

REPORT FOR COASTAL DEVELOPMENT BOUNDARY LINE ADJUSTMENT

**#CDB 25-2011
MAY 10, 2012
PAGE CPA-1**

OWNERS: LAWRENCE RISSE, TRUSTEE
ATTN: GREG RISSE
P.O. BOX 10
RIO LINDA, CA 95673

RUDOLPH CUTINO, TRUSTEE
101 PARADISE DRIVE
BEL TIBURON, CA 94920

APPLICANT: CLIFFORD M. ZIMMERMAN
3220 FOREST LANE
FORT BRAGG, CA 95437

REQUEST: Coastal Development Boundary Line Adjustment to transfer .38 acres from AP# 015-370-07 (Cutino Trust Parcel) into AP# 015-370-10 (Risse Trust Parcel), resulting in new parcel configurations of 7.00 acres and 22.60 acres respectively.

LOCATION: In the Coastal Zone, approximately 3 miles south of Westport, on the west side of State Highway 1 and just south of Kibesillah Creek, located at 32600 North Highway One and 32900 North Highway One; AP#'s 015-370-07 & 10.

TOTAL ACREAGE: 22.22+/- Acres and 7.38+/- Acres

ZONING: AG 60

GENERAL PLAN: AG 60

EXISTING USES: Agriculture/Rural Residential

SUPERVISORIAL DISTRICT: 4

DATE FILED: June 24, 2011

OTHER RELATED APPLICATIONS ON SITE OR SURROUNDING AREA: Certificate of Compliance #CC 29-80 recognized AP# 015-370-07 as a legal lot. Boundary Line Adjustment # B 2-82 created the configuration of AP#'s 015-370-11 & 12; both were recorded on June 28, 1982. These parcels are located to the north of the subject properties. Certificate of Compliance #CC 36-95 recognized AP# 015-380-02 and AP# 015-070-42 which is located to the south of the subject properties as a legal lot. Coastal Development Use Permit #CDU16-99 for the expansion of an existing winery operation was appealed to the California Coastal Commission where it received conditional approval on May 10, 2000. This property is located to the north of the subject properties.

PROJECT DESCRIPTION: The applicant is proposing to re-configure the two legal non-conforming lots by transferring .38 acres from AP# 015-370-07 into AP# 015-370-10 resulting in new parcel configurations containing 7.00 acres and 22.60 acres. The intent of this boundary line adjustment is to correct improvement encroachments and driveway encroachments, per a California Superior Court Judicial Stipulation No. 63068. AP# 015-370-10 is improved with a single family dwelling and a barn and AP# 015-370-07 has a shed and a dilapidated building which according to the applicant is ready to collapse.

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 in density as the adjustment does not provide for future divisions beyond that which currently exists.
2. The boundary line adjustment will not create any new parcels.
3. According to the California Natural Diversity Database (Rarefind) there are no environmentally sensitive habitat areas on the subject parcels. However a review of the Biological Resources/Natural Area Map reveals that Steelhead & Rainbow Trout have been found in Kibesillah Creek which is located on the northern boundary line of AP# 015-370-07 and there is another un-named creek on the southern boundary line of AP# 015-370-10. Both creeks also have riparian habitat and wetlands associated with them.

AP# 015-370-10 is improved with a single family dwelling and a barn and AP# 015-370-07 is vacant. Should development be proposed on either parcel, staff has determined that there is sufficient area available for building envelopes that would be able to maintain a minimum 100 foot buffer from any sensitive wetland or riparian habitat areas and would be setback a sufficient distance from the edges of bluffs to ensure their safety from bluff erosion and cliff retreat per Section 20.500.020 (B)(1) of the Mendocino County Coastal Zoning Code. See Condition Number 7.

4. The adjustment will not result in parcels having an inadequate building site.
5. Both lots are considered legal non-conforming and this proposed boundary line adjustment of .38 acres will have minimal effect on their status as legal non-conforming lots.
6. Both parcels are in an area designated CWR (Critical Water Resources) as identified in the Mendocino County Coastal Groundwater Study. The study state areas designated CWR shall have a minimum lot size of 5 acres; "proof of water" is required prior to obtaining a building permit for a single family dwelling. AP# 015-370-10 is developed and has an existing well that provides on-site water for domestic use. AP# 015-370-07 does not have an existing well and when a single family dwelling unit is proposed, the applicant would have to provide "proof of water". Therefore, the adjustment will not result in parcels being inconsistent with the Mendocino County Coastal Groundwater Study recommendations.
7. The boundary line adjustment is not located on property containing pygmy vegetation.
8. The property subject to the adjustment is located in a designated "Highly Scenic" area; Coastal Element Policy 3.5-3 state, in part:

"...new development west of Highway One in designated "highly scenic areas" is limited to one-story (above natural grade) unless an increase in height would not affect public views to the ocean or be out of character with surrounding structures. Variances from this standard may be allowed for planned unit development that provides clustering and other forms of meaningful visual mitigation. New development should be subordinate to natural setting and minimize reflective surfaces. All proposed divisions of land and boundary line adjustments within "highly scenic areas" will be analyzed for consistency of potential future development with visual resource policies and shall not be allowed if development of resulting parcel(s) could not be consistent with visual policies."

Should development of either the parcel occur in the future, such development would be subject to the development criteria for property within "highly scenic areas" as forth in Section 20.504.015© of the Coastal Zoning Code. See Condition Number 8.

9. The boundary line adjustment is located in an appealable area.

ENVIRONMENTAL RECOMMENDATION: The application is Categorically Exempt - Class 5a (Minor lot line adjustments, side yard, and set back variances not resulting in the creation of any new parcel). 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 Permit #CDB 25-2011, 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. It is quite possible that the boundary adjustment involves two parcels that comprise the former town of Kibesillah, a community that, according to Thad M. Van Bueren, M.A., Registered Professional Archaeologist, thrived from the 1860s to the early 1900s. See Condition # 7.
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. There is no development being proposed with this project, however, if development is proposed in the future, a Coastal Development Permit would be required and at that time a botanical survey, an archaeological survey and possibly a geotechnical survey will be required to determine where a building site could be placed. See Condition # 7.
9. 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, provide 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 25-2011 and is intended to create no new parcel."

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, we will notify you. DO NOT RECORD ANY DOCUMENTS UNTIL YOU HAVE RECEIVED APPROVAL OF THE DEED(S) BY THIS DEPARTMENT IN WRITING.

PLEASE NOTE: Title must be transferred identical to the title now being held (all owners with their exact names).

- 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 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. 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, easement, or other rights which may be appurtenant to and/or an encumbrance to the subject properties.”
- 7. A note shall be placed on the deeds/legal descriptions stating “Future development will require Coastal Development Permits. Future development will require additional studies including a botanical survey and an archaeological survey to assist in determining building site locations that will respect ESHA areas and buffers and archaeological sites and buffers that are located on the two newly configured parcels. A geotechnical report may also be necessary to provide for adequate development setbacks from the coastal bluff.”
- 8. A note shall be placed on the deeds and/or legal descriptions stating “Future development shall comply with the development criteria for property within “highly scenic areas” as set forth in Section 20.504.015(C) of the Coastal Zoning Code.”

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. THE DECISION OF THE COASTAL PERMIT ADMINISTRATOR MAY ALSO BE APPEALED TO THE COASTAL COMMISSION.

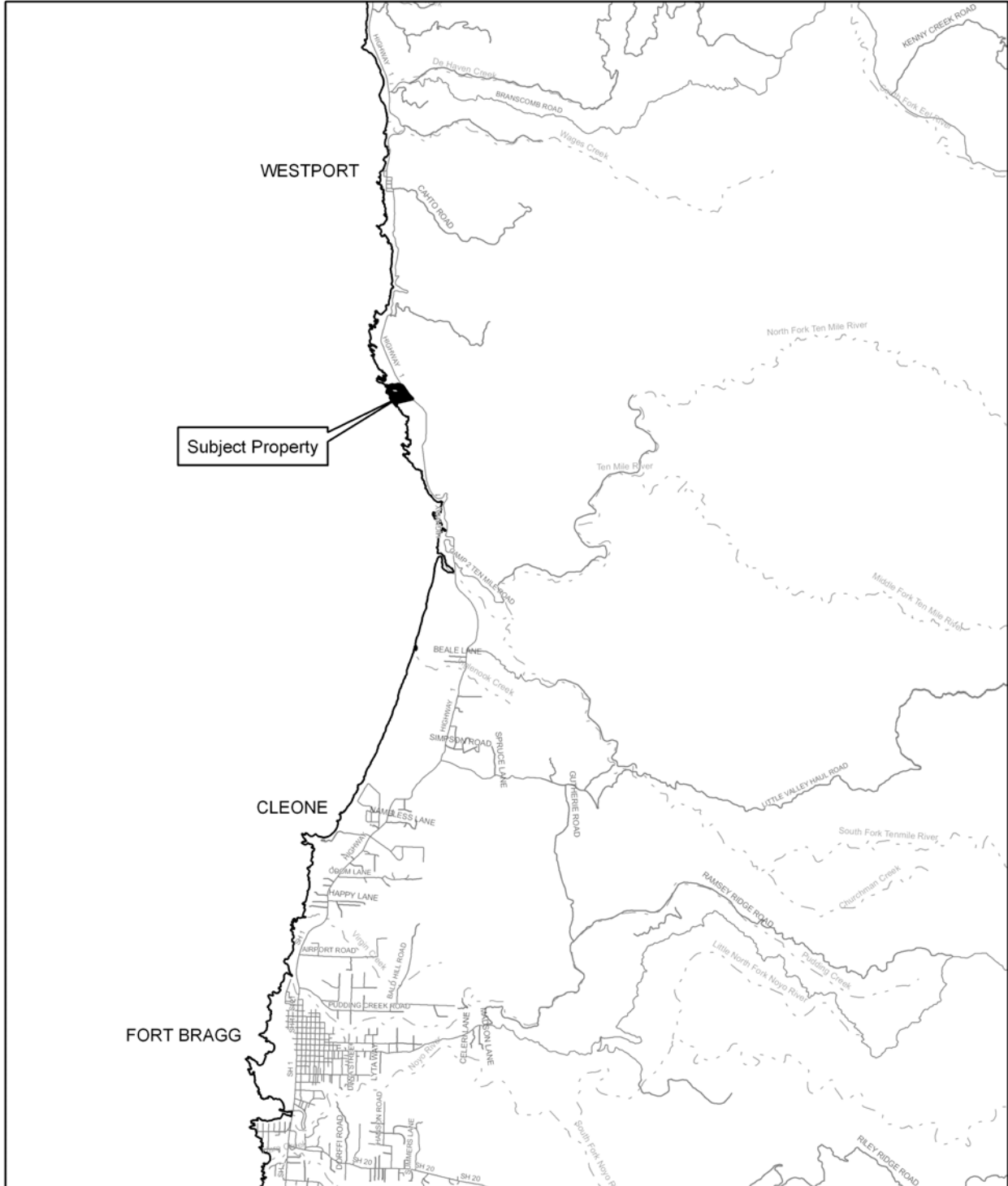
DATE

FRED TARR
PLANNER II

FT/at
April 16, 2012

Categorically Exempt
Appeal Fee - \$1855.00
Appeal Period: 10 days

REFERRAL AGENCIES	REFERRAL NOT RETURNED	REFERRAL RECEIVED "NO COMMENT"	COMMENTS RECEIVED
Dept of Transportation Planning – FB		X	X
Env. Health – FB	X		
Building Inspection – FB		X	
Coastal Commission	X		
Assessor	X		
Caltrans	X		
Dept of Fish and Game	X		
Cal-Fire	X		
Westport MAC	X		

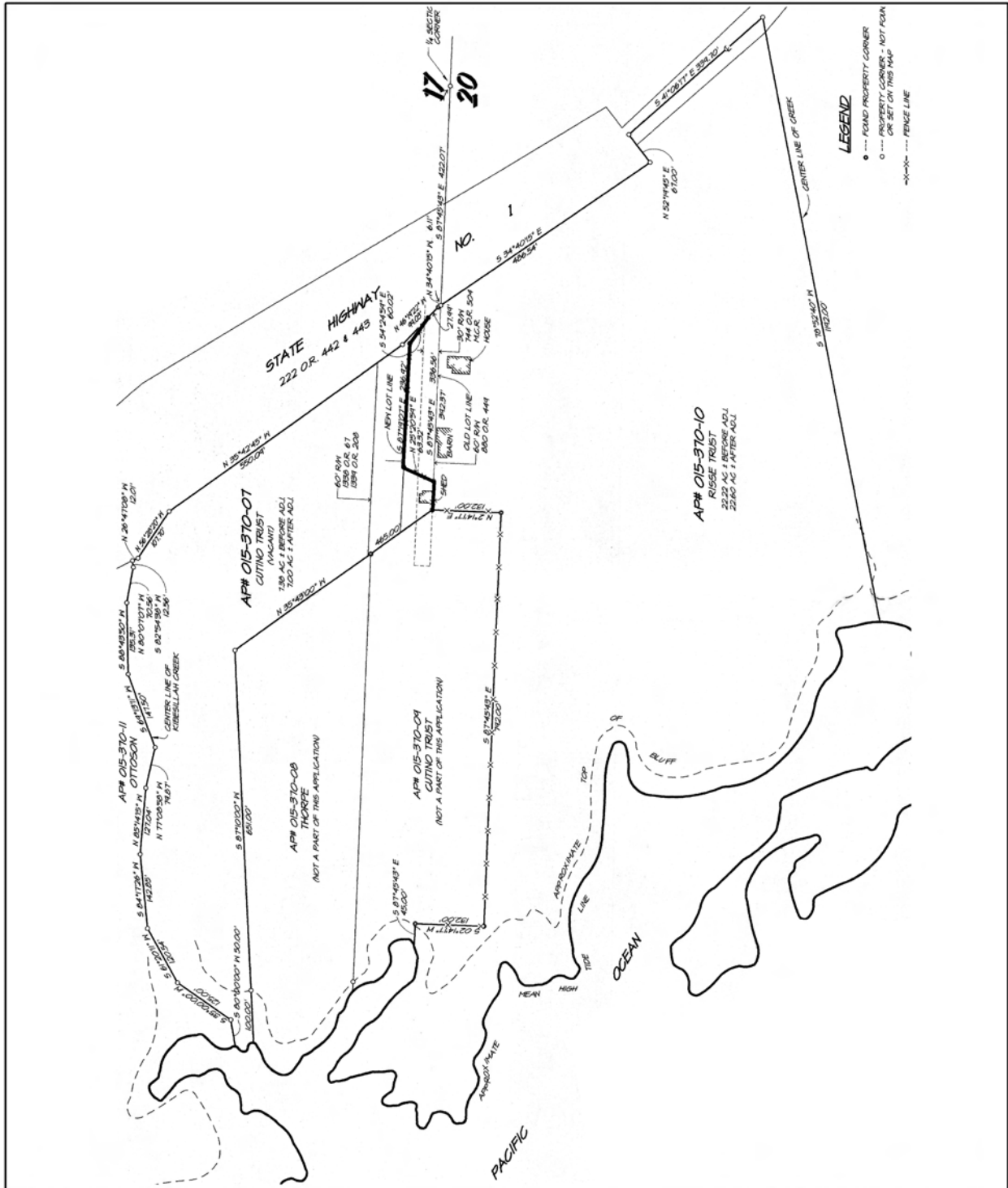


OWNER: RISSE, Lawrence & CUTINO, Rudolph
CASE: CDB 25-2011
APNs: 015-370-07 & 015-370-10

LOCATION MAP

Parcel lines are approximate. Parcel lines on this map are NOT SURVEY LINES, they are for viewing purposes only and should not be used to determine legal boundary lines. Parcel line can be over 200 feet off.



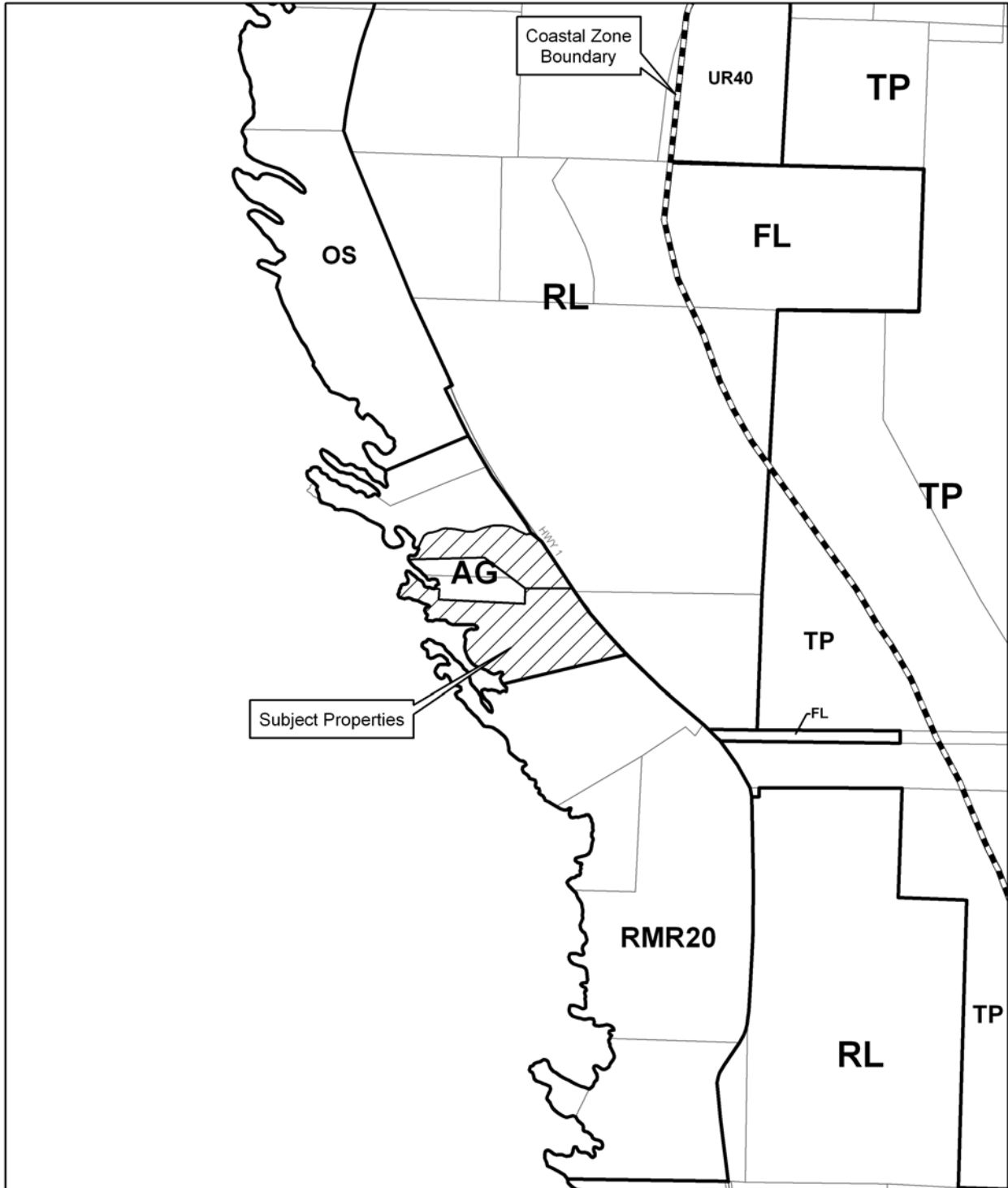


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**EXISTING AND PROPOSED
BOUNDARY LINES**

Not To Scale





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ZONING DISPLAY MAP

Parcel lines are approximate. Parcel lines on this map are NOT SURVEY LINES, they are for viewing purposes only and should not be used to determine legal boundary lines. Parcel line can be over 200 feet off.





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ORTHOPHOTO - June 2010

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COUNTY OF MENDOCINO
DEPARTMENT OF PLANNING AND BUILDING SERVICES
860 NORTH BUSH STREET • UKIAH • CALIFORNIA • 95482

ROGER MOBLEY, ACTING DIRECTOR
Telephone 707-463-4281
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pbs@co.mendocino.ca.us
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April 23, 2012

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT the Mendocino County Subdivision Committee and Coastal Permit Administrator will consider the following project on Thursday May 10, 2012, in the Mendocino County Administration Center, Conference Room C, 501 Low Gap Road, Ukiah, California. The Subdivision Committee will consider the boundary line adjustment at 9:00 a.m., or soon thereafter. The Coastal Permit Administrator will conduct a public hearing to consider issuance of a coastal development permit on the boundary line adjustment, commencing immediately following the Subdivision Committee meeting.

CASE#: CDB 25-2011

DATE FILED: 6/24/2011

OWNER: LAWRENCE RISSE, TRUSTEE AND RUDOLPH CUTINO, TRUSTEE

APPLICANT/ AGENT: CLIFFORD M. ZIMMERMAN

REQUEST: Coastal Development Boundary Line Adjustment to reconfigure two (2) legal parcels into parcels of 7 and 22.6+/- acres.

LOCATION: South of Westport, lying on the south side of Kibesillah Creek, lying on the west side of Highway 1, located at 32600 and 32900 North Highway 1; AP#'s 015-370-07 and 015-370-10.

PROJECT COORDINATOR: FRED TARR

ENVIRONMENTAL DETERMINATION: The Department of Planning and Building Services staff has determined that the project is categorically exempt from environmental review.

You are invited to appear at the hearing or to direct written comments to the Department of Planning and Building Services, at 860 North Bush Street, Ukiah, California, no later than May 9, 2012. You may receive notification of the decision on this project by requesting notification in writing and providing a self-addressed stamped envelope to the Department of Planning and Building Services. All correspondence should contain reference to the above noted case number.

Action by the Subdivision Committee and Coastal Permit Administrator shall be final unless appealed to the Board of Supervisors. The appeal must be filed in writing with a filing fee with the Clerk of the Board within 10 calendar days after such action. If appealed, the decision of the Board of Supervisors shall be final except that an approved project may be appealed to the Coastal Commission in writing within 10 working days following Coastal Commission receipt of a Notice of Final Action on this project.

If you challenge the project in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Department of Planning and Building Services, the Subdivision Committee or Coastal Permit Administrator, at or prior to, the public hearings.

Additional information regarding the above noted item may be obtained by calling the Department of Planning and Building Services at 463-4281, Monday through Friday, 8:00 a.m. through 5:00 p.m.

ROGER MOBLEY, Acting Director of Planning and Building Services