

EXHIBIT "A"

SUMMARY

OWNER: WM PARTNERSHIP, LLC &
TRAVIS SWITHENBANK
PO BOX 1660
FORT BRAGG, CA 95437

APPLICANT: VANCE RICKS
10580 WEST ROAD
REDWOOD VALLEY, CA 95480

AGENT: JIM RONCO
445 NORTH STATE STREET
UKIAH, CA 95482

REQUEST: Coastal Boundary Line Adjustment 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.

LOCATION: In the Coastal Zone, 4± miles north of the City of Fort Bragg, 700± feet east of the intersection of State Route 1 (SR-1) and Nameless Ln. (Private); located at 32800 & 32700 Nameless Lane, Fort Bragg; APNs 069-320-01 and 069-320-02.

TOTAL ACREAGE:

Parcel	APN	Zoning		General Plan		Acreage	
		Before	After	Before	After	Before	After
A	069-320-01	Coastal RR:5 Inland RR:1	Inland RR:1	Coastal RR:5 Inland RR:1	Inland RR:1	10.85	11.35
B	069-320-02	Coastal RR:5 Inland RR:1	Coastal RR:5	Coastal RR:5 Inland RR:1	Coastal RR:5	10.85	10.35

SUPERVISORIAL DISTRICT: 4 (Gjerde)

ENVIRONMENTAL DETERMINATION: Categorically Exempt: Class 5a (Minor Boundary Line Adjustment not resulting in the creation of any new parcel).

APPEALABLE: Yes

RECOMMENDATION: APPROVE WITH CONDITIONS

STAFF PLANNER: MARK CLISER

BACKGROUND

PROJECT DESCRIPTION: A Coastal Boundary Line Adjustment (BLA) to align two (2) properties with the existing coastal zone boundary. Presently, both properties are split by the coastal zone boundary. The adjustment will involve two legal parcels: Parcel "A" (Inland – APN: 069-320-01) and Parcel "B" (Coastal - APN: 069-320-02). Parcel "A" will increase to 11.35± acres from its current 10.85± acres. Parcel "B" will

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decrease to 10.35± acres from its current 10.85± acres, resulting in altered parcel configurations and elimination of property bifurcation by the Coastal Zone.

The Boundary Line Adjustment will increase the area of the southeast corner of Parcel "A" (Inland) by 0.8± acres along Nameless Lane. Because of required zoning and corridor zoning setback requirements, the amount of increased buildable area is minimal. For this location, a corridor preservation setback of 25 feet would be applied per Mendocino County Code Section 20.152.020, as well as the minimum zoning setback requirements for the front and side yards prescribed per Mendocino County Code Chapter 20.048. After adjustment, parcel "A" would be entirely within areas subject to Division I of Title 20 of County Code.

The Boundary Line Adjustment will increase the area of the northwest corner of parcel "B" (Coastal) by 0.3± acres along the rear property line. Because of required setbacks to the adjacent parcels, the amount of increased buildable area is minimal. A zoning setback of 30 feet is prescribed for the front and side yard setbacks per Mendocino County Code Chapter 20.376. After adjustment, parcel "B" would be entirely within areas subject to Division II of Title 20 of County Code.

RELATED APPLICATIONS: **S_2017-0003** (Parcel A) – A Major Subdivision request presently under review to subdivide parcel "A" into 11 legal parcels.

SITE CHARACTERISTICS: The subject parcels intersect with a portion of the Coastal Zone boundary, 4± miles north of the city of Fort Bragg. The parcels are situated approximately 700 feet east of the intersection of State Route 1 (SR-1) and Nameless Lane (Private Road) within unincorporated Mendocino County, lying on the north side of the private road onto which parcel "A" encroaches. The property is currently addressed as 32800 Nameless Lane, Fort Bragg, CA, 95437 (APN: 069-320-01) and 32700 Nameless Lane (APN: 069-320-02). Both parcels are accessed from Nameless Lane and are located approximately 1 mile from the Pacific Ocean.

Parcel "A", APN: 069-320-01 (Inland) is in an area mapped with Marginal Water Resources. Parcel "B", APN: 069-320-02 (Coastal) is in an area mapped as Sufficient Water Resources (*See Attachment*). Neither parcel is within a County Water District. Both parcels are located in an area mapped as Moderate Fire Hazard and are considered under the responsibility of CalFire. The nearest Local Response Agency, however, is the Fort Bragg Rural Fire Protection District, which maintains a fire station 4.2± miles south of the subject property. A review of California Natural Diversity Database indicates occurrences of special status species on both parcels. There may be occurrences or additional species within this area which have not yet been surveyed and/or mapped.

The topography of the subject parcels is mostly level with an average slope of 6.3 percent. Elevations range from 167 feet above mean sea level (amsl) at the western boundary of parcel "A" to 188 feet amsl at the eastern boundary of parcel "B". There is an existing access easement to three (3) developed homesites at the southern edge of parcel "A" (Inland). No development exists on parcel "B" (Coastal). The Boundary Line Adjustment will not affect access to either parcel.

Staff visited the project site on December 4, 2020 with California Department of Fish and Wildlife (CDFW) and noted the eastern portion of parcel "B" (Coastal) is hydrologically connected to the Inglenook Fen watershed via an onsite wetland (*see Attachment*). The Inglenook Fen is a Resource Area as designated by the California Natural Areas Coordinating Council (*see Attachment*). Mendocino County Code (MCC) Section 20.488.010, General Review Standards for Coastal Development, and MCC Chapter 20.496, address the protection of wetlands and environmentally sensitive habitat areas. As such, future development of parcel "B" (Coastal) should be conditioned to establish buffer areas so that development does not encroach upon the wetland. The Local Soils map indicates soils conducive to Bishop Pine Forest, though few Bishop Pine were noted on site (*See Attachment*).

As the configuration of the parcels currently stands, each parcel is split by the boundary of the Coastal Zone, with a portion of each lying in the coastal zoning division and a portion of each in the inland zoning division. The proposed Boundary Line Adjustment will align the coastal and parcel boundary lines, bringing each parcel into one designation: Parcel "A" will be entirely within the inland zone, and parcel "B"

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will be entirely within the coastal zone (see *Proposed Parcel Configuration on Attachment*). Development on either parcel will not be incurred as a result of the proposed Boundary Line Adjustment.

SURROUNDING LAND USE AND ZONING: As indicated below, surrounding parcels are all zoned Rural Residential. Off-site residences are located on all surrounding parcels with the exception of one parcel to

	GENERAL PLAN	ZONING	PARCEL SIZES	USES
NORTH	Rural Residential RR:1; RR:5	Rural Residential RR:1; RR:5	2.5±; 2.4±; 2.4±; 3.4±; 2± Acres	Residential
EAST	Rural Residential RR:5	Rural Residential RR:1; RR:5	5.2±; 5.7± Acres	Residential
SOUTH	Rural Residential RR:1; RR:5	Rural Residential RR:1; RR:5	1.5±; 1.9±; 1.3±; 1±; 2.2±; 1± Acres	Residential
WEST	Rural Residential RR:1	Rural Residential RR:1	1.2±; 1±; 1± Acres	Residential

the north.

PUBLIC SERVICES:

Access: Nameless Lane (Private)
 Fire District: CalFire
 Water District: NONE
 Sewer District: NONE
 School District: Fort Bragg Unified School District

AGENCY COMMENTS:

On November 6, 2020 project referrals were sent to the following responsible or trustee agencies with jurisdiction over the Project. A summary of the submitted agency comments are listed below.

REFERRAL AGENCIES	COMMENT
Department of Transportation	No Comment
Environmental Health-FB	No Response
California Coastal Commission	Comments
Cloverdale Rancheria	No Response
Redwood Valley Rancheria	No Response
Sherwood Valley Band of Pomo Indians	No Response
Manchester-Point Arena Rancheria	No Response
Planning Division-FB	No Comment
Assessor's Office	No Comment
CalFire (Land Use)	No Comment
CA Dept. of Fish & Wildlife	Comments
Calfire (Resource Management)	Comments

RESPONSE TO COMMENTS

California Dept. of Fish & Wildlife (CDFW): CDFW identified an onsite wetland and waters on the eastern edge of parcel "B" (Coastal) which are hydrologically connected to the Inglenook Fen, located 1.4 miles to the north and is concerned that future development on either parcel may result in significant impacts to the Inglenook Fen. Recommendations include (1) a deed restriction should be placed on the eastern parcel which states development shall not occur within 100 feet of the edge of wetland (as per Mendocino County LCP), and (2) potential building envelopes, which should avoid sensitive biological resources to the maximum extent feasible, well locations, and potential access for the eastern parcel should be identified to ensure that future development will reduce impacts to existing and potential

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sensitive resources. CDFW also noted on their site visit that very few bishop pine trees are present. However, biological reports identify bishop pine forest Natural Community over much of the study area. CDFW recommends that "A re-assessment of Natural Communities should be conducted to provide accurate information of existing conditions." Additionally, the biological report should include "an assessment of sensitive wildlife... for the study area to determine which species have the potential to occur.

In response, per Mendocino County Coastal Element Chapter 3.1, Section 32040(b), Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas. Upon review of the LCP land use maps, the county's Biological Resources Map, and the State of California's Natural Diversity Database, sensitive species have been identified. However, no impacts are anticipated from the proposed Boundary Line Adjustment. Lot "B", as indicated on LCP Map Habitats and Resources, is within a Riparian habitat and Designated Resource Protection Area (see Attachment). As a Boundary Line Adjustment, no additional development or site disturbance is requested or approved. Any further development on Lot "B" will require a Coastal Development Permit and will be further reviewed at that time.

CalFire (Resource Management): "If the project area is located on timberland [Ref. Public Resources Code (PRC) 4526], requiring timber operations for the cutting and removal of timber [prc 4527], or if the project design requires the removal of commercial tree species [Ref. Title 14 CA Code of Regulations (CCR) 895.1], and those species will be utilized for commercial purposes ["sale, barter, exchange or trade" per PRC 4527], then a permit must be obtained from CAL FIRE prior to the commencement of operations."

In response, County staff notes that the Boundary Line Adjustment itself does not alter or facilitate timber operations.

California Coastal Commission (CCC): The CCC's concerns include protection of Environmentally Sensitive Habitat Area (ESHA) on the parcel "B", project consistency with Local Coastal Program (LCP) policies, allowed development on parcel "B" – both before and after the boundary line adjustment - and adequacy of services, such as water. Additionally, the CCC supports CDFW's comments that a deed restriction be placed on Parcel "B" which states development shall not occur within 100-feet of the edge of the identified wetland.

In response to ESHA concerns, County staff would like to point out Coastal Element Consistency Review item number 1 which states boundary line adjustments within an Environmentally Sensitive Habitat Area (ESHA) boundaries will not be permitted if any parcel being created is entirely within an ESHA, or if any parcel being created does not have an adequate building site which would allow for the development of said building site. In response to development, staff notes that the boundary line adjustment neither proposes, nor will it incur, any development. As previously stated, the Boundary Line Adjustment will increase the buildable area in the northwest corner of Lot "B" (coastal) by 0.3± acres. However, because of required setbacks to adjacent parcels and wetlands, this portion of the lot may not be developable should future development be proposed. Similarly, the loss of 0.8± acres of land in the southwest corner Lot "B", due to setbacks to adjacent parcels and corridor preservation, may not have been developable. Septic and wells for the existing development on Lot "A" will not be affected by the Boundary Line Adjustment. Due to the location of sufficient water resources on Lot "B", it is not anticipated the project will affect future wells (see Attachment). However, further analysis for water and septic will be required for any future proposed development on Lot "B". In response to services; though not in a water district, Lot "B" is in an area mapped as Sufficient Water Resources (See Attachment). Finally, as no development exists on Lot "B" it is not eligible for a Coastal Development Permit (CDP) Exemption per Mendocino County Code Section 20.532.020. Furthermore, the parcel is not located in a CDP Exclusion Zone. As a result, any future development on Lot "B" will require a Coastal Development Permit with analysis of the on-site wetland.

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KEY ISSUES

COASTAL ELEMENT CONSISTENCY REVIEW: Staff reviewed the project relative to coastal issues and determined the following:

1. Mendocino County Coastal Element Policy 3.1-32 states boundary line adjustments which are located within an Environmentally Sensitive Habitat Area (ESHA) boundaries will not be permitted if: (1) any parcel being created is entirely within an ESHA; or (2) if any parcel being created does not have an adequate building site which would allow for the development of the building site. The proposed boundary line adjustment is consistent with this policy as parcel "B" (Coastal) would not be located entirely within an ESHA and would allow sufficient space for future development that would be reviewed with the benefit of a CDP. The nominal change in parcel size does not change its ability to be built upon as the area transferred is encumbered by yard and corridor setbacks.
2. Mendocino County Coastal Element Policy 3.8-7 states parcel line adjustments shall be approved only where "a community sewage disposal system with available capacity exists" and leach fields shall not be located where the natural grade exceeds 30 percent slope. The proposed boundary line adjustment is consistent with this policy as it is not located in a sewer district and maintains an average slope is approximately six (6) percent.
3. Mendocino County Coastal Element Policy 3.5-3 states development shall provide for the protection of "highly scenic areas". The project is not located within a designated "Highly Scenic", nor is it located within an area designated "Highly Scenic Conditional", or "Tree Removal Area".
4. The Boundary Line Adjustment will not result in a change in density. The proposed adjustment **does not** provide for future divisions beyond that which currently exist. The increased acreages do not alter the allowance for parcels created, and most of the transferred areas are restricted by zoning or corridor preservation setback requirements.
5. The Boundary Line Adjustment will not result in a parcel having more than one (1) zoning district designation. In fact, the Boundary Line Adjustment will rectify a parcel that is presently subject to zoning regulations in two (2) separate Zoning Divisions.
6. The Boundary Line Adjustment will not create any new parcels. As previously discussed, the Boundary Line Adjustment (BLA) will align two (2) properties with the existing coastal zone division. Presently, both properties are split by the coastal zone boundary. The adjustment will involve legal parcels: Parcel "A" (Inland – APN: 069-320-01) and Parcel "B" (Coastal - APN: 069-320-02). Parcel "A" will increase to 11.35± acres from its current 10.85± acres. Parcel "B" will decrease to 10.35± acres from its current 10.85± acres, resulting in altered parcel configurations and eliminate property bifurcation by the Coastal Zone.
7. No substandard parcel will result from the adjustment. Both parcels are currently above-standard in size and considered consistent with their zoning designations.
8. The properties subject to the adjustment are in an area designated Marginal and Sufficient Groundwater Resources identified in the Mendocino County Groundwater Study.
9. The project is not located on property containing Pygmy vegetation. Soils capable of producing Pygmy vegetation include Blacklock and Aborigine, and Shinglemill-Gibney Complex and Tropaquepts. Neither the Soils Map (Attachment), the LCP Map (Attachment), nor the Pygmy Type Soils Map (Attachment) show any evidence of soil types capable of producing Pygmy vegetation present on the subject parcels.
10. An identified riparian area is located on property. No impacts to any riparian area are anticipated as a result of this Boundary Line Adjustment. Future development on parcel "B" (Coastal) will require a Coastal Development Permit and further analysis of the project site.

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11. The Boundary Line Adjustment will not significantly degrade or destroy the habitat for any endangered plant and animal species. As previously discussed, the boundary line adjustment neither proposes, nor will it incur, any development that would degrade or destroy the habitat for any endangered plant or animal species. Boundary Line Adjustments which are located within the boundaries of an Environmentally Sensitive Habitat Area (ESHA) will not be permitted if any parcel being created is entirely within said ESHA or if any parcel being created does not have an adequate building site which would allow for development on the building site. The proposed Boundary Line Adjustment does not create a parcel entirely within an ESHA, nor will it create inadequate building sites. Furthermore, future development may require additional studies which may be subject restrictions.
12. The Boundary Line Adjustment is an appealable project.

ENVIRONMENTAL RECOMMENDATION: The project, a minor Boundary Line Adjustment not resulting in the creation of any new parcel, is Categorically Exempt under Class 5a, pursuant to California Code of Regulations Section 15305(a). Therefore, no further environmental review is required.

RECOMMENDED MOTION

The Coastal Permit Administrator approves Coastal Development Boundary Line Adjustment B_2017-0043, 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. Pursuant to Mendocino County Coastal Zoning Code Section 20.532.095(A)(1), the proposed project is in conformance with the Coastal Element and its policies discussed in this report. The proposed boundary line adjustment is consistent with all applicable policies that discuss boundary line adjustments; and,
2. Pursuant to Mendocino County Coastal Zoning Code Section 20.532.095(A)(2), the proposed project will be provided with adequate utilities, access roads, drainage, and other necessary facilities. The proposed boundary line adjustment does not change any utilities (including water provisions, septic system, and leach field) between the two subject parcels. Nameless Lane (Private) remains the primary access for both parcels; and,
3. Pursuant to Mendocino County Coastal Zoning Code Section 20.532.095(A)(3), the proposed project is consistent with the purpose and intent of the zoning district applicable to the property, as well as the provisions of the Mendocino County Coastal Zoning Code, and preserves the integrity of the zoning district. The proposed boundary line adjustment will change the property line between two parcels within RR1 and RR5 zoning districts to align with the Coastal Zone Boundary. Both parcels are currently above the prescribed minimum parcel size for the RR1 and RR5 zoning districts, and are therefore considered legal parcels. The proposed boundary line adjustment would not result in the creation of any new parcels; and,
4. Pursuant to Mendocino County Coastal Zoning Code Section 20.532.095(A)(4), the proposed project will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act (CEQA). The proposed boundary line adjustment was found to be categorically exempt from the provision of CEQA under a Class 5(a) exemption; and,
5. Pursuant to Mendocino County Coastal Zoning Code Section 20.532.095(A)(5), the proposed project will not have any adverse impacts on any known archaeological or paleontological resource. The proposed boundary line adjustment does not include any ground disturbing activities that would impact archaeological or paleontological resources. Additionally, as the project is categorically exempt from CEQA, the proposed boundary line adjustment is not subject to additional archaeological survey requirements per Mendocino County Code Section 22.12.050(A); and,
6. Pursuant to Mendocino County Coastal Zoning Code Section 20.532.095(A)(6), other public services, including but not limited to, solid waste and public roadway capacity have been considered and are

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adequate to serve the proposed adjustment. The proposed boundary line adjustment; and,

7. Pursuant to Mendocino County Coastal Zoning Code Section 20.532.100(A)(1), the proposed project will not impact any environmentally sensitive habitat areas. Although within the buffer of a riparian corridor ESHA, the proposed boundary line adjustment does not propose any ground disturbing or environmentally impact activities that would effect ESHAs. Furthermore, the proposed boundary line adjustment does not create parcels that are undevelopable due to ESHA buffers or other environmental setbacks.

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. The Applicant shall, 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 which shall contain the following wording 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_2017-0043 and is intended to create no new parcel.”

4. Per Mendocino County Code Section 17-17.5(1)(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 having been given clearance to record the new documents, the Applicant must send a copy of the recorded deed(s) to the Department of Planning and Building Services. Upon review and approval of this information, the Applicant will receive a Completion Certificate.
6. Pursuant to Mendocino County Coastal Zoning Code Section 20.532.095(A)(5), the proposed project will not have any adverse impacts on any known archaeological or paleontological resource. The proposed Boundary Line Adjustment does not include any ground disturbing activities that would impact archaeological or paleontological resources. Additionally, as the project is categorically exempt from CEQA, the proposed Boundary Line Adjustment is not subject to additional archaeological survey requirements per Mendocino County Code Section 22.12.050(A).
7. A note shall be placed on the deeds and/or legal descriptions stating that *“The Boundary Line Adjustment shall not relinquish, remise, release or terminate any prior right, interest in rights-of-way,*

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easements, or other rights which may be appurtenant to and/or an encumbrance to the subject properties."

- 8. 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 Environmentally Sensitive Habitat Areas (MCC Chapter 20.496) and Visual Resource and Special Treatment Areas (MCC Chapter 20.504) as set forth in the Coastal Plan and Coastal Zoning Code."*

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

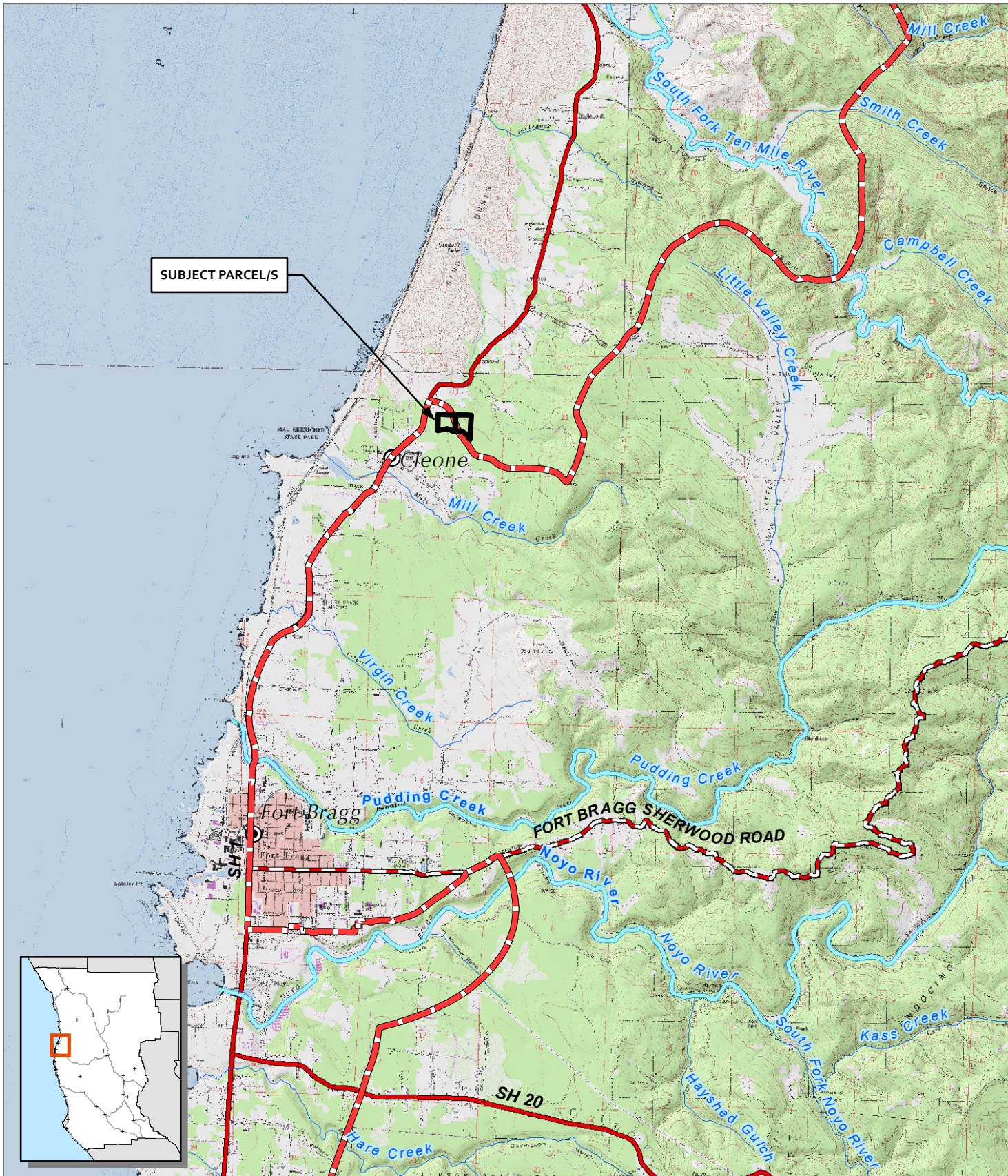
MARK CLISER
PLANNER II

Appeal Period: 10 Days
Appeal Fee: \$1616.00

ATTACHMENTS:

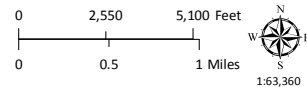
- A. Location Map
- B. Aerial Imagery
- C. Site/Tentative Map
- D. Zoning Display Map
- E. General Plan Classifications
- F. LCP Land Use Map 12: Cleone
- G. LCP Land Capabilities & Natural Hazards
- H. Habitats & Resources Map
- I. Adjacent Parcels
- J. Ground Water Resources
- K. Local Soils
- L. Local Coastal Plan 4.3
- M. Pygmy Type Soils
- N. Septic & Leach Map

EXHIBIT "A"



CASE: B 2017-0043
 OWNER: SWITHENBANK, Travis
 APN: 069-320-01
 APLCT: Vance Ricks
 AGENT: Jim Ronco
 ADDRESS: 32800 Nameless Lane, Fort Bragg

- Coastal Zone Boundary
- Named Rivers
- Major Towns & Places
- Highways
- Major Rivers
- Major Roads

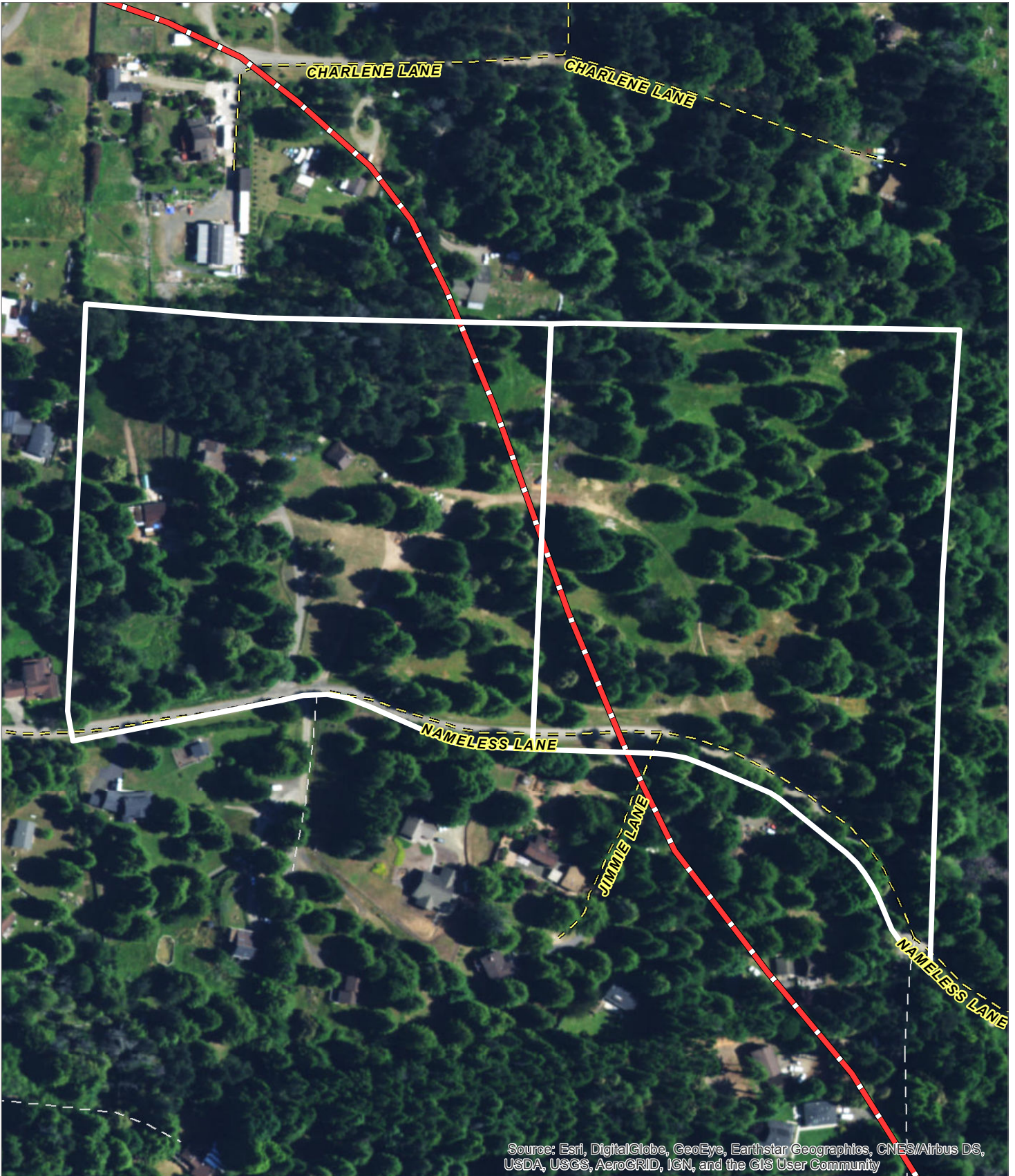


LOCATION MAP

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 DO NOT USE THIS MAP TO DETERMINE LEGAL PROPERTY BOUNDARIES




ATTACHMENT A

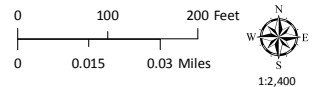
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Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

CASE: B 2017-0043
OWNER: SWITHENBANK, Travis
APN: 069-320-01
APLCT: Vance Ricks
AGENT: Jim Ronco
ADDRESS: 32800 Nameless Lane, Fort Bragg

-  Coastal Zone Boundary
-  Private Roads
-  Driveways/Unnamed Roads



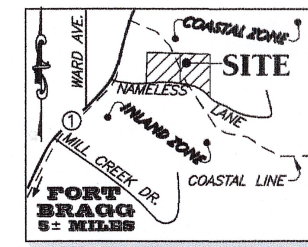
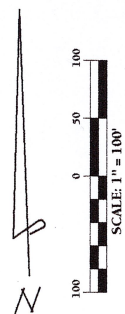
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DO NOT USE THIS MAP TO DETERMINE LEGAL PROPERTY BOUNDARIES

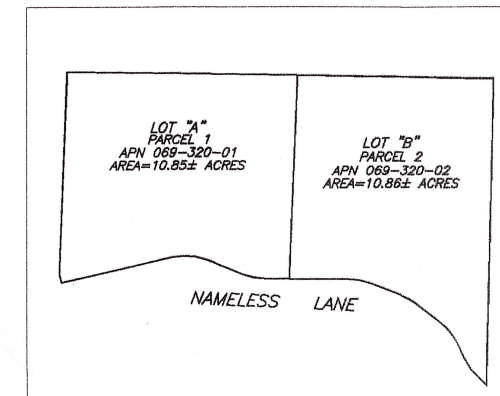
ATTACHMENT B

BOUNDARY LINE ADJUSTMENT

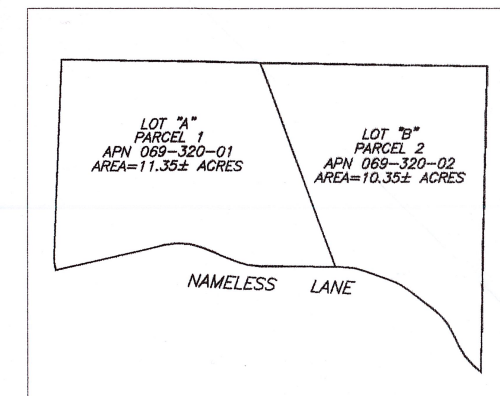
Lands of SWITHENBANK
32800 & 32700 NAMELESS LANE
FORT BRAGG, CA.
APN 069-320-01 & 02



LOCATION MAP
NO SCALE



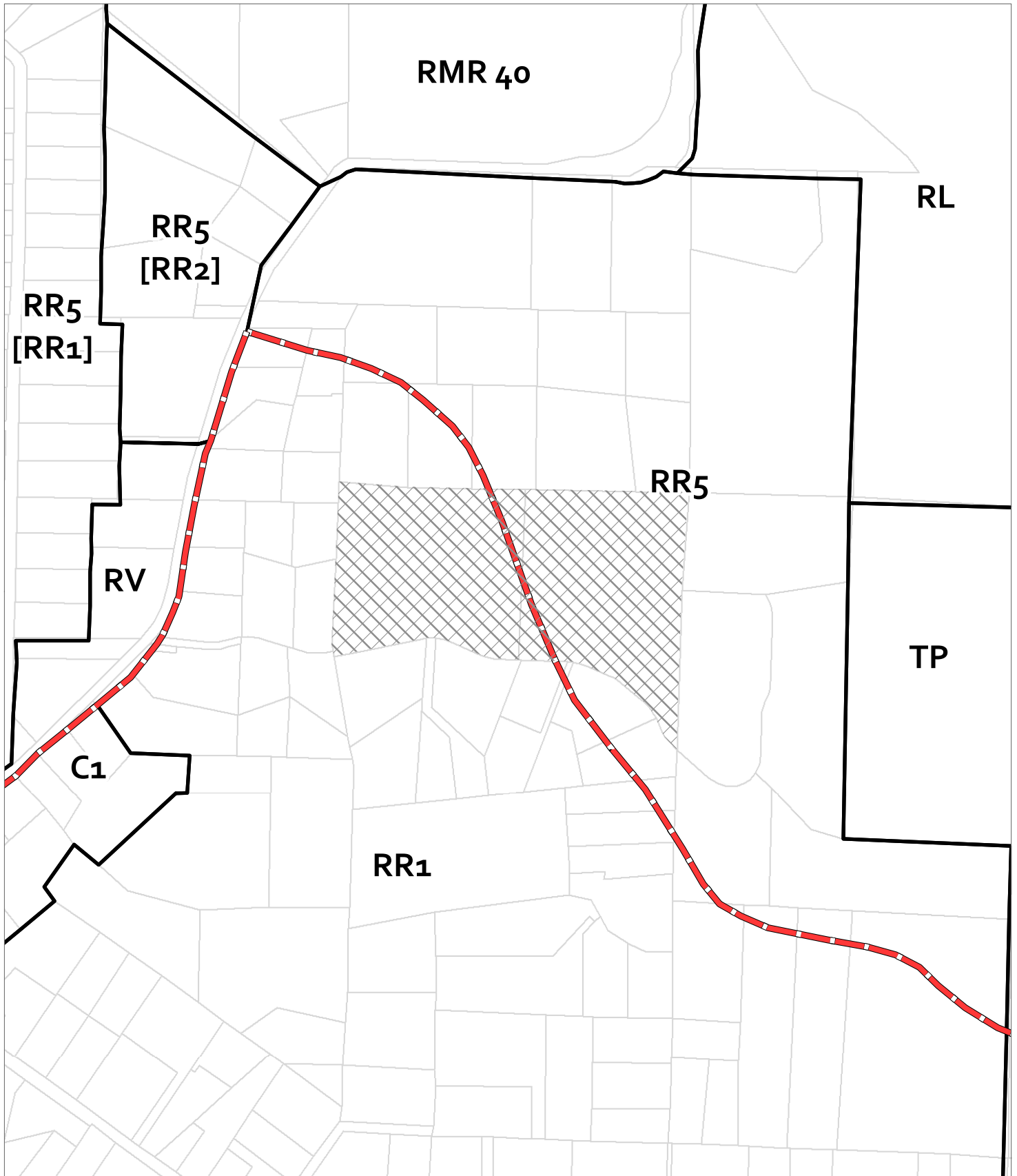
EXISTING PARCEL CONFIGURATION
NO SCALE





PROPOSED PARCEL CONFIGURATION
NO SCALE

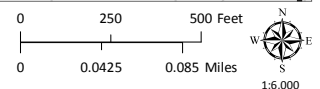


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CASE: B 2017-0043
OWNER: SWITHENBANK, Travis
APN: 069-320-01
APLCT: Vance Ricks
AGENT: Jim Ronco
ADDRESS: 32800 Nameless Lane, Fort Bragg

 Coastal Zone Boundary
 Zoning Districts

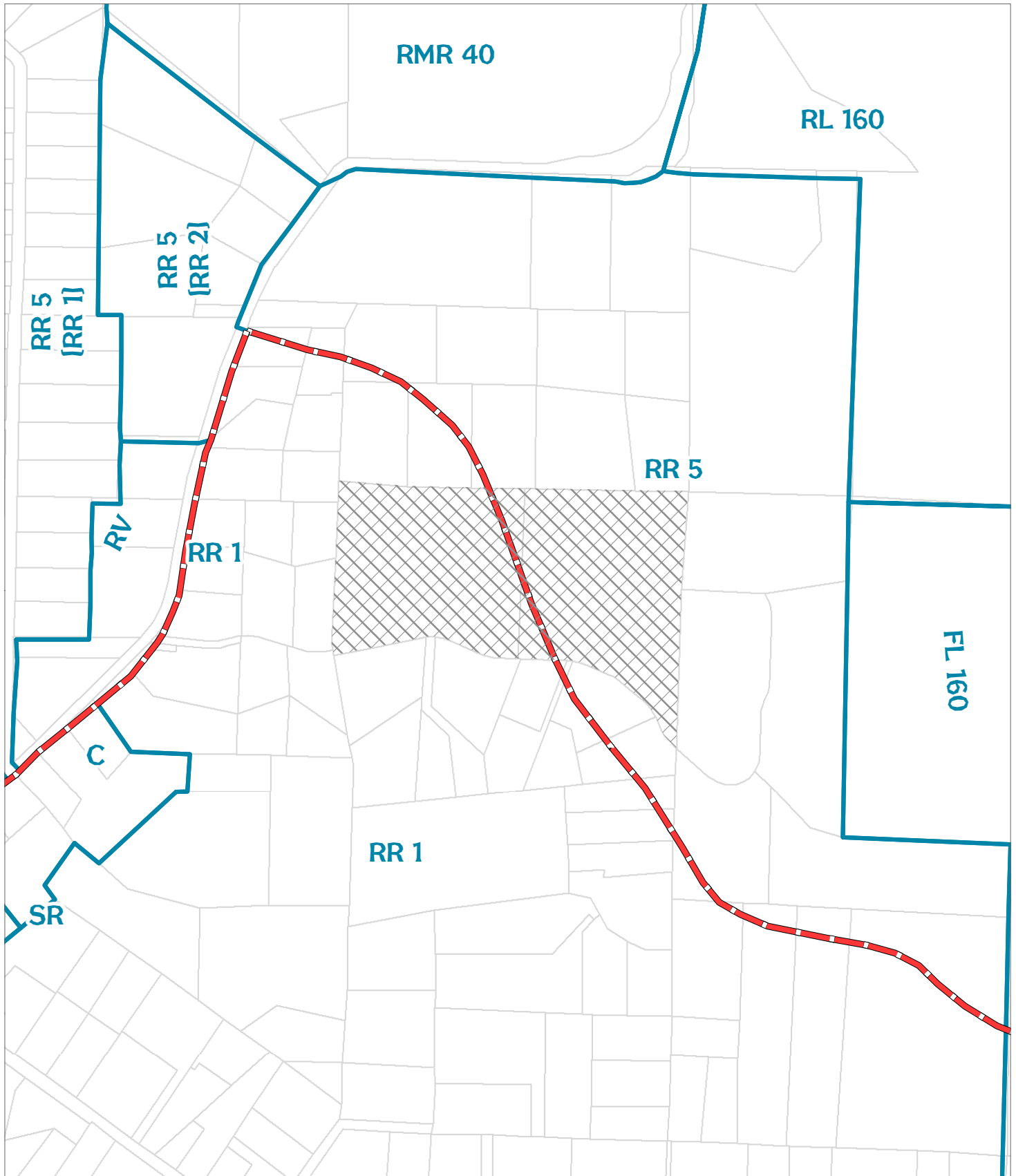


ZONING DISPLAY MAP



ATTACHMENT D

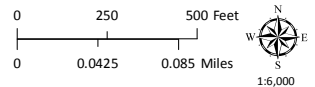
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EXHIBIT "A"



CASE: B 2017-0043
OWNER: SWITHENBANK, Travis
APN: 069-320-01
APLCT: Vance Ricks
AGENT: Jim Ronco
ADDRESS: 32800 Nameless Lane, Fort Bragg

 Coastal Zone Boundary
 General Plan Classes

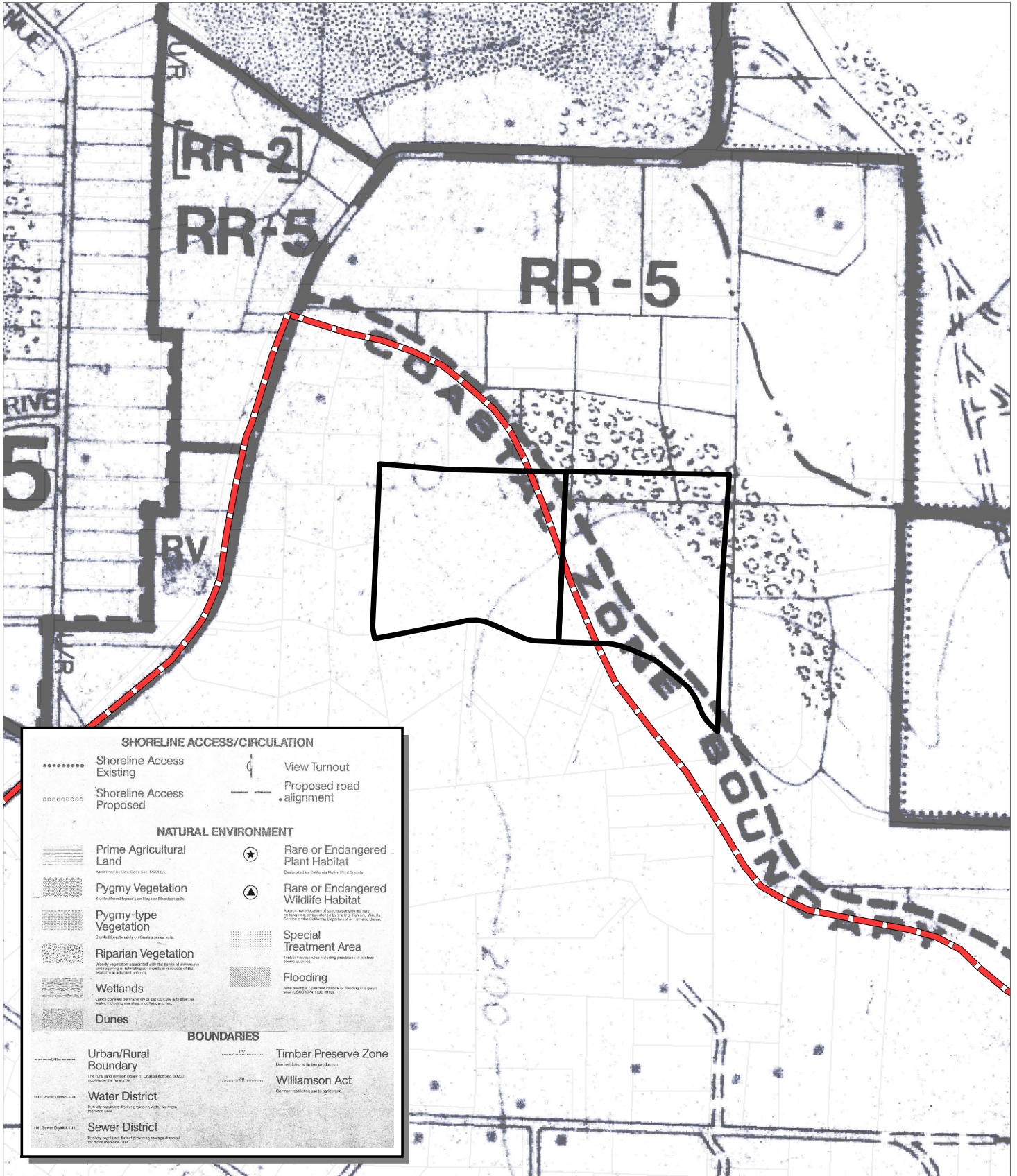


GENERAL PLAN CLASSIFICATIONS

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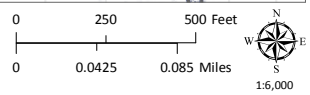
ATTACHMENT E

EXHIBIT "A"



CASE: B 2017-0043
 OWNER: SWITHENBANK, Travis
 APN: 069-320-01
 APLT: Vance Ricks
 AGENT: Jim Ronco
 ADDRESS: 32800 Nameless Lane, Fort Bragg

Coastal Zone Boundary

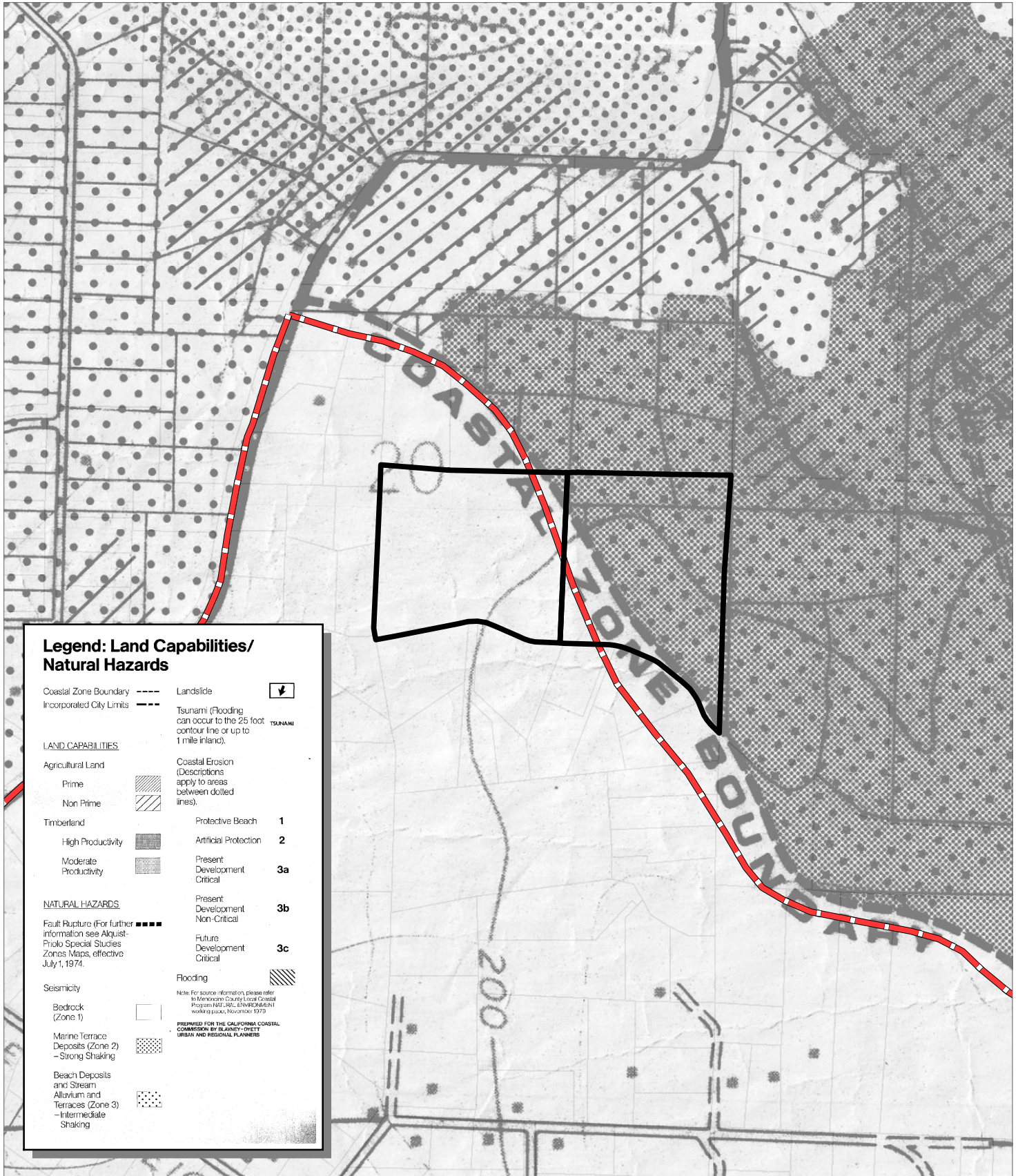


LCP LAND USE MAP 12: CLEONE

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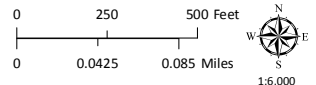
ATTACHMENT F

EXHIBIT "A"



CASE: B 2017-0043
 OWNER: SWITHENBANK, Travis
 APN: 069-320-01
 APLCT: Vance Ricks
 AGENT: Jim Ronco
 ADDRESS: 32800 Nameless Lane, Fort Bragg

Coastal Zone Boundary

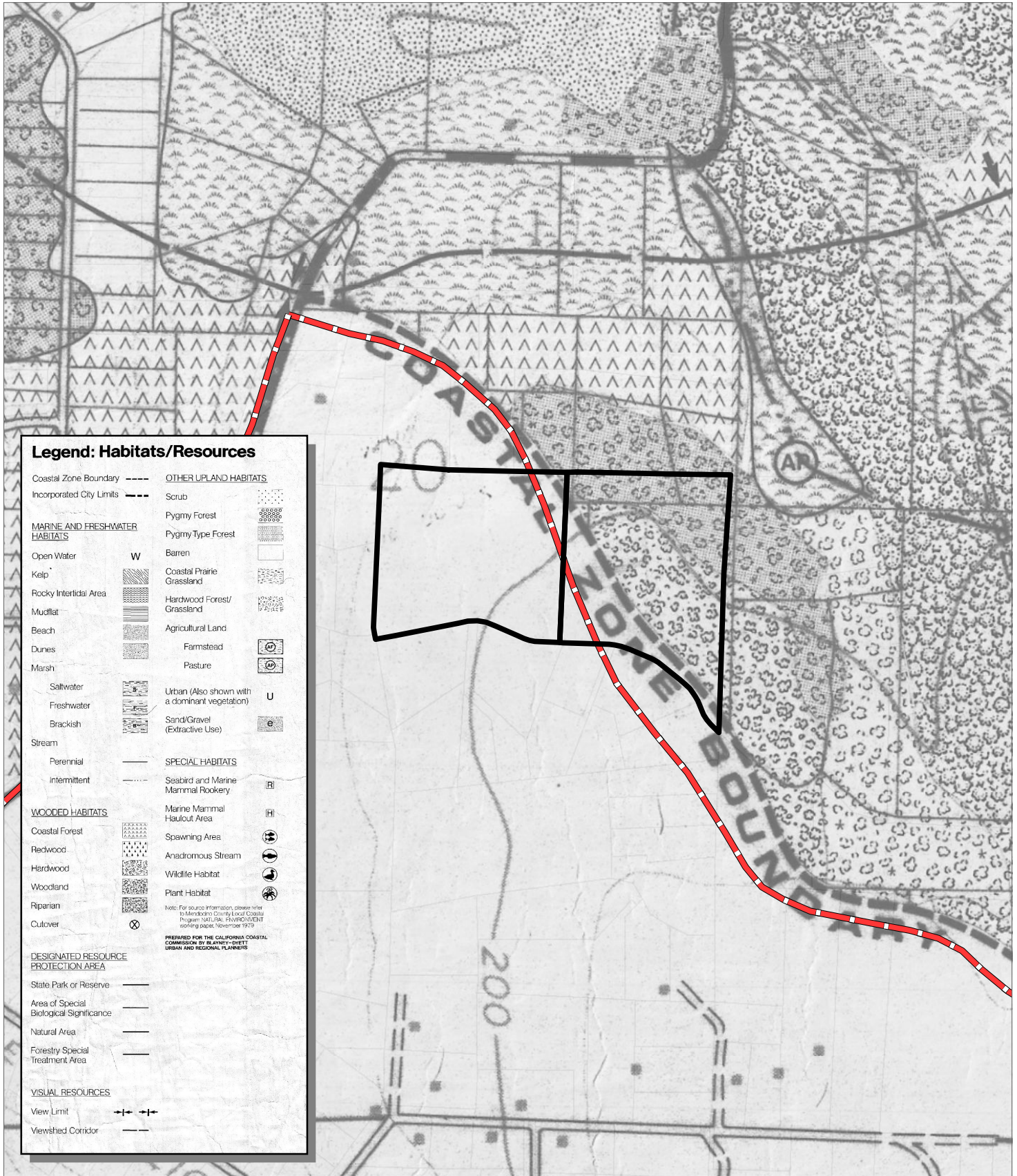


LAND CAPABILITIES & NATURAL HAZARDS

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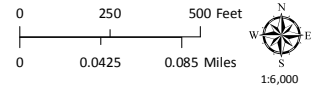
ATTACHMENT G

EXHIBIT "A"



CASE: B 2017-0043
 OWNER: SWITHENBANK, Travis
 APN: 069-320-01
 APLCT: Vance Ricks
 AGENT: Jim Ronco
 ADDRESS: 32800 Nameless Lane, Fort Bragg

Coastal Zone Boundary

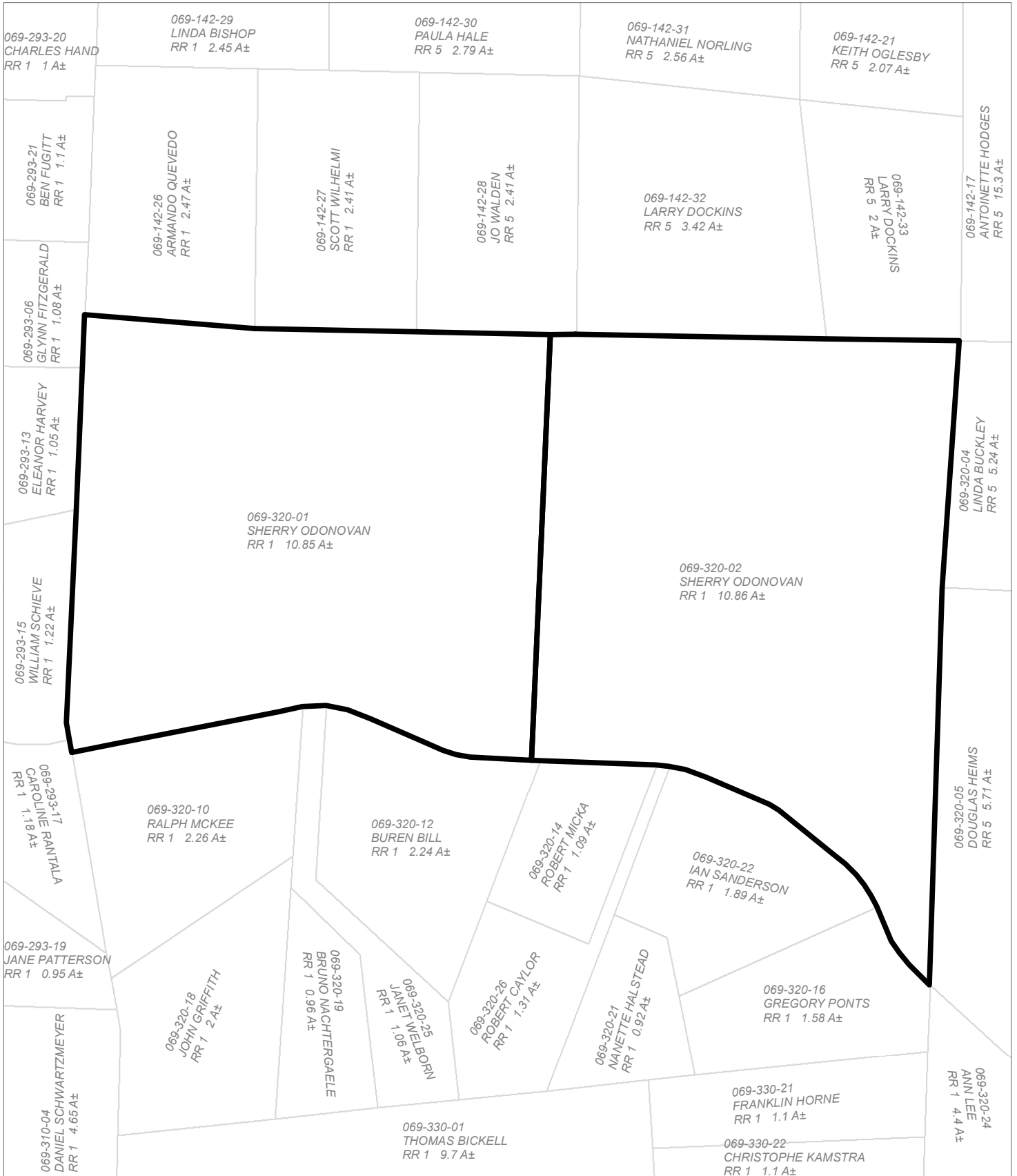


HABITATS & RESOURCES

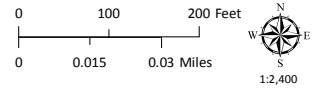
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ATTACHMENT H

EXHIBIT "A"



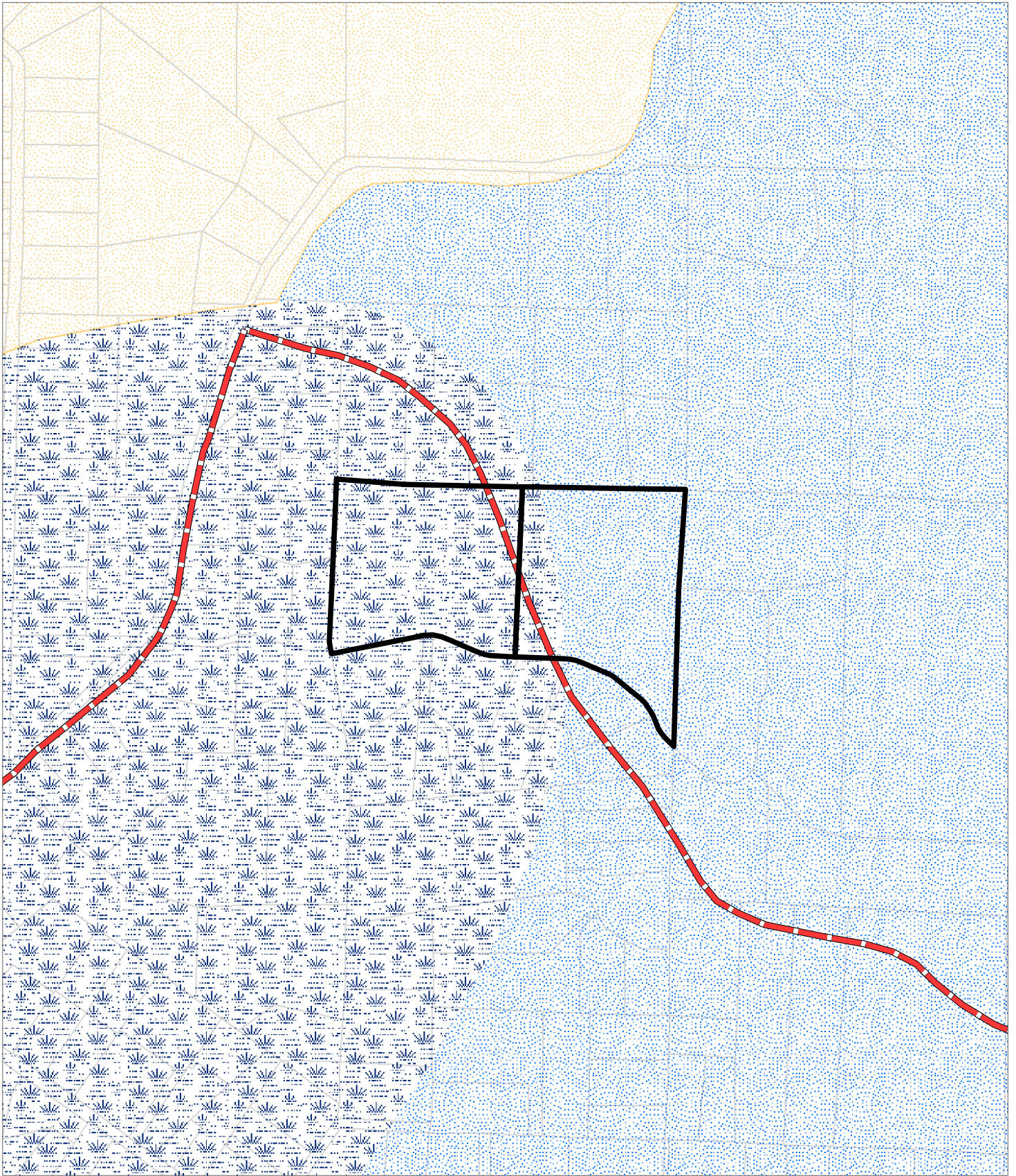
CASE: B 2017-0043
 OWNER: SWITHENBANK, Travis
 APN: 069-320-01
 APLCT: Vance Ricks
 AGENT: Jim Ronco
 ADDRESS: 32800 Nameless Lane, Fort Bragg







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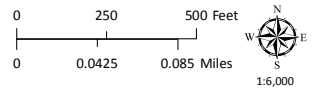
ADJACENT PARCELS
 ATTACHMENT I

EXHIBIT "A"



CASE: B 2017-0043
OWNER: SWITHENBANK, Travis
APN: 069-320-01
APLCT: Vance Ricks
AGENT: Jim Ronco
ADDRESS: 32800 Nameless Lane, Fort Bragg

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

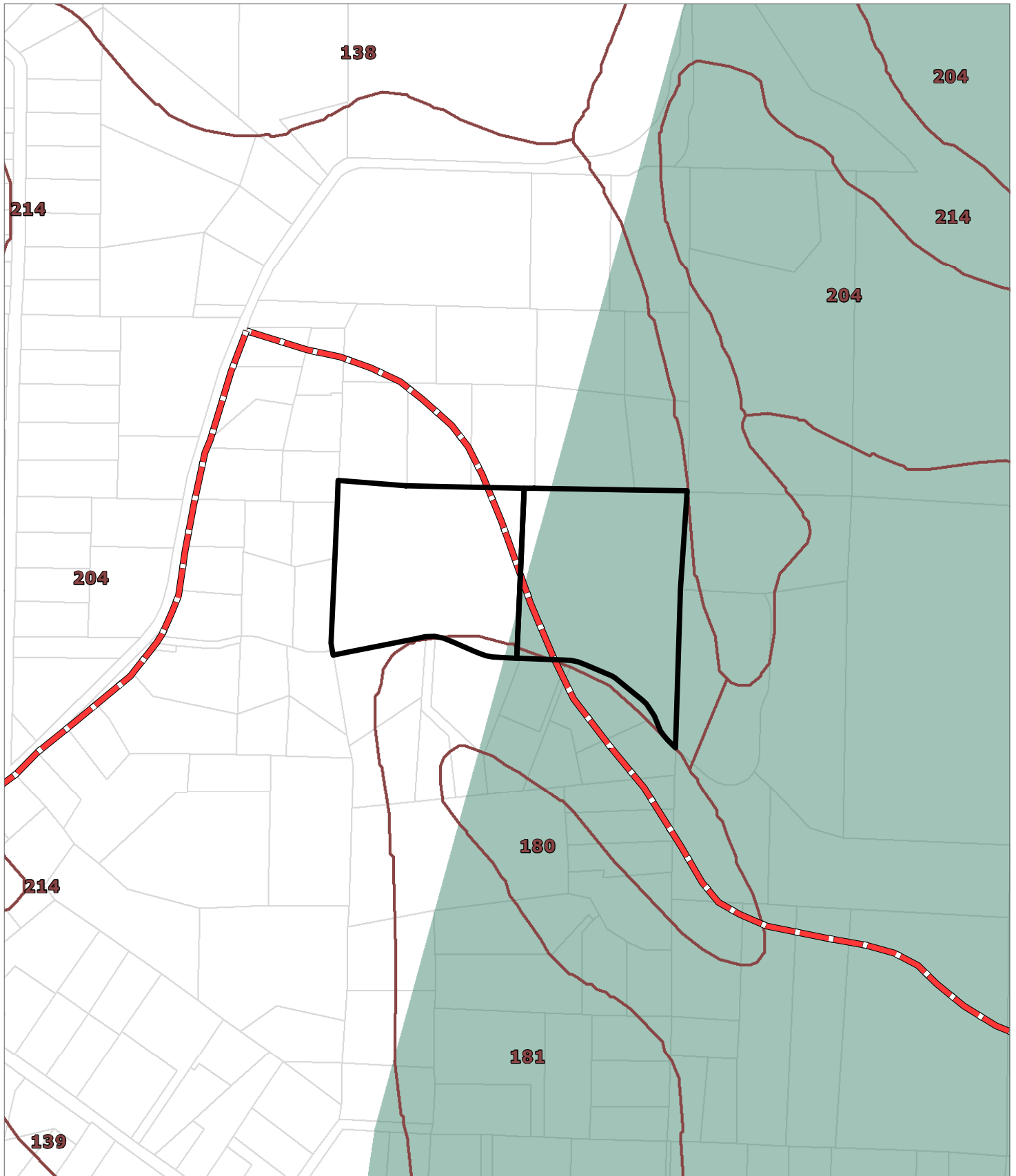


GROUND WATER RESOURCES




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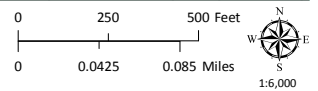
ATTACHMENT J

EXHIBIT "A"



CASE: B 2017-0043
OWNER: SWITHENBANK, Travis
APN: 069-320-01
APLCT: Vance Ricks
AGENT: Jim Ronco
ADDRESS: 32800 Nameless Lane, Fort Bragg

-  Coastal Zone Boundary
-  Western Soil Classes
-  Bishop Pine



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LOCAL SOILS
ATTACHMENT K



-MENDOCINO COUNTY COASTAL ELEMENT-



CHAPTER 4 -- THE LAND USE PLAN: DESCRIPTIONS AND POLICIES FOR THIRTEEN PLANNING AREAS

NORTH CENTRAL CAC AREA

LITTLE VALLEY ROAD TO JUG HANDLE CREEK PLANNING AREA

This planning area includes Cleone, Noyo, and South Fort Bragg, as well as the City of Fort Bragg, which has prepared its own LCP.

4.3 LITTLE VALLEY ROAD TO FORT BRAGG PLANNING AREA (Includes Cleone)

South of Little Valley Road, the coastal zone extends nearly a mile east of Highway 1 to include the Inglenook Fen watershed until just north of Cleone where it joins Highway 1 and follows it south to Fort Bragg, narrowing to as little as 200 yards. Consequently, most of the potentially developable land in the CAC area north of Pudding Creek lies outside the coastal zone.

An issue which will be decided by the choice of development policies on both sides of the coastal zone boundary is whether Cleone will retain a separate identity or eventually merge with Fort Bragg. A north boundary for Cleone is set by an existing Williamson Act contract and by a funded addition to MacKerricher State Park, west of the highway and north of Cleone Acres subdivision. The area in the zone between MacKerricher and Virgin Creek is predominantly in large open parcels, some of which are used for forage. Retaining this area as open agricultural land would maintain a separation between Cleone and Fort Bragg at the cost of missed development opportunities for the owners of this land.

The plan designates the western highway frontage extending half a mile north of Mill Creek Drive through Cleone as a Rural Village. Existing stores and visitor accommodations serve as a neighborhood shopping district and a visitor service center for MacKerricher State Park. Proposed residential density south of Cleone is generally one housing unit per two acres, with one housing unit per one acre in developed areas.

South of Virgin Creek, visitor accommodations and services would be the priority use for the 50 to 500-foot deep parcels between the highway and the Georgia-Pacific haul road. Presently, Baxman Gravel Company, a ready-mix concrete and plant mix asphalt supplier and Eastman Trucking Company, a log trucking firm, occupy sites west of Highway 1. Although neither industry is a coastal-dependent use as defined by the Coastal Act, both industries depend on use of the Georgia-Pacific haul road.



-MENDOCINO COUNTY COASTAL ELEMENT-



The present condition of Highway 1 is a major constraint to development in this area. Highway 1 just north of Pudding Creek currently is operating at maximum capacity, or Service Level E (described in Section 3.8), during peak hours. The Land Use Plan recommends widening the 10-foot lanes to 12 feet, with additional 4-foot bike lanes.

Proposed widening of this Highway 1 segment to four lanes is opposed by area residents because of the effects on existing housing. At present, this segment has a high vehicle accident rate and is extremely unsafe for non-motorized traffic. Turn lanes at heavily-used intersections, Odom Lane, MacKerricher State Park, Mill Creek Drive, etc..., would improve safety conditions.

Coastal Element Policies: Existing Industrial Development

- 4.3-1 Caltrans shall be directed to prepare a plan for widening the present alignment of Highway 1 from the north city limits of Fort Bragg to the north limits of Cleone rural village. Lane width shall be 12 feet, shoulder width 4 feet. This plan shall include provisions for pedestrian, bicycle and equestrian paths in Cleone rural village and at the entrance to MacKerricher State park and provisions for landscaping and replacement of trees. Road widenings shall minimize encroachments on existing residences.
- 4.3-2 The existing heavy industry north of Fort Bragg shall be recognized by this plan, and not required to relocate; this heavy industry is essential to the economy of the area; the present heavy industry location is environmentally and economically sound, and there exists no other suitable location in the Coastal Zone for this industry.

Designated Access Points, Trails, and Recreation Area

Policies for all access points, trails, and recreation areas are in Sections 3.6 and 3.7. Policies specific to locations in this planning area are listed below in geographic order from north to south. Each access point (other than fee access where designated) will need to be acquired by acceptance of an offer of dedication or by purchase by an appropriate public agency or private organization as described in Section 3.6.

MacKerricher State Park (Southern portion) (Northern portions of the park are discussed in Chapter 4.2 MacKerricher Park) (Inglenook Grange Trail)

Location: Ward Avenue, west of Highway 1 at the center of the Rural Village of Cleone.

Existing Development: County Road 425B leading to small parking area adjoining pedestrian-equestrian underpass to park.



-MENDOCINO COUNTY COASTAL ELEMENT-



Policy:

4.3-3 The northerly portion of Ward Avenue which extends from Highway 1 at Cleone to the beach access tunnel and parking area shall be indicated on the Land Use Maps as an existing Shoreline access route. The Department of Parks and Recreation should include this parking and tunnel access area within their park management plan and the parking area and beach access should be maintained as part of the MacKerricher State Beach. The park management plan should specifically address parking and signing of this access point and make specific recommendations which will mitigate for the adverse impacts of increased visitor use within Cleone Acres Subdivision.

Location: Mill Creek Drive, west of Highway 1, separates boundary of MacKerricher State Park with southern boundary of Cleone Rural Village.

Existing Development: County Road 425 extending into MacKerricher State Park.

Policy:

4.3-4 Mill Creek Drive shall remain open for free vehicle, equestrian, and pedestrian day use access to the MacKerricher Beach parking lot. DPR shall be encouraged to seek alternative methods of controlling access to the campgrounds.

Location: Main Park Entrance.

Existing Development: Kiosk at only park entrance point marked on Highway 1; 143 campsites.

Potential Development: California State Department of Parks and Recreation (DPR) proposes 50 additional campsites within existing park.

Location: Vicinity of Virgin Creek, west of Highway 1, 500 feet north of Virgin Creek.

Ownership: Undeveloped DPR parcel 250 feet wide extending from haul road to highway.

Policy:

4.3-5 An undercrossing of the Georgia-Pacific haul road to provide access to the beach portion of MacKerricher State Park from the DPR Virgin Creek property should be developed to provide for safe beach access at this location. The management plan for this area will provide for limited parking and wheelchair access.

Location: Haul road access point 0.5 mile north of Pudding Creek.



-MENDOCINO COUNTY COASTAL ELEMENT-



Existing Development: 200-foot paved road connecting Highway 1 with Georgia-Pacific haul road. Locked gate, but open on week-ends, holidays, and during some winter months when logging operations are shut down due to bad weather. Currently provides the only vehicular access to most of MacKerricher State Park beach frontage.

Potential Development: Highway directional sign including use regulations.

Location: Pudding Creek.

Ownership: DPR and Caltrans.

Existing Development: Unimproved, unsigned parking area used for beach access and warm water swimming in Pudding Creek. Access to equestrian- pedestrian trail adjoining the haul road extends to Ten Mile River.

Policy:

4.3-6 The California Department of Parks and Recreation along with Caltrans should develop a day use parking area at Pudding Creek. This area should be signed and placed on a high priority list so this area could be improved as soon as possible.

Policy:

4.3-7 The California Department of Parks and Recreation should prepare a management plan for MacKerricher State Park. This management plan should provide for improved public access to the park at the end of Ward Avenue, Mill Creek Drive, Virgin Creek, Pudding Creek and the existing roadway access to the GP Haul Road and recognition of the State dedicated hiking and equestrian trail from Pudding Creek to Ten Mile River.

Policy:

4.3-8 Portions of the stretch of Highway 1 between Cleone and Fort Bragg constitute the narrowest band of coastal zone on the Mendocino Coast. Highway 1 is a scenic highway. This highway segment is the northern gateway to the City of Fort Bragg. Within this highway corridor, coordination between the Local Coastal Program and the General Plans of the County of Mendocino and the City of Fort Bragg shall be encouraged as being vital to the overall success of land use planning in this scenic coastal area.

Policy:

4.3-9 Highway 1 is the coastal zone boundary throughout the north



-MENDOCINO COUNTY COASTAL ELEMENT-



central CAC area extending from Fort Bragg north to Cleone. The highway bisects Cleone, which is classified as a Rural Village on the Coastal Element Land Use Maps. General Plan land use classifications on the east side of the highway should be matched closely with the Coastal Element classifications on the west side of the highway in order to achieve a cohesive community for Cleone.

Policy:

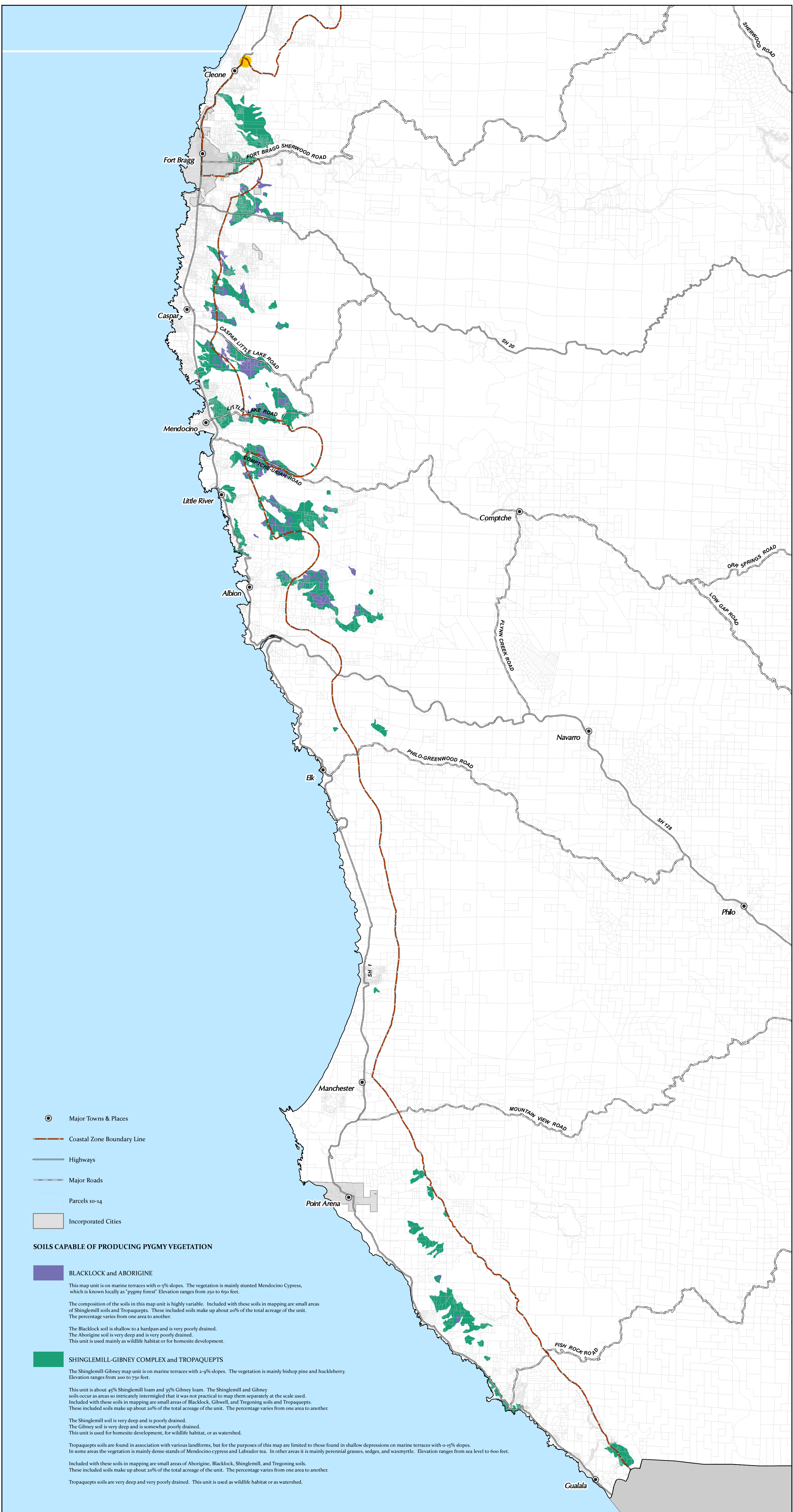
4.3-10

The northern extent of the urban-rural boundary in the Fort Bragg portion of the North Central CAC area shall be the northern and eastern limits of the Cleone Acres subdivision in the vicinity of Ward Avenue at Cleone. The Southern extent of the urban-rural boundary shall begin where the coastal zone boundary crosses the southern section line of Section 19 Township 18 North, Range 17 West; thence west along southern section line of Section 19 to Boice Lane; thence west along Boice Lane to Highway 1; thence south parallel to Highway 1 on the west side to the intersection of Pearl Drive; thence west to Pacific Ocean Drive; thence north 200 feet on Pacific Ocean Drive; thence westerly to the ocean north of the mouth of Mitchell Creek.

Visitor Accommodations and Services: Visitor accommodations and services are designated as a principal permitted use in the Little Valley Road to Fort Bragg Planning Area at the following location:

MacKerricher State Park existing campgrounds

In addition, one site has been designated for a conditional use at Green Acres Campground (existing). Several visitor serving facilities are located in the Rural Village of Cleone, but are not designated on the land use map. These include the Cleone Lodge, a restaurant and a campground. A second campground is located in Cleone, but outside of the coastal zone. A commercial strip has been designated north of Pudding Creek which accommodates three motels: Hi-Seas, Oceanview, and the Beachcomber.



- Major Towns & Places
- Coastal Zone Boundary Line
- Highways
- Major Roads
- Parcels 10-14
- Incorporated Cities

SOILS CAPABLE OF PRODUCING PYGMY VEGETATION

BLACKLOCK and ABORIGINE
 This map unit is on marine terraces with 0-5% slopes. The vegetation is mainly stunted Mendocino Cypress, which is known locally as "pygmy forest". Elevation ranges from 250 to 650 feet.
 The composition of the soils in this map unit is highly variable. Included with these soils in mapping are small areas of Shinglemill soils and Tropaquets. These included soils make up about 20% of the total acreage of the unit. The percentage varies from one area to another.
 The Blacklock soil is shallow to a hardpan and is very poorly drained.
 The Aborigine soil is very deep and is very poorly drained.
 This unit is used mainly as wildlife habitat or for homesite development.

SHINGLEMILL-GIBNEY COMPLEX and TROPAQUETS
 The Shinglemill-Gibney map unit is on marine terraces with 2-9% slopes. The vegetation is mainly bishop pine and huckleberry. Elevation ranges from 200 to 750 feet.
 This unit is about 45% Shinglemill loam and 35% Gibney loam. The Shinglemill and Gibney soils occur as areas so intricately intermingled that it was not practical to map them separately at the scale used. Included with these soils in mapping are small areas of Blacklock, Gibwell, and Tregoning soils and Tropaquets. These included soils make up about 20% of the total acreage of the unit. The percentage varies from one area to another.
 The Shinglemill soil is very deep and is poorly drained.
 The Gibney soil is very deep and is somewhat poorly drained.
 This unit is used for homesite development, for wildlife habitat, or as watershed.
 Tropaquets soils are found in association with various landforms, but for the purposes of this map are limited to those found in shallow depressions on marine terraces with 0-15% slopes. In some areas the vegetation is mainly dense stands of Mendocino cypress and Labrador tea. In other areas it is mainly perennial grasses, sedges, and waxmyrtle. Elevation ranges from sea level to 600 feet.
 Included with these soils in mapping are small areas of Aborigine, Blacklock, Shinglemill, and Tregoning soils. These included soils make up about 20% of the total acreage of the unit. The percentage varies from one area to another.
 Tropaquets soils are very deep and very poorly drained. This unit is used as wildlife habitat or as watershed.

Map produced by the Mendocino County Department of Planning & Building Services, March, 2016
 Soils information derived from the Soil Survey of Mendocino County, California, Western Part, prepared by the National Cooperative Soil Survey.
 This map is not a survey product. Do not make a business decision based on this map without first consulting the appropriate agency.
 Reasonable effort has been made to ensure the accuracy of the map and data provided, however errors and omissions may still exist.

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**PYGMY TYPE SOILS
 IN THE COASTAL ZONE**



EXHIBIT "A"

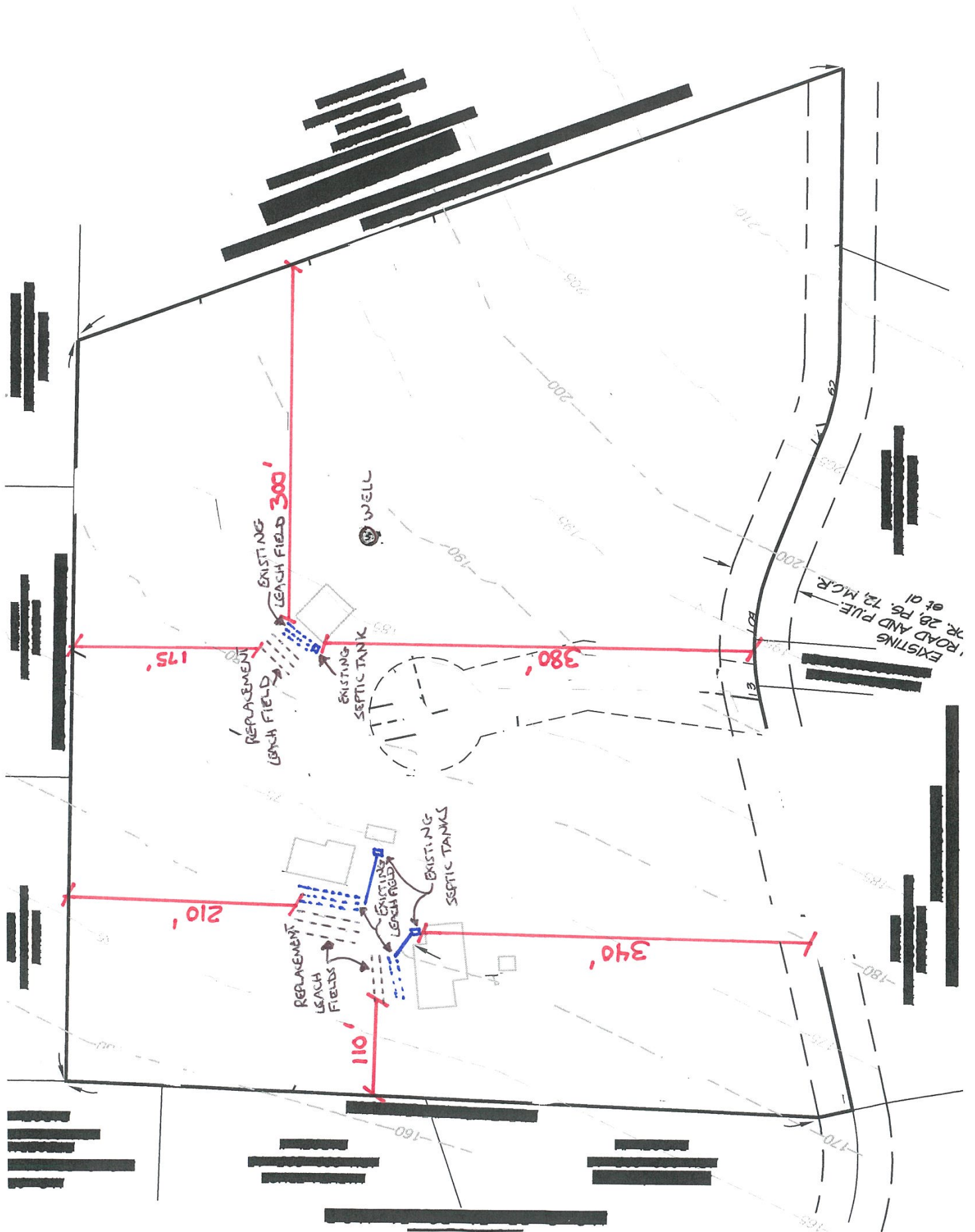


EXHIBIT "A"



COUNTY OF MENDOCINO
DEPARTMENT OF PLANNING AND BUILDING SERVICES
860 NORTH BUSH STREET • UKIAH • CALIFORNIA • 95482
120 WEST FIR STREET • FT. BRAGG • CALIFORNIA • 95437

IGNACIO 'NASH' GONZALEZ, INTERIM DIRECTOR
TELEPHONE: 707-234-6650
FAX: 707-463-5709
FB PHONE: 707-964-5379
FB FAX: 707-961-2427
pbs@mendocinocounty.org
www.mendocinocounty.org/pbs

MEMORANDUM

DATE: April 7, 2021
TO: COASTAL PERMIT ADMINISTRATOR
FROM: PLANNING AND BUILDING SERVICES, Mark Cliser, Planner II
SUBJECT: B 2017-0043 – MODIFICATIONS TO PROJECT FINDINGS

The Mendocino County Department of Planning & Building Services (PBS) has reviewed the public comments submitted to the Mendocino County Coastal Permit Administrator as they relate to B_2017-0043 (Swithenbank). Staff notes that this request is only for a lot line adjustment and does not include or involve any development. Based on a review of these comments staff recommends that the findings be modified in the Staff Report:

RECOMMENDED MOTION

The Coastal Permit Administrator approves Coastal Development Boundary Line Adjustment B_2017-0043, 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. Pursuant to Mendocino County Coastal Zoning Code Section 20.532.095(A)(1), the proposed project is in conformance with the Coastal Element and its policies discussed in this report. The proposed boundary line adjustment is consistent with all applicable policies that discuss boundary line adjustments. Per MCC Section 20.524.025(E), the project will not result in a parcel having more than one (1) zoning district designation. Per MCC Section 17-17.5, the project does not propose creation of any additional lot(s) or parcel(s); and,
2. Pursuant to Mendocino County Coastal Zoning Code Section 20.532.095(A)(2), the proposed project will be provided with adequate utilities, access roads, drainage, and other necessary facilities. The proposed boundary line adjustment does not change any utilities (including water provisions, septic system, and leach field) between the two subject parcels as no further development is proposed as part of the Boundary Line Adjustment. Nameless Lane (Private) remains the primary access for both parcels; and,
3. Pursuant to Mendocino County Coastal Zoning Code Section 20.532.095(A)(3), the proposed project is consistent with the purpose and intent of the RR – Rural Residential zoning district applicable to the property, as well as the provisions of the Mendocino County Coastal Zoning Code, and preserves the integrity of the zoning district as no additional development is proposed that would hinder the district's intent to encourage and preserve local small scale farming and/or residential uses. The proposed boundary line adjustment will only change the property line between two parcels within RR1 and RR5 zoning districts to align with the Coastal Zone Boundary. Both parcels are currently above the prescribed minimum parcel size for the RR1 and RR5 zoning districts, and are therefore considered legal parcels. The proposed boundary line adjustment would not result in the creation of any new parcels or development; and,
4. Pursuant to Mendocino County Coastal Zoning Code Section 20.532.095(A)(4), the proposed project will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act (CEQA). No development or subdivision of either parcel is proposed under this requested Boundary Line Adjustment. The proposed boundary line adjustment was found to be

EXHIBIT "A"

categorically exempt from the provision of CEQA under a Class 5(a) exemption for minor lot line adjustments; and,

5. Pursuant to Mendocino County Coastal Zoning Code Section 20.532.095(A)(5), the proposed project will not have any adverse impacts on any known archaeological or paleontological resource. The proposed boundary line adjustment does not include any ground disturbing activities that would impact archaeological or paleontological resources. Additionally, as the project is categorically exempt from CEQA, the proposed boundary line adjustment is not subject to additional archaeological survey requirements per Mendocino County Code Section 22.12.050(A). For this reason, the proposed Boundary Line Adjustment has been determined to be categorically exempt from CEQA as no development is proposed; and,
6. Pursuant to Mendocino County Coastal Zoning Code Section 20.532.095(A)(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 project as no additional development is being proposed.; and,
7. Pursuant to Mendocino County Coastal Zoning Code Section 20.532.100(A)(1), the proposed project will not impact any environmentally sensitive habitat areas. Although within the buffer of a riparian corridor ESHA, the proposed boundary line adjustment does not propose any ground disturbing or environmentally impact activities that would effect ESHAs. Furthermore, the proposed boundary line adjustment does not create parcels that are undevelopable due to ESHA buffers or other environmental setbacks. Furthermore, no new parcels will result from the proposed Boundary Line Adjustment.

These revised findings are to replace those intered within the Staff Report for the proposed Boundary Line Adjustment B 2017-0043. Additionally, Staff is not recommending any changes to the original Conditions of Approval.

Coastal Permit Administrator Action Sheet

Owner/Applicant: WM PARTNERSHIP LLC, & TRAVIS SWITHENBANK

Hearing Date: April 8, 2021 11am

Case #: B_2017-0043

Environmental Considerations:

- Categorically Exempt** *Class 5(a)*
- Negative Declaration**
- Environmental Impact Report**

Action:

- Approved**
- Denied**
- Continued to:** _____

Findings:

- Adopted per staff report**
- Modifications and/or additions**
per April 7, 2021 staff memo.

Conditions:

- Adopted per staff report**
- Modifications and/or additions**
see below add 9+10

add the following condition:

9. Prior to completion of the BOUNDARY LINE ADJUSTMENT (B 2017-0043), the owner/Applicant shall fully address all code violations, currently associated with the property, and it shall be demonstrated to the satisfaction of Planning and Building Services, prior to the New Deeds are recorded.

10. Existing Septic Systems on Lot A shall be brought into compliance to the satisfaction of Env. Health.

Coastal Permit Administrator: _____

Signature _____