

September 11, 2021

Dear Supervisor Dan Gjerde and Honorable Members of the Board:

I represent a large neighborhood group, Concerned Neighbors of the Cleone Community (CNCC), and these 27 members **strongly object** to the Board's decision to deny the Appeal to the Boundary Line Adjustment, Case B_2017-0043.

The Board of Supervisors (BOS) scheduled a "continuance hearing" for Sept. 14, 2021 but already put forth a position paper denying the Appeal. What kind of hearing is it if positions have already been decided? Actually why have a hearing?

For the record:

At the July meeting, Swithenbank counsel stated there weren't any subdivision plans, then acknowledged there was a subdivision plan but the BLA and subdivision had nothing to do with each other. That could not be further from the truth. And what is truth...but the ability to observe a man's actions and intent. Laws and truths are very different and we all know they rarely line up – and this project is littered with those contradictions.

Unfortunately, the project's history is fraught with disingenuous statements, application omissions, property violations and a stunning lack of environmental sustainability or best practices with the adjacent neighborhood.

It has been all along Travis' intent to not be encumbered by Coastal Zone policies and during the April hearing, Planning held forth with a barrage of policies and codes as the **ONLY** thing the Coastal Permit Administrator was to consider. A visibly sympathetic and concerned CPA ended up, in our opinion, overwhelmed and consideration of the clear discrepancies to the Land Use Plan and Coastal Element fell by the wayside.

These are truths:

Cleone is a designated **Rural Village in Mendocino County's Land Use Plan/Coastal Element** and this project runs contrary to these specific plans: Chapter 2-2.2 Map Designations, Chapter 2.2 Intent, Chapter 3-3.1 Habitats and Natural Resources and Chapter 3.9-1 Locating and Planning New Development. In my written submitted letter for the April 8 hearing, all are detailed.

What part of "Consistency with Coastal Element and Zoning Code" is the Board looking at? Just because something isn't acknowledged doesn't mean violations don't exist.

Addressing LUP's own written criteria: Is there community's desire for this amount and rate of growth? **NO**. Will there be any significant adverse effects on coastal resources? **YES**. Does water and sewage disposal capacity exist? **NO**. Is the proposed development consistent with all applicable policies of this Coastal Element? **NO**.

As documented in previous public comments, **the BLA and the subdivision are not separate in their intent nor their final consequences** and your consideration of this Appeal should have encompassed the whole project.

County Deputy Counsel, Matthew Kiedrowski states the proposed subdivision could have gone forward without a Boundary Line Adjustment. We find Counsel' s Memorandum strewn with “broadly construed” verbiage and assumptions. It is completely untrue that the boundary line adjustment is not the first step in a causally related series of events.

In Swithenbank' s Subdivision Application, on SHEET “ A” , No. 20, he writes “ concurrently with the processing of this subdivision, owner is processing a Coastal Boundary Line adjustment to create base parcels lying in the Coastal zone and inland zone (subdivision base parcel) **recognizing that the Subdivision approval will be conditioned upon completion of the Boundary Line Adjustment.**”

And on the front page of the Building and Planning submission form, it states: “**Concurrently the owner is processing a Boundary Line Adjustment (B_2017-0043) between the subject parcel and an adjacent parcel to ensure that the entirety of the proposed major subdivision resides in the Inland Zone**” .

Planning has received documents from Swithenbank in regards to his subdivision application and **his own submitted lot MAP in the subdivision application states and reflects “a new boundary line adjustment”**.

Since June 2019, the neighborhood's advocacy role with county agencies has kept important issues at the forefront and we have begun to bring them to your attention. As residents of Cleone, we implore your support in our efforts to protect our neighborhood.

Speaking on behalf of the Concerned Neighbors for the Cleone Community, we support the Appeal by attorney Colin Morrow and Dr. Bill Schieve and **strongly object** to the Mendocino County Board of Supervisors' ruling on case B_2017-0043.

Sincerely.

Carla Sarvis
Chair, CNCC

CNCC Members: Nicole and William Martensen, Elizabeth O' Hara, Dr. Stephen Lane, Dr. Bill Schieve, Royce Peterson, Mary Meline, Alan Wilburn, Barbara and John Williams, Larry Dockins, Jane and Keith Oglesby, Eleanor Harvey, Nan Halstead, Anita and John Griffith.

CNCC Supporters: Brian Colato, Frank Gyselinck, Margeret Lacuaniello, Yolanda and Bruce Fletcher, Mike Higgens, Randy Poe, Steve Sabus, Fred Wright.____