



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

**JULY 12, 2018
B_2018-0017**

SUMMARY

OWNERS/APPLICANTS: MELVIN & PATRICIA PYORRE, TRUSTEES
519 S. SANDERSON WAY
FORT BRAGG, CA 95437

AGENT: CLIFFORD ZIMMERMAN
32200 FOREST LANE
FORT BRAGG, CA 95437

REQUEST: A Coastal Development Boundary Line Adjustment to reconfigure the boundary between two existing parcels. Parcel 1 (APN: 019-600-09) will increase by .45± acres to 1.45± acres. Parcel 2 (APNs: 019-600-21, 65) will decrease by .45± acres to 9.92± acres.

LOCATION: In the Coastal Zone, outside the city limits of Fort Bragg, on the south side of Chestnut St. (City of Fort Bragg), 1.14± miles east of its intersection with Hwy. 1, Fort Bragg (APNs: 019-600-21, -09, & -65).

TOTAL ACREAGE: 11.37± acres

GENERAL PLAN: RR-1 / RR2-DL [RR1-DL] / AG 60

ZONING: RR-1 / RR2-DL [RR1-DL] / AG 60

SUPERVISORIAL DISTRICT: 4

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_2018-0017 with Special Conditions.

STAFF PLANNER: Russell Ford

BACKGROUND

PROJECT DESCRIPTION: The applicants own three adjacent lots at the east end of Chestnut Street, just outside the City of Fort Bragg. The parcels were each acquired by separate deed, but there are significant errors in both the legal descriptions and the Assessor's Tax Maps that have led to poor representation of the parcels through the years. The parcels are bisected by the Coastal Zone Boundary, and the applicants are proposing to adjust the boundary between two of the parcels to match the Coastal Zone Line. Additionally, this will remedy the existing errors from previous deeds by providing a new legal description for each. Parcel 2 is nominally vacant, with the exception of an old storage structure, possibly related to timber activity. Parcel 1 is listed as vacant on the project application however, there is evidence of current and unpermitted construction on the parcel.

APPLICANT'S STATEMENT: "To adjust .45 ac. from 019-600-21 (019-600-65, a twenty foot strip is a part of) onto 019-600-09, making it a 1.45 ac. parcel. Also cleaning up erroneous deed of 019-600-21 and correcting parcel configuration – note 019-600-65 currently lies in Noyo River!"

RELATED APPLICATIONS:

On-Site

- A pond permit (999-101-127) was previously applied for on (APN: 019-600-21) but subsequently withdrawn.
- A code violation (IC_2018-0185) has been opened on (APN: 019-600-09) for unpermitted construction.

Neighboring Property

- No applicable projects

SITE CHARACTERISTICS: The project site is at the east end of Chestnut Street (City of Fort Bragg) just outside of the city limits. Parcel 1 is on the north side of the road and Parcel 2 extends from Chestnut Street down to the Noyo River at its southern boundary. The terrain is predominantly flat river terrace, with stands of timber at its northern end. Despite that, significant residential development exists within ¼ mile at the Dana Gray Elementary School and Ebbing Way/Woodland Drive neighborhoods. These parcels are part of a transition zone which changes sharply from dense residential in the west to undeveloped forestland in the east.

SURROUNDING LAND USE AND ZONING:

	GENERAL PLAN	ZONING	LOT SIZES	USES
NORTH	RR-1	RR-1	4.64±	Residential
EAST	AG 60-DL	AG 60-DL	25.64±	Residential
SOUTH	AG 60	AG 60	3.69±	Forestland
WEST	RR2-DL [RR1-DL]	RR2-DL [RR1-DL]	9.70±	Residential

PUBLIC SERVICES:

Access: Chestnut Street (City of Fort Bragg)
 Fire District: Fort Bragg Rural FPD
 Water District: None
 Sewer District: None
 School District: Fort Bragg Unified

AGENCY COMMENTS: On or around May 8, 2018 project referrals were sent to responsible or trustee agencies with jurisdiction over the project. 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)	Comments
Department of Transportation	No Comment
Environmental Health (Fort Bragg)	N/A
Mendocino County Building (Fort Bragg)	No Comment
CALFIRE	N/A
California Coastal Commission	N/A

KEY ISSUES

1. General Plan and Zoning Consistency: The project site sits at a nexus of multiple zoning districts and general plan classifications. Parcel 1 is entirely zoned RR-1 and is currently conforming. The proposal to increase its size by .45± acres is consistent with its zoning and presents no issues.

Parcel 2 is split zoned between RR 2-DL [RR 1-DL] at its northern 1/3, and AG 60 for its remainder. Currently there are approximately 3 acres within the RR 2-DL [RR 1-DL] portion. The removal of .45± acres from this portion would still leave it in conformance with the lower density threshold. The AG 60 portion of the property will not be affected by this adjustment.

2. Division of Land Regulations: This project is scheduled to be reviewed by the County Subdivision Committee on July 12th, 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. Natural Resources: The portion of the project within the coastal zone is identified as Coastal Prairie Grassland and Woodland on the LCP Resource maps. The property abuts the Noyo River, but no sensitive species or habitats were identified via the California Natural Diversity Database. No Environmentally Sensitive Habitat Areas were identified on the LCP maps. The northern portion of the project has pygmy soils, but no disturbance is proposed or permitted as a part of this application.

4. Unpermitted Construction: Per comments received from the Fort Bragg Planning & Building Division, unpermitted construction has been identified on Lot 1 of the proposed adjustment area. All unpermitted structures and work must be made legal through the appropriate permits before approval of this adjustment may be granted.

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 not situated within an environmentally sensitive habitat area. No sensitive species or habitats were identified on the project site.
4. No substandard lot will result from the adjustment. Both lots are currently conforming to their respective zoning classes and will remain so.
5. The property subject to the adjustment is in an area designated SWR (Sufficient Water Resources) identified in the Mendocino County Groundwater Study, and is consistent with the study.
6. The project is located on property containing pygmy vegetation, though the majority is outside the Coastal Zone. No disturbance of the vegetation is proposed or permitted by this project. Any future development will require a Coastal Development Permit for those portions within the Coastal Zone.
7. The project is not located within a designated "Highly Scenic" area.
8. The project is an appealable project, as it is a boundary line adjustment.

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_2018-0017, 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;
7. The proposed adjustment 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.

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 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_2018-0017 and is intended to create no new parcel."

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 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. All unpermitted construction must be made legal to the satisfaction of Planning and Building Services before approval for recording may be granted.

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.

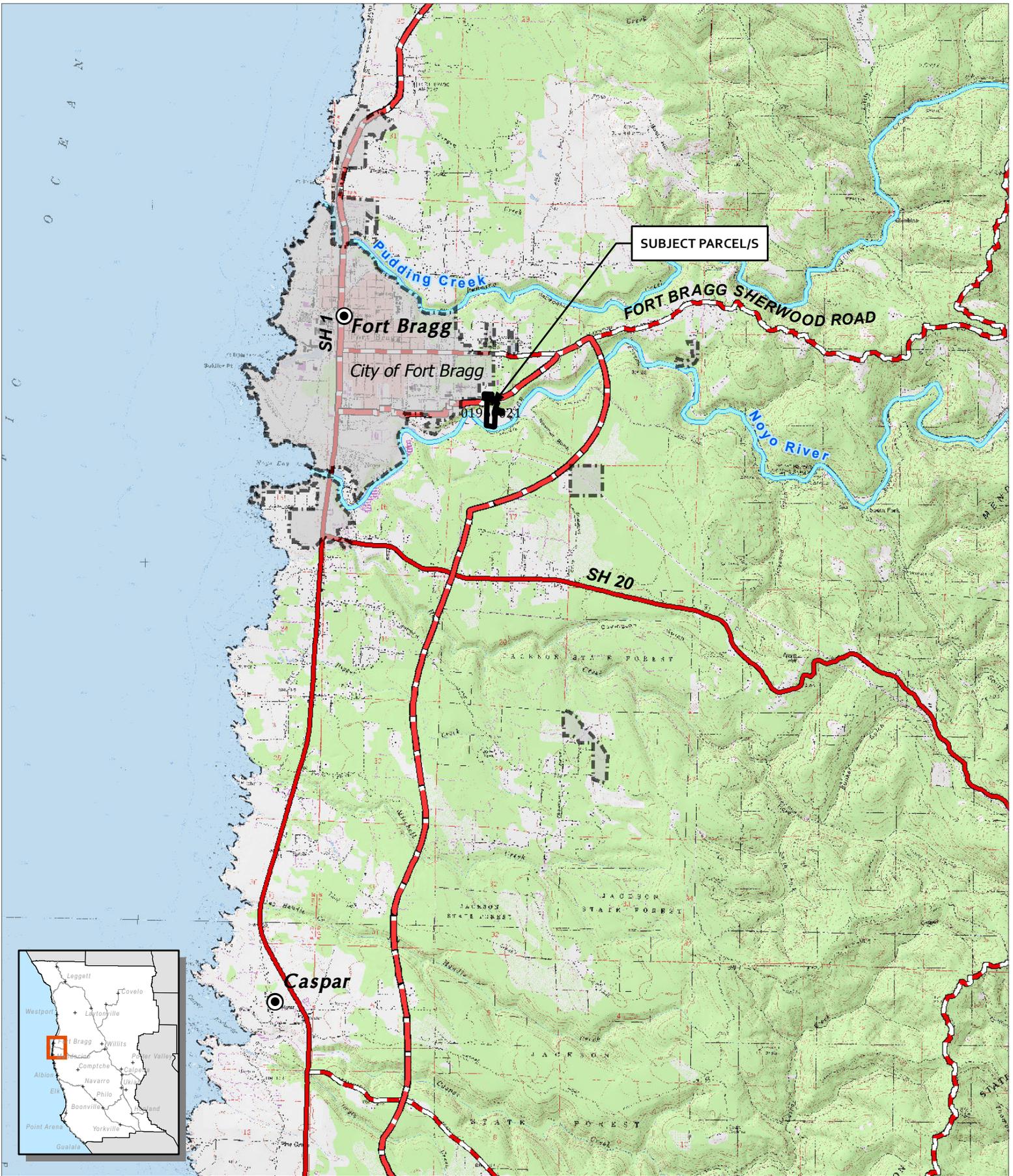
DATE

RUSSELL FORD
PLANNER III

Appeal Period: 10 Days
Appeal Fee: \$1,616.00

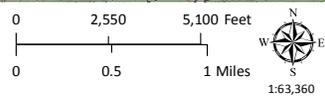
ATTACHMENTS:

- | | |
|--|-----------------------------------|
| A. Location Map | J. Adjacent Parcels |
| B. Aerial Imagery | K. Fire Hazard Zones |
| C. Tentative Map | L. Coastal Ground Water Resources |
| D. Zoning Map | M. Flood Zones |
| E. General Plan Classifications | N. Soils |
| F. LCP Land Use Map | O. Wetlands |
| G. LCP Land Capabilities & Natural Hazards | |
| H. LCP Habitats & Resource | |
| I. Appealable Areas | |



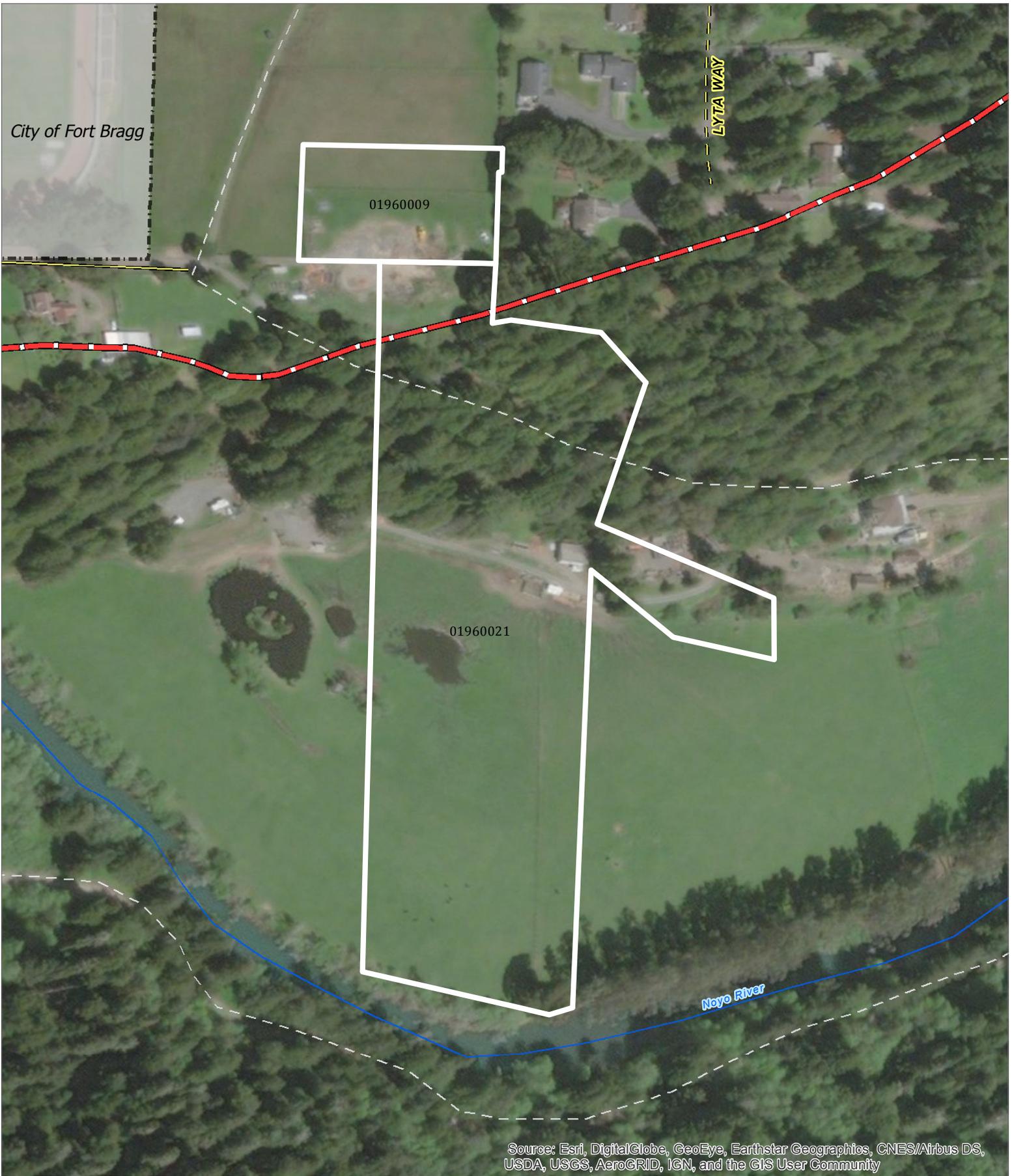
CASE: B 2018-0017
 OWNER: PYORRE, Melvin & Patricia
 APN: 019-600-09, 21
 APLCT: Clifford Zimmerman
 AGENT: Clifford Zimmerman
 ADDRESS: 31100 Chestnut Street, Fort Bragg

- Major Towns & Places
- City Limits
- Highways
- Coastal Zone Boundary
- Major Rivers
- Major Roads



LOCATION MAP

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



City of Fort Bragg

01960009

LYTA WAY

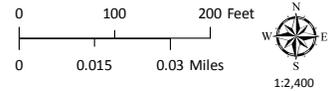
01960021

Noyo River

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

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-  City Limits
-  Public Roads
-  Coastal Zone Boundary
-  Private Roads
-  Named Rivers
-  Driveways/Unnamed Roads



AERIAL IMAGERY

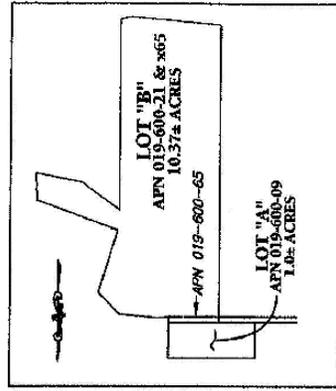
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BOUNDARY LINE ADJUSTMENT EXHIBIT

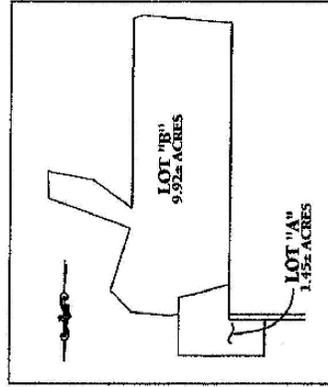
LANDS OF PYORRE TRUST
EAST CHESTNUT STREET
FORT BRAGG, CA. 95437
APNs 019-600-09, 21 & X65

OWNER:

MELVIN / PAT PYORRE
 519 S. SANDERSON WAY
 FORT BRAGG, CA. 95437
 (707) 964-4367



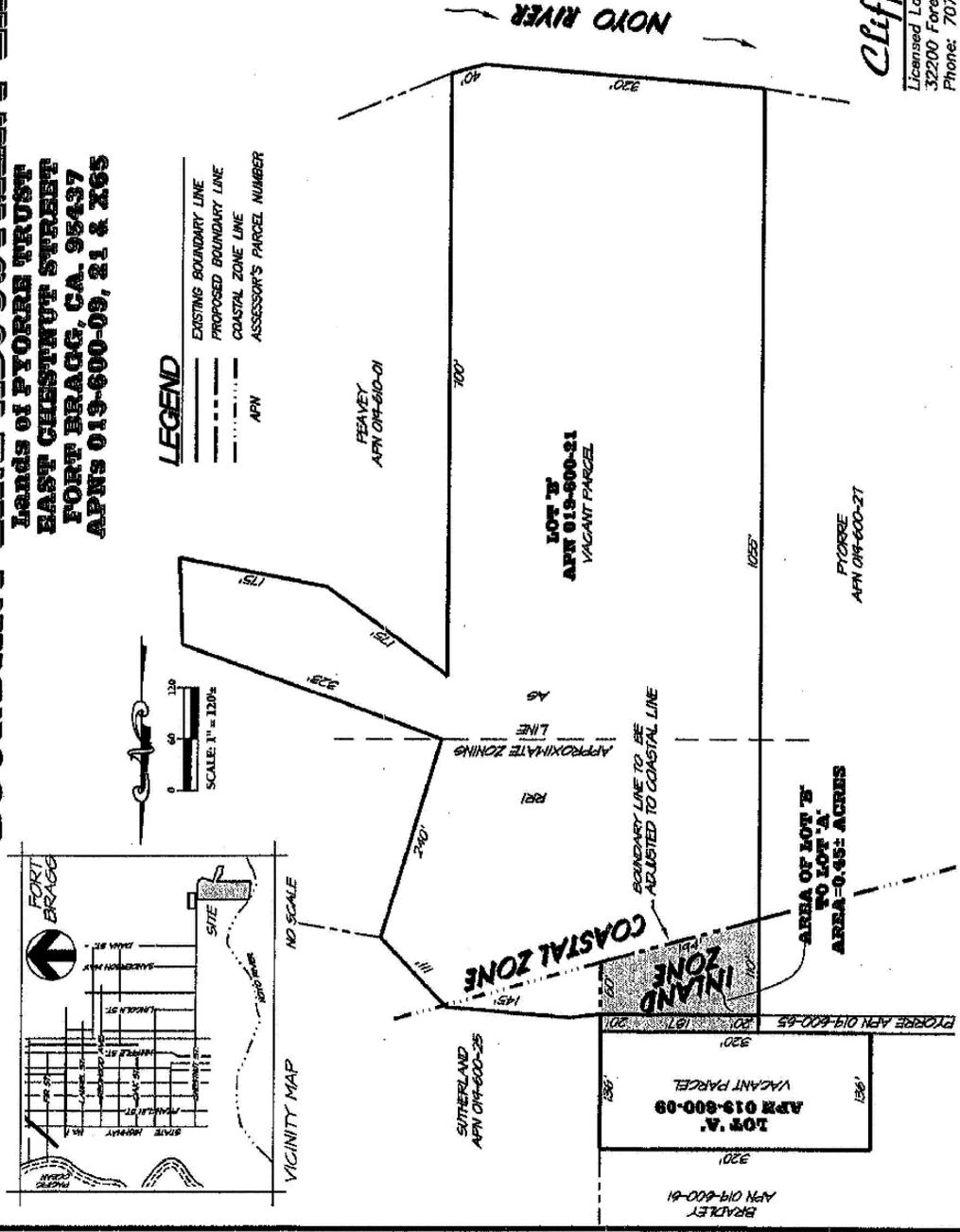
EXISTING CONFIGURATION
NO SCALE



PROPOSED CONFIGURATION
NO SCALE

Clifford M. Zimmerman

Licensed Land Surveyor, L.S. 4707
 32200 Forest Lane, Fort Bragg, Ca. 95437
 Phone: 707-964-8830

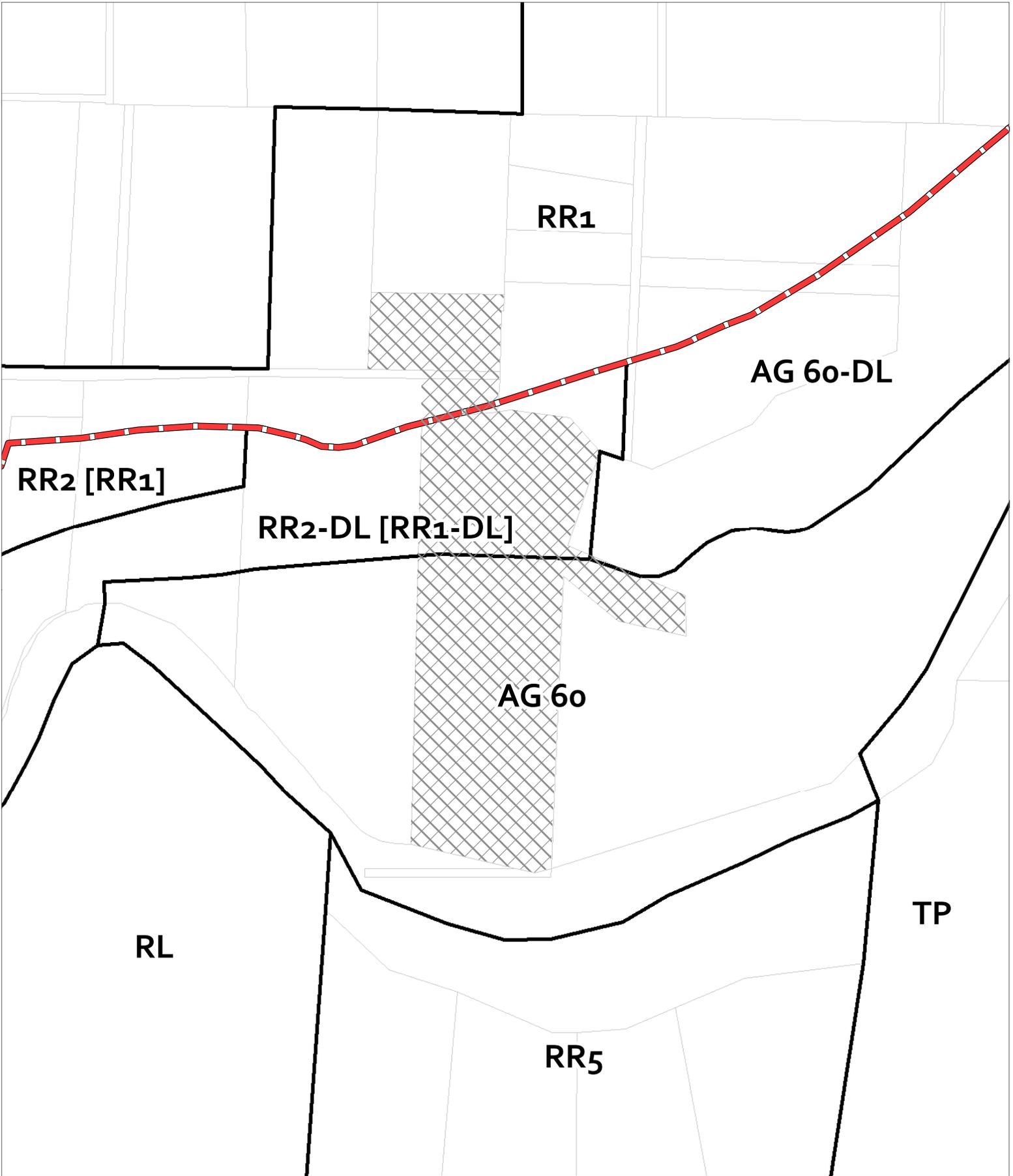


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NO SCALE

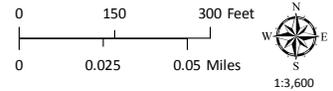
TENTATIVE MAP

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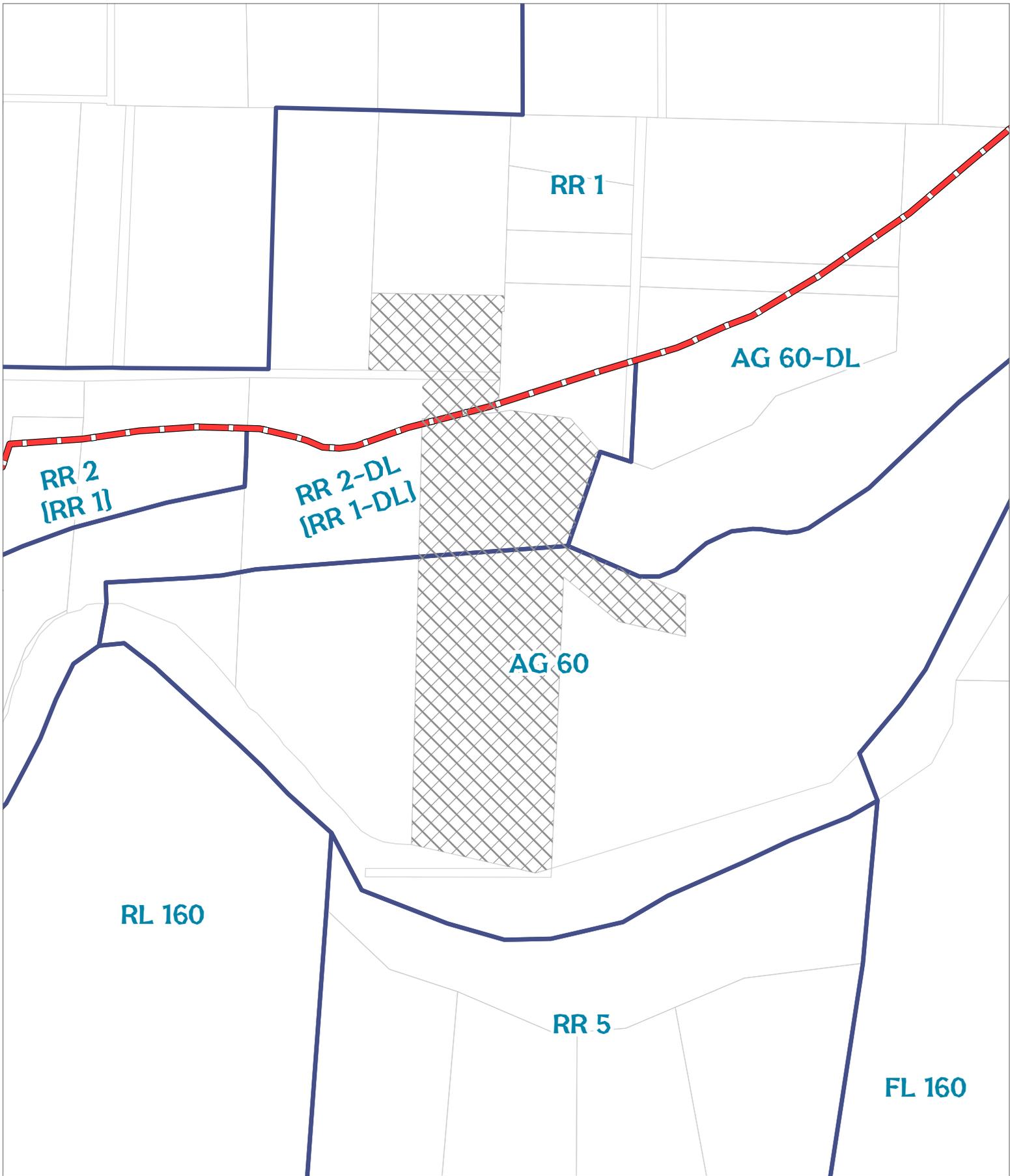
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 Coastal Zone Boundary
 Zoning Districts



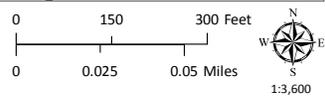
ZONING DISPLAY MAP

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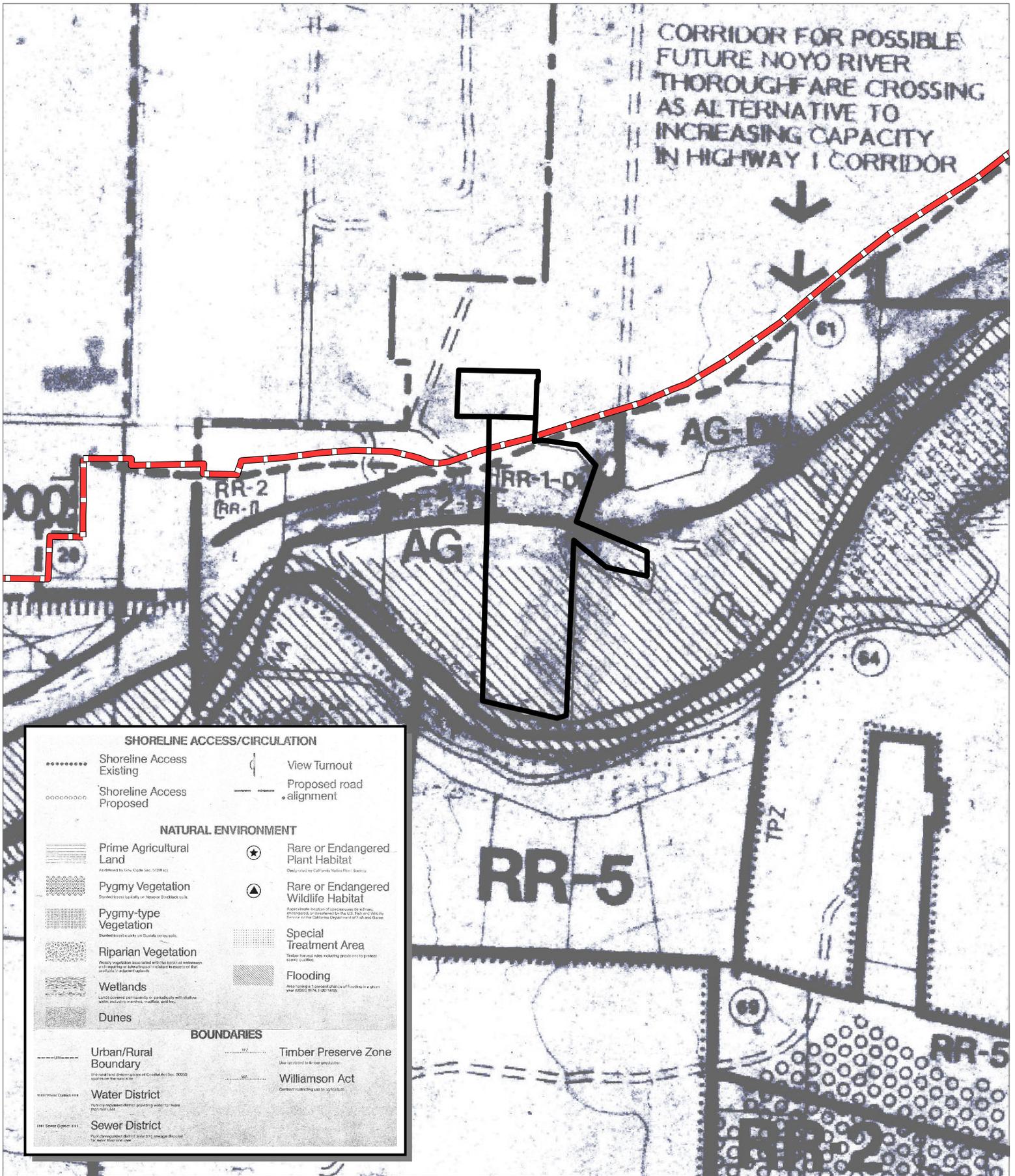
 Coastal Zone Boundary
 General Plan Classes



GENERAL PLAN CLASSIFICATIONS

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CORRIDOR FOR POSSIBLE FUTURE NOYO RIVER THOROUGHFARE CROSSING AS ALTERNATIVE TO INCREASING CAPACITY IN HIGHWAY 1 CORRIDOR



SHORELINE ACCESS/CIRCULATION

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

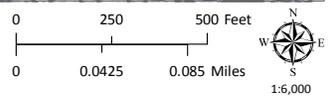
NATURAL ENVIRONMENT

- Prime Agricultural Land
- Pygmy Vegetation
- Pygmy-type Vegetation
- Riparian Vegetation
- Wetlands
- Dunes
- Rare or Endangered Plant Habitat
- Rare or Endangered Wildlife Habitat
- Special Treatment Area
- Flooding

BOUNDARIES

- Urban/Rural Boundary
- Water District
- Sewer District
- Timber Preserve Zone
- Williamson Act

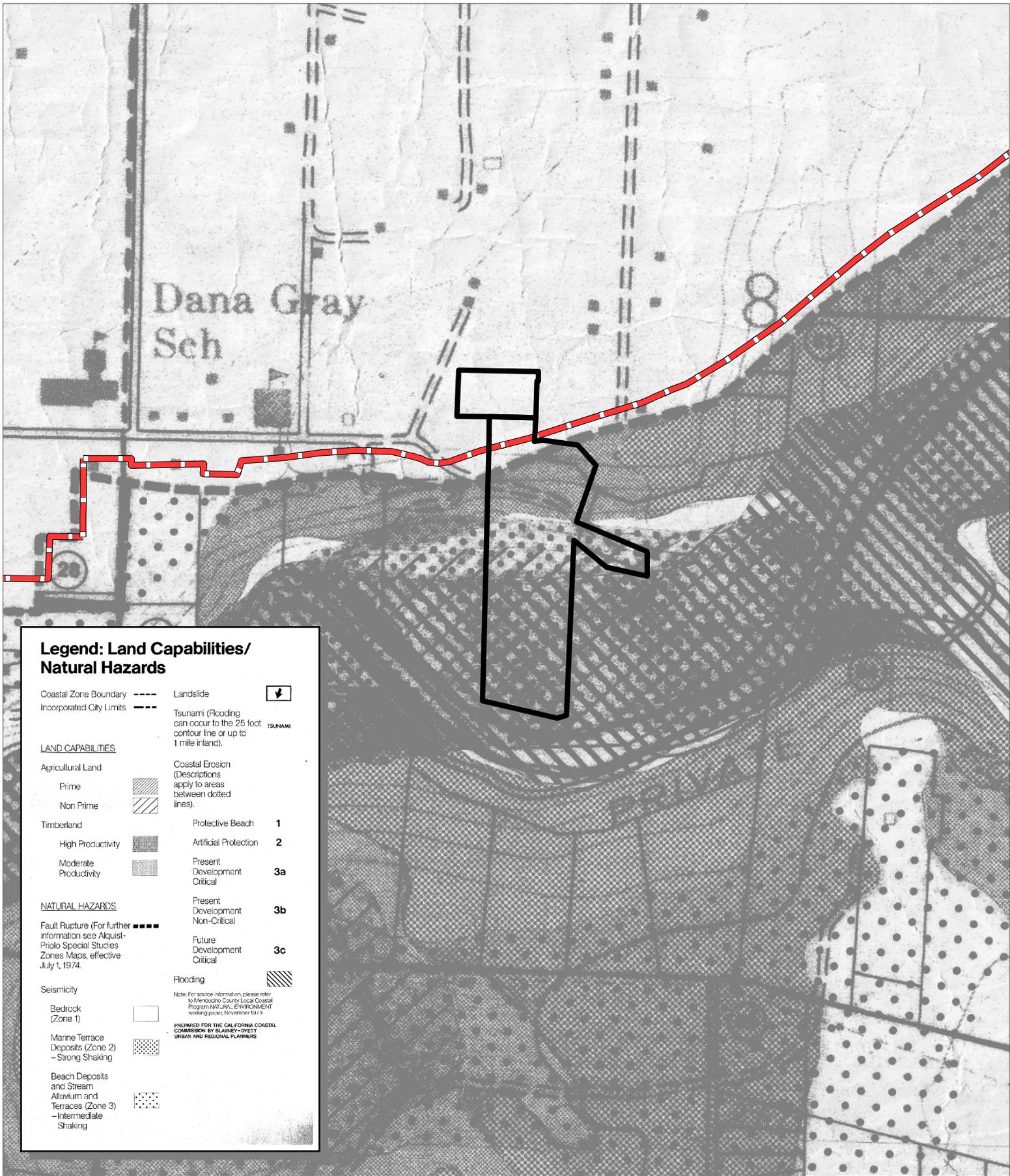
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Coastal Zone Boundary

LCP LAND USE MAP 13: FORT BRAGG

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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). TSUNAMI

LAND CAPABILITIES

Agricultural Land
Prime
Non Prime

Timberland
High Productivity
Moderate Productivity

NATURAL HAZARDS

Fault Rupture (For further information see Alquist-Prilo Special Studies Zones Maps, effective July 1, 1974.)

Seismicity
Bedrock (Zone 1)

Marine Terrace Deposits (Zone 2) - Strong Shaking

Beach Deposits and Stream Alluvium and Terraces (Zone 3) - Intermediate Shaking

Coastal Erosion (Descriptions apply to areas between dotted lines).

Protective Beach 1

Artificial Protection 2

Present Development Critical 3a

Present Development Non-Critical 3b

Future Development Critical 3c

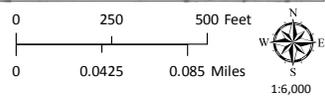
Flooding

Note: For source information, please refer to Mendocino County Local Coastal Program NATURAL ENVIRONMENT working paper November 1974.

PREPARED FOR THE CALIFORNIA COASTAL COMMISSION BY BLAWNEY-DYETT URBAN AND REGIONAL PLANNERS

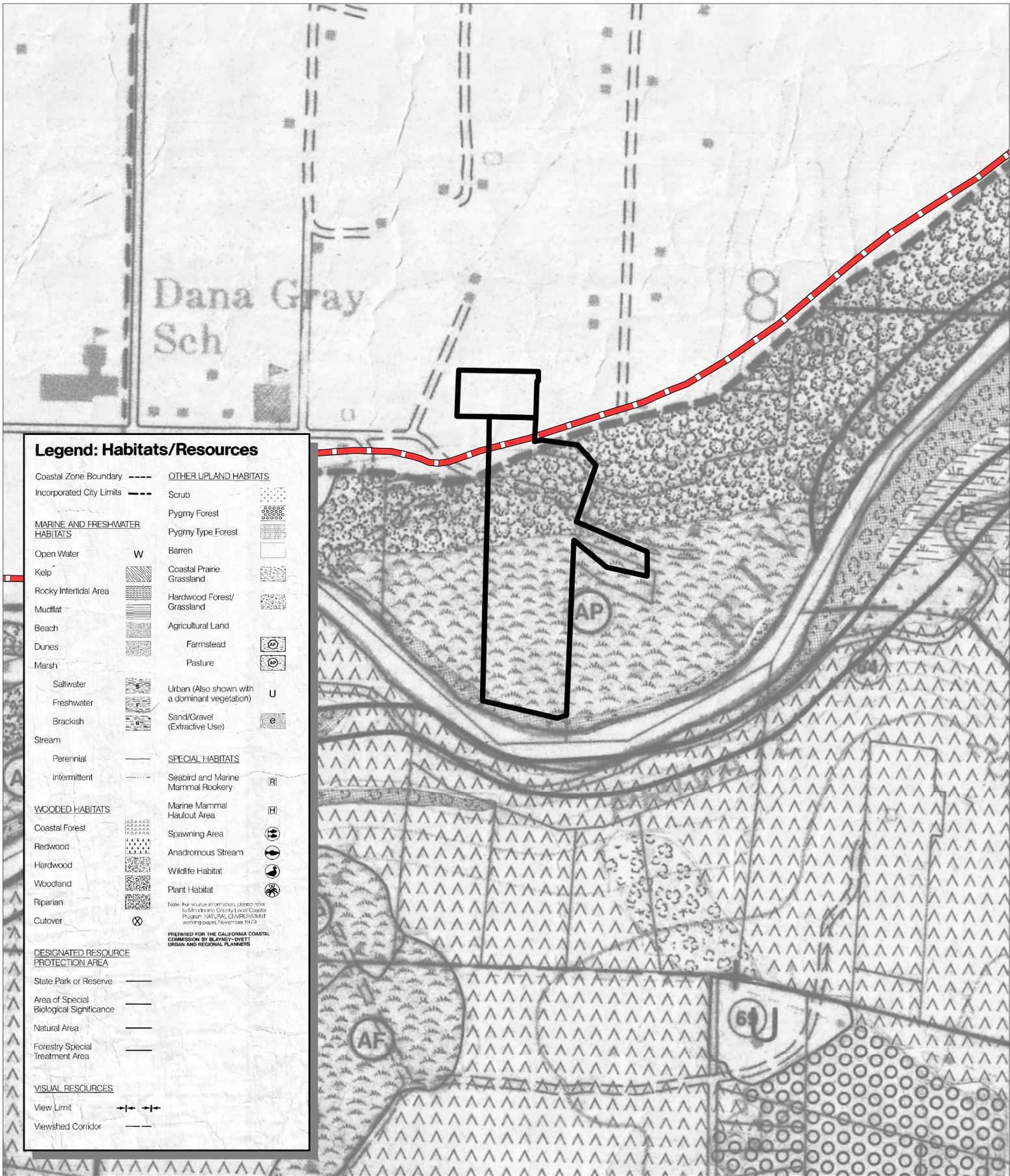
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Coastal Zone Boundary



LCP LAND CAPABILITIES & NATURAL HAZARDS

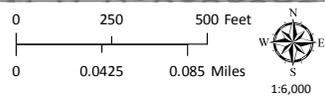
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Legend: Habitats/Resources

- Coastal Zone Boundary
- Incorporated City Limits
- MARINE AND FRESHWATER HABITATS**
- Open Water W
- Kelp
- Rocky Intertidal Area
- Mudflat
- Beach
- Dunes
- Marsh
- Saltwater
- Freshwater
- Brackish
- Stream
- Perennial
- Intermittent
- WOODED HABITATS**
- Coastal Forest
- Redwood
- Hardwood
- Woodland
- Riparian
- Cutover X
- DESIGNATED RESOURCE PROTECTION AREA**
- State Park or Reserve
- Area of Special Biological Significance
- Natural Area
- Forestry Special Treatment Area
- VISUAL RESOURCES**
- View Limit
- Viewshed Corridor
- OTHER UPLAND HABITATS**
- Scrub
- Pygmy Forest
- Pygmy Type Forest
- Barren
- Coastal Prairie Grassland
- Hardwood Forest/Grassland
- Agricultural Land
- Farmstead AP
- Pasture AP
- Urban (Also shown with a dominant vegetation) U
- Sand/Gravel (Extractive Use) e
- SPECIAL HABITATS**
- Seabird and Marine Mammal Rookery RI
- Marine Mammal Haulout Area HI
- Spawning Area S
- Anadromous Stream AS
- Wildlife Habitat WH
- Plant Habitat PH

Note: For source information, please refer to the following County Local Coastal Program NATURAL ENVIRONMENT working paper, November 1979
 PREPARED FOR THE CALIFORNIA COASTAL COMMISSION BY BLANEY-DYET URBAN AND REGIONAL PLANNERS

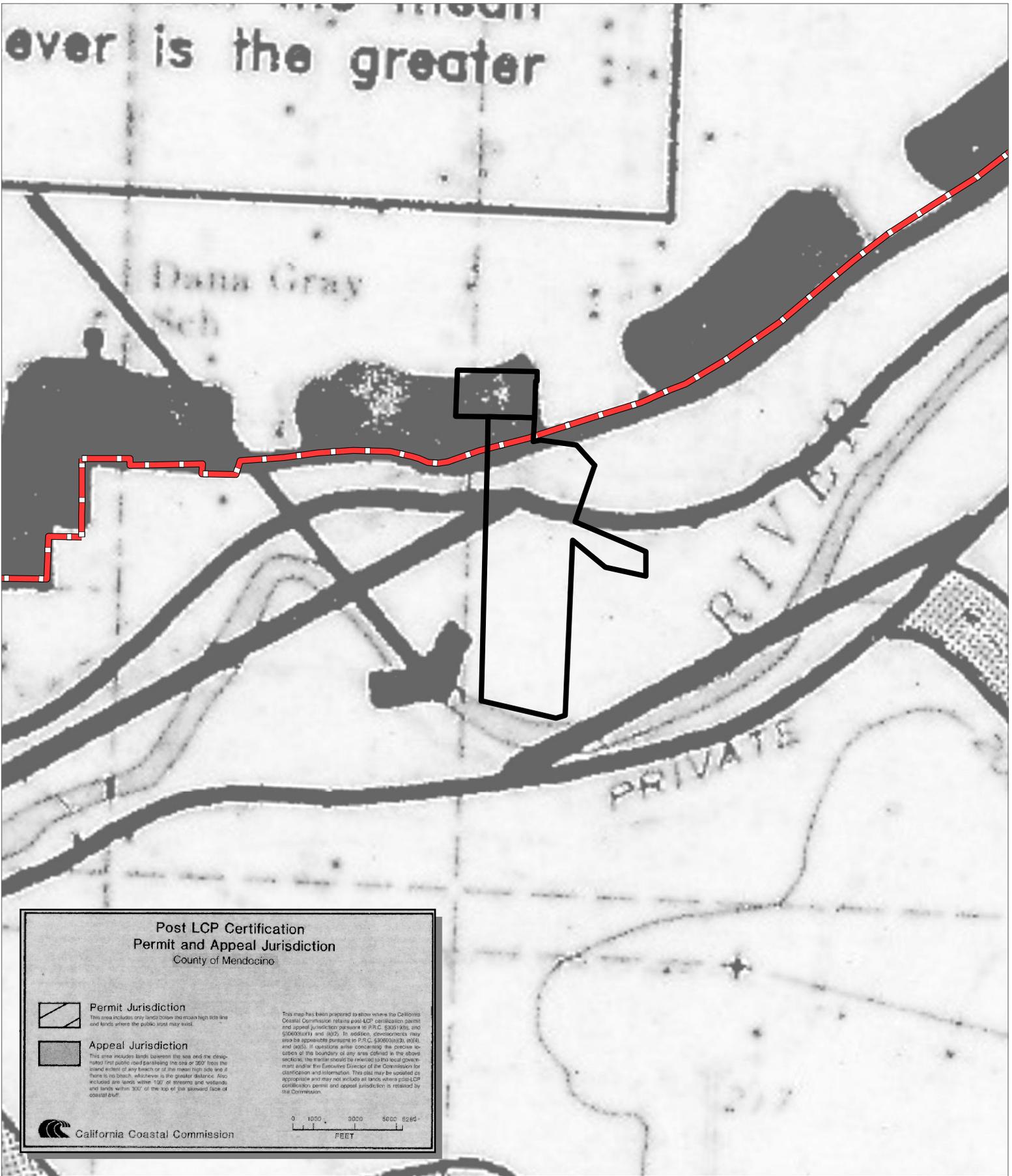


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Coastal Zone Boundary

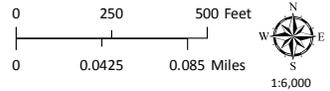
LCP HABITATS & RESOURCES

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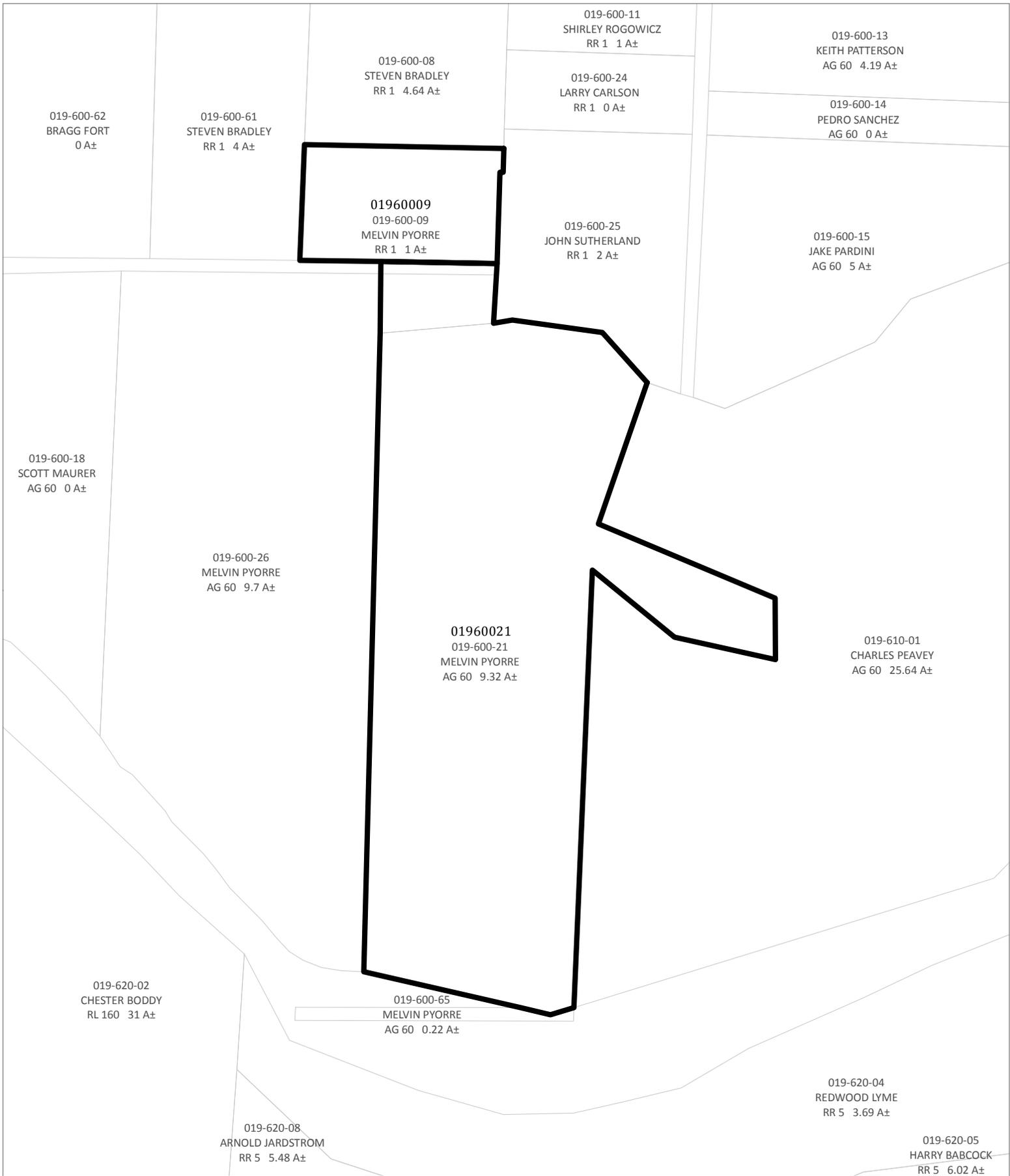
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 Coastal Zone Boundary

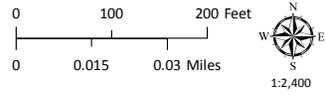


APPEALABLE AREAS

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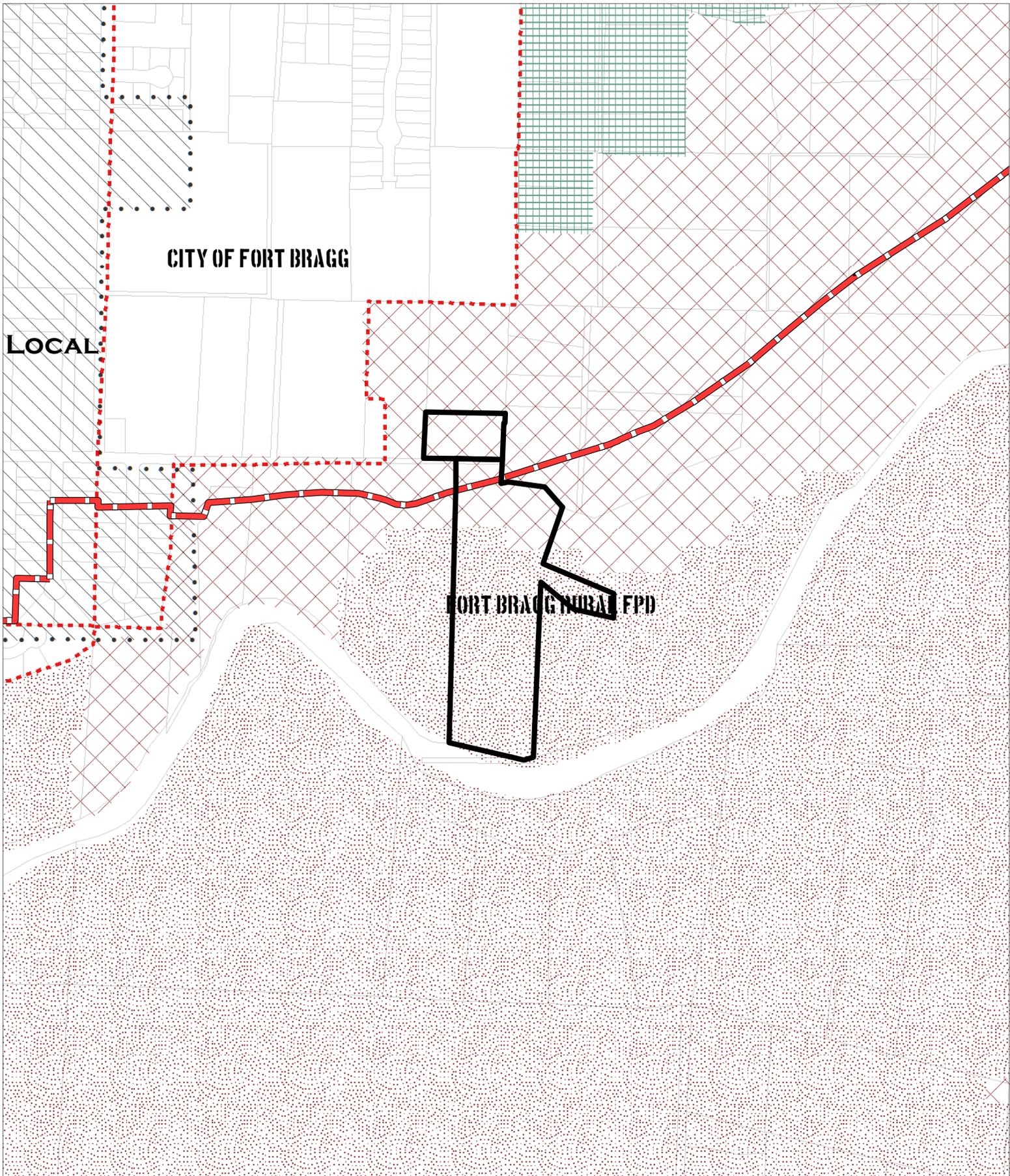


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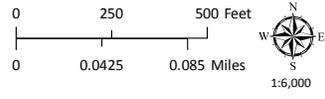
ADJACENT PARCELS

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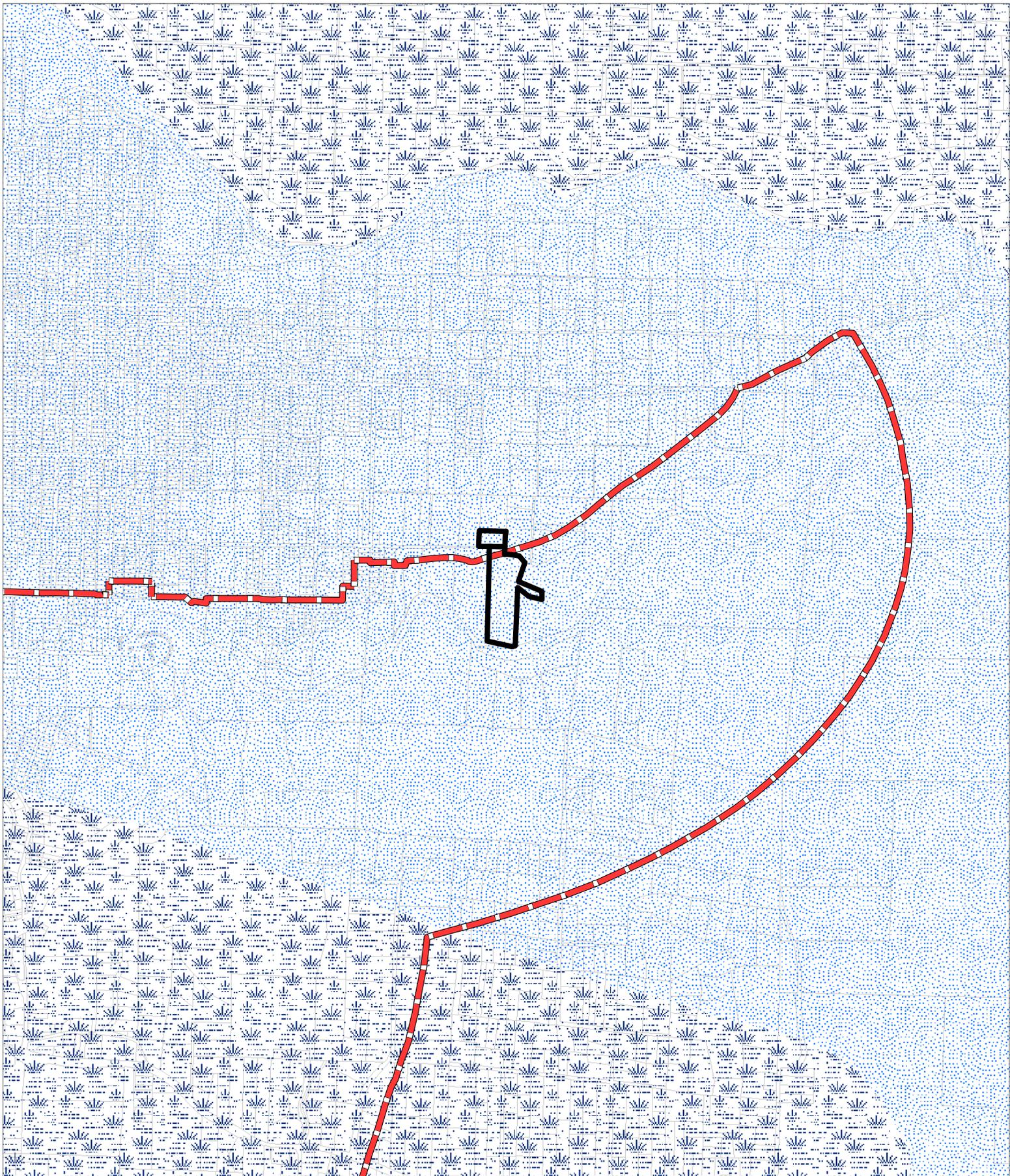
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- Coastal Zone Boundary
- County Fire Districts
- Local Responsibility Areas
- Very High Fire Hazard
- High Fire Hazard
- Modera



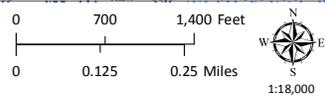
FIRE HAZARD ZONES & RESPONSIBILITY AREAS
STATE RESPONSIBILITY AREA

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CASE: B 2018-0017
 OWNER: PYORRE, Melvin & Patricia
 APN: 019-600-09, 21
 APLCT: Clifford Zimmerman
 AGENT: Clifford Zimmerman
 ADDRESS: 31100 Chestnut Street, Fort Bragg

-  Coastal Zone Boundary
-  Sufficient Water Resources
-  Marginal Water Resources



GROUND WATER RESOURCES

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AREA OF MINIMAL FLOOD HAZARD Zone X

Zone A

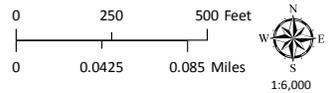
FLOOD HAZARD AREAS

 1% Annual Chance Flood Hazard

 Coastal Zone Boundary

 LOMA Letters

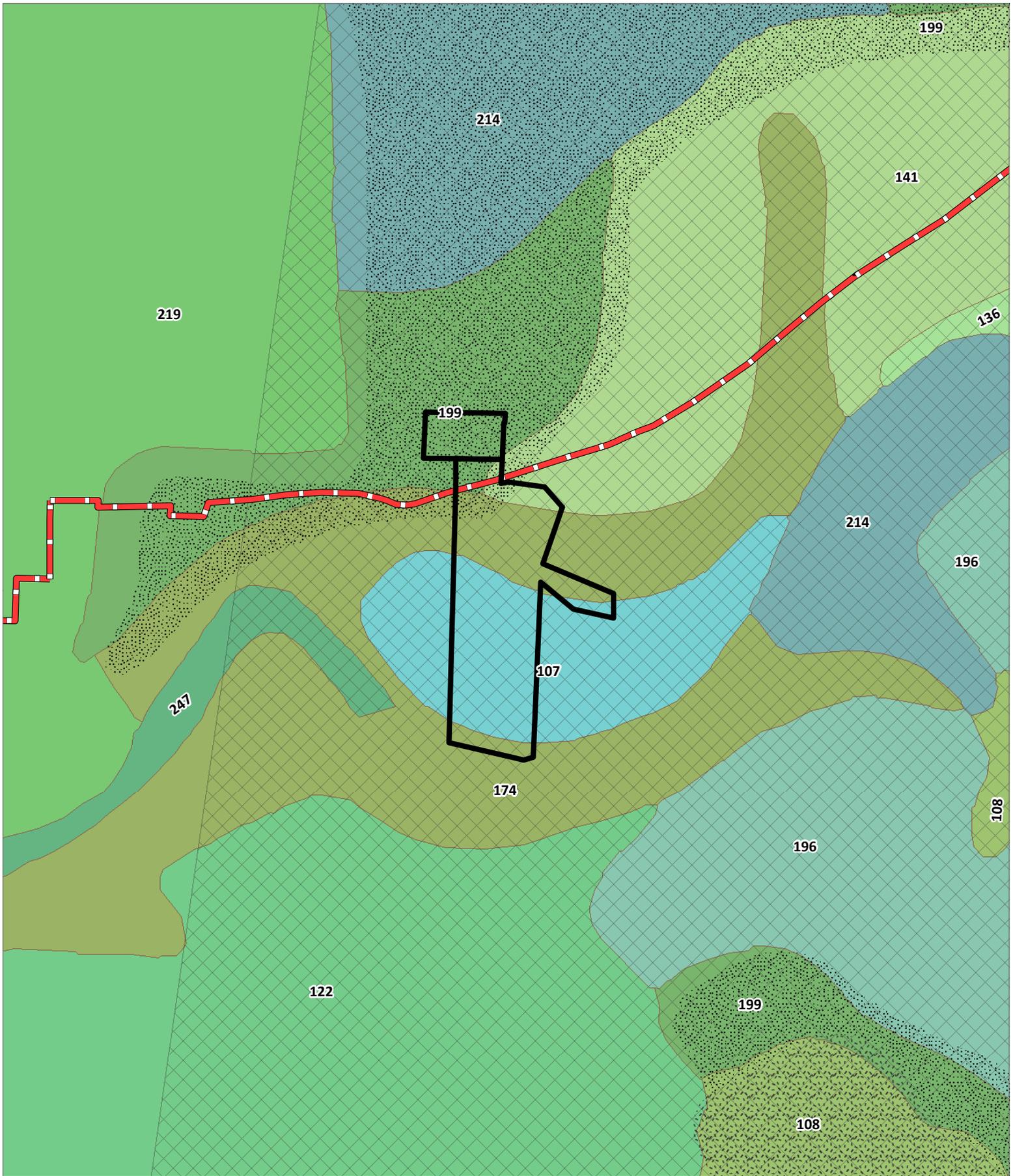
 Tsunami Inundation Zones



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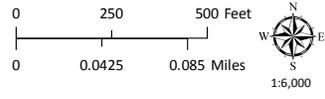
SPECIAL FLOOD HAZARD AREAS

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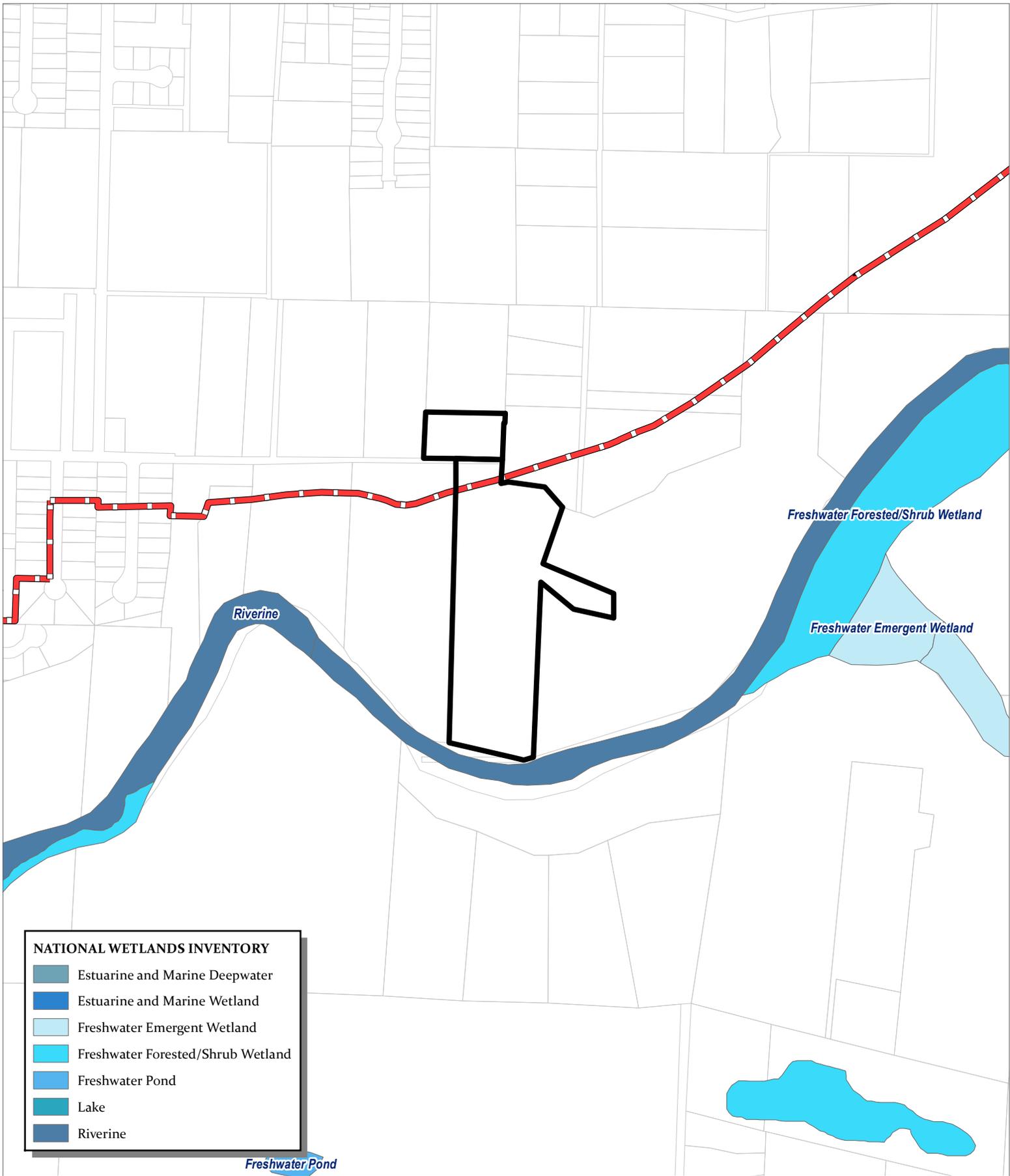
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- Coastal Zone Boundary
- Bishop Pine
- Blacklock & Aborigine
- Western Study Soil Types
- Shinglemill-Gibney Complex



LOCAL SOILS

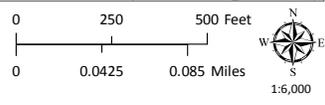
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- NATIONAL WETLANDS INVENTORY**
- Estuarine and Marine Deepwater
 - Estuarine and Marine Wetland
 - Freshwater Emergent Wetland
 - Freshwater Forested/Shrub Wetland
 - Freshwater Pond
 - Lake
 - Riverine

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Coastal Zone Boundary



WETLANDS

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