



**COASTAL PERMIT ADMINISTRATOR
STAFF REPORT- COASTAL BLA**

**MAY 10, 2018
B_2017-0061**

SUMMARY

OWNERS/APPLICANTS: BAYWOODS, LLC/BRENT FOX
5086 DEBRON COURT
POLLOCK PINES, CA 95726

AGENT: RON FRANZ
2335 APPOLINARIS DRIVE
UKIAH, CA 95482

REQUEST: Coastal Development Boundary Line Adjustment request to transfer 13± acres from Lot 1 (APNs: 132-180-19, 132-210-49, and 132-220-15) to Lot 2 (APN: 132-220-22) to create two lots of 160± acres and 173± acres, respectively.

LOCATION: In the Coastal Zone, 2.5± miles north of the community of Manchester, on the east side of State Highway 1, located at 16401 South Highway 1, Manchester (APN: 132-180-19).

TOTAL ACREAGE: 333±

GENERAL PLAN: Rangeland (RL)

ZONING: Rangeland, with 160 acre minimum (RL-160)

SUPERVISORIAL DISTRICT: 5

APPEALABLE: Yes, Boundary Line Adjustment and within 100 feet of coastal waters.

ENVIRONMENTAL DETERMINATION: Categorically Exempt: Class 5(a) (Minor lot line adjustments not resulting in the creation of any new parcel).

RECOMMENDATION: Approve Boundary Line Adjustment B 2017-0061 with Special Conditions.

STAFF PLANNER: Russell Ford

BACKGROUND

PROJECT DESCRIPTION: Certificate of Compliance (CC) application CC_2010-0015 recognized 9 separate legal lots then owned by the Biaggi family in Manchester. The current owner and applicant, Baywoods LLC, acquired two of these certificate lots in 2017. The applicants have stated intent to acquire a Timber Harvest Plan and harvest the lumber on the eastern portion of the parcels. This proposed adjustment would better separate the timber portion in the east from the rangeland/grazing portion in the west and allow the rangeland portion to be sold or leased separately.

APPLICANT'S STATEMENT: "Minor adjustment to the boundary common to these parcels...Both parcels are vacant."

RELATED APPLICATIONS ON-SITE:

- Certificate of Compliance CC_2010-0015 recognized 9 separate lots, then owned by Biaggi.

Neighboring Property:

- CC 2010-0015

SITE CHARACTERISTICS: The project site is on the east side of State Highway 1, 2.5± miles south of the community of Manchester. A private road, *Owl Creek Road* runs northeast from the highway through the parcels. The parcels are within a ½ mile of the ocean, and are roughly split between flat terrace in the west and sloping hills on the east. The west end of the parcels is mostly flat with minimal vegetation. The eastern portion is heavily forested, particularly around the numerous drainages. Both parcels are currently vacant and unimproved.

SURROUNDING LAND USE AND ZONING:

	GENERAL PLAN	ZONING	LOT SIZES	USES
NORTH	RL	RL	50±	Rangeland
EAST	RL	RL	40±	Forestland
SOUTH	RL	RL	80±	Rangeland
WEST	RL	RL	20±	Rangeland

PUBLIC SERVICES:

Access: State Highway 1
 Fire District: Redwood Coast Fire Protection District
 Water District: None
 Sewer District: None
 School District: Manchester Union Elementary

AGENCY COMMENTS: On or around February 28th, 2018 project referrals were sent to responsible or trustee agencies with jurisdiction over the project. Their submitted recommended conditions of approval are contained in Exhibit A of the attached resolution. A summary of the submitted agency comments are listed below. Any comment that would trigger a project modification or denial are discussed in full as key issues in the following section.

REFERRAL AGENCIES	COMMENT
Mendocino County Planning (Fort Bragg)	No Comment
Department of Transportation	No Comment
Environmental Health (Fort Bragg)	No Comment
Mendocino County Building (Fort Bragg)	No Comment
CALFIRE	No Comment
California Coastal Commission	No Comment
Resource Protection Lands Committee	TRA Split

KEY ISSUES

1. General Plan and Zoning Consistency: The two lots involved in the proposed lot adjustment are classified Rangeland, with a 160 acre minimum lot size (RL 160). At 160± and 173± acres, both lots are conforming. The applicants propose to transfer 13± from the larger lot to the smaller, keeping both conforming to zoning minimums. The proposal is consistent with the existing General Plan and Zoning classifications on the site.

2. Division of Land Regulations: This project is scheduled to be reviewed by the County Subdivision Committee on May 10th, 2018 at which time the Subdivision Committee will make recommendations

concerning approval to the Coastal Permit Administrator per the required findings in Section 17-17.5 of the Mendocino County Code. No conflicts with the County Division of Land Regulations were identified.

3. Environmental Protection: Both parcels are currently restricted by an active Williamson Act contract (No. 297). On February 21, 2018 the preliminary application was reviewed by the Resource Lands Protection Committee. No concerns were identified by the committee and no special conditions were requested. The proposed adjustment will be interior to the contract and not result in any change to the perimeter of the contracted land.

While no burrows have yet been identified within the boundary of the project area, the project falls within the habitat range of the **Point Arena Mountain Beaver** (*Aplodontia rufa nigra*). Staff has determined that a Biological Scoping Survey would not be necessary for the purpose of this project due to the fact that any future development will require additional review by Planning Staff.

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 of density. The proposed adjustment does not provide for future divisions beyond that which currently exist;
2. The boundary line adjustment will not create any new parcels;
3. The parcels subject to the adjustment are situated within an environmentally sensitive habitat area. No impacts to listed species are expected from this project, and staff does not find that a Biological Scoping Survey is warranted for this project. Any future development will be subject to the Coastal Development Permit regulations identified in Coastal Zoning Code Chapter 20.532.
4. No substandard lot will result from the adjustment. Two conforming lots will remain after the proposed adjustment.
5. The property subject to the adjustment is in an area designated MWR (Marginal Water Resources) and CWR-Bedrock (Critical Water Resources-Bedrock) as identified in the Mendocino County Groundwater Study, and is consistent with the study.
6. The subject parcels contain no pygmy vegetation as shown on available soil studies, however the eastern portion of the parcels host soils that are suitable for the growth of Bishop Pine.
7. The project is not located within a designated "Highly Scenic" area.
8. A portion of the project site is within 100 feet of the nearest drainage and is therefore located in an appealable area.

ENVIRONMENTAL RECOMMENDATION: The application is Categorically Exempt – Class 5a. 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 Boundary Line Adjustment B_2017-0061, 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. The proposed boundary line adjustment will not have any adverse impacts on any known archaeological or paleontological resource;
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 adjustment;

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 B_2017-0061 and is intended to create no new parcel."

4. Per Mendocino County Code Section 17-17.5(I) (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 form** 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 review and approval of this information, you will receive a Completion Certificate.
6. In the event that archaeological resources are encountered during development of the property, work in the immediate vicinity of the find shall be halted until all requirements of Chapter 22.12 of the Mendocino County Code relating to archaeological discoveries have been satisfied.
7. A note shall be placed on the deeds and/or legal descriptions stating that *"Future development may require additional studies and/or may be subject to restrictions"* and that *"Future development shall be in conformance with the criteria for development within the Environmentally Sensitive Habitat and Special Treatment Areas as set forth in the Coastal Plan and Coastal Zoning Code."*

8. 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, easements, or other rights which may be appurtenant to and/or an encumbrance to the subject properties.*"
9. A note shall be placed on the deeds and/or legal descriptions that the adjusted parcels will maintain a 160 acre minimum parcel size.

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 and all conditions of approval have been met, we will notify you. **DO NOT RECORD ANY DOCUMENTS UNTIL YOU HAVE RECEIVED APPROVAL OF THE DEED(S).**

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

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.

DATE

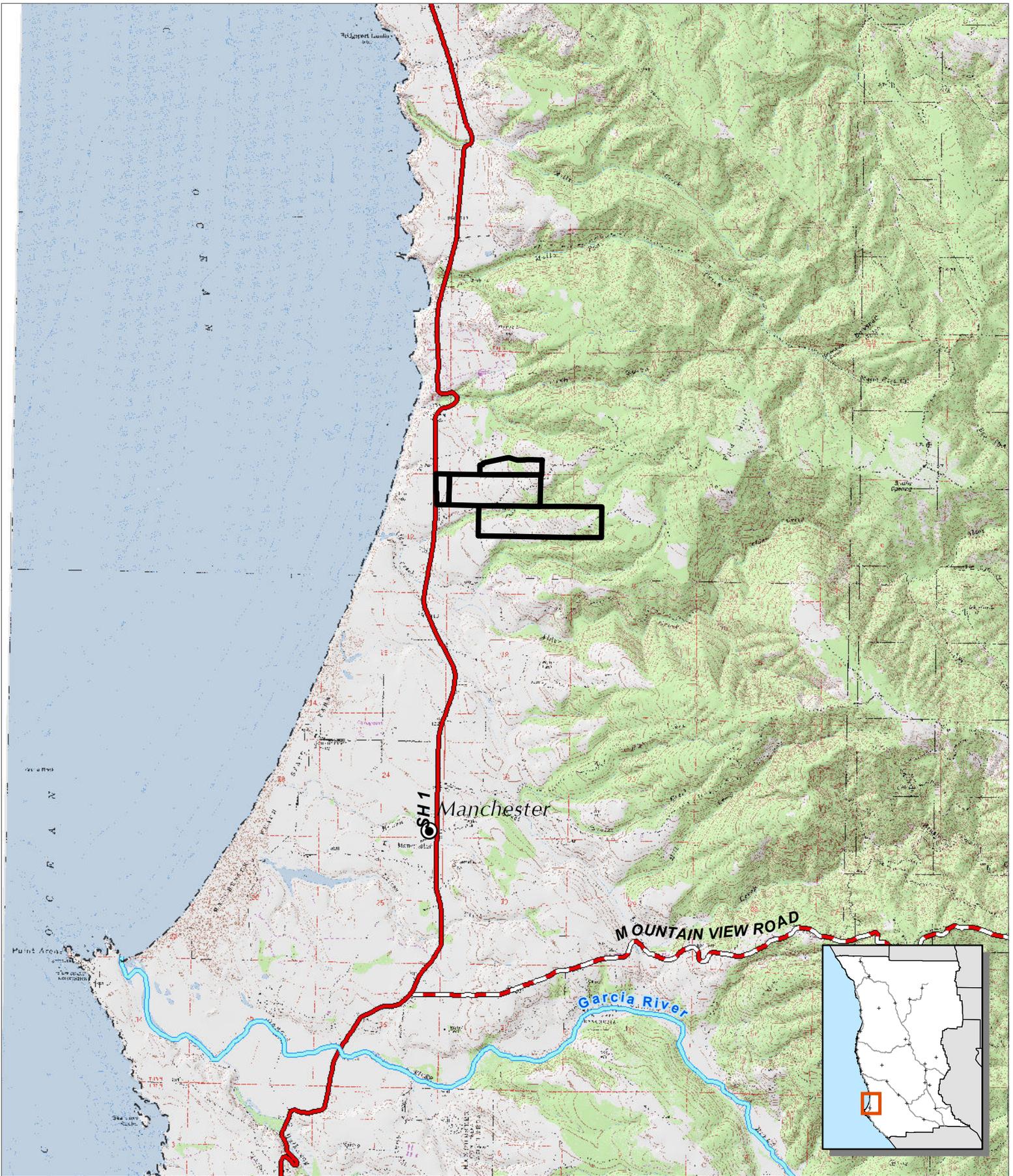
RUSSELL FORD
PLANNER III

Appeal Period: 10 Days

Appeal Fee: \$1,616.00

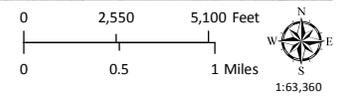
ATTACHMENTS:

- A. Location Map
- B. Topographic Map
- C. Aerial Imagery
- D. Existing Configuration
- E. Proposed Configuration
- F. Zoning Map
- G. General Plan Classifications
- H. LCP Land Use Map
- I. LCP Land Capabilities & Natural Hazards
- J. LCP Habitats & Resource
- K. Appealable Areas
- L. Adjacent Parcels
- M. Fire Hazard Zones
- N. Important Farmland
- O. Coastal Ground Water Resources
- P. Soils
- Q. Wetlands
- R. Williamson Act



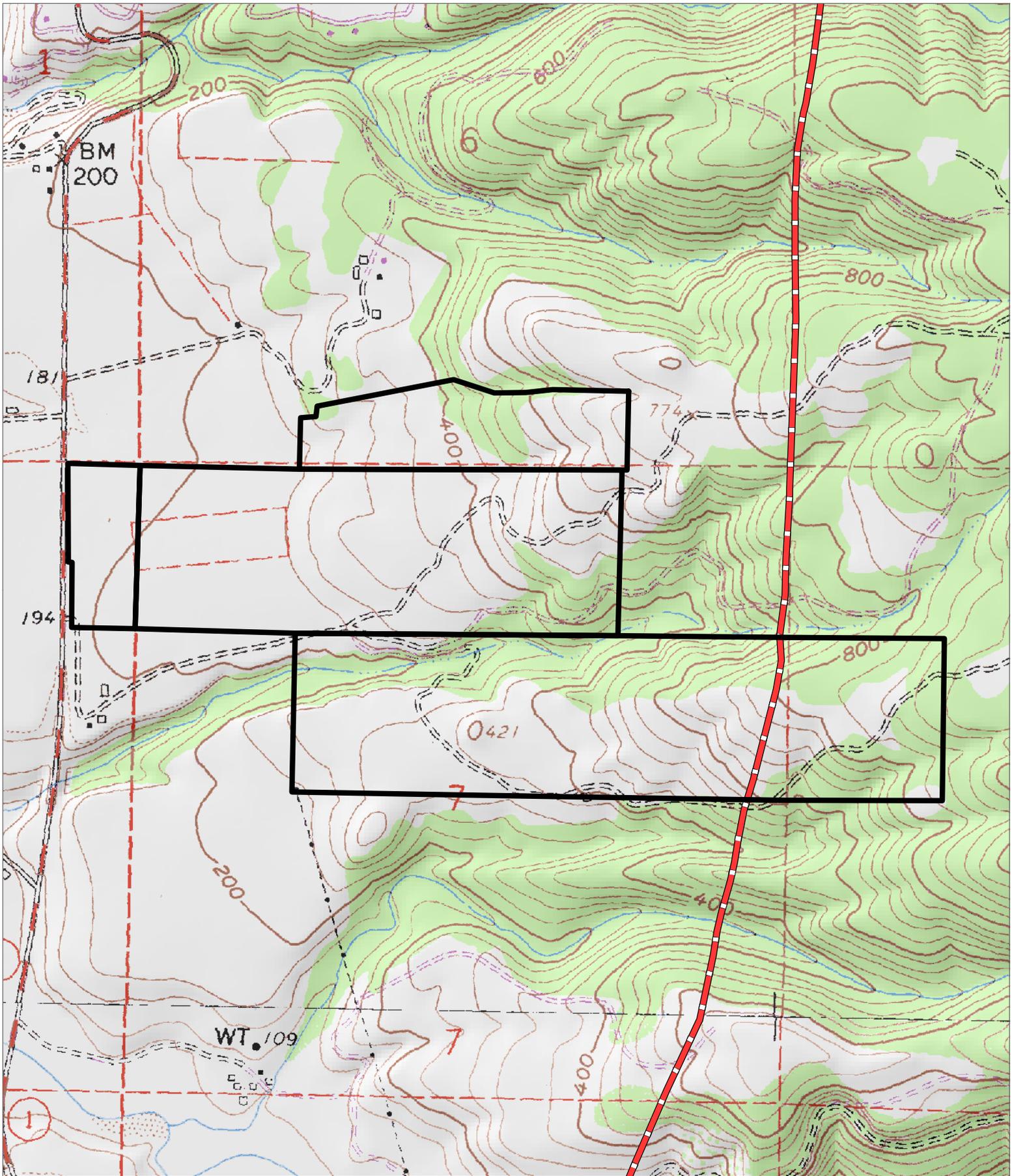
CASE: B 2017-0061
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 APN: 132-180-19 ET AL
 APLCT: Baywoods, LLC/Brent Fox
 AGENT: Ron Franz
 ADDRESS: 16401 S. Hwy. 1, Manchester

- Major Towns & Places
- Major Roads
- Highways
- Major Rivers
-



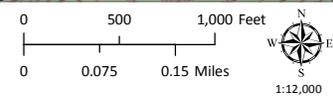
LOCATION MAP

THIS MAP AND DATA ARE PROVIDED WITHOUT WARRANTY OF ANY KIND.
 DO NOT USE THIS MAP TO DETERMINE LEGAL PROPERTY BOUNDARIES



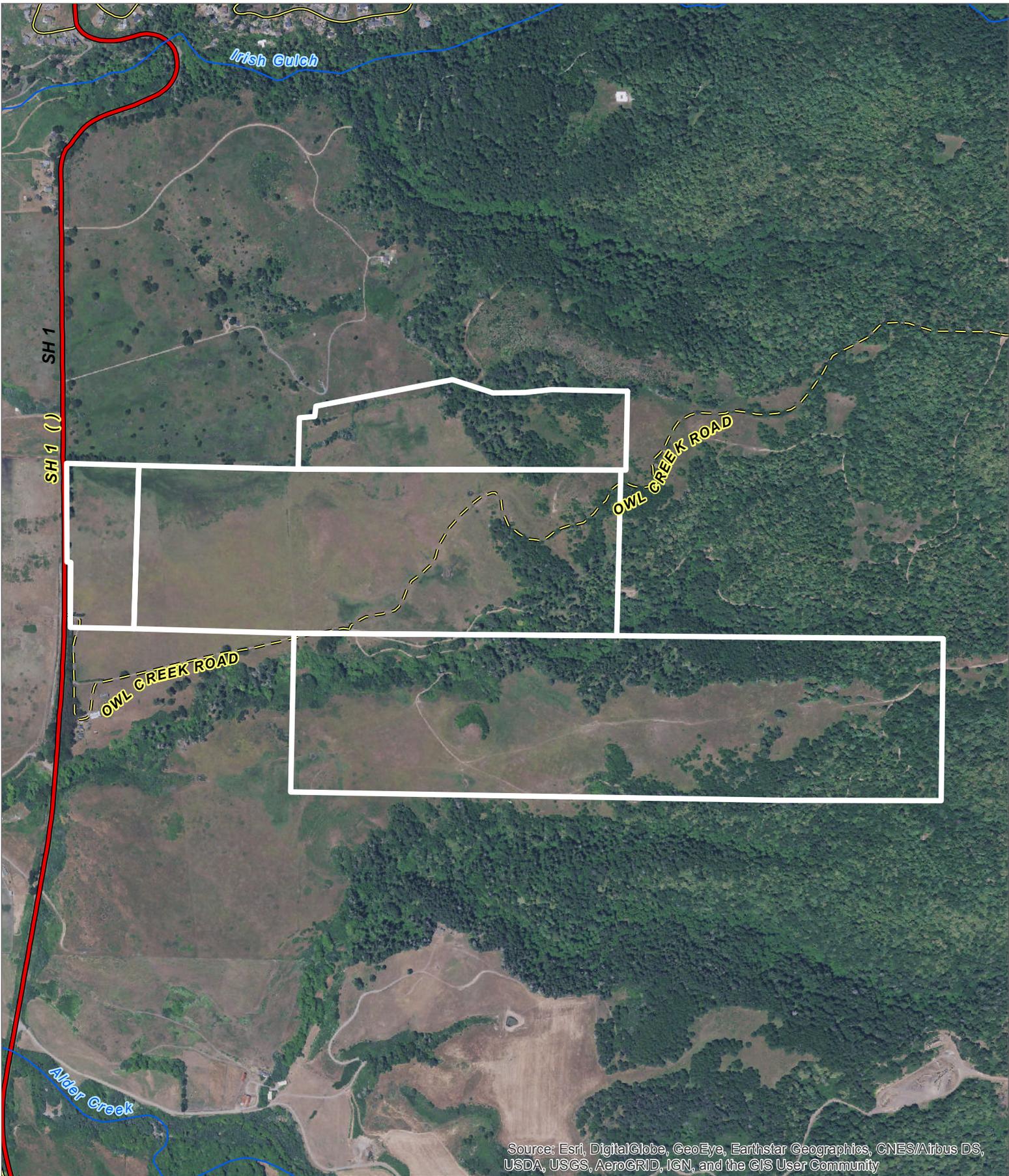
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 Coastal Zone Boundary



TOPOGRAPHIC MAP
 CONTOUR INTERVAL IS 40 FEET

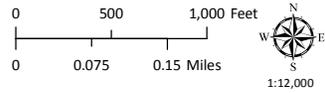
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Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

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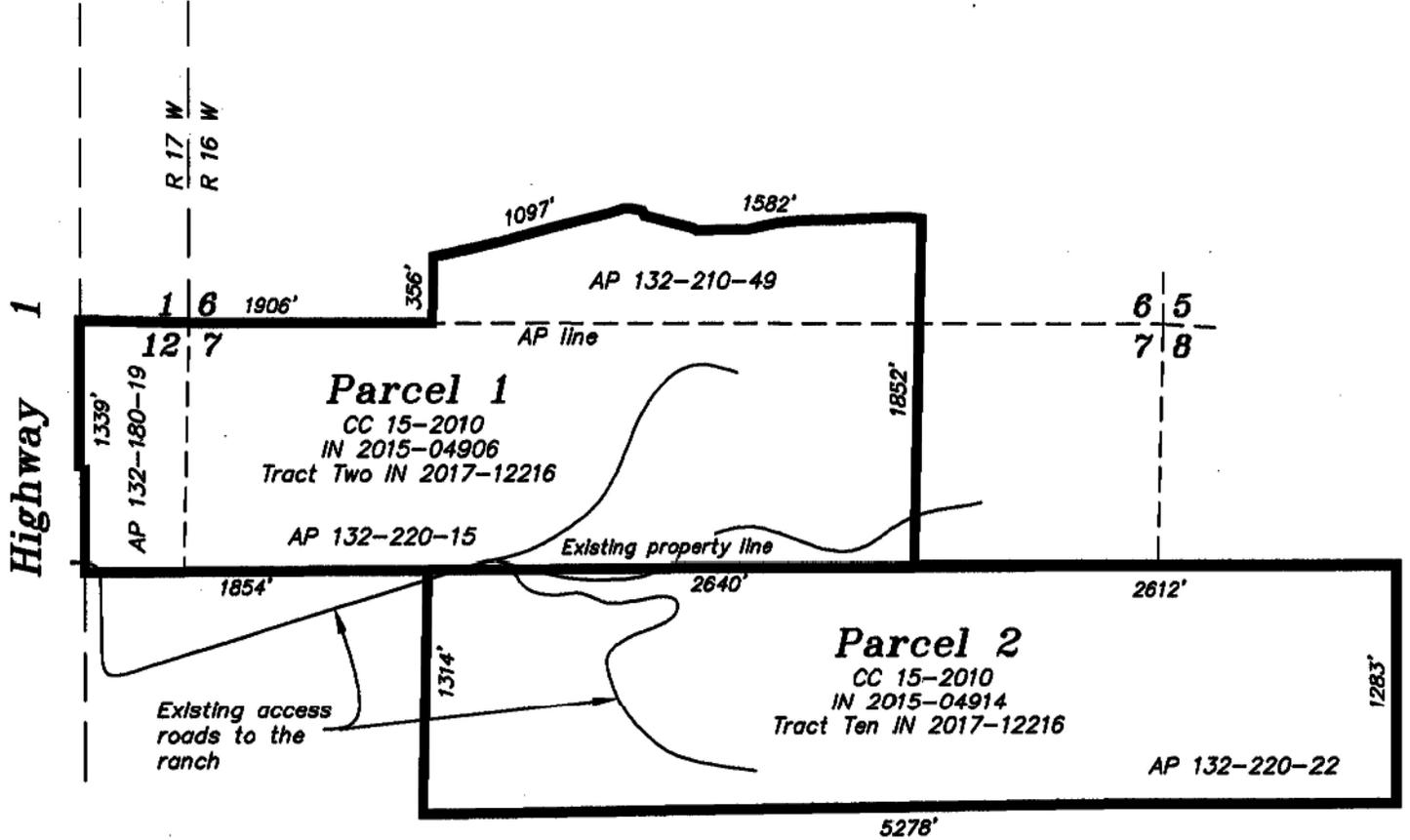
-  Named Rivers
-  Highways
-  Public Roads
-  Private Roads



AERIAL IMAGERY

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Township 13 North,
Range 16 & 17 West



Existing
Condition

Both parcels are in Williams
Both parcels are vacant and
for pasture and cattle.
Parcel sizes are from the A

Prepared By



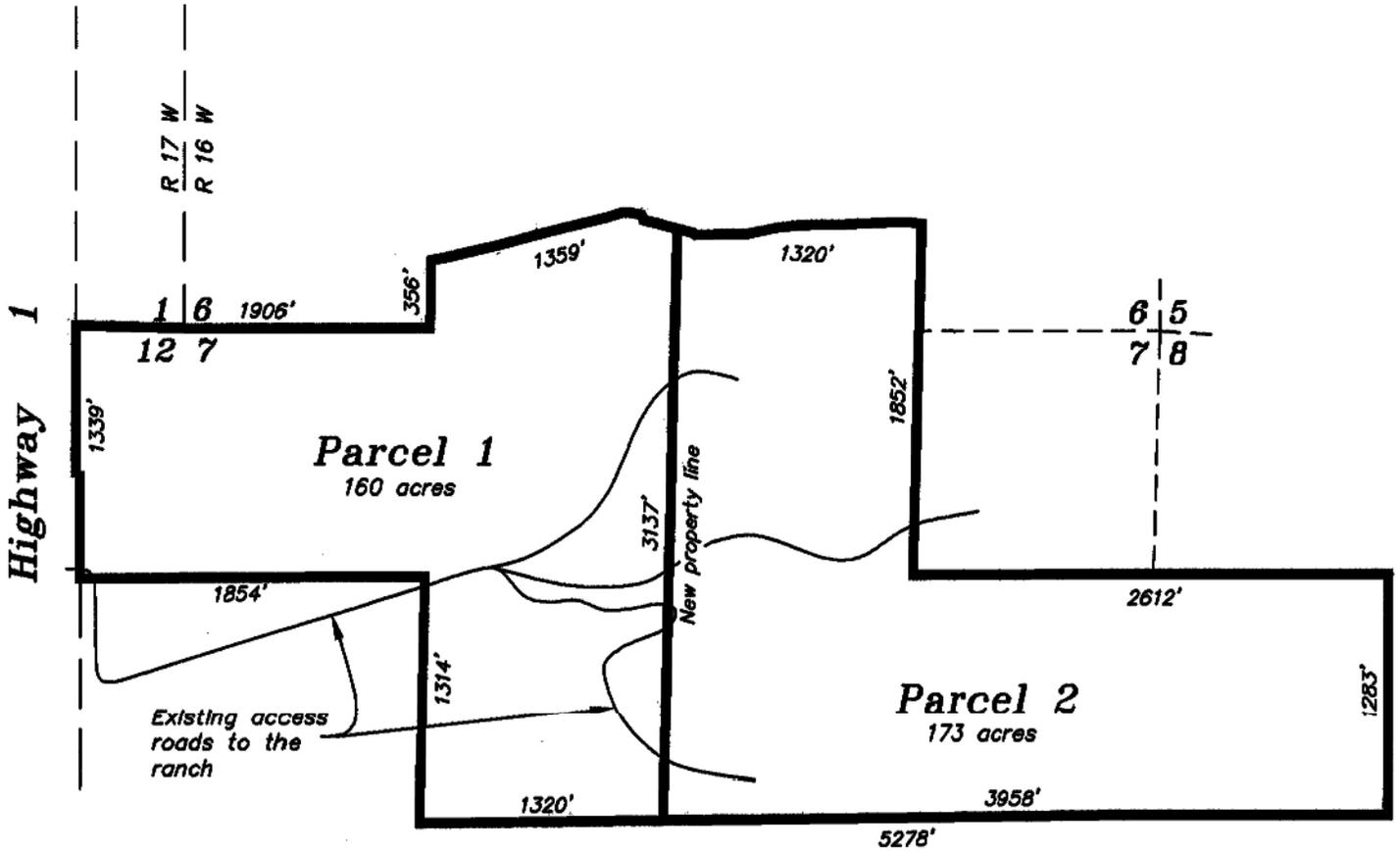
Ron W. Franz RCE, PLS
2335 Appolinaris Drive

Owner	Parcel	Existing size (AC)
Baywoods LLC 5086 Debron Court	1	173

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NO SCALE

EXISTING CONFIGURATION



Proposed
Condition

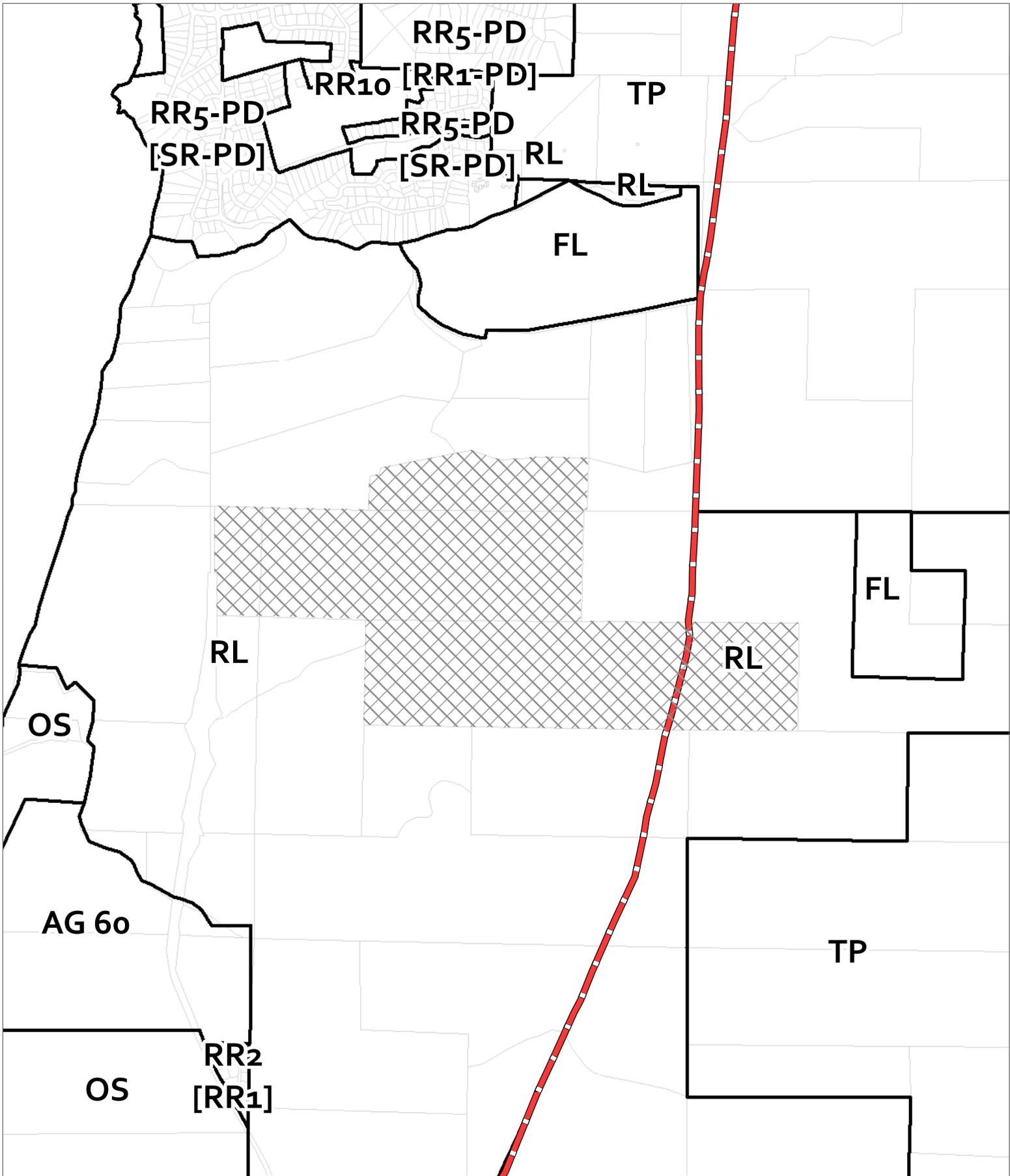


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NO SCALE

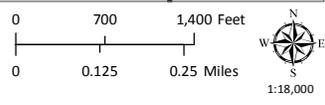
PROPOSED CONFIGURATION

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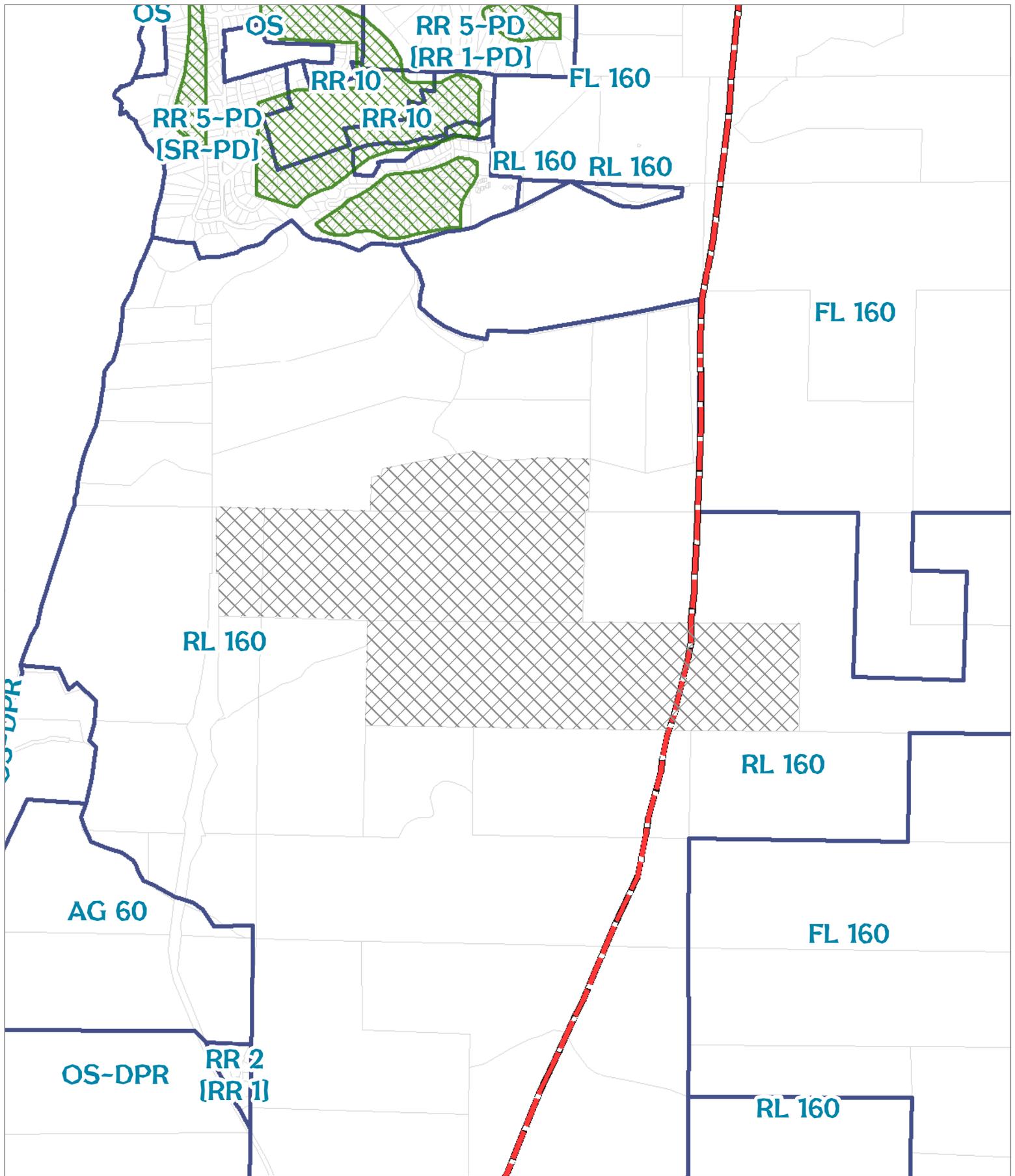
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 Coastal Zone Boundary
 Zoning Districts



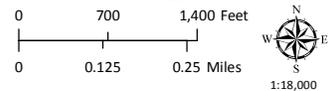
ZONING DISPLAY MAP

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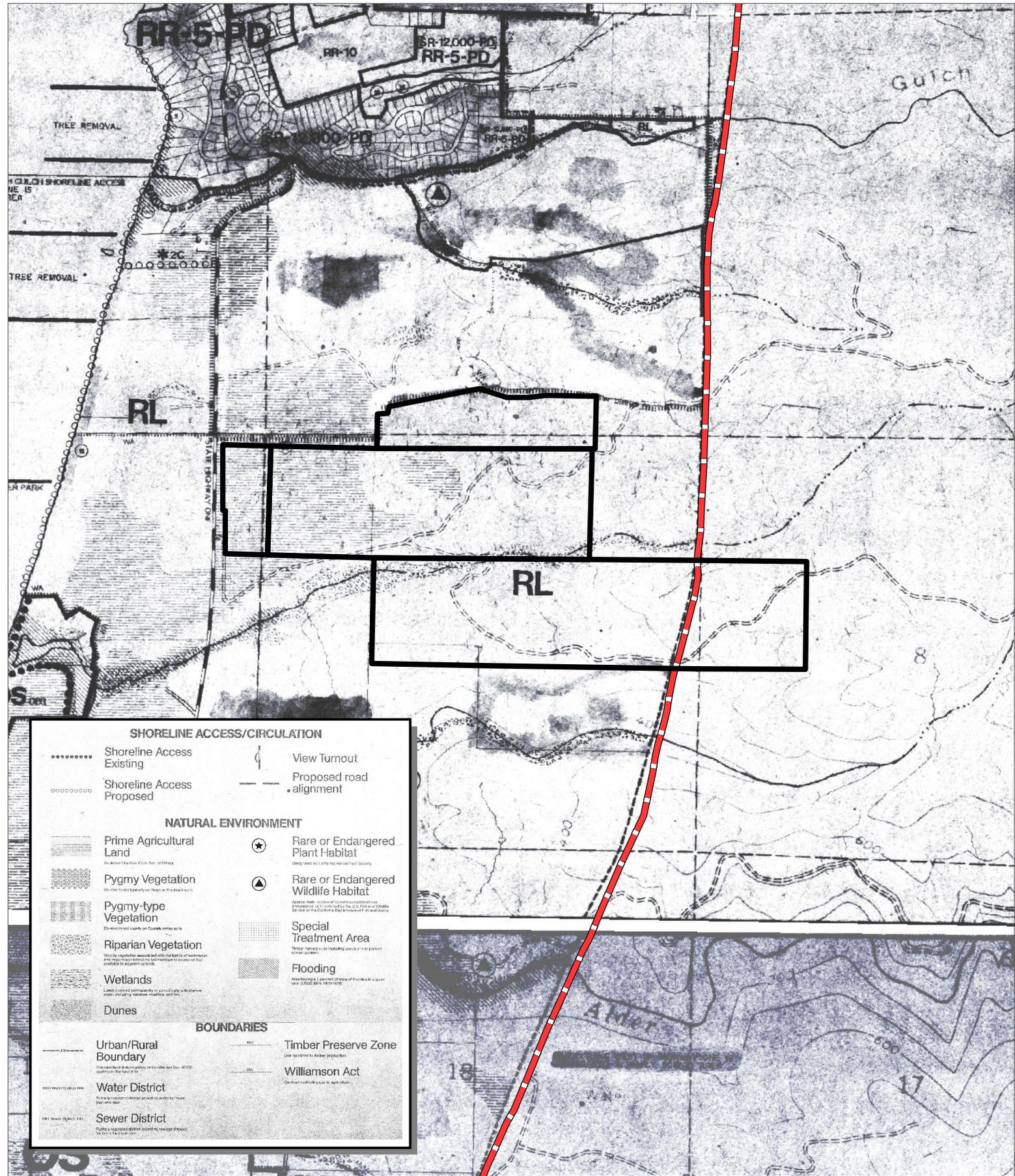
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-  Coastal Zone Boundary
-  CDP Exclusion Areas
-  General Plan Classes



GENERAL PLAN CLASSIFICATIONS

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SHORELINE ACCESS/CIRCULATION

- Shoreline Access Existing
- Shoreline Access Proposed
- View Turnout
- Proposed road alignment

NATURAL ENVIRONMENT

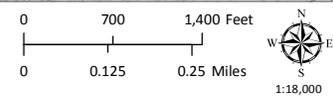
- Prime Agricultural Land
As defined by Gov. Code Sec. 80700(a)
- Pygmy Vegetation
Shrubland forest types on steeply sloping hills
- Pygmy-type Vegetation
Shrubland forest types on gentle slopes
- Riparian Vegetation
Wetlands adjacent to water bodies with the potential for hydroperiod
- Wetlands
Wetlands defined as areas of saturation or standing water
- Dunes
- Rare or Endangered Plant Habitat
Designated by California Native Plant Society
- Rare or Endangered Wildlife Habitat
Designated by the U.S. Fish and Wildlife Service and California Department of Fish and Game
- Special Treatment Area
Designated by the local planning agency
- Flooding
Area having a 1 percent chance of flooding in a given year (100-year flood)

BOUNDARIES

- Urban/Rural Boundary
As defined by Gov. Code Sec. 80700(a)
- Water District
As defined by Gov. Code Sec. 80700(a)
- Sewer District
As defined by Gov. Code Sec. 80700(a)
- Timber Preserve Zone
Use required to timber production
- Williamson Act
Designated by Williamson Act

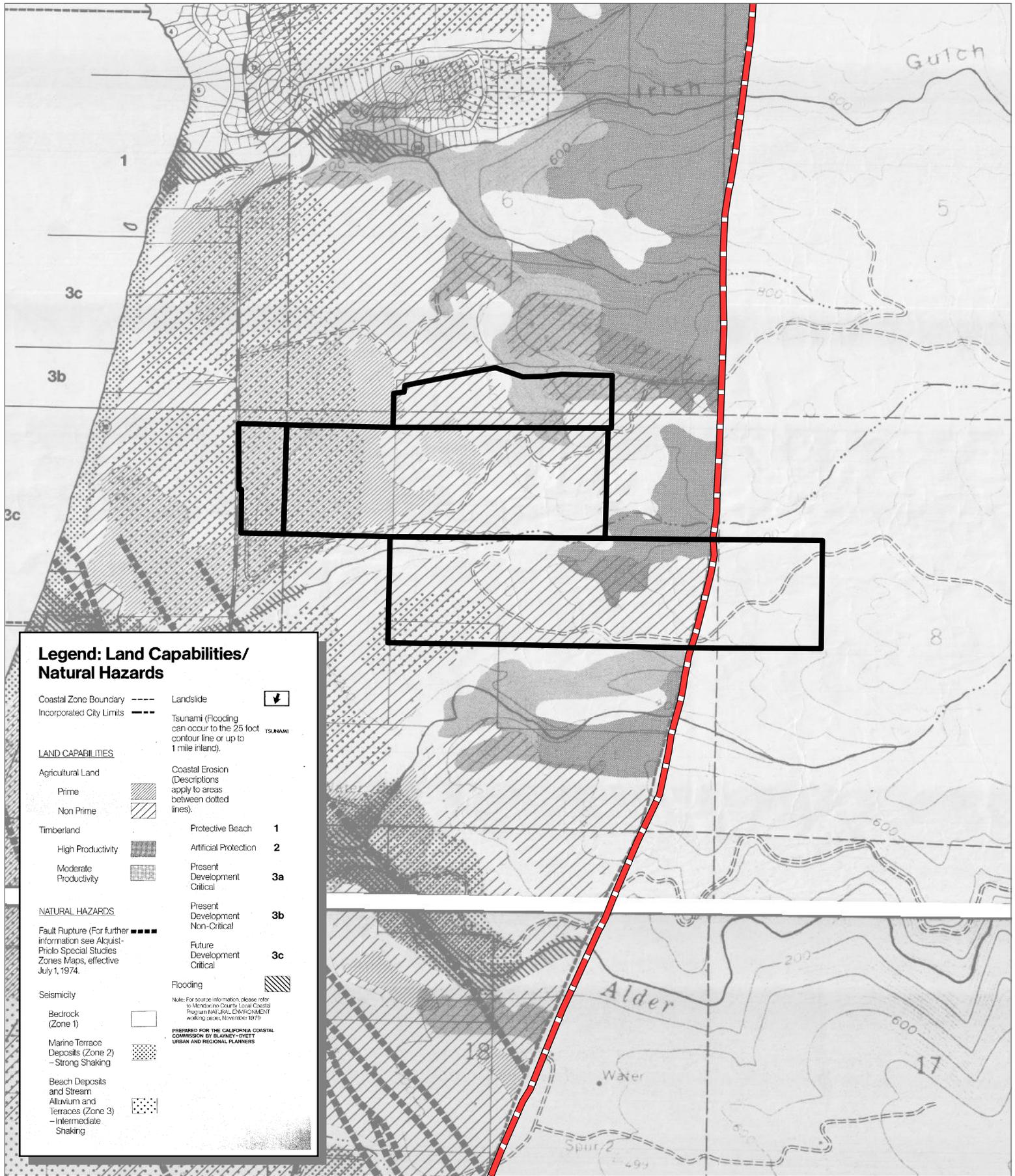
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Coastal Zone Boundary



LCP LAND USE MAP 22: MALLO PASS CREEK

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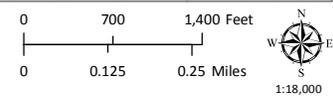


Legend: Land Capabilities/ Natural Hazards

Coastal Zone Boundary	---	Landslide	
Incorporated City Limits	---	Tsunami (Flooding can occur to the 25 foot contour line or up to 1 mile inland).	
LAND CAPABILITIES			
Agricultural Land		Coastal Erosion (Descriptions apply to areas between dotted lines).	
Prime		Protective Beach	1
Non Prime		Artificial Protection	2
Timberland		Present Development Critical	3a
High Productivity		Present Development Non-Critical	3b
Moderate Productivity		Future Development Critical	3c
NATURAL HAZARDS			
Fault Rupture (For further information see Alquist-Priolo Special Studies Zones Maps, effective July 1, 1974.	---	Flooding	
Seismicity		<small>Note: For source information, please refer to Mendocino County Local Coastal Program NATURAL ENVIRONMENT working paper, November 1979.</small>	
Bedrock (Zone 1)		<small>PREPARED FOR THE CALIFORNIA COASTAL COMMISSION BY BLUNNEY-BIETT URBAN AND REGIONAL PLANNERS</small>	
Marine Terrace Deposits (Zone 2) - Strong Shaking			
Beach Deposits and Stream Alluvium and Terraces (Zone 3) - Intermediate Shaking			

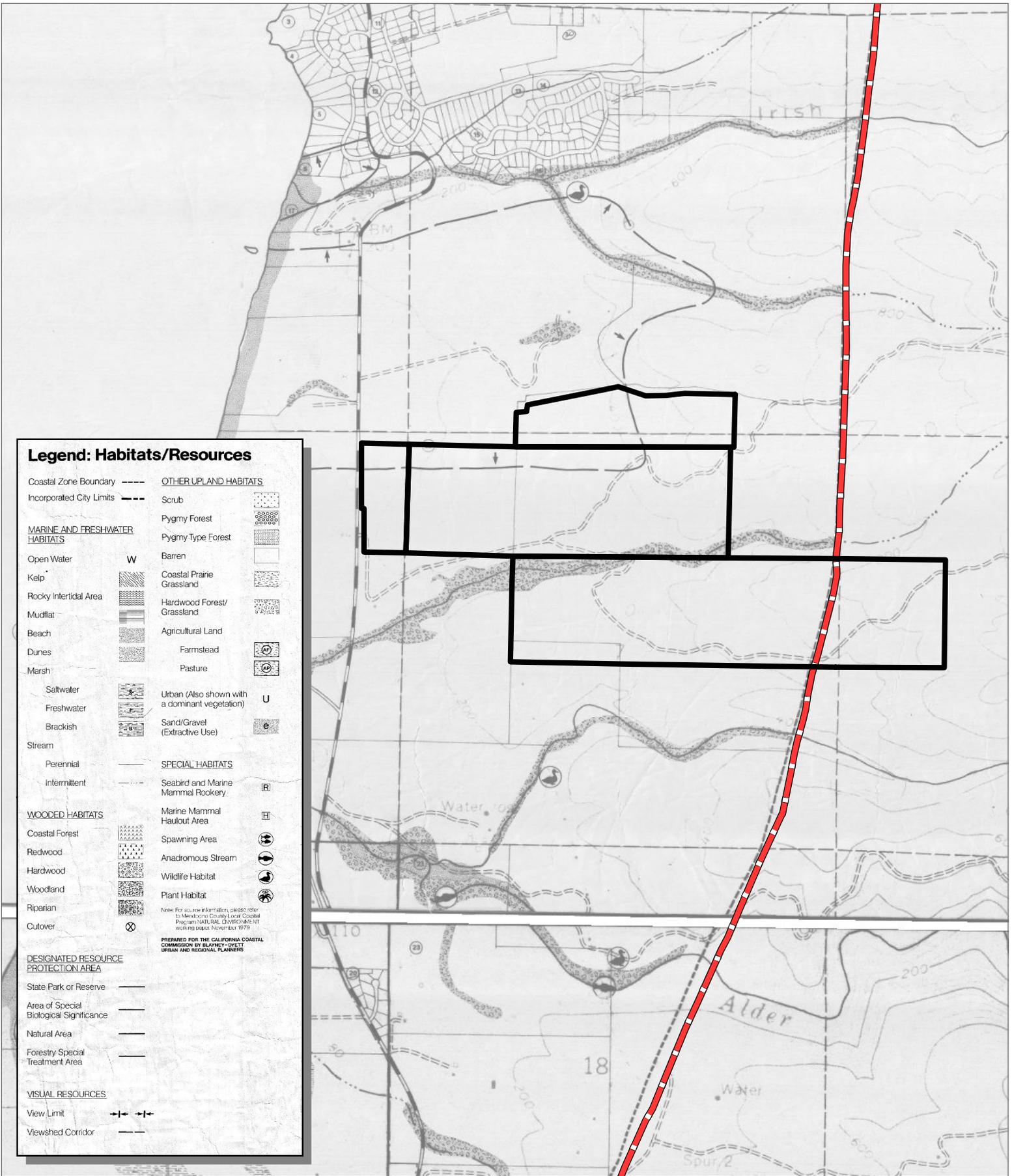
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Coastal Zone Boundary



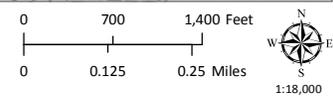
LCP LAND CAPABILITIES & NATURAL HAZARDS

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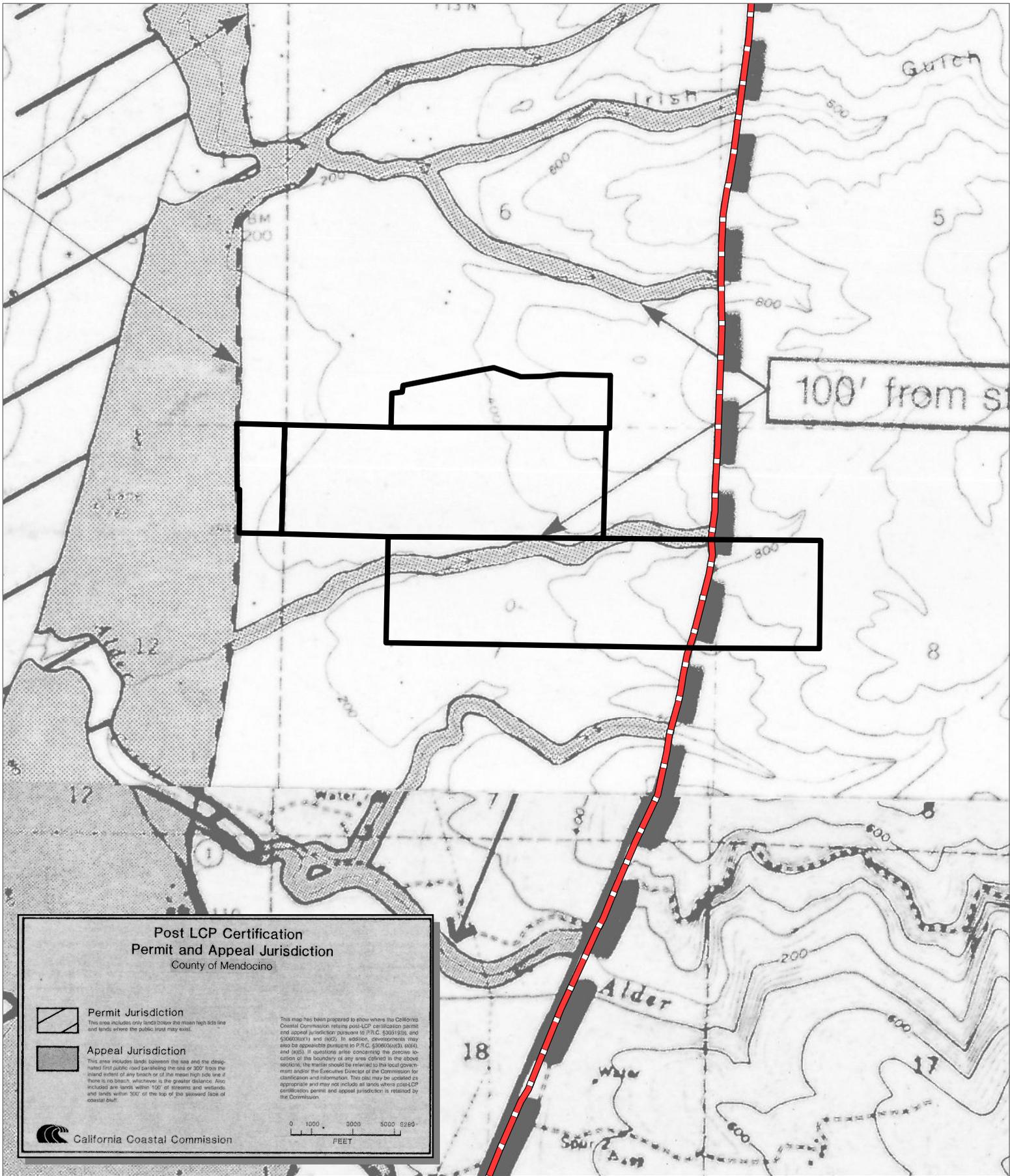
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Coastal Zone Boundary



LCP HABITATS & RESOURCES

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**Post LCP Certification
Permit and Appeal Jurisdiction
County of Mendocino**

Permit Jurisdiction
This area includes only lands below the mean high tide line and lands where the public trust may exist.

Appeal Jurisdiction
This area includes lands between the sea and the designated first public road paralleling the sea or 300' from the inland extent of any beach or of the mean high tide line if there is no beach, whichever is the greater distance. Also included are lands within 100' of streams and wetlands and lands within 300' of the top of the seaward face of coastal bluff.

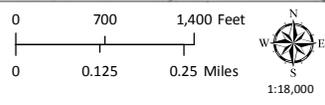
This map has been prepared to show where the California Coastal Commission retains post-LCP certification permit and appeal jurisdiction pursuant to P.F.C. §30019.06, and §30020.01(1) and (1)(2). In addition, developments may also be appealable pursuant to P.F.C. §30020.01(1)(A), and (1)(3). If questions arise concerning the precise location of the boundary of any area outlined in the above sections, the matter should be referred to the local government and/or the Executive Director of the Commission for clarification and interpretation. This data may be updated as appropriate and may not include all lands where post-LCP certification permit and appeal jurisdiction is retained by the Commission.

0 1000 2000 3000 4000 5000 Feet

SCALE

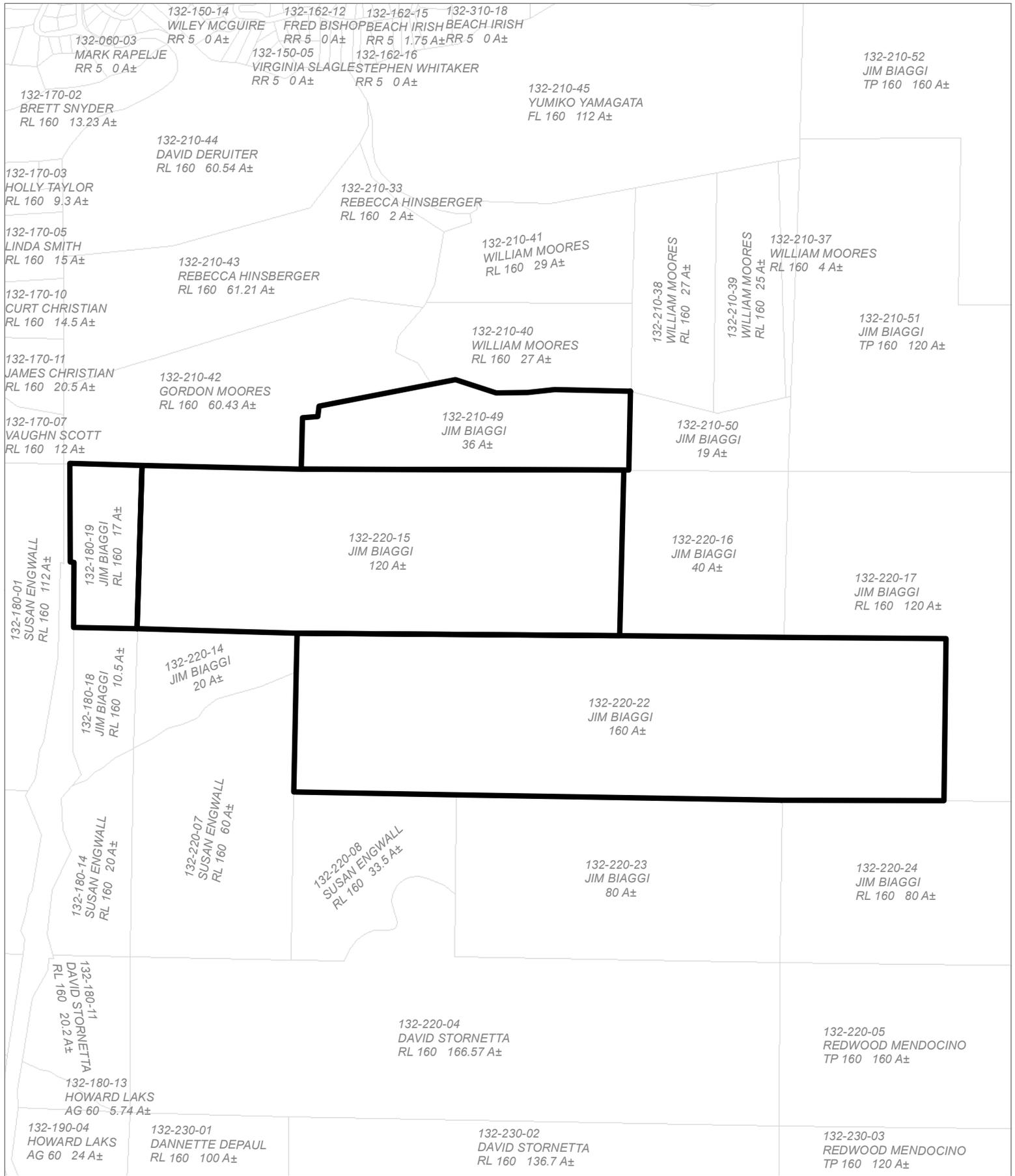
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Coastal Zone Boundary

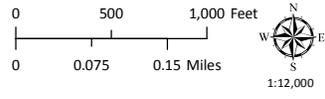


APPEALABLE AREAS

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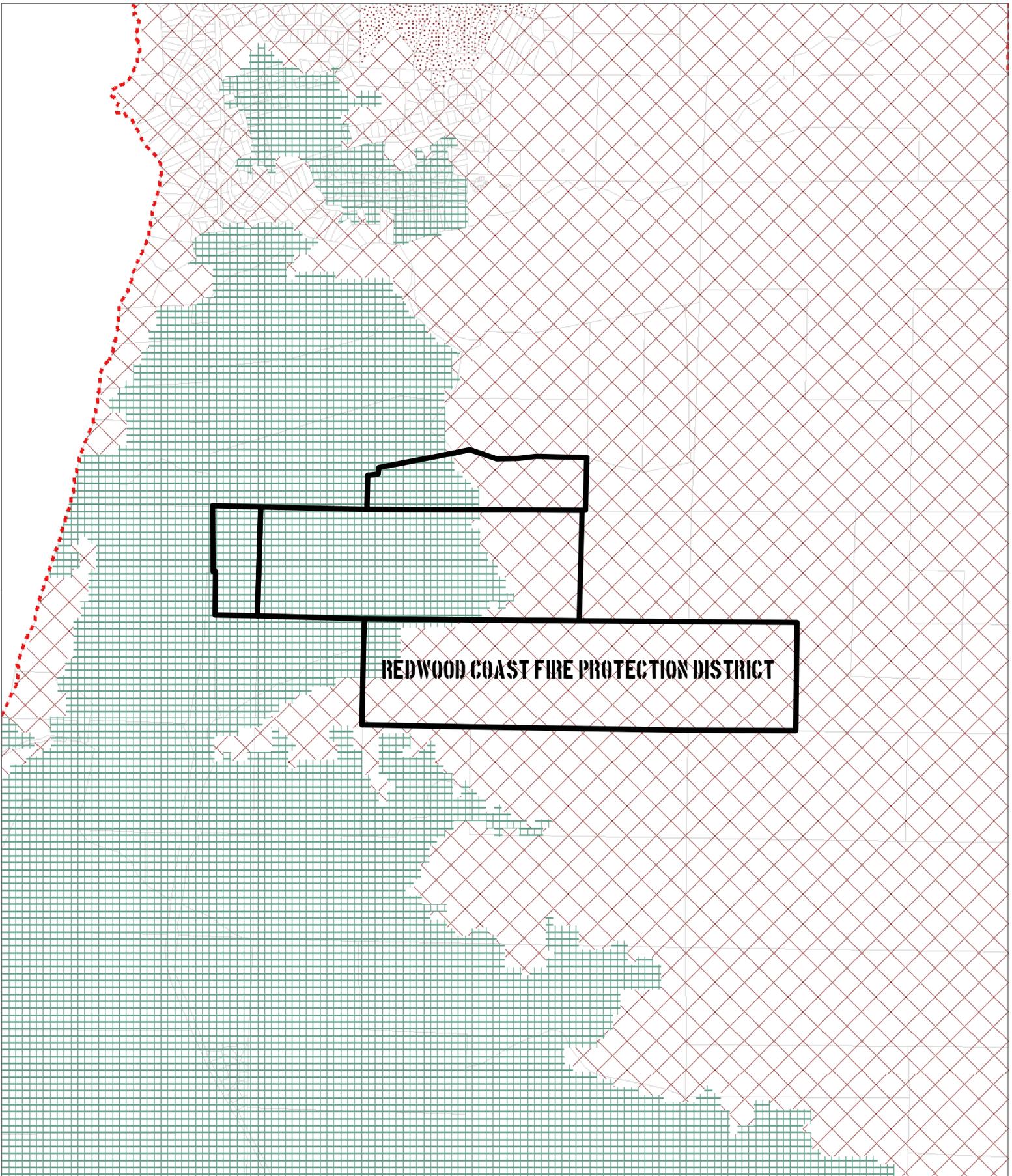


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ADJACENT PARCELS

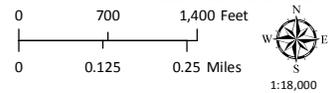
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REDWOOD COAST FIRE PROTECTION DISTRICT

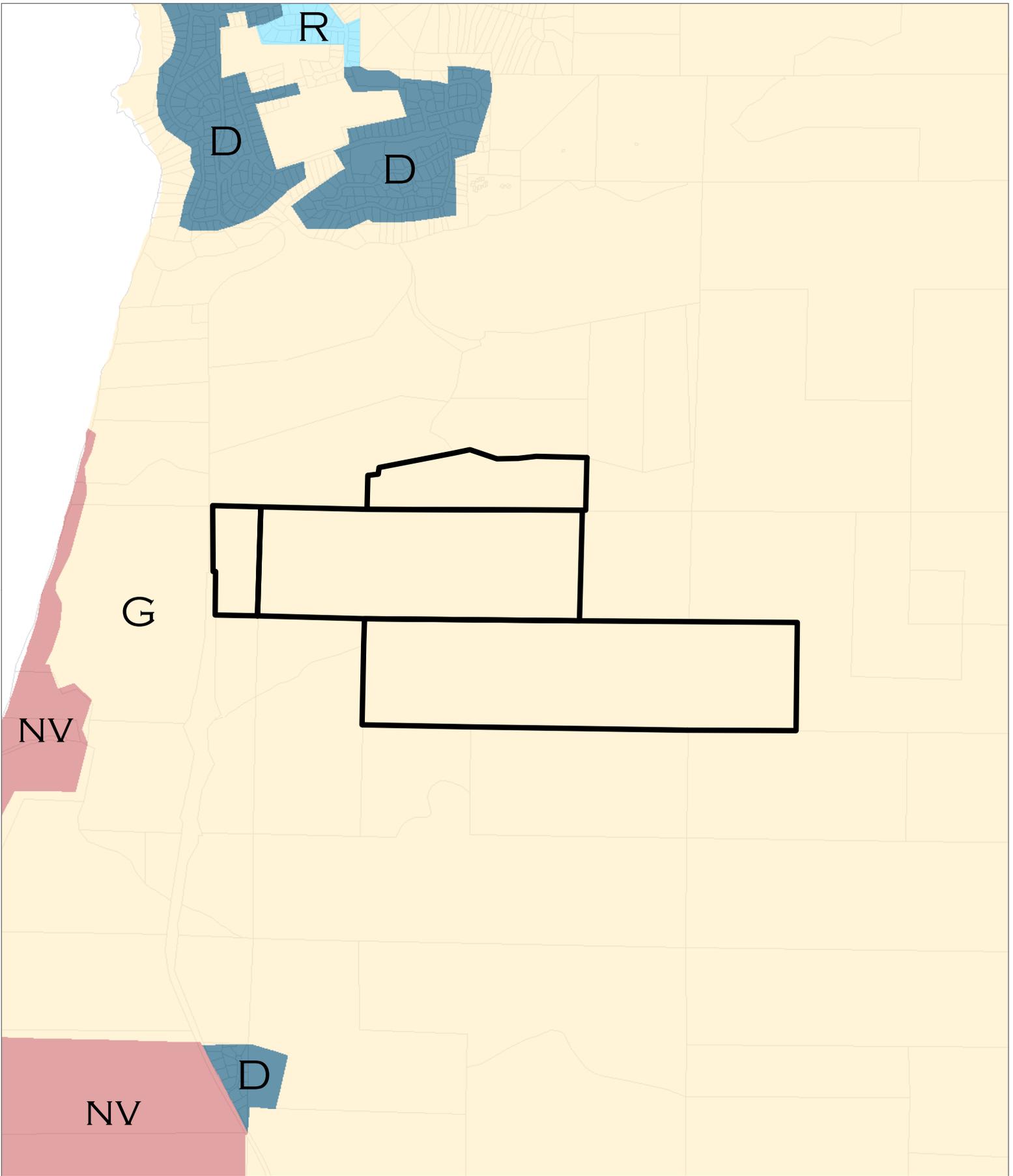
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-  County Fire Districts
-  Very High Fire Hazard
-  High Fire Hazard
-  Moderate Fire Hazard



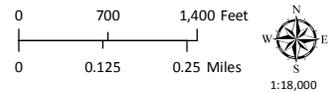
FIRE HAZARD ZONES & RESPONSIBILITY AREAS
 STATE RESPONSIBILITY AREA

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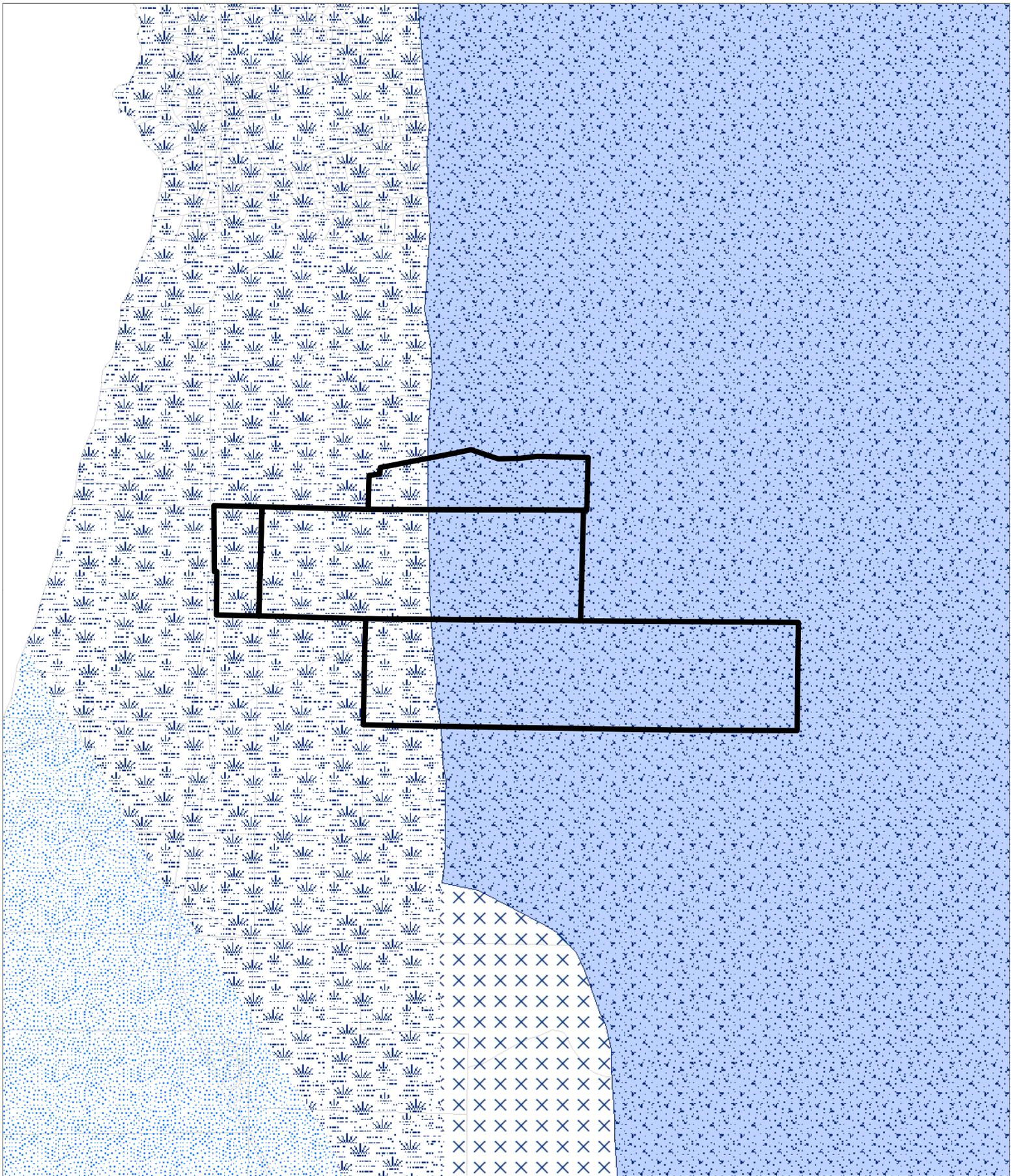
CASE: B 2017-0061
 OWNER: Baywoods, LLC
 APN: 132-180-19 ET AL
 APLCT: Baywoods, LLC/Brent Fox
 AGENT: Ron Franz
 ADDRESS: 16401 S. Hwy. 1, Manchester

 Urban & Built-Up Land (D)



IMPORTANT FARMLAND

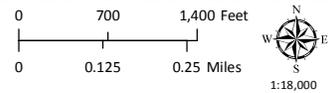
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-  Critical Water Areas
-  Marginal Water Resources
-  Sufficient Water Resources

 Critical Water Resources Bedrock



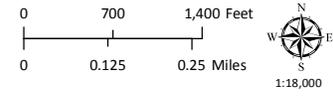
GROUND WATER RESOURCES

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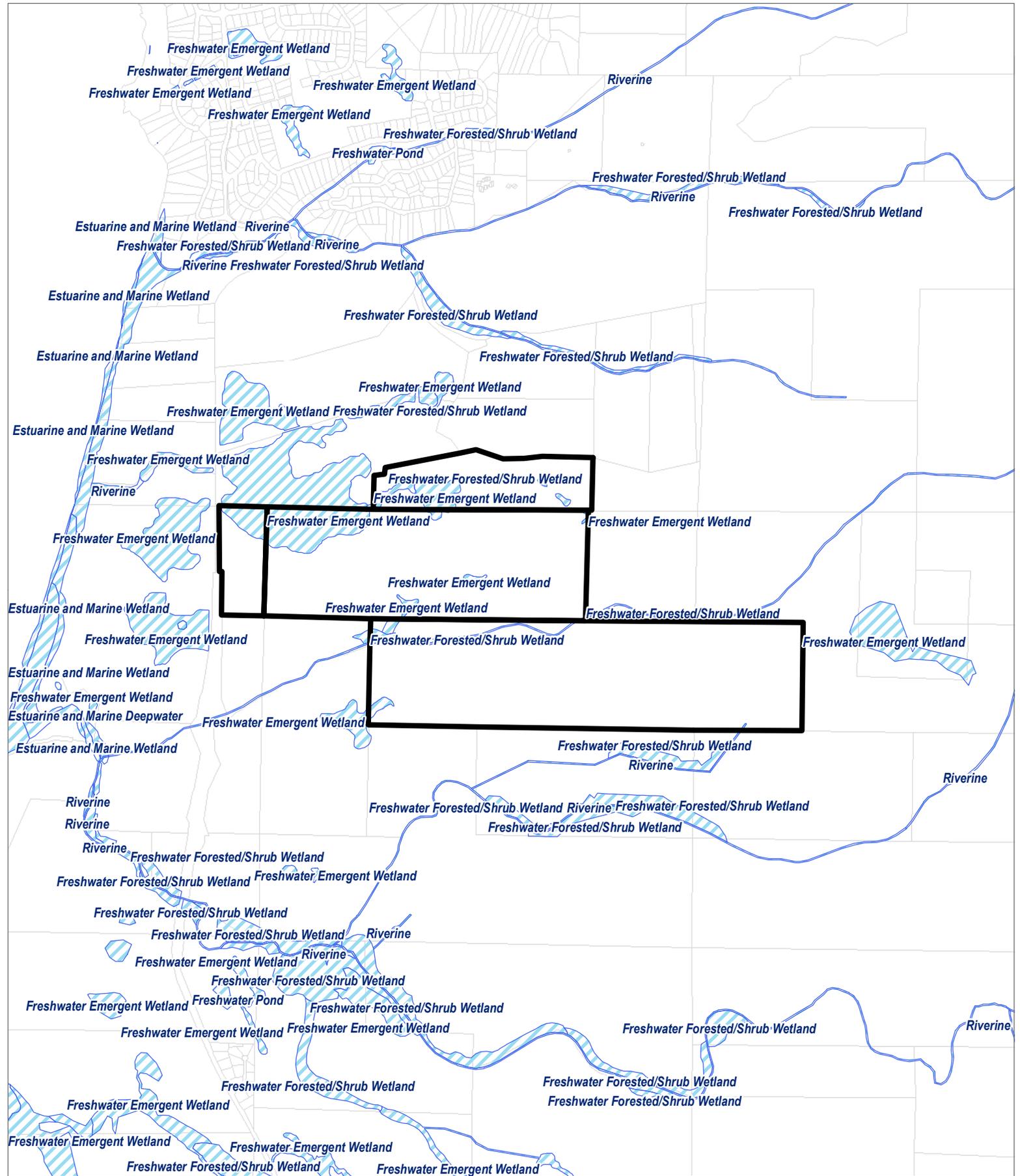
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- Western Soil Classes
- Shinglemill-Gibney Complex
- Bishop Pine



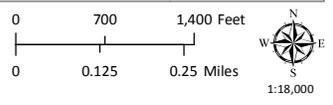
LOCAL SOILS

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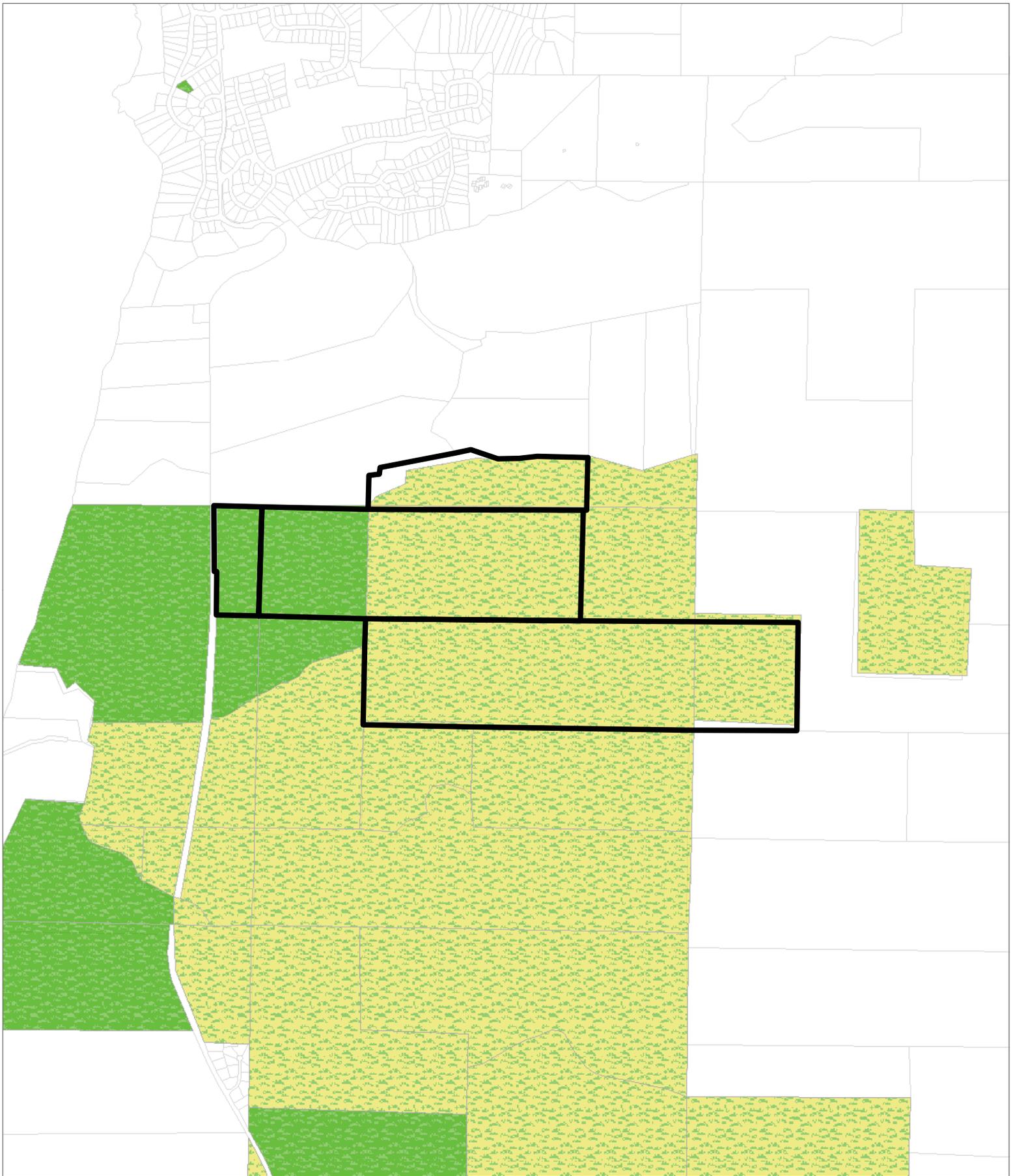
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 National Wetlands Inventory



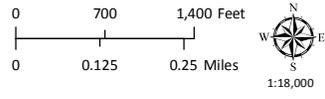
WETLANDS

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-  Williamson Act 2016
-  Prime Ag 2016
-  Non-Prime Ag 2016



LANDS IN WILLIAMSON ACT CONTRACTS

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