



Mendocino County

Legislation Details (With Text)

File #: 21-1006 **Version:** 1 **Name:**

Type: Presentations **Status:** Agenda Ready

File created: 8/30/2021 **In control:** Planning and Building Services

On agenda: 9/14/2021 **Final action:**

Title: Noticed Public Hearing - Discussion and Possible Action to Consider an Appeal of the Coastal Permit Administrator for Approval of a Boundary Line Adjustment Located Near Cleone (B_2017-0043) 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 (continued from July 20, 2021)
(Sponsor: Planning and Building Services)

Sponsors: Planning and Building Services, Steve Dunicliff

Indexes:

Code sections:

Attachments: 1. 1. Counsel Memorandum - B_2017-0043 - 9.14.21.pdf, 2. 2. BOS Decision re Appeal of B_2017-0043.pdf, 3. 3. BOS Decision re Appeal of B_2017-0043 Exhibit A.pdf, 4. 09-11-21 Sarvis Correspondence, 5. 09-13-21 Morrow Correspondence

Date	Ver.	Action By	Action	Result
9/14/2021	1	Board of Supervisors		

To: Board of Supervisors

From: Planning and Building Services

Meeting Date: September 14, 2021

Department Contact: Mark Cliser

Phone: 234-6650

Department Contact: Julia Krog

Phone: 234-6650

Item Type: Noticed Public Hearing

Time Allocated for Item: 30 Mins.

Agenda Title:

Noticed Public Hearing - Discussion and Possible Action to Consider an Appeal of the Coastal Permit Administrator for Approval of a Boundary Line Adjustment Located Near Cleone (B_2017-0043) 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 (continued from July 20, 2021)
(Sponsor: Planning and Building Services)

Recommended Action/Motion:

Adopt decision making required findings, modifying and affirming the Coastal Permit Administrator's approval of Boundary Line Adjustment (B_2017-0043) and denying the appeal.

Previous Board/Board Committee Actions:

In 1991, the Board adopted Division II of Title 20 of Mendocino County Code through Ordinance No. 3785. In 1998, the Board adopted Ord. No. 4001 establishing Mendocino County Code Chapter 17 (Division of Land Regulations) Section 17-17.5 (Boundary Line Adjustment). The Board of Supervisors originally heard the appeal on July 20, 2021 and continued the hearing to September 14, 2021 with direction to staff to prepare additional analysis.

Summary of Request:

On April 16, 2021 Attorney Colin Morrow, on behalf of Dr. William Schieve, filed an appeal of the decision by the Coastal Permit Administrator approving Boundary Line Adjustment application B_2017-0043. The application requests a Boundary Line Adjustment between APNs 069-320-01 (Lot "A") and 069-320-02 (Lot "B") in order to align parcel boundaries with Coastal Zone Boundary and remove split designations. The project is located 4± miles north of the City of Fort Bragg. The subject parcels are approximately 700 feet east of the intersection of State Route 1 (SR-1) and Nameless Ln. within unincorporated Mendocino County. The properties are currently addressed at 32800 & 32700 Nameless Lane, Fort Bragg.

The sole basis of the appeal, as specifically provided by counsel for the appellant, is that Boundary Line Adjustment B_2017-0043 is not actually a boundary line adjustment because it will result in the creation of additional parcels. The appeal states the Boundary Line Adjustment will result in the creation of additional lots or parcels and will be "junior to two separate deeds of trust encumbering separate existing parcels" resulting in four different combination of fee interests and security interests. As reviewed in the staff memorandum for this item, Mendocino County Code Section 17-17.5, paragraph (H), specifically allows for the Subdivision Committee to add requirements to insure that the boundary line adjustment shall not have the effect of creating a new lot or parcel. In ruling on this appeal, the Board of Supervisors has the ability to modify the action of the Coastal Permit Administrator. Please see Staff Memorandum and related attachments for additional details.

A supplemental memorandum from County Counsel's Office and a draft decision has been prepared for the continued hearing in response to direction received from the Board on July 20, 2021.

Alternative Action/Motion:

Provide direction to Staff.

How Does This Item Support the General Plan? Yes, Boundary Line Adjustment B_2017-0043 removes the split of the parcels by the Coastal Zone boundary allowing for each lot to be subject to only one Division of the County Zoning Code rather than being subject to different Divisions of the County Zoning Code depending on where on the parcel future development is proposed. Consistent with MCC Section 20.304.045(D), the Coastal Zone boundary is treated as a de facto parcel line for the purposes of determining setbacks, lot cover and other development regulations and causes a hindrance to future development of either parcel that is subject to the Boundary Line Adjustment.

Supervisorial District: District 4

vote requirement: Majority

Supplemental Information Available Online At:

<https://www.mendocinocounty.org/government/planning-building-services/public-notices>

Fiscal Details:

source of funding: N/A

current f/y cost: N/A

annual recurring cost: N/A

budget clarification: N/A

budgeted in current f/y: N/A

if no, please describe:

revenue agreement: N/A

Agreement/Resolution/Ordinance Approved by County Counsel: Yes

CEO Liaison: Judy Morris, Deputy CEO

CEO Review: Yes

CEO Comments:

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Executed By: Atlas Pearson, Deputy Clerk I

Final Status:**Approved**

Date: September 14, 2021

