

MENDOCINO COUNTY BOARD OF SUPERVISORS

DECISION REGARDING

**APPEAL OF COASTAL PERMIT ADMINISTRATOR'S APPROVAL OF
BOUNDARY LINE ADJUSTMENT B_2017-0043**

- A. Travis Swithenbank, the applicant, filed an application for a Boundary Line Adjustment (B_2017-0043) with the Mendocino County Department of Planning and Building Services to align parcel boundaries with Coastal Zone Boundary and remove split designations, Parcel "A" (APN: 069-320-01) would increase from 10.85 to 11.35± acres, and parcel "B" (APN: 069-320-02) would decrease from 10.85 to 10.35± acres, located at 32800 & 32700 Nameless Lane, Fort Bragg; Rural Residential Zoning and General Plan designations; Supervisorial District 4; (the "Project").
- B. 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) under Class 5(a).
- C. In accordance with the applicable provisions of law, the Coastal Permit Administrator held a public hearing on April 8, 2021, at which time the Coastal Permit Administrator heard and received all relevant testimony and evidence presented orally or in writing regarding the Project. All interested persons were given an opportunity to hear and be heard regarding the Project.
- D. The Coastal Permit Administrator approved the Project on April 8, 2021 subject to the final findings and conditions contained in the staff report, associated memorandum dated April 7, 2021 and April 8, 2021 Coastal Permit Administrator Action Sheet, as provided in Exhibit "A" attached hereto and incorporated herein by this reference.
- E. On April 16, 2021, Attorney Colin Morrow, on behalf of Dr. William Schieve, filed an appeal of the decision by the Coastal Permit Administrator's approval of the Project alleging that the boundary line adjustment would result in the creation of additional lots or parcels as those terms are defined by the Subdivision Map Act (Government Code section 66000 et seq.) (the "Appeal").
- F. The Mendocino County Board of Supervisors held a Noticed Public Hearing on the Appeal on July 20, 2021, which hearing was continued to September 14, 2021, to hear all relevant testimony and evidence presented orally or in writing regarding the Project. All interested persons were given an opportunity to hear and be heard regarding the Project.

On the basis of the whole of the record before it, the Mendocino County Board of Supervisors makes the following findings and determinations:

1. Modification of Approval; Additional Condition of Approval: The Board of Supervisors hereby modifies the approval of the Coastal Permit Administrator to include the

following Condition of Approval Number 11:

The applicant shall prepare, or have prepared, partial reconveyances and/or modified deeds of trust, as applicable, in substantial compliance with the approved boundary line adjustment, and arrange for their concurrent recording with the documents that effectuate the boundary line adjustment.

This additional condition of approval shall ensure that all deeds of trust will be modified to reflect the adjusted boundary lines and eliminate the possibility that any lots might inadvertently be created by any foreclosure of deeds of trust if boundaries were not so modified. The Board of Supervisors hereby finds and determines that Condition of Approval Number 11 will ensure the Project preserves the integrity of the respective zoning districts of the parcels by removing the split-zoning of the parcels as they presently exist and providing for each parcel to be subject to a single consistent zoning district and Zoning Code. The Board of Supervisors hereby finds that the addition of Condition of Approval Number 11 eliminates the concern raised by the Appeal.

2. Consistency with Coastal Element and Zoning Code: The Board of Supervisors hereby affirms the determinations of the Coastal Permit Administrator that the Project is consistent with Division II of the Mendocino County Zoning Code and the Coastal Element of the General Plan.
3. Denial of Appeal. Based on the evidence contained in the record for this matter, and with the addition of Condition of Approval Number 11, the Mendocino County Board of Supervisors hereby denies the Appeal and affirms the Coastal Permit Administrator's approval of the Project pursuant to the findings and conditions as contained in Exhibit A with the additional findings and condition as specified in this Decision.
4. Records. The Clerk of the Board is designated as the custodian of the documents and other material which constitute the record of proceedings upon which this decision is based. These documents may be found at the office of the Clerk of the Board, 501 Low Gap Road, Room 1010, Ukiah, California 95482.