-square-foot, 20-foot tall workshop.

APPROVED PROJECT DESCRIPTION: A Coastal Development Variance is granted for a 30-foot setback from the northerly property boundary to accommodate the location of a 2,756-square-foot accessory building.

CONDITIONS OF APPROVAL:

1. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit described boundaries. Should, at any time, a legal determination be made that the number, size or shape of parcels within the permit described boundaries are different than that which is legally required by this permit, this permit shall become null and void.
2. This permit shall be subject to the securing of all necessary permits for the proposed development and eventual use from County, State and Federal agencies having jurisdiction. Any requirements imposed by an agency having jurisdiction shall be considered a condition of this permit.
3. That the application along with supplemental exhibits and related material shall be considered elements of this entitlement and that compliance therewith be mandatory, unless a modification has been approved by the Coastal Permit Administrator.
4. The property owner is advised that this variance will expire at the end of two (2) years, on March 23, 2019, unless construction of the accessory structure is commenced and diligently pursued in compliance with required building permits prior to that date.
5. The applicant shall obtain required buildings permits for the construction of the accessory structure.
6. Prior to Building Permit Final, the property owner shall demonstrate to the satisfaction of Planning and Building Services that the accessory structure is constructed at least 30-feet south of the northerly property line and 50-feet east of the westerly property boundary.
7. If any archaeological sites or artifacts are discovered during site excavation or construction activities, the applicant shall cease and desist from all further excavation and disturbances within 100-feet of the discovery, and make notification of the discovery to the Director of the Department of Planning and Building Services. The Director will coordinate further actions for the protection of the archaeological resource(s) in accordance with Section 22.12.090 of the Mendocino County Code.
8. The property owner shall maintain a 100-foot buffer from any sensitive coastal resource or seek development approval pursuant with MCC Chapters 20.496 and 20.532.
9. Prior to issuance of a building permit in reliance on Coastal Development Variance V-2015-0006, the applicant shall submit an exterior lighting plan and design details or manufacturer's specifications for all exterior lighting fixtures. Exterior lighting shall be kept to the minimum necessary for safety and security purposes and shall be downcast and shielded, and shall be

positioned in a manner that will not shine light or allow light glare to extend beyond the boundaries of the parcel in compliance with Section 20.504.035 of the Mendocino County Code.

10. The property owner shall record a deed that includes the adopted resolution approving V-2015-0006 and its Exhibit A (Conditions of Approval).

DRAFT

Resolution Number _____

County of Mendocino
Ukiah, California
March 23, 2017

V_2015-0006 ANDERSON MYLES & STACEY

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2. This permit shall be subject to the securing of all necessary permits for the proposed development and eventual use from County, State and Federal agencies having jurisdiction. Any requirements imposed by an agency having jurisdiction shall be considered a condition of this permit.
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10. The property owner shall record a deed that includes the adopted resolution approving V-2015-0006 and its Exhibit A (Conditions of Approval).

DRAFT