

Resubmitted 4/2/2021-Coastal Permit Adm./Subdivision Committee
BLA, B_2017-0043

From: Dr. Bill Schieve <eastwest@mcn.org>

Subject: RE: BLA B_2017-0043, Comments & Concerns

Date: November 16, 2020 10:39:07 AM PST

To: sylvia.targ@coastal.ca.gov

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Planning & Building Services

Dear Ms Targ:

I am writing to you to express my deep concerns (and provide some history backing those concerns) regarding the request from Travis Swithenbank (hereafter referred to as TS) for a Boundary Line Adjustment from the Coastal Commission (BLA B_2017-0043). Thank you in advance for reading this admittedly lengthy email letter.

I have lived at my property address 32880 Nameless Lane for 22 years. My property directly borders the southwest corner of the TS 22 acre two parcels in question. I have been a Mendocino County Coast resident for 30 years, having previously lived at past owned property on Old Stage Road in Gualala for 8 years. It was there, because of a lawsuit over my neighbor's environmental damage, that I learned about the Coastal Commission. It is my understanding that it is the mandate and goals of the Coastal Commission to, broadly speaking, protect the environment, i.e protect species and their habitat, protect natural resources such as water, soil, and timber, protect plant life and species and trees, protect the rural setting atmosphere of the county, etc....to basically insure that the coastal community gets to continue to enjoy and live in what they decided to live here for...Nature.

I would state here with absolute assurance that TS's goals are completely anathema to the Coastal Commission's goals. His ONLY reason for a Boundary Line Adjustment is to get himself rid of the heightened regulations and restrictions that the Coastal Commission holds on the environment in order to more clear his path to wreak havoc on the property (which he has already done) to develop his subdivision. The history of his building contracting behaviors, including many lawsuits, code violations, permit and regulations violations are well known and documented by the county agencies protecting our community, but I will focus on just the history of what has occurred on the parcels in question to show how he has already demonstrated his disregard for what the Coastal Commission, I believe, is mandated to protect.

A) TS applied for a subdivision and boundary line adjustment (2/10/17) even BEFORE he had taken title to the property (2/28/17). He then, two years later (5/31/19), transferred title of the property to his Limited Liability Partnership, of which he was the only member. This is an example of his intentions to only use the property solely as a profit-making venture.

B) Within a very short time of his acquisition of the property, one of his first acts was to clear cut an entire stand of dozens and dozens (hundred?) of trees on the north end of the western parcel, with no permit and no pre-warning to any agency or the residents of Sashandre and Charlene Lanes. This destruction of tree cover and the inundating the Lanes' residences with wood burning smoke for over a week was finally reported to CalFire by an elderly resident of Sashandre. The outcome: CalFire stopped him and TS presented himself to the elderly

Sashandre resident and angrily threatened her with violence, stating "I can do whatever I want with my property and nobody's going to stop me." (direct quote). Such is an clear demonstration of his greed and aggressive disregard for community, environment, and resources.

C) When the stack of downed trees was noticed and remarked upon by code enforcement personnel during a site inspection some time later, TS quickly had it all cut up into firewood and sold it to a local firewood seller (I have pictures of how much wood it was), which was in direct violation of statement made in his subdivision application that he would NOT do such. Such is another example of his blatant disregard for regulations.

D) Within a very short time of acquiring the property, he moved in more residents/tenants, five residences now inhabiting three structures, having to then provide more toilets. The toilets within a very short time "were always backing up, overflowing". When I heard such testimony recently, I contacted the Environment Health (EH) department and was told that the only properly permitted septic system there was a 3 bedroom system permitted in 1981. I filed a formal complaint, the outcome, so far, of which is that TS told EH that he has other septic systems and that waste is not all going into the 1981 system. Which means there are illegal non-permitted septic systems on the property. TS was told by EH that they would "need discovery" on all of his septic systems. I am told by EH that "need discovery" means there needs to be a full on-site inspection and evaluation of all systems and all designated fields by a class B fully licensed civil engineer contractor, which TS is not (i.e he can't do his own evaluation). Interestingly, EH told me that TS has to accomplish this "before he can do a boundary line adjustment". Once again: demonstration of TS's disregard for regulations, proper permitting, and the health and safety of the environment and the community (and I am right next door downhill from such mess!).

E) I am told by water pump and well-digging contractors that there is a second and therefore illegal non-permitted water well on the property, as permits currently elucidate that there is only one properly permitted water well on the property. Again, demonstration of TS's disregard for the proper environmental regulation of resources.

F) In the Spring of 2019, Building and Planning (B&P) Code Enforcement, due to a formal complaint being filed, found that TS was doing a lot of building and remodeling without ANY proper permits. This is a very common modus operandi for TS and B&P has had to take him to task on pretty much every project he's ever done in the community. They issued a stop work order (as usual) and forced him to apply for proper permits. Such inspection and process is still ongoing. We can hope that B&P will continue to force TS to comply with building codes and regulations, off-setting his penchant for aggressive disregard of such codes and regulations.

G) During those initial B&P site inspections, the large amount of downed trees was discovered (see C)) AND it was discovered that he was digging into and trying to "clean out" a hazardous waste contaminated disposal site on the property that's been known about and tagged for many years. He was ordered to stop such activities and was told that the site obviously needs to be dealt with properly by the appropriate hazardous waste disposal agencies. This example of TS's reckless behavior may be the most concerning: if his self-centered disregard for laws, rules, codes, and regulations can lead him to expose hazardous toxic waste into the air, soil, and ground

water with such indifference to the effects of his aggressive behaviors on the natural environment and the people of the community, to what level wouldn't he stoop to accomplish his selfish profit agendas?

The last example given above of TS behaviors leads me to express another concern. It is my understanding that one of the reasons for the lines of the Coastal Zone being delineated as they are in our specific area is that there is a large underground aquifer to be protected right underneath the TS property. I would think that to allow him to affect a boundary line adjustment just to get the western portion of his property out of the Coastal Zone in order to then allow him more free reign to accomplish more of the environmental destruction that he has already demonstrated he has in mind for his property would be counter-productive and contra-indicated to the goals and mandate of the Coastal Commission, as I stated at the beginning of this letter/email.

In closing, let me state that I am fully aware that this correspondence is more emotional than intellectual and that I might seem to be presenting a slander of Travis Swithenbank. I'm not. The facts of his past behaviors are not disparate from the environmental issues at hand and at stake. A man's past behaviors demonstrate the values and attitudes which are in his heart and mind. And those values and attitudes reveal what his intentions are for the future. The intentions of greed, self-interest, and personal profit in this case are directly opposed to the Coastal Commission's intentions of community, environmental welfare, and altruism. I therefore implore you to reject the applicant's request for a Boundary Line Adjustment.

With respect and appreciation of your service,

Dr. Bill Schieve
Concerned Neighbors of the Cleone Community (CNCC)
32880 Nameless Lane
PO Box 2571
Ft. Bragg (Cleone), CA 95437
707-961-1472