



**COASTAL PERMIT ADMINISTRATOR
STAFF REPORT- BLACOASTAL**

**JUNE 9, 2016
CDB_2015-0010**

SUMMARY

OWNER: JOAN MAKELA
744 NORTH HARRISON STREET
FORT BRAGG, CA 95437

APPLICANT: JOAN MAKELA
744 NORTH HARRISON STREET
FORT BRAGG, CA 95437

AGENT: RICHARD SEALE
420 REDWOOD AVE
FORT BRAGG, CA 95437

REQUEST: Coastal Development Boundary Line Adjustment to transfer 2.25+/- acres from APN 017-140-04 into 017-140-08, creating parcels of 2.62+/- acres and 2.75+/- acres in size.

LOCATION: In the Coastal Zone 1/2 mile southwest of the southern limits of the incorporated area of Fort Bragg, 1/4 mile west of the intersection of Simpson Lane and Highway 1, located at 32600 Simpson Lane, laying on the north side of the road. APNs: 017-140-04 and 017-140-08.. 32600 SIMPSON LN, FORT BRAGG

TOTAL ACREAGE: 5.40±

GENERAL PLAN: RR5(1):U

ZONING: RR:5 [RR:1]

SUPERVISORIAL DISTRICT: 4

ENVIRONMENTAL DETERMINATION: Categorically Exempt

RECOMMENDATION: Approve Coastal Development Boundary Line Adjustment CDB 2015-0010 with standard conditions.

STAFF PLANNER: RUSSELL FORD

BACKGROUND

PROJECT DESCRIPTION:

Coastal Development Boundary Line Adjustment to transfer 2.25+/- acres from APN 017-140-04 into 017-140-08, creating parcels of 2.62+/- acres and 2.75+/- acres in size.

APPLICANT'S STATEMENT:

AP 017-140-04 is 5± acres to be reduced to 2.65± acres; AP 017-140-08 is .40± acres to be increased to 2.75± acres.

RELATED APPLICATIONS:

On-Site

- None

Neighboring Property

- CDB 55-08 adjusted the boundary between two parcels immediately north of the project site.
- CDMS 3-97 created 4 parcels of approximately 1 acre each on the parcel immediately west of the project site. A hydrologic study was completed that supported the greater density.

SITE CHARACTERISTICS:

The site is located along the north side of Simpson Lane (CR 414), approximately .40 miles east of its intersection with State Highway 1. Both parcels are flat, with a thick stand of trees encroaching from the northeast. APN 017-140-08 is currently developed with a SFR and accessory structures. APN 017-140-04 is largely undeveloped; there is an existing barn and accessory structures on the lot, as well as fencing for a corral/horse arena on the south half. The north half is undeveloped and largely forested. There is an existing well near the center of the lot; the proposed line would be located 12 feet east of the well, per the tentative map.

SURROUNDING LAND USE AND ZONING:

	GENERAL PLAN	ZONING	LOT SIZES	USES
NORTH	RR5	RR5	11.51±	Residential
EAST	RR5 [RR1]	RR5 [RR1]	4.20±	Residential
SOUTH	RR5 [RR1]	RR5 [RR1]	2.00±, .47±	Residential
WEST	RR5 [RR1]	RR5 [RR1]	1.20±, 1.30±	Residential

PUBLIC SERVICES:

Access: SIMPSON LANE (CR 414)
Fire District: FORT BRAGG RURAL
Water District: NONE
Sewer District: NONE
School District: FORT BRAGG

AGENCY COMMENTS:

On 6/11/15 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	RELATED PERMIT	COMMENT	DATE
Department of Transportation		No Comment	
Environmental Health-FB/Ukiah		Comments	10/21/15
Existing site plan supports potential future development of SFR, no hydro study required			
Building Services-FBPBS		No Comment	6/11/15
Sonoma State University-NWIC		Comments	8/12/15
No records in project area, arch study recommended			
Archaeological Commission		Comments	4/13/16
No study required at this time			

KEY ISSUES

1. General Plan and Zoning Consistency:

Both parcels involved in the proposed lot adjustment are classified RR5 [RR1] (Rural Residential, variable density 5 or 1 acre minimums).

The RR (Rural Residential) zoning of the parcel is consistent with the General Plan Land Use Designation. Mendocino County Coastal Zoning Code Section 20.376.005 establishes the intent of the RR zoning to “encourage and preserve local small scale farming in the Coastal Zone on lands which are not well-suited for large scale commercial agriculture”. Additionally, “residential uses should be located as to create minimal impact on the agricultural viability”. The proposed adjustment would create parcels of approximately 2.60± acres each. The lot being reduced would remain large enough for small-scale agriculture, while adding sufficient space to the smaller lot to allow for the same. There is no conflict with the Land Use Designation and the project.

2. Division of Land Regulations:

This project is scheduled to be reviewed by the County Subdivision Committee on June 9th, 2016, at which time the Subdivision Committee will make recommendations concerning approval to the Coastal Permit Administrator per the required findings in Section 17-17.5 of the Mendocino County Code. No conflicts with the County Division of Land Regulations were identified.

3. Environmental Protection:

APN 017-140-04 is currently 5 acres. This proposed adjustment would reduce that lot to 2.65± acres, which is possible under the current zoning if the conditions support. A letter on 10/21/15 from Environmental Health Director David Jensen states in part: “A site evaluation was submitted for a septic system to support a three-bedroom residence with on-site septic and water well. That report documents that acceptable soils exist on that parcel to warrant such a system. Since parcel -04 has an existing water well and septic design to support a three-bedroom residence, the proposed boundary line adjustment will not increase the housing density or resource usage beyond what would currently be allowed. Therefore, the Division of Environmental Health will not require a hydrologic study for this project.”

The existing well and site report support the greater density to the satisfaction of Environmental Health. Therefore, the reduced lot size may be applied to the lot and maintain its conformity.

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;
2. The boundary line adjustment will not create any new parcels;
3. No substandard lot will result from the adjustment; one lot is already recognized as legal non-conforming and will be brought into conformance with this proposed adjustment. The second lot will remain conforming at the increased density zoning classification.
4. The property subject to the adjustment is in an area designated MWR (Marginal Water Resources) identified in the Mendocino County Groundwater Study, which states in part:

“Areas designated MWR (Marginal Water Resources) shall have a minimum lot size of 5 ac; “proof of water” not required. All lots less than 5 ac shall be required to demonstrate “proof of water”.

Since both parcels currently have on-site water, the “proof of water” requirement has been fulfilled. The adjustment is not inconsistent with the Mendocino County Coastal Groundwater Study.

5. The project is not located on property containing pygmy vegetation.
6. The project is not located within a designated “Highly Scenic” area.
7. The project is not located within an appealable area.

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 #CDB 2015-0010, 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 development;
7. The proposed development 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.
8. The proposed use is compatible with the long-term protection of resource lands.

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 each proposed adjusted parcel provides one 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 #CDB 2014-0045 and is intended to create no new parcel."

4. Per Mendocino County Code Section 17-17.5(l) (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 receipt 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."
9. The adjusted property line shall maintain the minimum required yard setbacks from existing structures. Required yard setbacks are twenty (20) feet in the front and rear yards and six (6) feet in the side yards.

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).

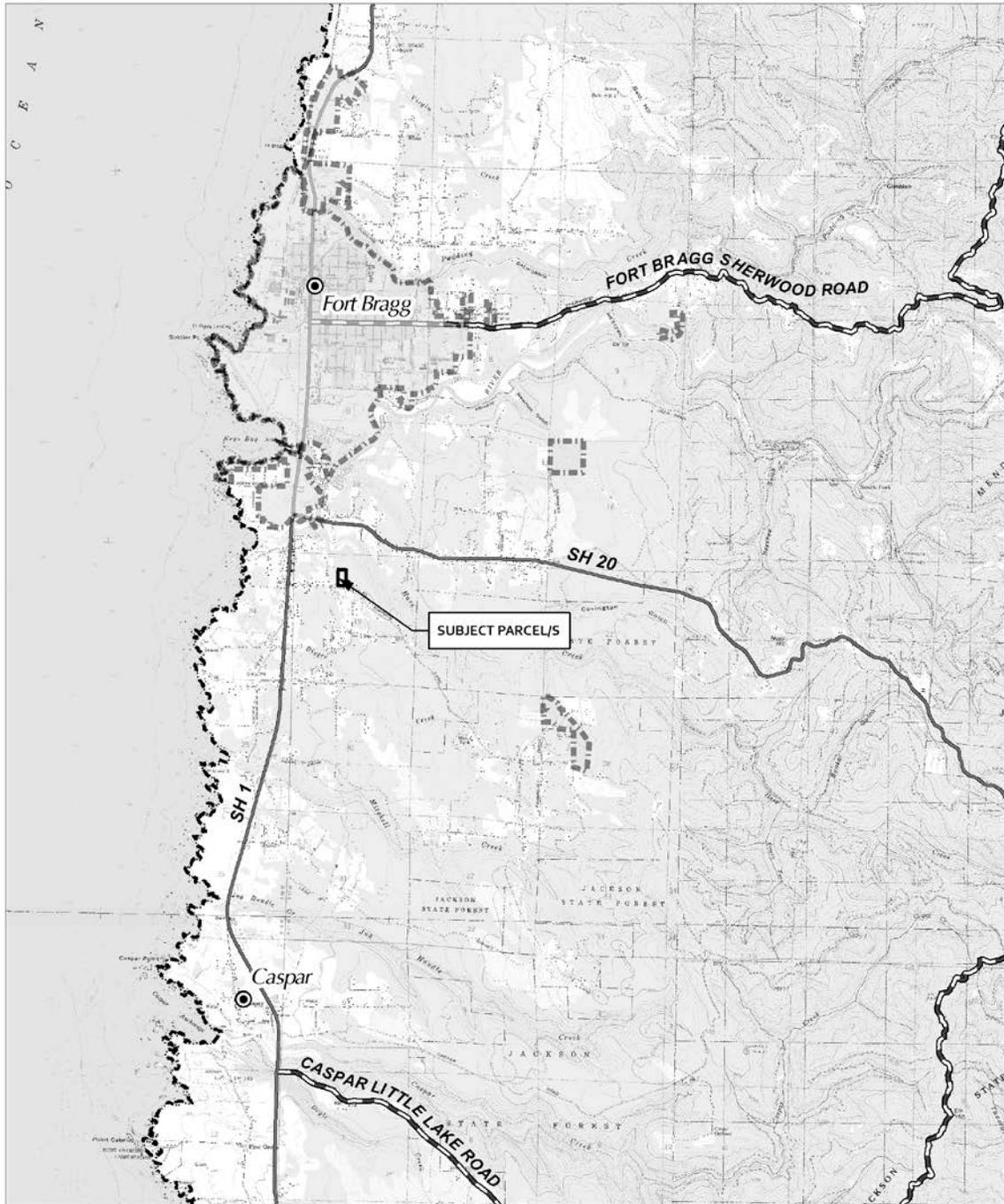
NOTE: APPLICANTS OR OTHER PERSONS WHO ARE DISSATISFIED WITH A DECISION OF THE COASTAL PERMIT ADMINISTRATOR FOR A COASTAL DEVELOPMENT PERMIT FOR A BOUNDARY LINE ADJUSTMENT MAY APPEAL THE ACTION TO THE BOARD OF SUPERVISORS. AN APPEAL MUST BE MADE IN WRITING ALONG WITH THE APPLICABLE FEE TO THE CLERK OF 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	Signature on file _____ RUSSELL FORD
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Appeal Period: 10 Days
Appeal Fee: \$910.00

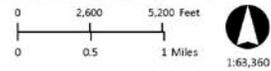
ATTACHMENTS:

- A. Location Map
- B. Topographical Map
- C. Aerial Map
- D. Site/Tentative Map
- E. Adjacent Owner Map
- F. Zoning Map
- G. General Plan/LCP Map
- H. Fire Hazards Map



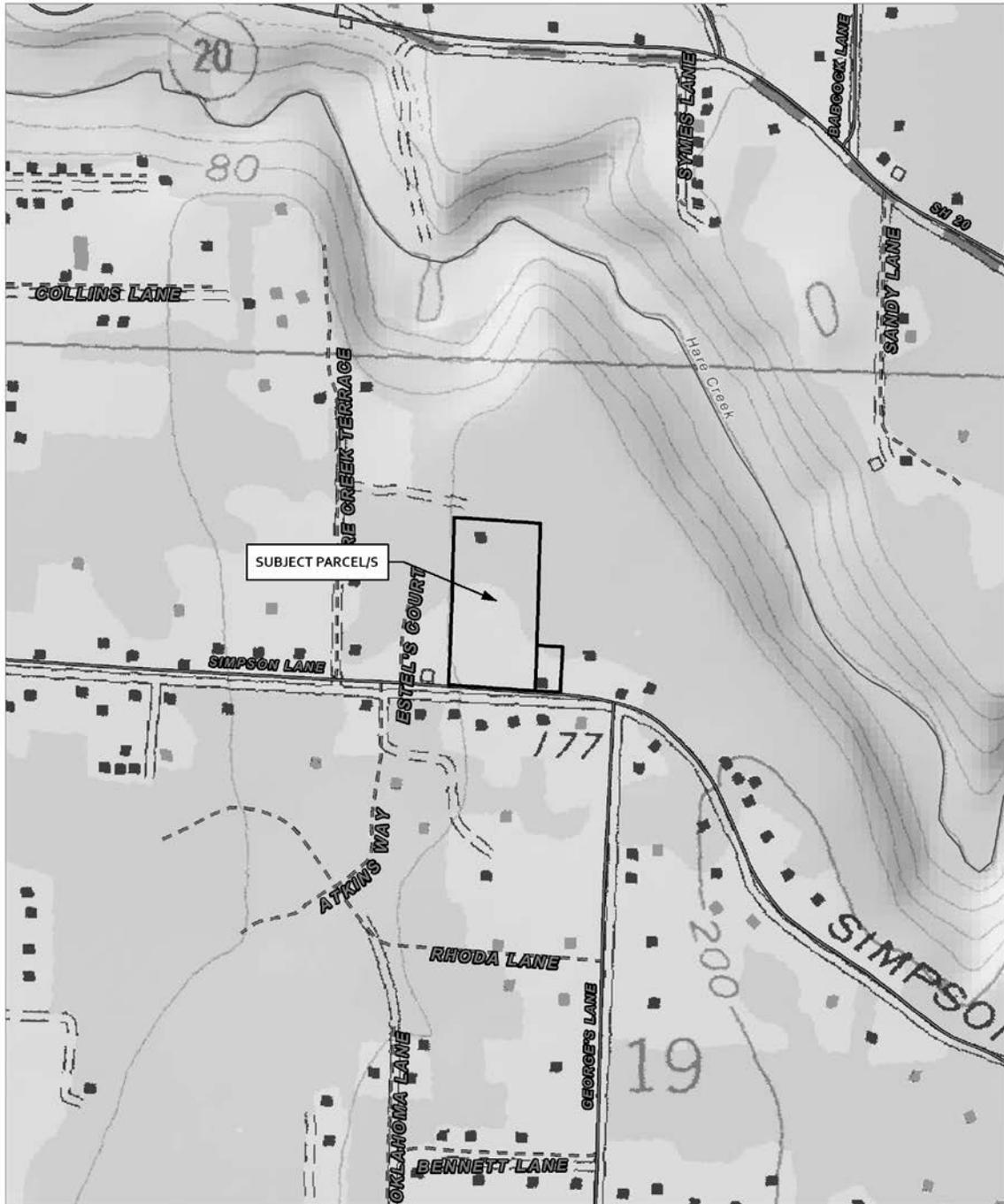
CASE: CDB 2015 0010
OWNER: MAKELA, Joan & Robert
APN: 017-140-04, 08
APLT: Joan Makela
ADDRESS: 32550 Simpson Ln., FB

-  Incorporated City Limits
-  Highways
-  Major Roads



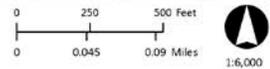
LOCATION MAP

Map produced by the Mendocino County Planning & Building Services, June, 2015.
All spatial data is approximate. Map provided without warranty of any kind.



CASE: CDB 2015 0010
 OWNER: MAKELA, Joan & Robert
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- Named Rivers
- Public Roads
- Private Roads



TOPOGRAPHIC MAP
 CONTOUR INTERVAL IS 40 FEET

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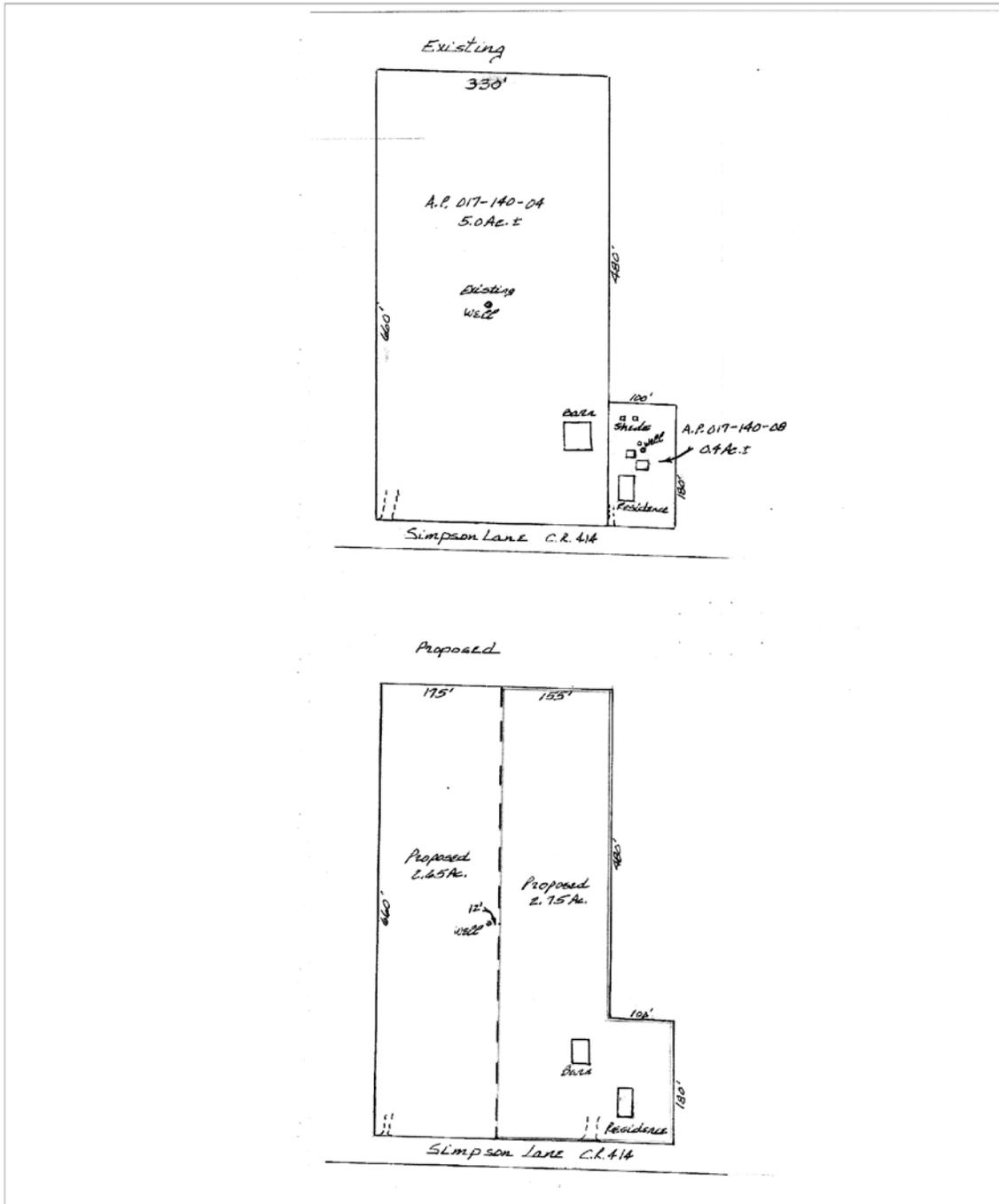
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 Public Roads

0 40 80 Feet
0 0.005 0.01 Miles
1:960

GOOGLE EARTH IMAGERY
IMAGERY DATE: 8-17-2013

Map produced by the Mendocino County Planning & Building Services, June, 2015
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NO SCALE

EXISTING & PROPOSED CONFIGURATIONS

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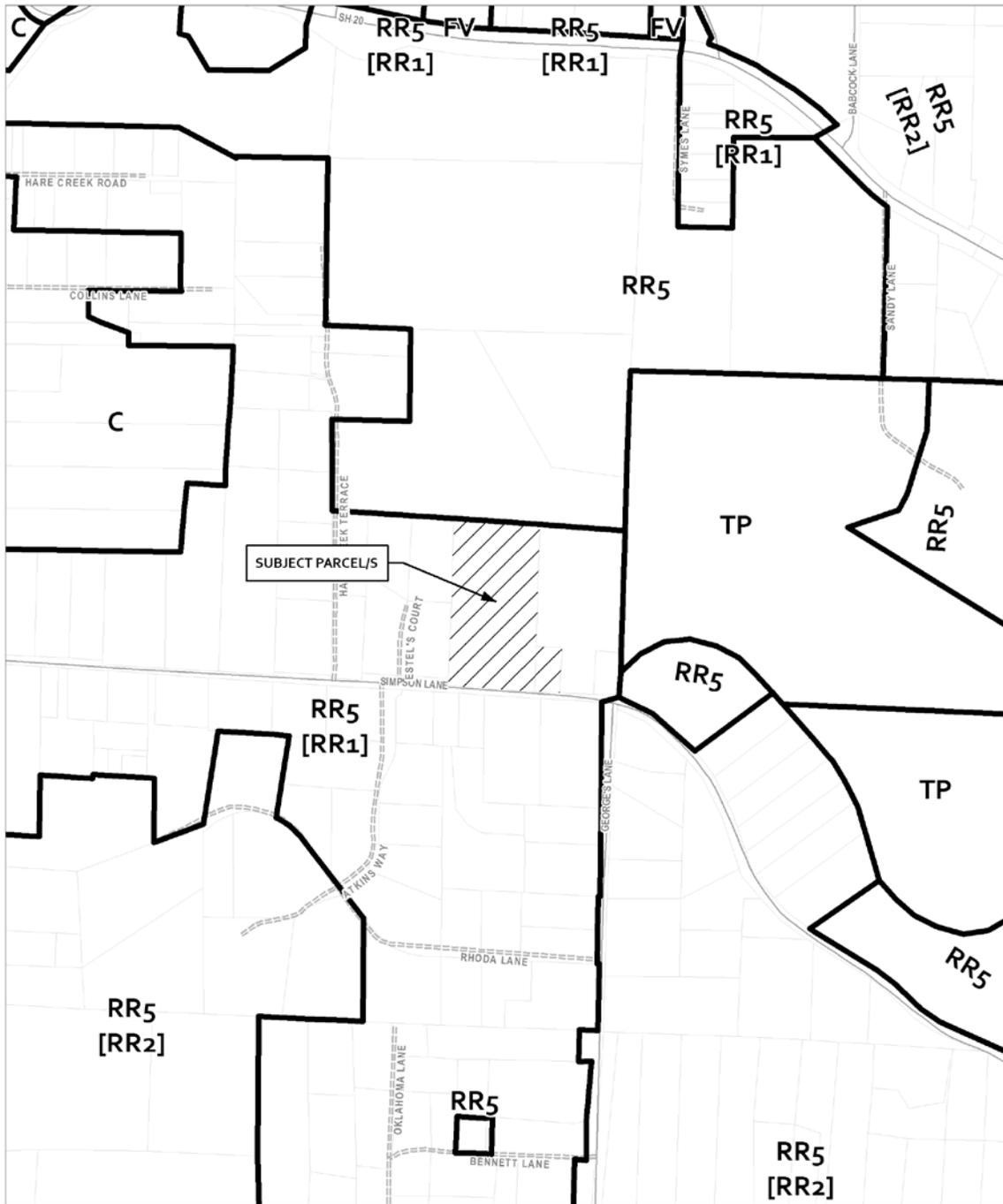


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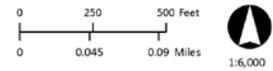
ADJACENT PARCELS

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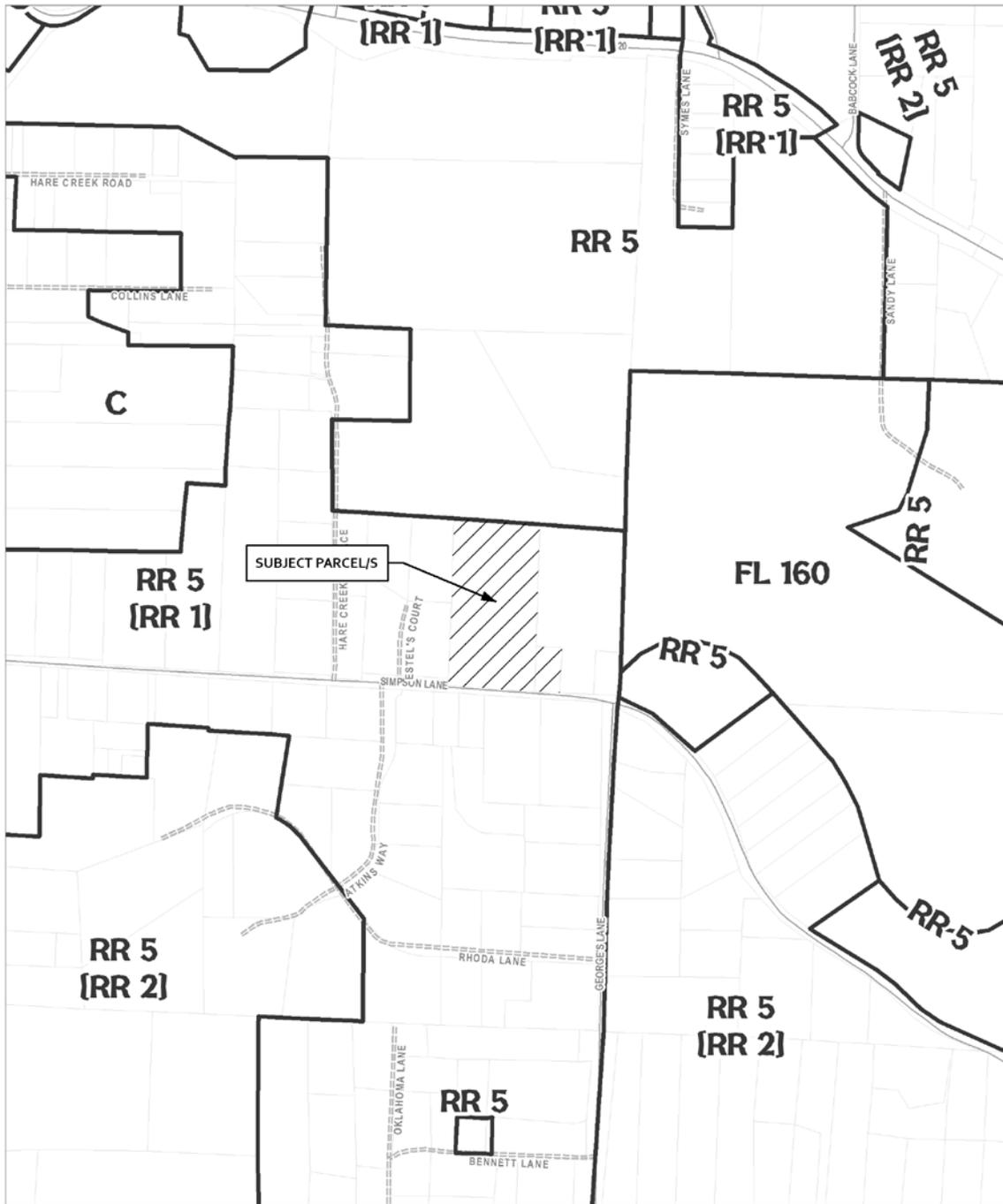
CASE: CDB 2015-0010
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 Zoning Master



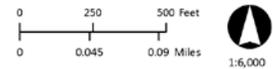
ZONING DISPLAY MAP

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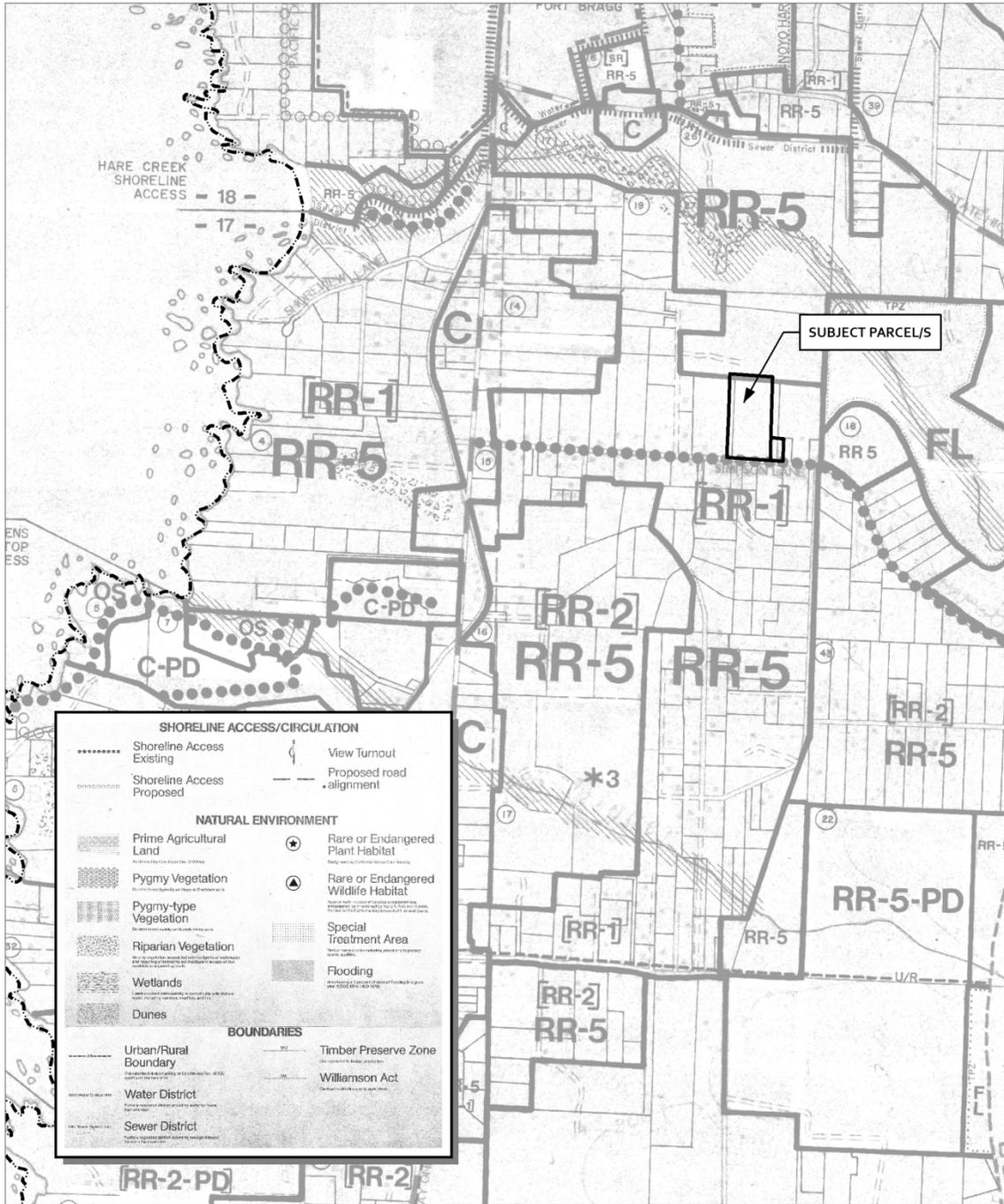
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 General Plan Master



GENERAL PLAN CLASSIFICATIONS

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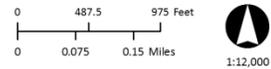


SHORELINE ACCESS/CIRCULATION	
	Shoreline Access Existing
	Shoreline Access Proposed
	View Turnout
	Proposed road alignment

NATURAL ENVIRONMENT	
	Prime Agricultural Land
	Pygmy Vegetation
	Pygmy-type Vegetation
	Riparian Vegetation
	Wetlands
	Dunes
	Rare or Endangered Plant Habitat
	Rare or Endangered Wildlife Habitat
	Special Treatment Area
	Flooding

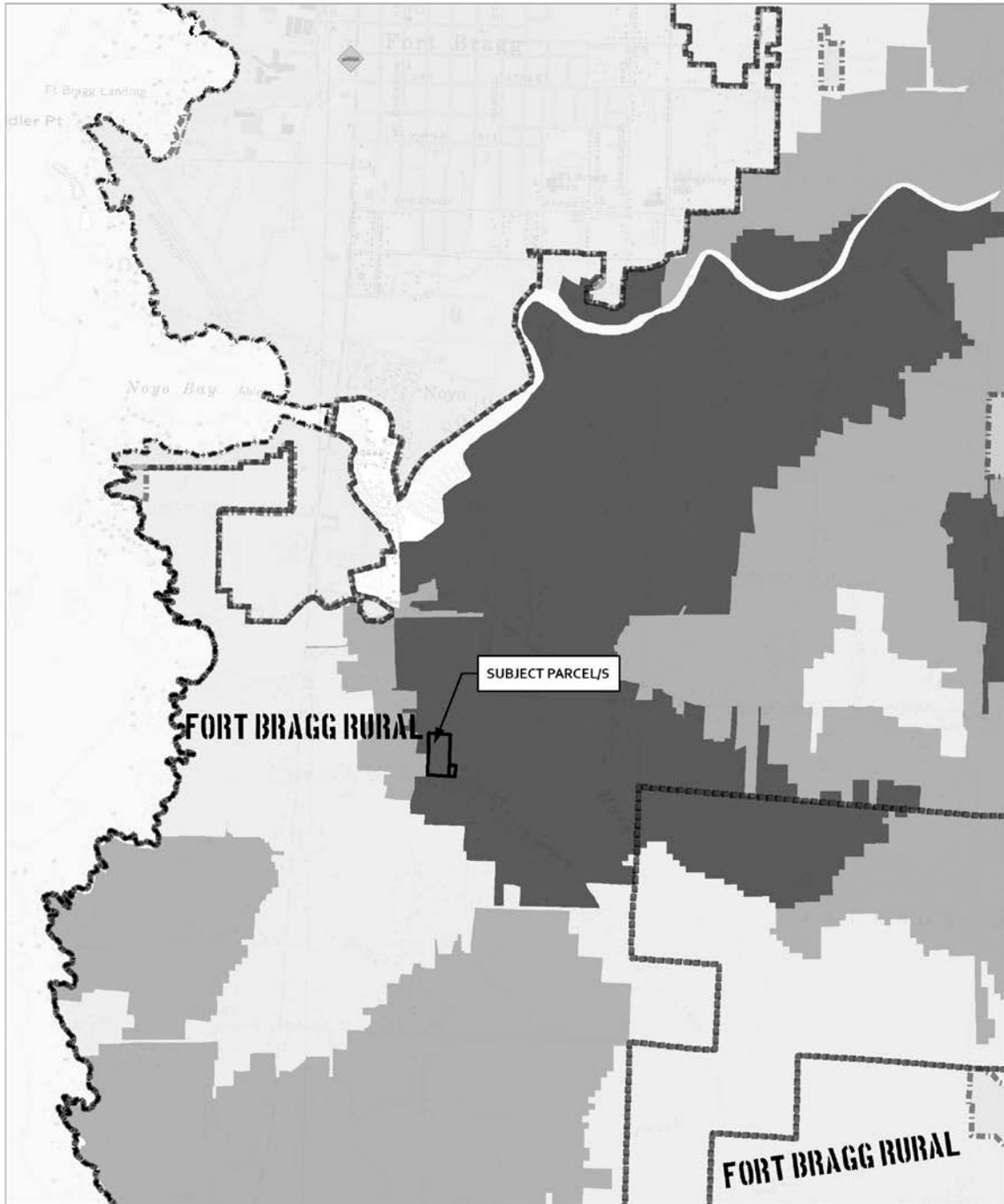
BOUNDARIES	
	Urban/Rural Boundary
	Water District
	Sewer District
	Timber Preserve Zone
	Williamson Act

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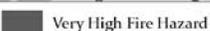
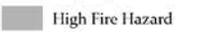
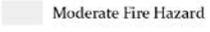


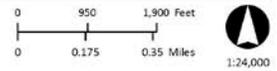
LCP MAP 14: BEAVER

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-  Incorporated City Limits
-  Fire Stations
-  County Fire Districts
-  Very High Fire Hazard
-  High Fire Hazard
-  Moderate Fire Hazard



FIRE HAZARD ZONES

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