



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

**JUNE 9, 2016
B_2016-0005**

SUMMARY

OWNER: ELLEN BUECHNER & JEFFREY SCHULTZ
PO BOX 151
GUALALA, CA 95445

NORTH COAST BREWING COMPANY, INC.
444 N MAIN STREET
FORT BRAGG, CA 95437

APPLICANT: ELLEN BUECHNER & JEFFREY SCHULTZ
PO BOX 151
GUALALA, CA 95445

AGENT: PAUL CLARK

REQUEST: Coastal Development Boundary Line Adjustment to transfer 5.76± acres from APN 017-250-34 into APN 017-250-35, creating two parcels of 12.30± and 27± acres.

LOCATION: In the Coastal Zone, in the greater Caspar area. Parcels are located on the east side of State Highway 1, approximately .50 miles north of its intersection with Caspar Street (CR 410-E), located at 15401 N. Hwy. 1, Caspar. APNs: 017-250-34, 35 and 118-020-19, North Highway 1, Caspar.

TOTAL ACREAGE: 39.61±

GENERAL PLAN: AG 60

ZONING: AG 60

SUPERVISORIAL DISTRICT: 4

ENVIRONMENTAL DETERMINATION: Categorically Exempt

RECOMMENDATION: Approve Coastal Development Boundary Line Adjustment B 2016-0005 with Standard Conditions.

STAFF PLANNER: RUSSELL FORD

BACKGROUND

PROJECT DESCRIPTION:

Coastal Development Boundary Line Adjustment to transfer 5.76± acres from APN 017-250-34 into 017-250-35. The portion of property to be transferred is currently identified as a separate tax number by the Assessor's office, which makes this adjustment appear to be a merger. This adjustment will result in two legal lots of 12.30± and 27± acres each.

APPLICANT'S STATEMENT:

Deed parcel 017-250-34 to parcel 017-250-35.

RELATED APPLICATIONS:

On-Site

- GP 12-01 amended the LCP maps to add the *3C note to 118-020-19 for VSF/camping.
- CC 1-2004 recognized two legal lots in the current configuration. 017-250-35 as one lot, and 017-250-34 and 118-020-19 as one lot.
- CDU 12-2005 on APN 118-020-19 approved the conversion on an existing legal non-conforming 2nd residence into office/storage space, and the conversion and expansion of an existing 1071 sq. ft. "art studio" into a 1471 sq. ft. 2nd residence to replace the converted office.

Neighboring Property

- None

SITE CHARACTERISTICS:

The site is located along the east side of State Highway 1 in the Caspar Area, approximately .50 miles north of the intersection of Highway 1 and Caspar Street (CR 410E). Both parcels are on a flat marine terrace, and less than a ½ mile from the Pacific Ocean and moderately forested. APN 118-020-19 is developed with two residences, a well and multiple accessory structures and some limited agricultural use. APNs 017-250-34 and 017-250-35 are currently undeveloped. Parcel 35 has an existing freshwater pond and forested shrub wetland.

SURROUNDING LAND USE AND ZONING:

	GENERAL PLAN	ZONING	LOT SIZES	USES
NORTH	RMR 20	RMR 20	34.59±	Agricultural
EAST	OS-DPR	OS	178-70±	Forestland
SOUTH	RMR 20	RMR 20	19.87±	Forestland
WEST	RR5 [RR2]	RR5 [RR1]	4.59±	Vacant

PUBLIC SERVICES:

Access: STATE HIGHWAY 1
 Fire District: FORT BRAGG RURAL
 Water District: NONE
 Sewer District: NONE
 School District: MENDOCINO UNIFIED

AGENCY COMMENTS:

On 3/17/16 project referrals were sent to the following responsible or trustee agencies with jurisdiction over the Project. Their required related permits, if any, are listed below. Their submitted recommended conditions of approval are contained in Exhibit A of the attached resolution. A summary of the submitted agency comments are listed below. Any comment that would trigger a project modification or denial are discussed in full as key issues in the following section.

REFERRAL AGENCIES	RELATED PERMIT	COMMENT	DATE
Environmental Health-FB/Ukiah		Comments	3/23/16
10' setback from existing well. No septic records for indicated cabin. Should a septic exist, new boundary line must meet 5' setback.			
Fort Bragg Rural Fire Department		No Comment	3/23/16

KEY ISSUES

1. General Plan and Zoning Consistency:

Both parcels involved in the proposed lot adjustment are classified AG-60 (Agricultural District, 60 acre minimum).

The AG (Agricultural) zoning of the parcel is consistent with the General Plan Land Use Designation. Mendocino County Coastal Zoning Code Section 20.356.005 establishes the intent of the AG zoning to "encompass lands within the Coastal Zone which are suited for and appropriate for retention in agricultural uses including lands...having present or future potential for significant agricultural production" The proposed adjustment would create parcels of 12.30± and 27± acres each. The lot being reduced would remain large enough to prevent impact to existing Ag uses. There is no conflict with the Land Use Designation and the project.

2. Division of Land Regulations:

This project is scheduled to be reviewed by the County Subdivision Committee on June 9th, 2016, at which time the Subdivision Committee will make recommendations concerning approval to the Coastal Permit Administrator per the required findings in Section 17-17.5 of the Mendocino County Code. No conflicts with the County Division of Land Regulations were identified.

3. Environmental Protection:

APN 017-250-35 is currently the site of a Freshwater Pond and Forested Shrub Wetland as identified on the U.S. Fish and Wildlife service data. The proposed adjustment will add 5.76± acres to the northern lot, increasing the buffer between the existing wetlands in the north and ag/residential use in the south. However, given the existence of the wetlands and its location within the parcel, there may still not be sufficient room to develop a productive ag use on the parcel. However, any proposed development would require a Coastal Development Permit, and none is proposed at this time.

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;
2. The boundary line adjustment will not create any new parcels;
3. No substandard lot will result from the adjustment; both lots are already recognized as legal non-conforming and will remain so;
4. The property subject to the adjustment is in an area designated CWR (Critical Water Resources) identified in the Mendocino County Groundwater Study, which states in part:

“Areas designated CWR (Critical Water Resources) shall have a minimum lot size of 5 ac; “proof of water” not required. All lots less than 5 ac shall be required to demonstrate “proof of water”

Both parcels will remain larger than 5 acres and so will meet the requirements outlined in the ground water study.

5. The project is not located on property containing pygmy vegetation.
6. The project is not located within a designated “Highly Scenic” area.
7. The wetlands portion of APN 017-250-35 is located within an appealable area.

ENVIRONMENTAL RECOMMENDATION: The application is Categorically Exempt – Class 5a. Therefore, no further environmental review is required.

COASTAL ELEMENT CONSISTENCY RECOMMENDATION: The proposed project is consistent with applicable goals and policies of the General Plan and Coastal Element.

RECOMMENDED MOTION: The Coastal Permit Administrator approves Coastal Development Boundary Line Adjustment #CDB 2016-0005, 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 development;
7. The proposed development is in conformity with the public access and public recreation policies of

Chapter 3 of the California Coastal Act and the Coastal Element of the General Plan.

8. The proposed use is compatible with the long-term protection of resource lands.

CONDITIONS OF APPROVAL:

1. This action shall become final on the 11th day following the decision unless an appeal is filed pursuant to Section 20.544.015 of the Mendocino County Code. The permit shall become effective after the ten (10) working day appeal period to the Coastal Commission has expired and no appeal has been filed with the Coastal Commission. This application is valid for 24 months from the effective date. No extensions can be granted.
2. That for each proposed adjusted parcel provides one perimeter description of each parcel. The new deed description submitted shall be prepared by, and bear the seal of, a Licensed Land Surveyor.
3. That each transfer of real property be by means of a quit claim deed containing the following wording to be contained within the legal description:

"Any and all lands and any and all interest thereto lying within the following described real property" (perimeter description of the adjusted parcel(s))."

And,

"This deed is given pursuant to Mendocino County Coastal Development Boundary Line Adjustment #CDB 2014-0045 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 receipt 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 structures must maintain fifty (50) foot setbacks from property lines as required by Mendocino County Code Section 20.356.030. A sitemap with this requirement shown shall be submitted to the Department of Planning and Building Services.

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.

Signature on file

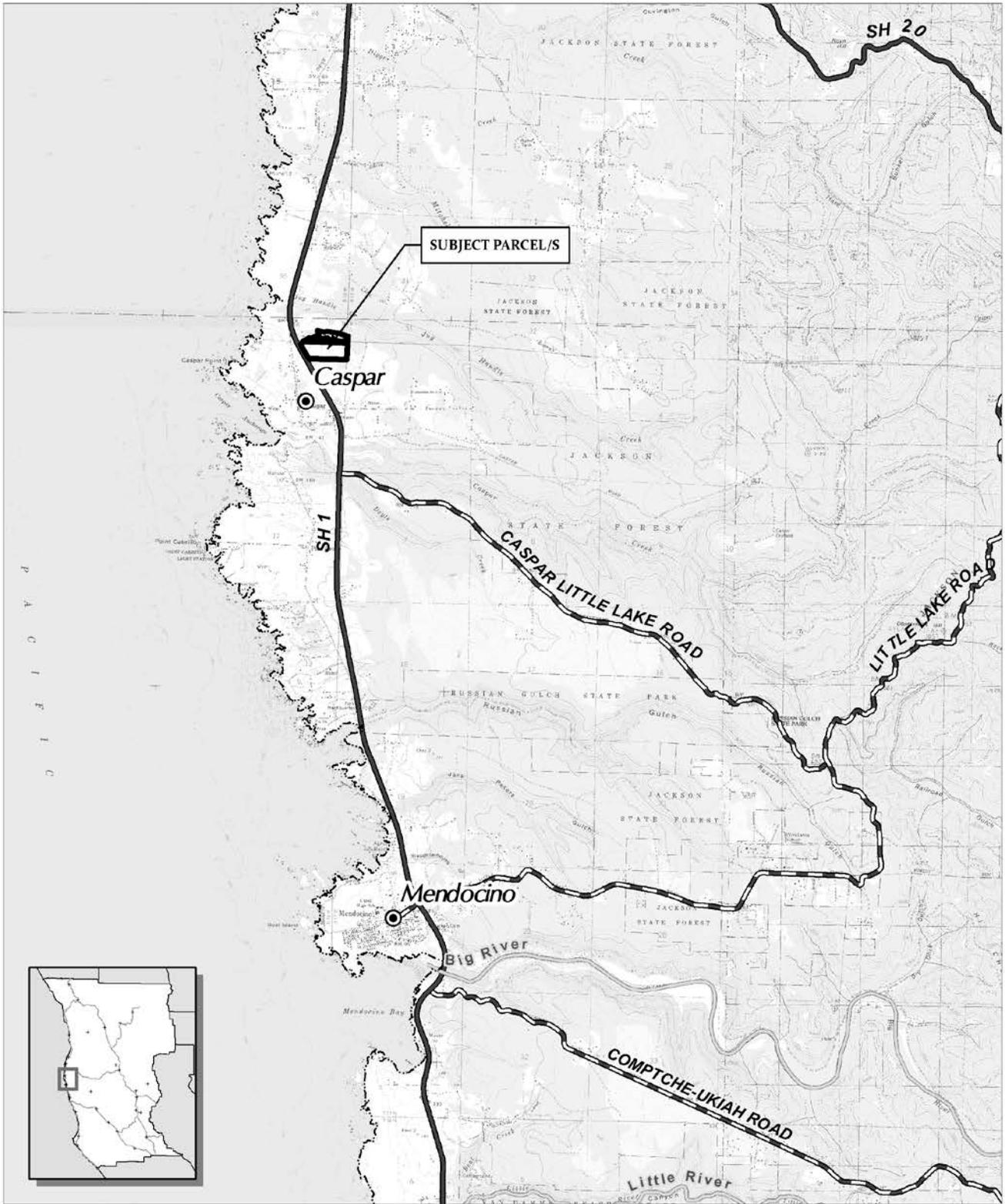
DATE

RUSSELL FORD

Appeal Period: 10 Days
Appeal Fee: \$910.00

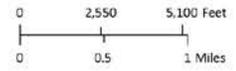
ATTACHMENTS:

- A. Location Map
- B. Topographical Map
- C. Aerial Map
- D. Existing Configuration
- E. Proposed Configuration
- F. Adjacent Owner Map
- G. Zoning Map
- H. General Plan/LCP Map
- I. Fire Hazards Map
- J. Classified Wetlands



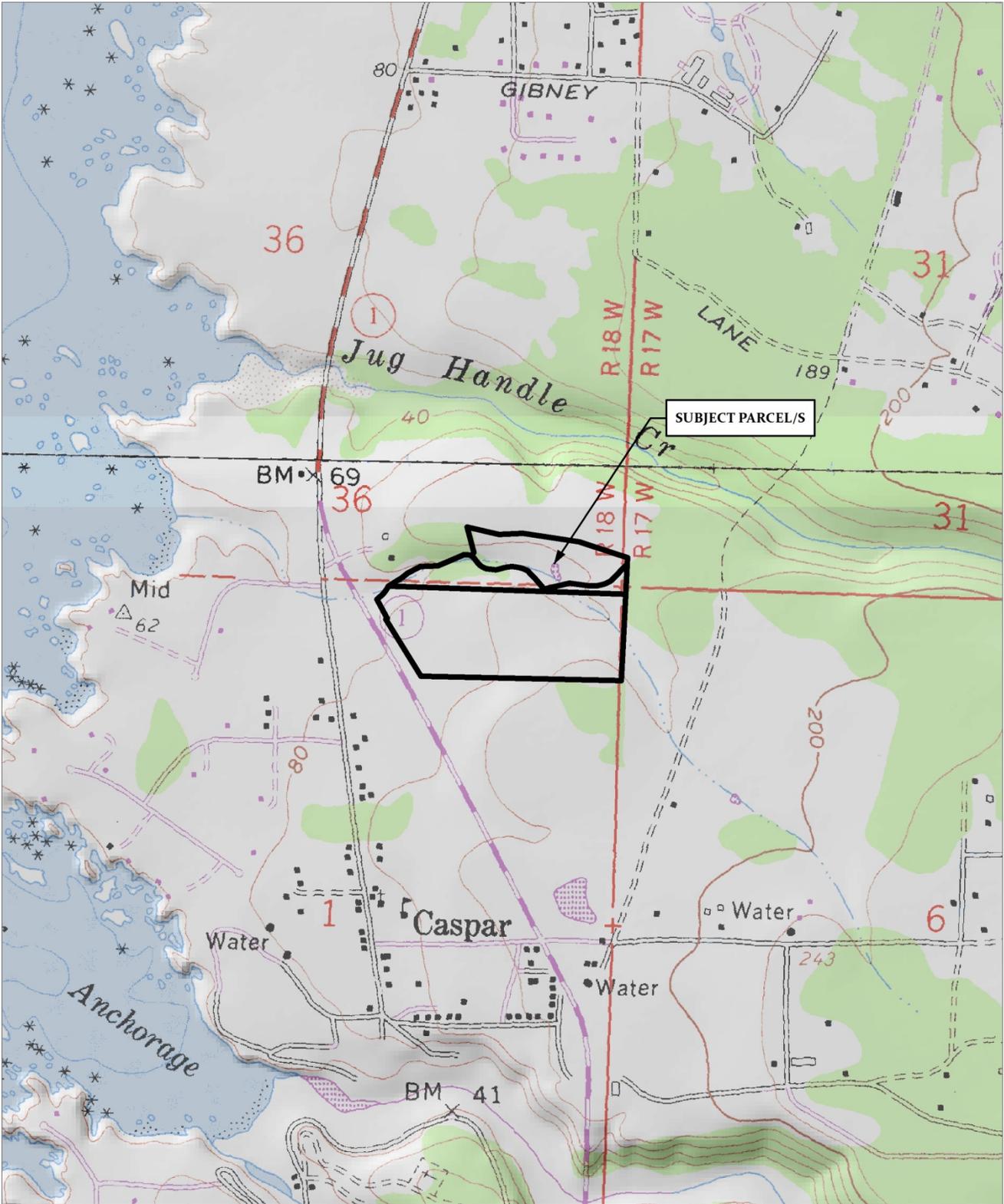
CASE: CDB 2016-0005
OWNER: SCHULTZ, Jeffrey
APN: 017-250-34, 35, et. al.
APLCT: Jeffrey Schultz
ADDRESS: 15401 N. Hwy. 1, CS

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

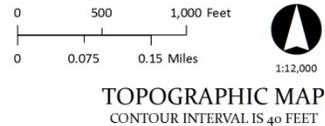


LOCATION MAP

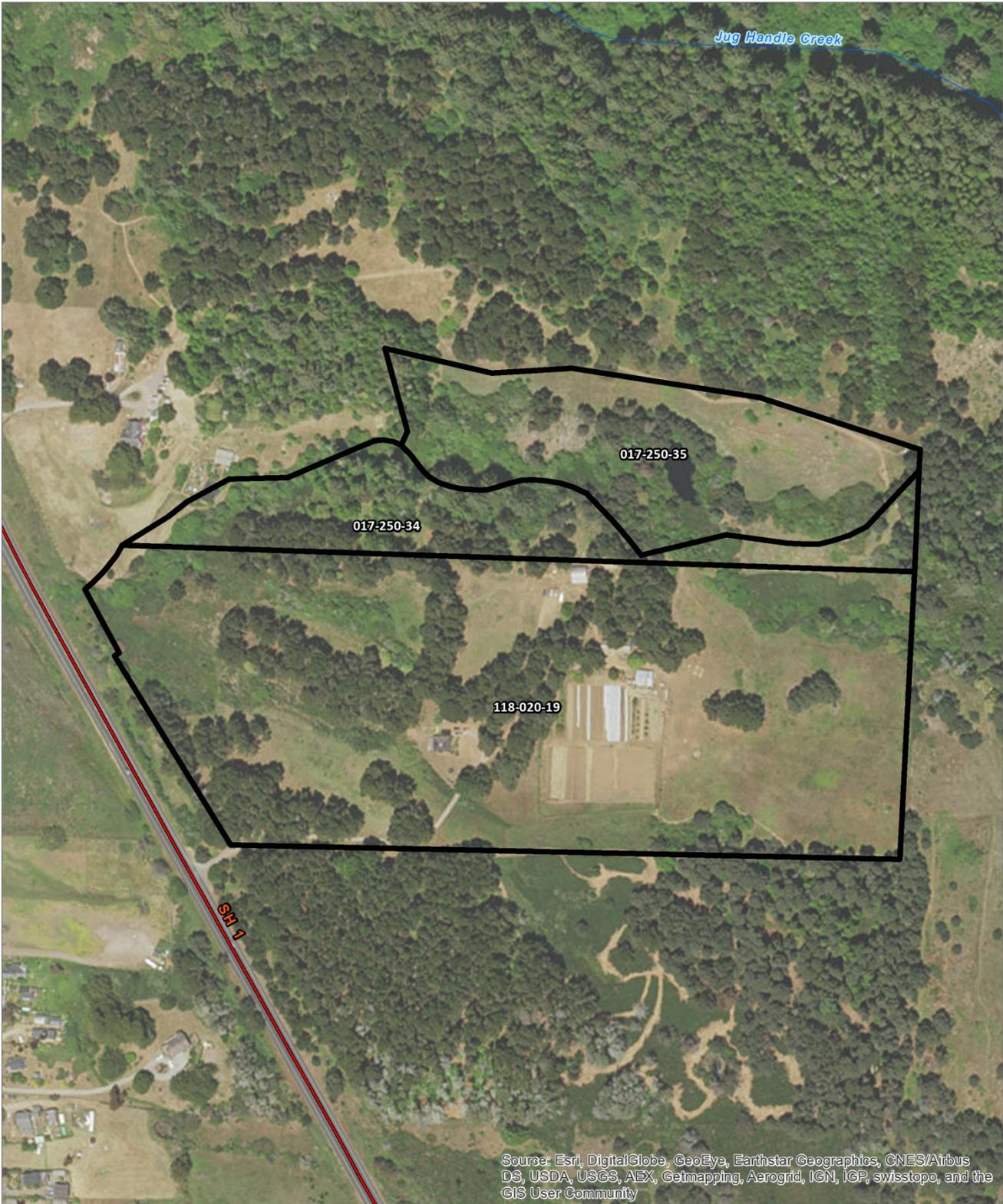
Map produced by the Mendocino County Planning & Building Services, March, 2016
All spatial data is approximate. Map provided without warranty of any kind.



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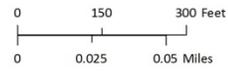
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Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

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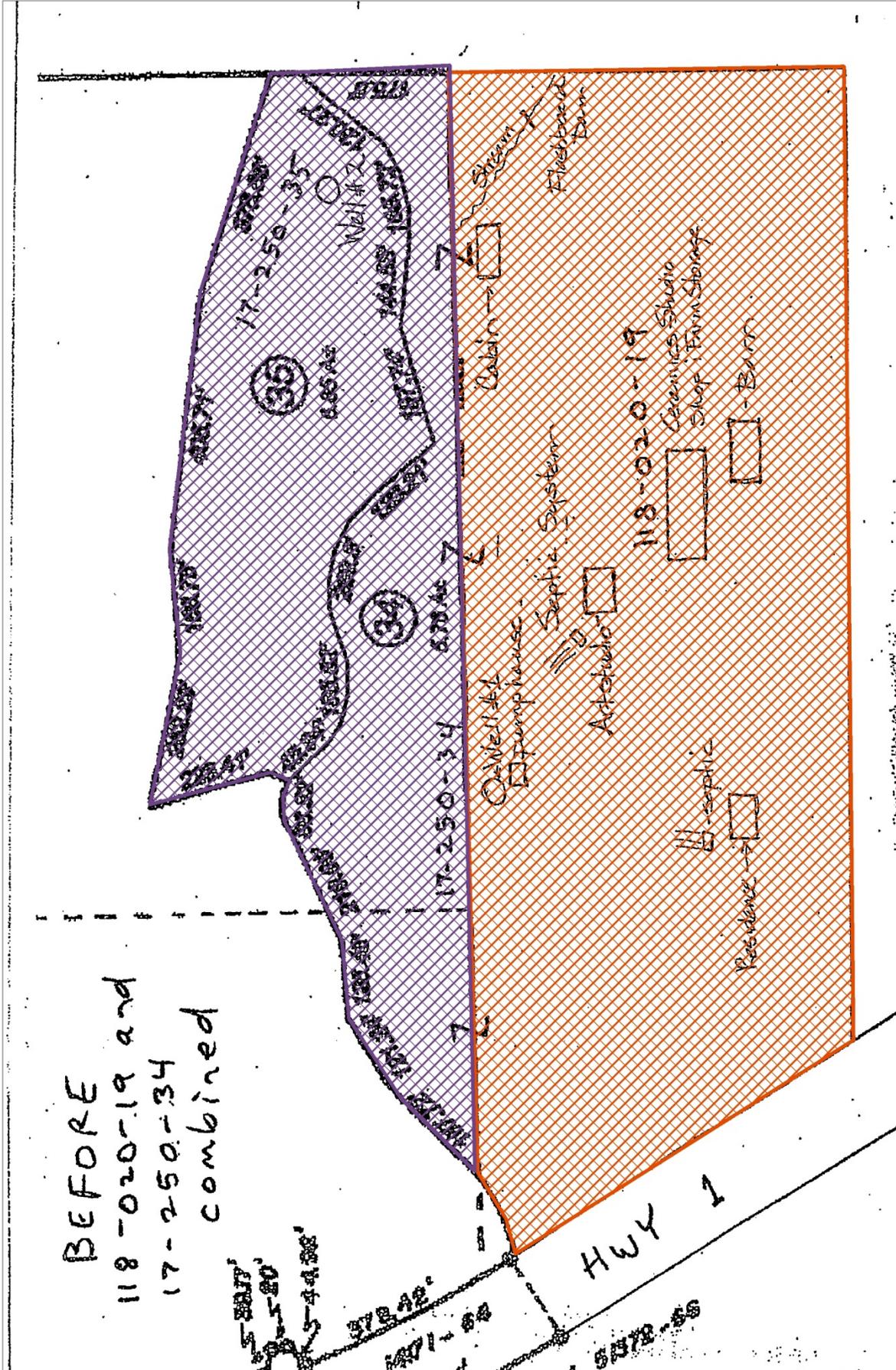
 Named Rivers
 Public Roads



ESRI IMAGERY

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BEFORE
118-020-19 and
17-250-34
combined

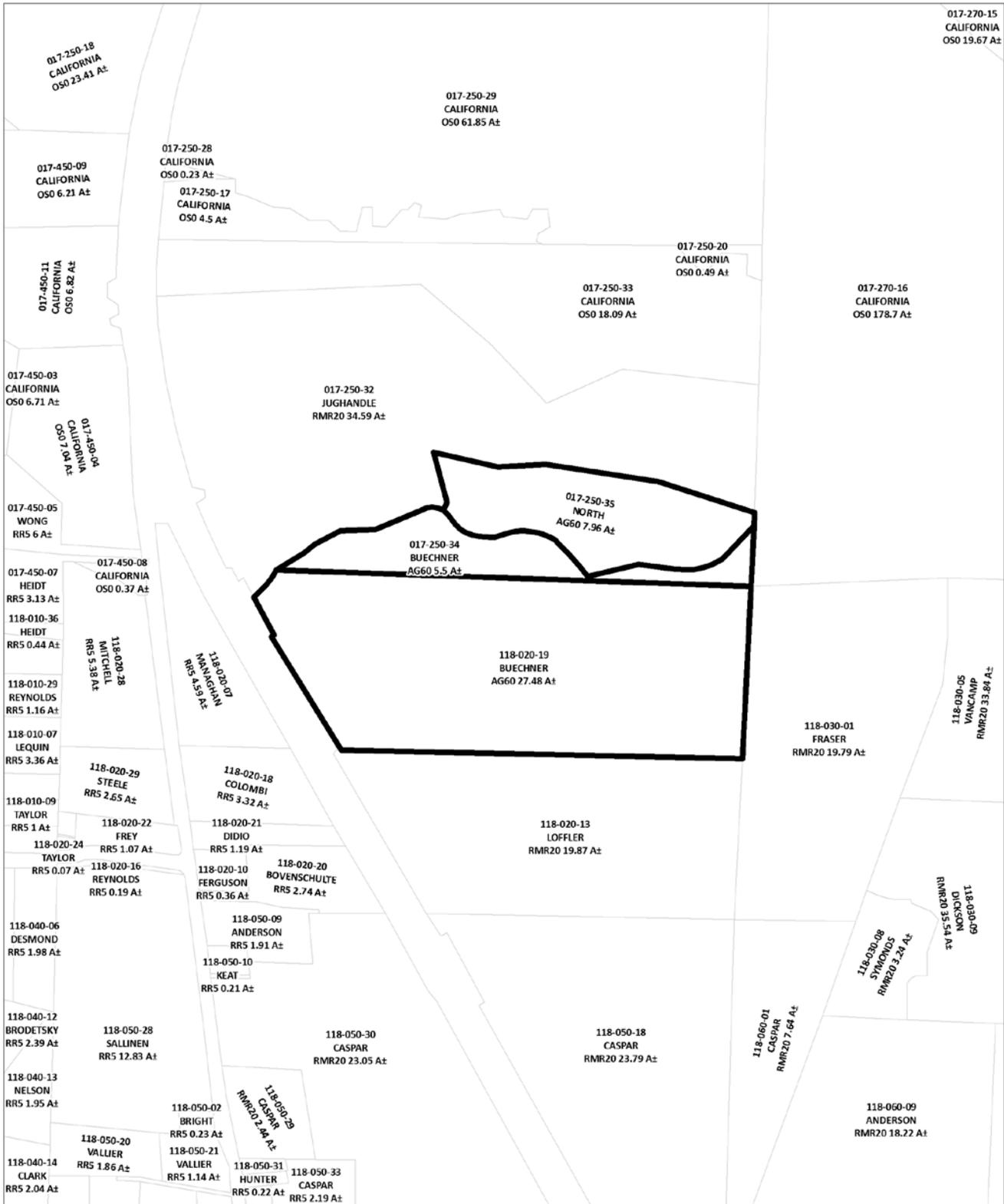


NO SCALE

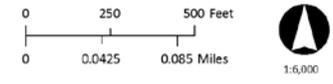
PROPOSED CONFIGURATION

CASE: CDB 2016-0005
 OWNER: SCHULTZ, Jeffrey
 APN: 07-250-34, 35, et. al.
 APLCT: Jeffrey Schultz
 AGENT: 15401 N. Hwy 1, CS
 ADDRESS:

Map produced by the Mendocino County Planning & Building Services, May, 2016
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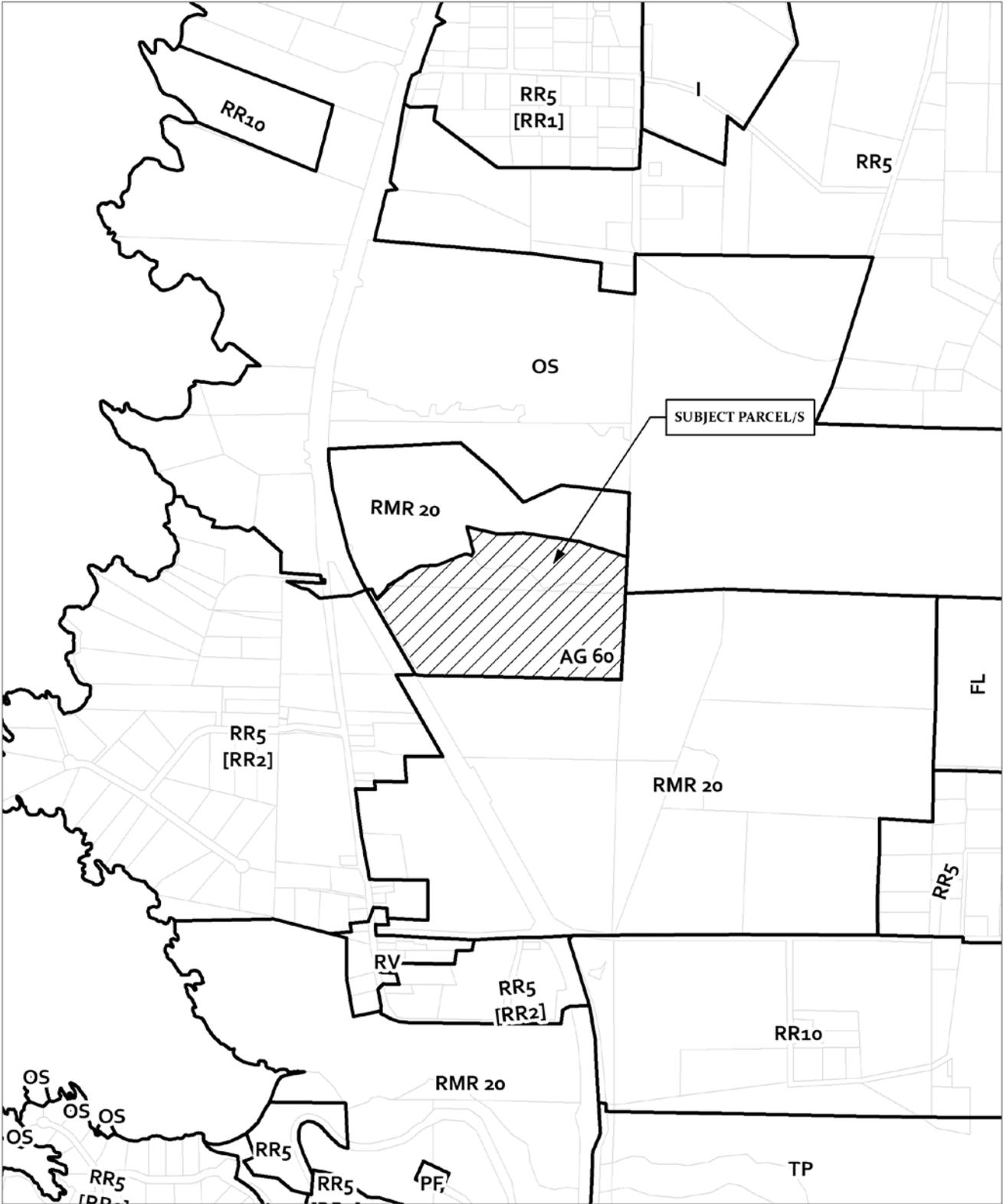


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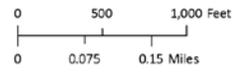
ADJACENT PARCELS

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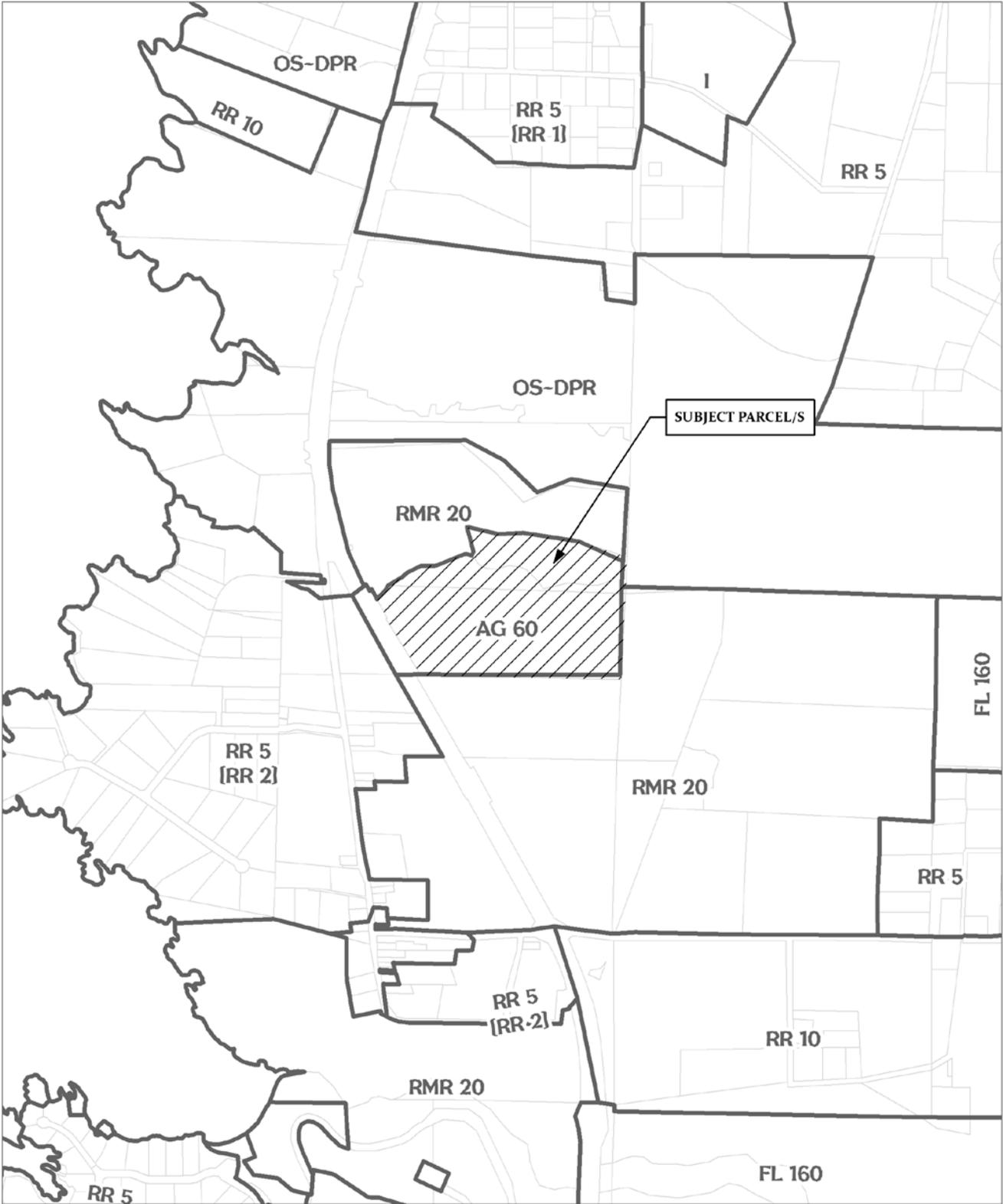
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 Zoning Master

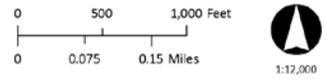


ZONING DISPLAY MAP

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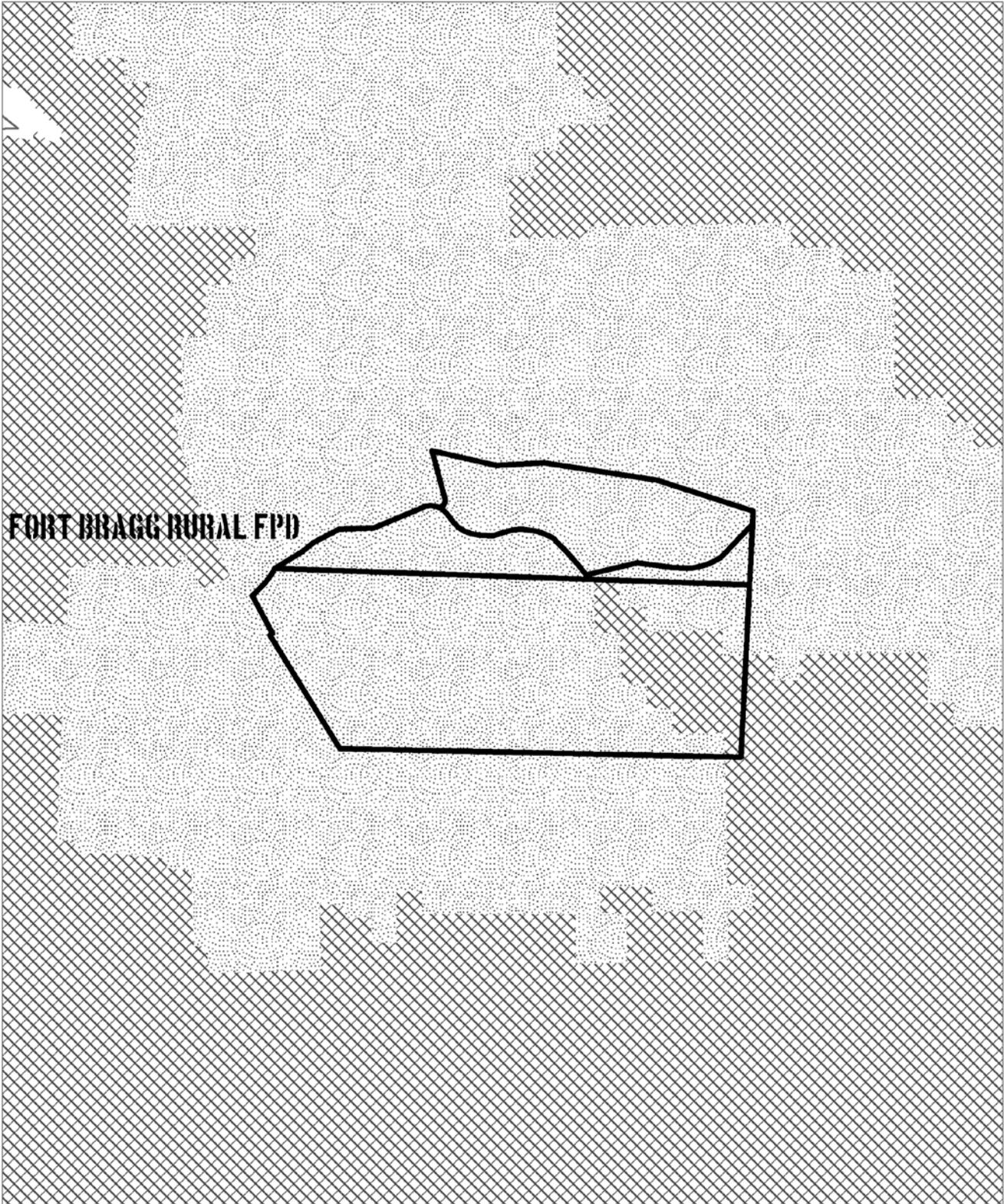


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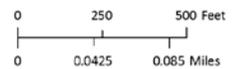
GENERAL PLAN CLASSIFICATIONS

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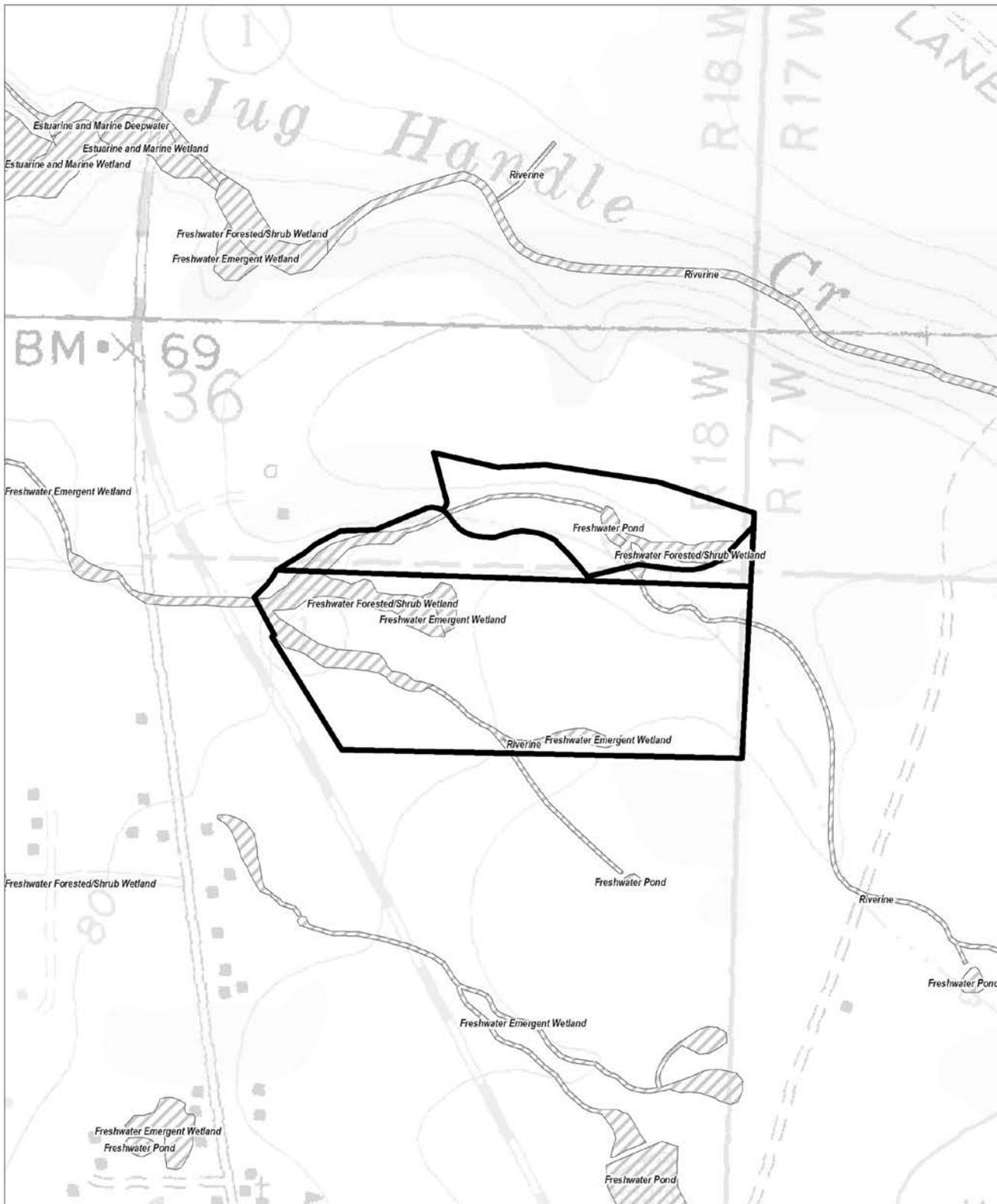
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-  County Fire Districts
-  Very High Fire Hazard
-  High Fire Hazard



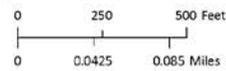
FIRE HAZARD ZONES & RESPONSIBILITY AREAS
STATE RESPONSIBILITY AREA

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 Wetlands



CLASSIFIED WETLANDS