



MENDOCINO COUNTY BOARD OF SUPERVISORS

AGENDA SUMMARY – PLANNING MATTERS

BOARD AGENDA # 10d3

Agenda Summaries must be submitted no later than noon Wednesday, 13 days prior to the meeting date

TO: Board of Supervisors DATE: February 13, 2002FROM: Planning and Building Services AGENDA DATE: February 26, 2002DEPARTMENT RESOURCE: Frank Lynch PHONE: 463-4281 PRESENT: ☒ ON CALL: ☐Consent ☐ Regular Agenda ☒ Est. Time for Item: one hour Urgent ☐ Routine ☒ *Y*

■ AGENDA TITLE: Discussion and possible action regarding Administrative Appeal #AA 2-2001 - Moores

■ SUMMARY: Appeal of Planning Commission's denial of Administrative Appeal #AA 2-2001. This is an appeal of the determination of both the Department of Planning and Building Services and County Counsel that the appellants property is subject to merger, and the County can not issue four separate Certificates of Compliance. The appellant believes that the County did not follow proper procedures in implementing State merger laws, and that his property, is therefore, exempt from merger.

■ PREVIOUS ACTION: On December 6, 2001 the Planning Commission unanimously voted (5-0) to deny the appeal finding that the subject property was subject to merger.

■ STAFF RECOMMENDATION: Staff recommends that the Board of Supervisors uphold the Planning Commissions decision and deny Administrative Appeal #AA 2-2001

■ RECOMMENDED ACTION/MOTION: That the Board of Supervisors upholds the action of the Planning Commission and denies the appeal #AA 2-2001, further finding that County Counsel and the Department of Planning and Building Services are correct in determining that Mr. Moores' property meets the criteria to be subject to merger.

■ ALTERNATIVE ACTION/MOTION: None proposed.

BOARD ACTION

1) ☒ Approved2) ☐ Referred toDate of Action 2/26/023) ☐ Denied4) ☐ Other

**BOARD OF SUPERVISORS
DRAFT MINUTES
FEBRUARY 26, 2002**

3) Discussion and Possible Action Regarding an Administrative Appeal:

AA 2-2001 – William Moores (Owners/Appellants), Steven Butler (Agent)

REQUEST: Appeal of an administrative determination by the Department of Planning and Building Services and County Counsel that the appellant's property is subject to merger and the County can not issue four separate Certificates of Compliance as requested.

LOCATION: 4± miles north of Manchester, lying east of Highway One, adjacent to the south side of the Irish Beach Subdivision, on the south side of Irish Gulch.

Mr. Frank Zotter, Chief Deputy County Counsel, provided a brief overview of the item, referencing applicable laws regarding the matter.

Mr. Frank Lynch, Senior Planner, noted that the issue is an appeal of the Planning Commission's denial of Administrative Appeal No. AA 2-2001. Specifically, an appeal of the determination of both the Department of Planning and Building Services and County Counsel, that the appellant's property is subject to merger, and that the County can not issue four separate Certificates of Compliance. Mr. Lynch noted that the appellant is of the opinion that the County did not follow proper procedures in implementing State merger laws, and that his property is, therefore, exempt from merger. Mr. Lynch noted that staff recommends that the Board of Supervisors uphold the Planning Commission's decision and deny Administrative Appeal No. AA 2-2001

Mr. Hall provided clarification regarding mandated merger provisions and associated public noticing requirements.

Mr. William Moores, applicant/appellant, provided an overview of the appeal, and reviewed an informational packet presented to the Board, which included an overview of historical merger processes and associated Certificates of Compliance pertaining to the properties in question. Mr. Moores referenced County Ordinance No. 3370 providing for the merge of parcels and various statutes governing merger of contiguous parcels of land. Mr. Moores expressed his position regarding the appeal and commented regarding County Counsel's opinion addressing the issue. Mr. Moores further referenced staff and counsel statements presented at the Planning Commission hearing held on December 6, 2001.

Mr. Hall provided additional information relative to the matter, which resulted in a question and answer period pertaining to the timelines of the regulatory statutes.

Responding to Board member inquiry, Mr. Hall and Mr. Lynch provided further clarification regarding the legality of the separation of the referenced parcels (depicted on the maps presented by the applicant/appellant).

Mr. Hall further noted the relevance of previous action of the Board (1988), regarding a request for Certificates of Compliance pertaining to the project properties, as well as associated properties, and indicated that the discussions at that time debated the parcels in question.

Chief Deputy Counsel Zotter further referenced additional merger legislation, which defines noticing procedures.

Upon motion by Supervisor Shoemaker, seconded by Supervisor Campbell, and carried (4, with Supervisor Delbar dissenting); IT IS ORDERED that the Board of Supervisors upholds the action of the Planning Commission and denies appeal No. AA 2-2001, further finding that County Counsel and the Department of Planning and Building Services are correct in determining that Mr. Moores' property meets the criteria to be subject to merger.