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## STAFF REPORT

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JANUARY 14, 2016  
B\_2015-0039

**OWNER:** KAY BAUMEISTER MEDLEY TTEE  
PO BOX 280  
ALBION, CA 95410  
  
PHILLIP D SMITH AND BEVERLY A VONDERPOOL  
942 CONROY RD  
CONROY, AL 35222

**APPLICANT:** PHILLIP D SMITH  
942 CONROY RD  
CONROY, AL 35222

**AGENT:** RICHARD SEALE  
420 REDWOOD AVE  
FORT BRAGG, CA 95437

**PROJECT COORDINATOR:** FRED TARR

**REQUEST:** Coastal Development Boundary Line Adjustment to transfer equal acreage (0.09± acre) between APN's 126-040-05 and -09.

**DATE DEEMED COMPLETE:** Oct 5, 2015

**RECOMMENDATION:** Conditional Approval

**LOCATION:** Within the Coastal Zone, lying southwest of Highway 1 at the mouth of the Navarro River on the north side, known as Navarro Head. Located at 960 and 1020 N Highway 1, Albion; APN's 126-040-05 and 09.

**TOTAL ACREAGE:** APN 126-040-09 is 11.1± acres  
APN 126-040-05 is 2.33± acres

**GENERAL PLAN:** RR5/RMR

**ZONING:** RR-5/RMR-40

**SUPERVISORIAL DISTRICT:** 5

**ENVIRONMENTAL DETERMINATION:** Categorical Exemption Categorically Exempt

**BACKGROUND:** The applicant, Phillip Smith, filed the identical Coastal Development Boundary Line Adjustment Application in 2004 (CDB\_2004-0012). On July 27, 2005, this CDB received approval from the Planning and Building Services Department but the deeds for the newly configured parcels were not recorded within the two year time limit.

**PROJECT DESCRIPTION:** The applicants are proposing to transfer equal acreage (0.09± acre) between APN 126-040-09 and 126-040-05. Currently the parcels are 11.1± acres and 2.33± acres in size. The area will give APN 126-040-05 additional area around the existing residence. Each parcel is improved with a single family residence and on-site water and septic. Access is from a private driveway off of Highway 1. The property consists of a

**STAFF REPORT FOR**

prominent point forming the northwesterly edge of Navarro Point. No new structures are being 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 in density;
2. The boundary line adjustment will not create any new parcels;
3. The parcels subject to the adjustment are situated within or in close proximity to an environmentally sensitive habitat area. Portions of both parcels have been identified to have environmentally sensitive habitat areas. Because both parcels have existing development established, no further studies are required at this time. Any future development shall maintain compliance with the Coastal Element Policies-Habitats and Natural Resources. See Condition Number 7
4. The boundary line adjustment as proposed would not create a parcel without adequate building area that would maintain the required buffer from the ESHA. No impacts are anticipated, however, Condition Number 7 is recommended.
5. No substandard lot will result from the adjustment; one lot is already recognized as legal non-conforming.
6. 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 acres and demonstration of “proof of water”. All lots less than 5 acres shall demonstrate “proof of water” and may require an environmental impact statement.”

Since both parcels are currently developed with on-site water, staff has determined that the adjustment will not result in parcels being inconsistent with the Mendocino Coastal Groundwater Study recommendation. No mitigation is necessary.

7. The boundary line adjustment is not located on property containing pygmy vegetation.
8. As noted, the project area is a prominent point and is located in a designated “Highly Scenic” area. However, adjustment of the parcels will not result in additional development within a “Highly Scenic” area than would not already be allowed under the current configuration. No visual impact will result and those policies addressing “Highly Scenic” would still be applicable. Condition Number 6 is recommended.
9. The boundary line adjustment is located in an appealable area.

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

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

**RECOMMENDED MOTION:** The Coastal Permit Administrator approves Coastal Development Boundary Line Adjustment #CDB\_2015-0039, 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 existing development is provided with adequate utilities, access roads, drainage and other necessary facilities; and,

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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); and,
5. The proposed boundary line adjustment will not have any adverse impacts on any known archaeological or paleontological resource; and,
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; and,
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; and,
8. The Environmentally Sensitive Habitat Area as identified will not be degraded by the proposed project. No development is proposed and no mitigation measures are necessary with this project.

**CONDITIONS OF APPROVAL:**

1. This action shall become final on the 11<sup>th</sup> 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. The permit shall expire and become null and void at the expiration of two years after the effective date except where construction and or use of the property in reliance on such permit have been initiated prior to its expiration. To remain valid, progress towards completion of the project must be continuous. The applicant has sole responsibility for renewing this application before the expiration date. The County will not provide a notice prior to the expiration date.
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 Boundary Line Adjustment #CDB\_2015-0039 and is intended to create no new parcel.”

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, we will notify you. DO NOT RECORD ANY DOCUMENT UNTIL YOU HAVE RECEIVED APPROVAL OF THE DEED(S).

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

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 must be certified by the Treasurer-Tax Collector and a copy returned to the Department of Planning and Building Services.

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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. The following notation shall be placed on the new deeds stating:  
  
"Future development on the subject property shall be subject to the "Highly Scenic" development Criteria found in Mendocino County Code Chapter 20.504."
7. "A note shall be placed on the deed(s) and/or legal descriptions advising the owner/agent/grantees that future development of the property may require additional studies (i.e. Botanical Survey, Geotechnical Report, Archaeological Survey etc.) and will be subject to Coastal Development Permit Regulations set forth in Chapter 20.532 of the Coastal Zoning Code."

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

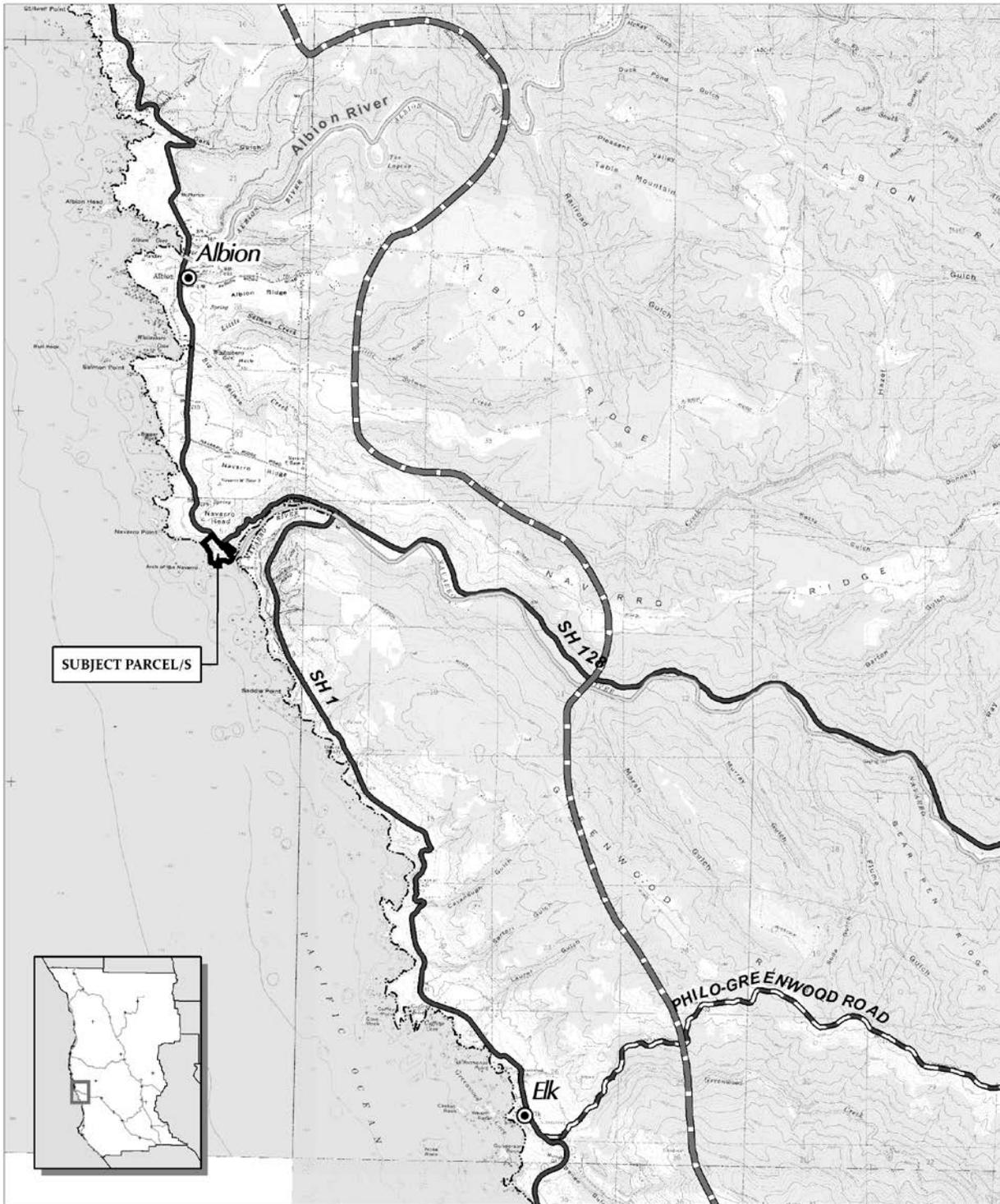
\_\_\_\_\_  
FRED TARR  
PLANNER II

REFERRAL AGENCIES	REFERRAL NOT RETURNED	REFERRAL RECEIVED-NO COMMENT	COMMENTS RECEIVED
DOT	X		
Environmental Health	X		
Building Inspection	X		
Coastal Commission	X		
Planning-FB			X
Assessor			
Caltrans	X		
CalFire	X		
Dept. of Fish and Wildlife			X
Albion/Little River Fire Dist.	X		

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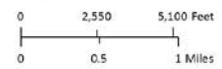
**ATTACHMENTS:**

- A. Location Map
- B. Topographical Map
- C. Aerial Map
- D. Site/Tentative Map
- E. Zoning Map
- F. General Plan
- G. LCP
- H. Adjacent Owner Map
- I. Fire Hazards Map
- J. Flood Zone
- K. Ground Water Resource Area
- L. Highly Scenic/Tree Removal
- M. Wetlands



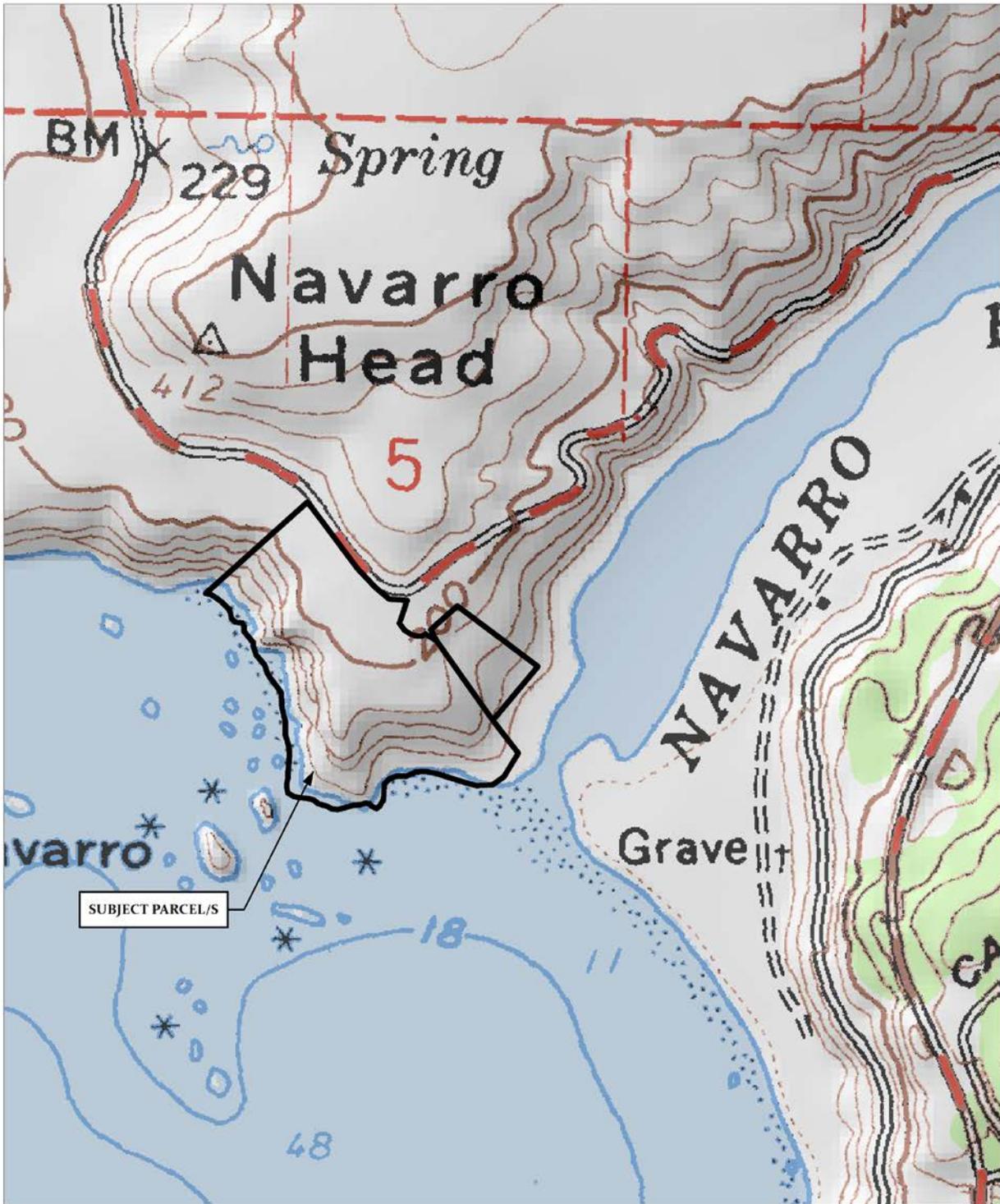
CASE: B 2015-0039  
 OWNER: BAUMEISTER/VONDERPOOL  
 APN: 126-040-05, 09  
 APLCT: Phillip Smith  
 ADDRESS: 1020 N. Hwy. 1, AL

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

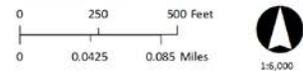


LOCATION MAP

Map produced by the Mendocino County Planning & Building Services, September, 2015  
 All spatial data is approximate. Map provided without warranty of any kind.



Coordinate System: NAD 83, Calif. State Plane Zone II  
Projection: Lambert Conformal Conic  
Parcel Data: Mendocino County Info. Svcs., October, 2014  
Aerial Imagery: US Dept. of Agriculture, NAIP series,  
unless otherwise indicated  
Topographic Data: USGS 7.5 minute quad series  
Flood Data: FEMA FIRM Maps, June 2011  
AP & Situs numbers subject to change or correction at any time.



TOPOGRAPHIC MAP  
CONTOUR INTERVAL IS 40 FEET

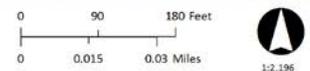
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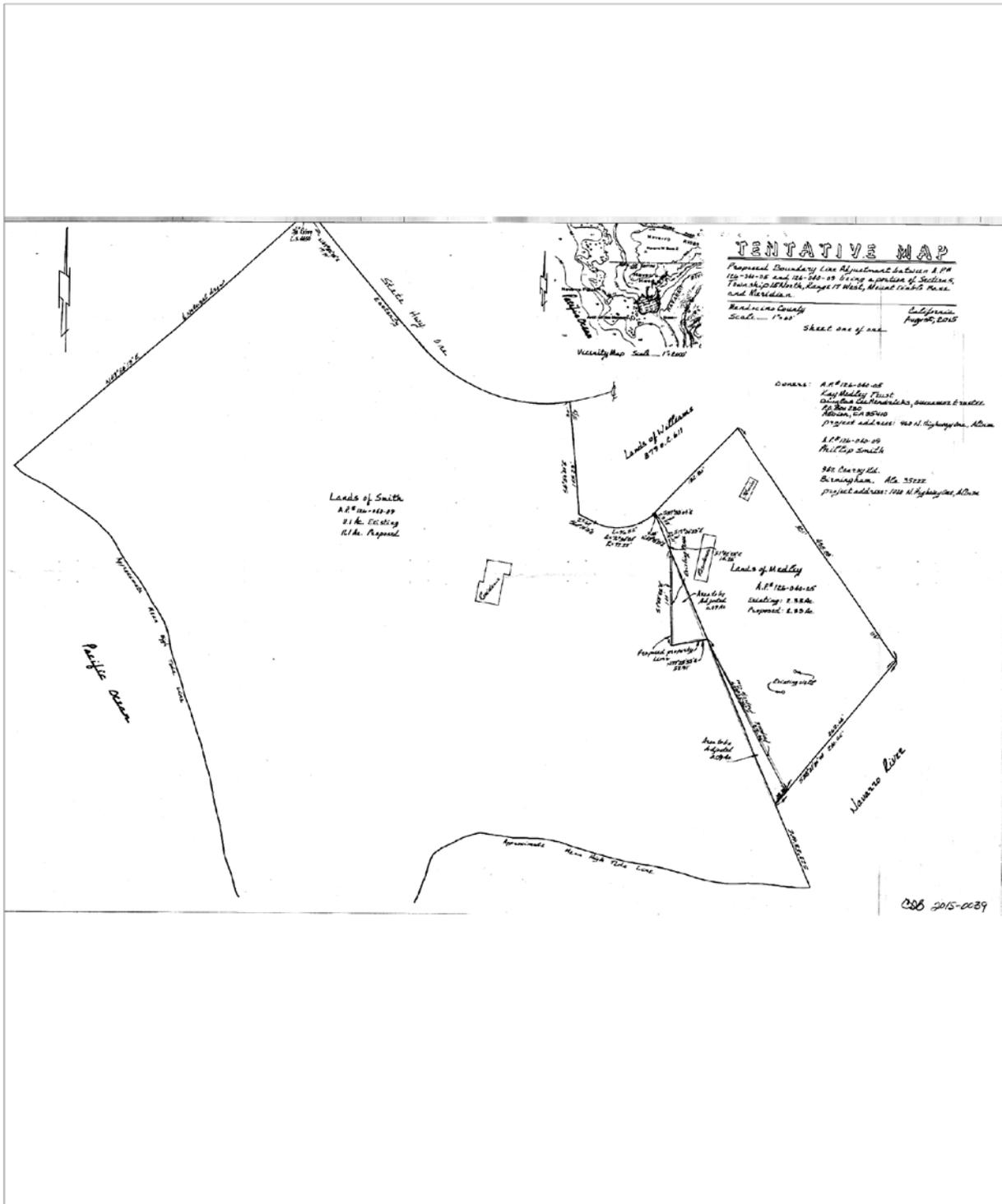
CASE: **B 2015-0039**  
OWNER: **BAUMEISTER/VONDERPOOL**  
APN: **126-040-05, 09**  
APLCT: **Phillip Smith**  
ADDRESS: **1020 N. Hwy. 1, AL**

— Public Roads



GOOGLE EARTH IMAGERY  
IMAGERY DATE: 8-17-2013

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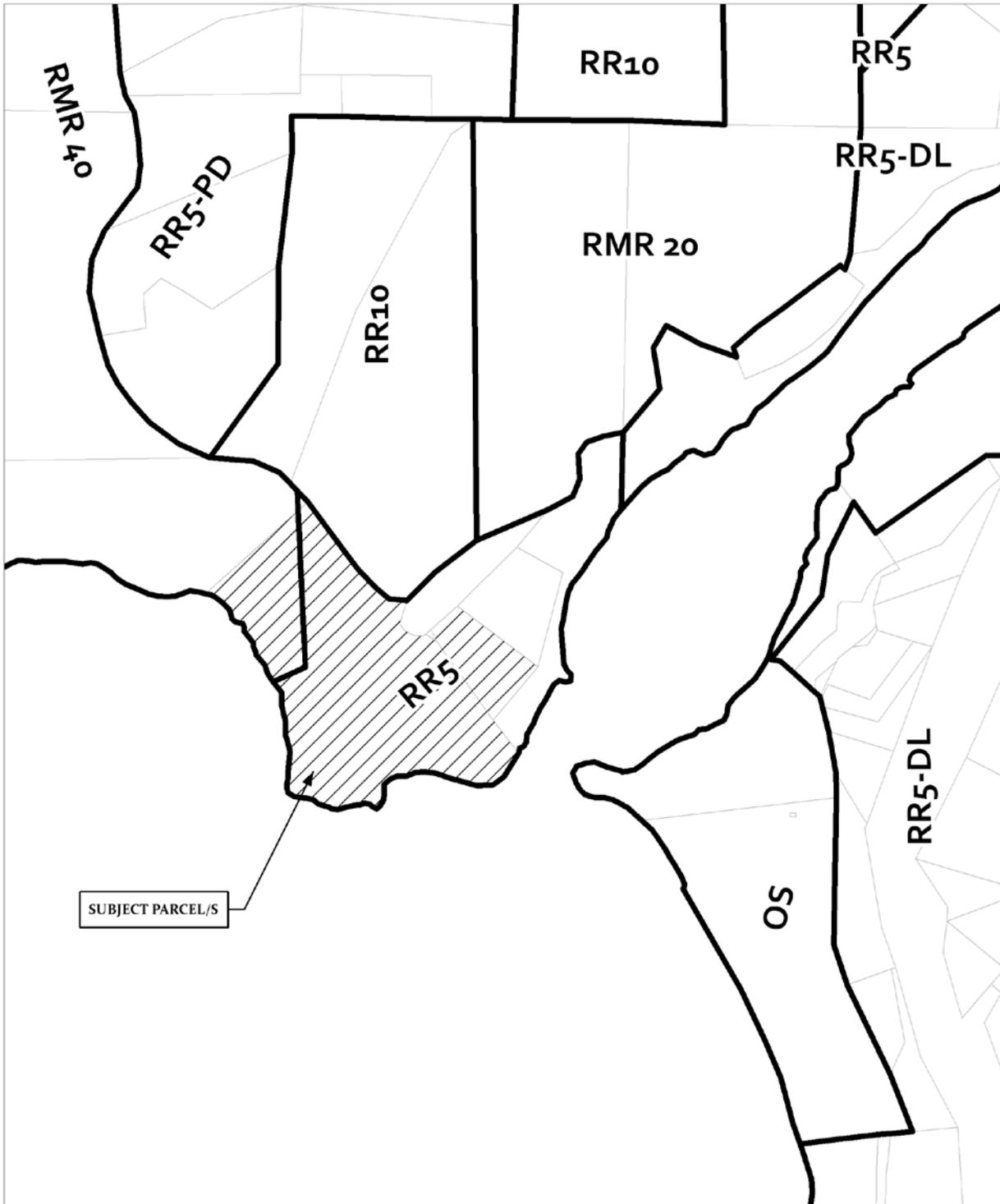


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NO SCALE

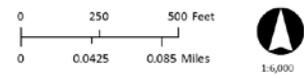
TENTATIVE MAP

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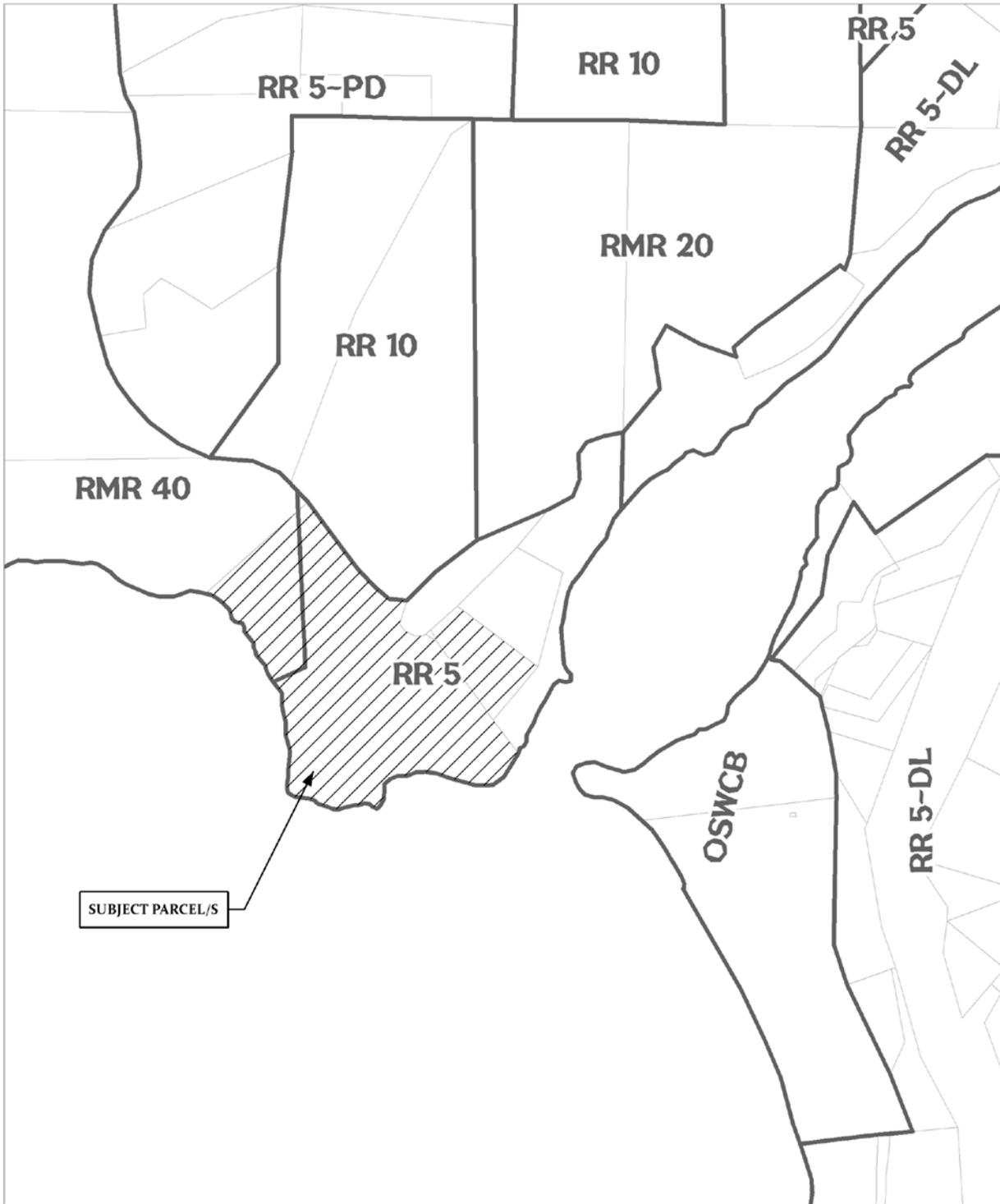
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 Zoning Master



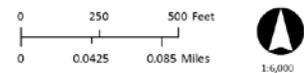
ZONING DISPLAY MAP

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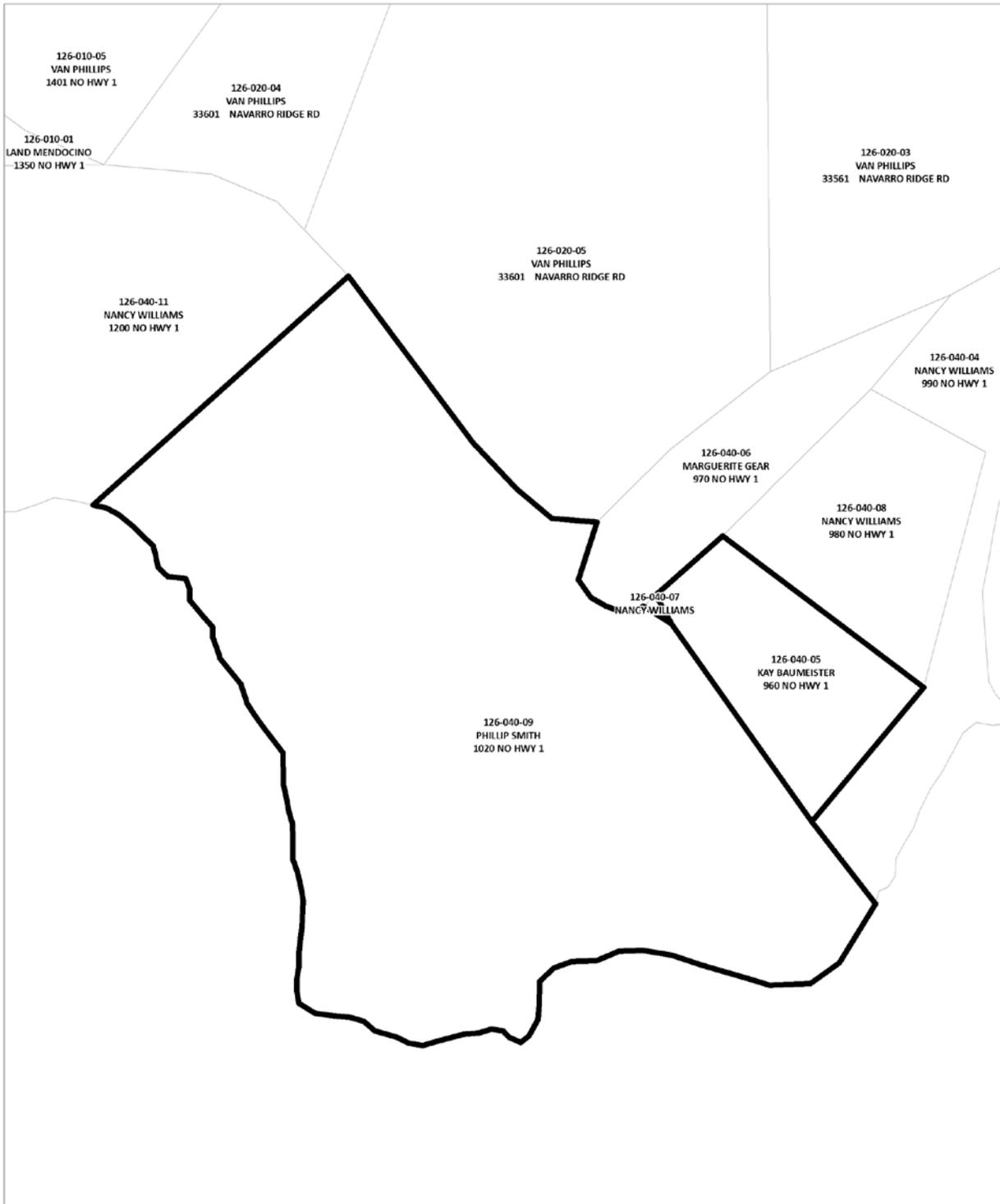
 General Plan Master



GENERAL PLAN CLASSIFICATIONS

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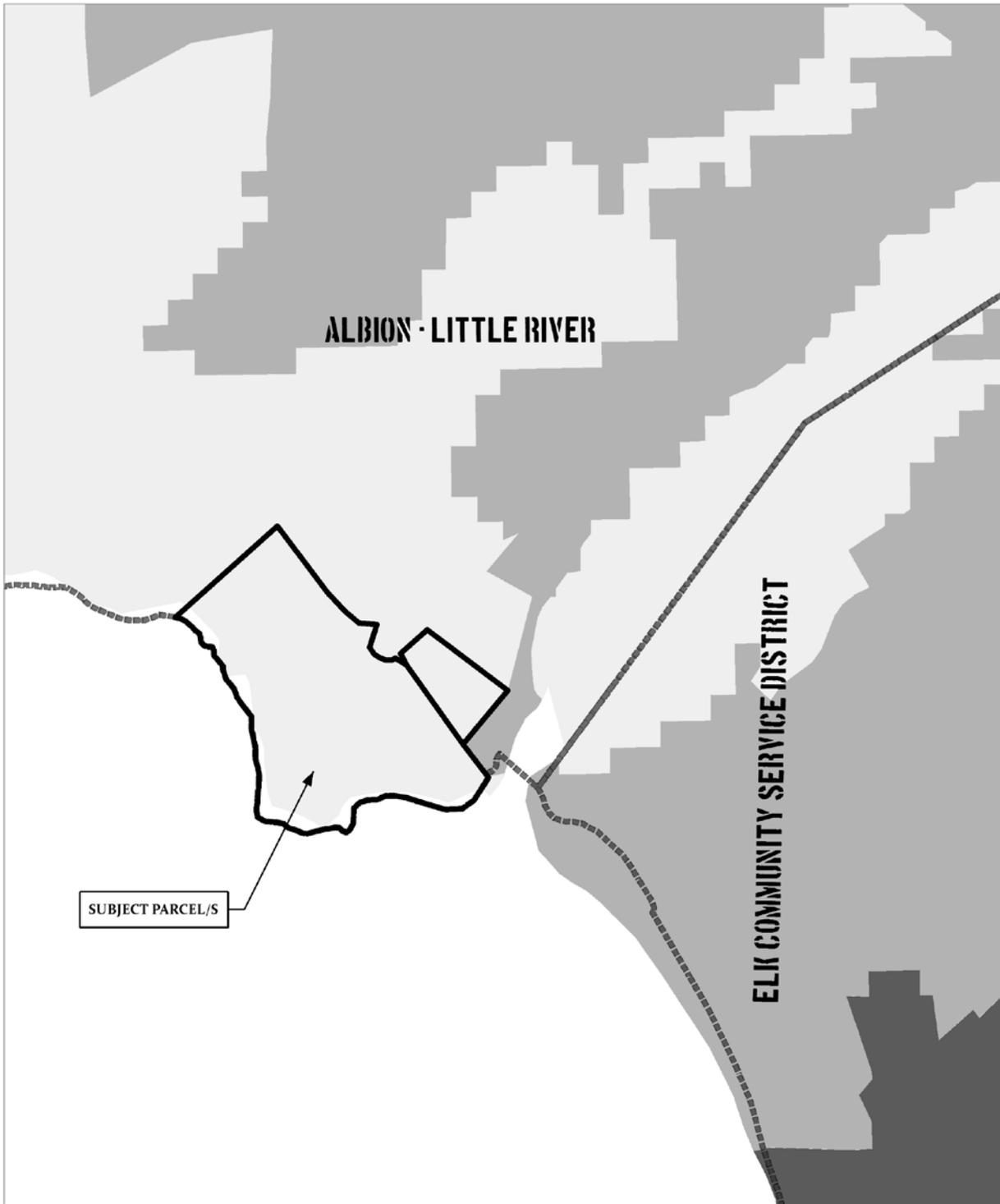


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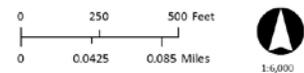
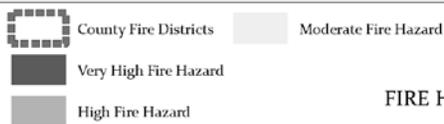


ADJACENT PARCELS

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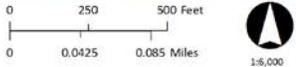
FIRE HAZARD ZONES & RESPONSIBILITY AREAS  
STATE RESPONSIBILITY AREA

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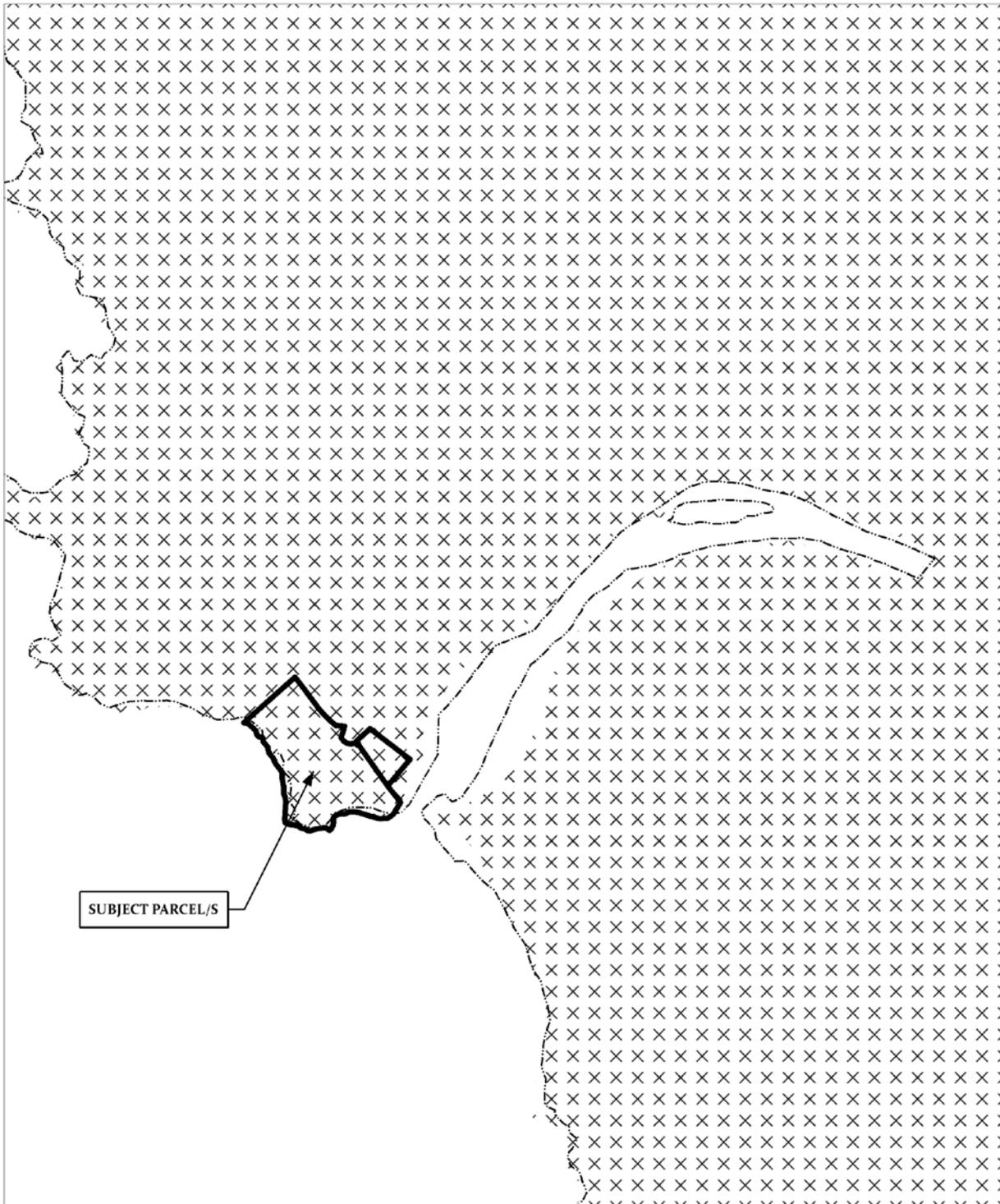
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 Flood Zone  
 Tsunami Inundation Zones



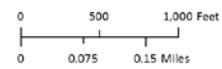
FEMA FLOOD ZONE  
NFIP MAPS, JUNE 2nd, 2011

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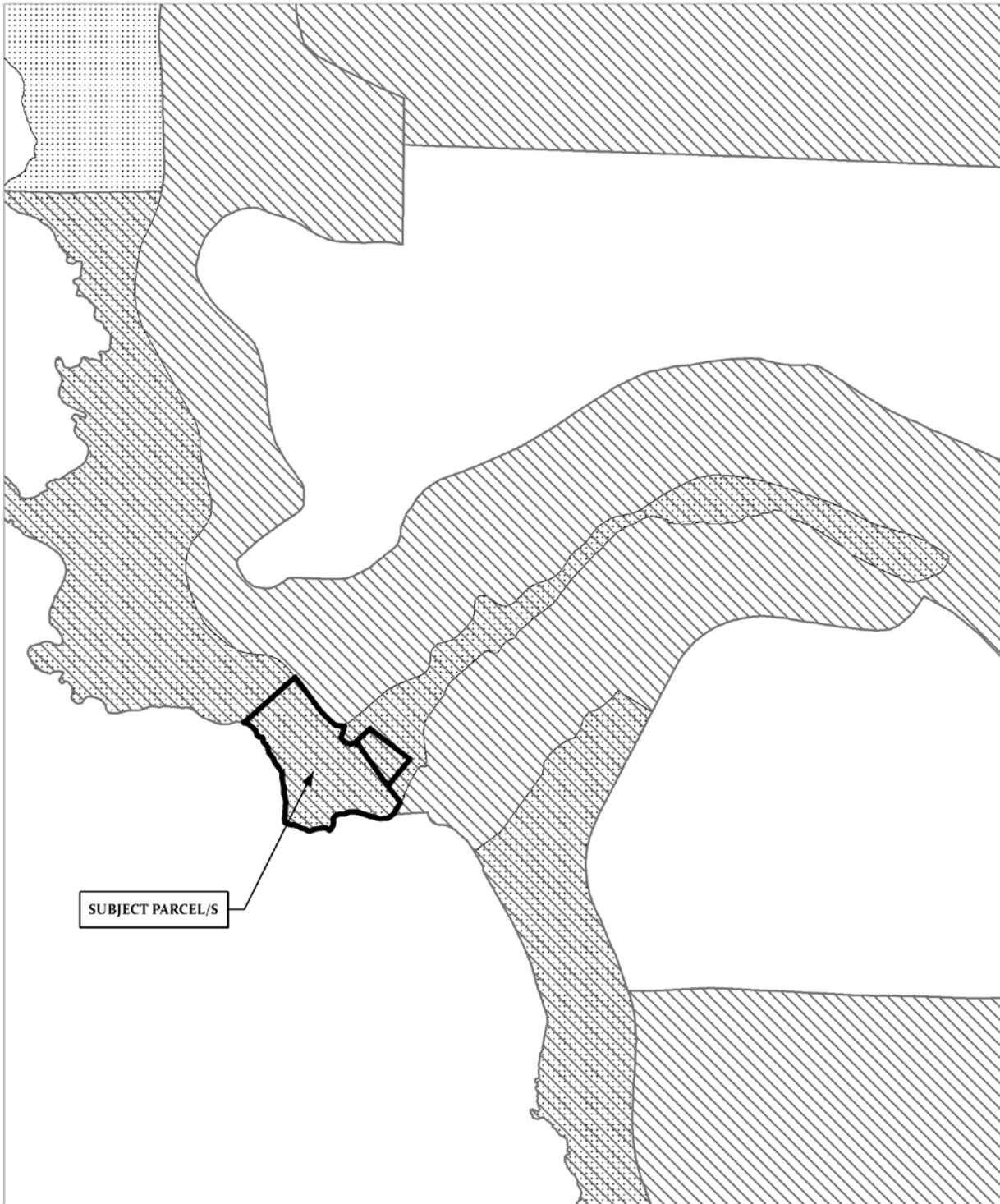
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X X Critical Water Areas



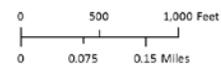
GROUND WATER RESOURCES

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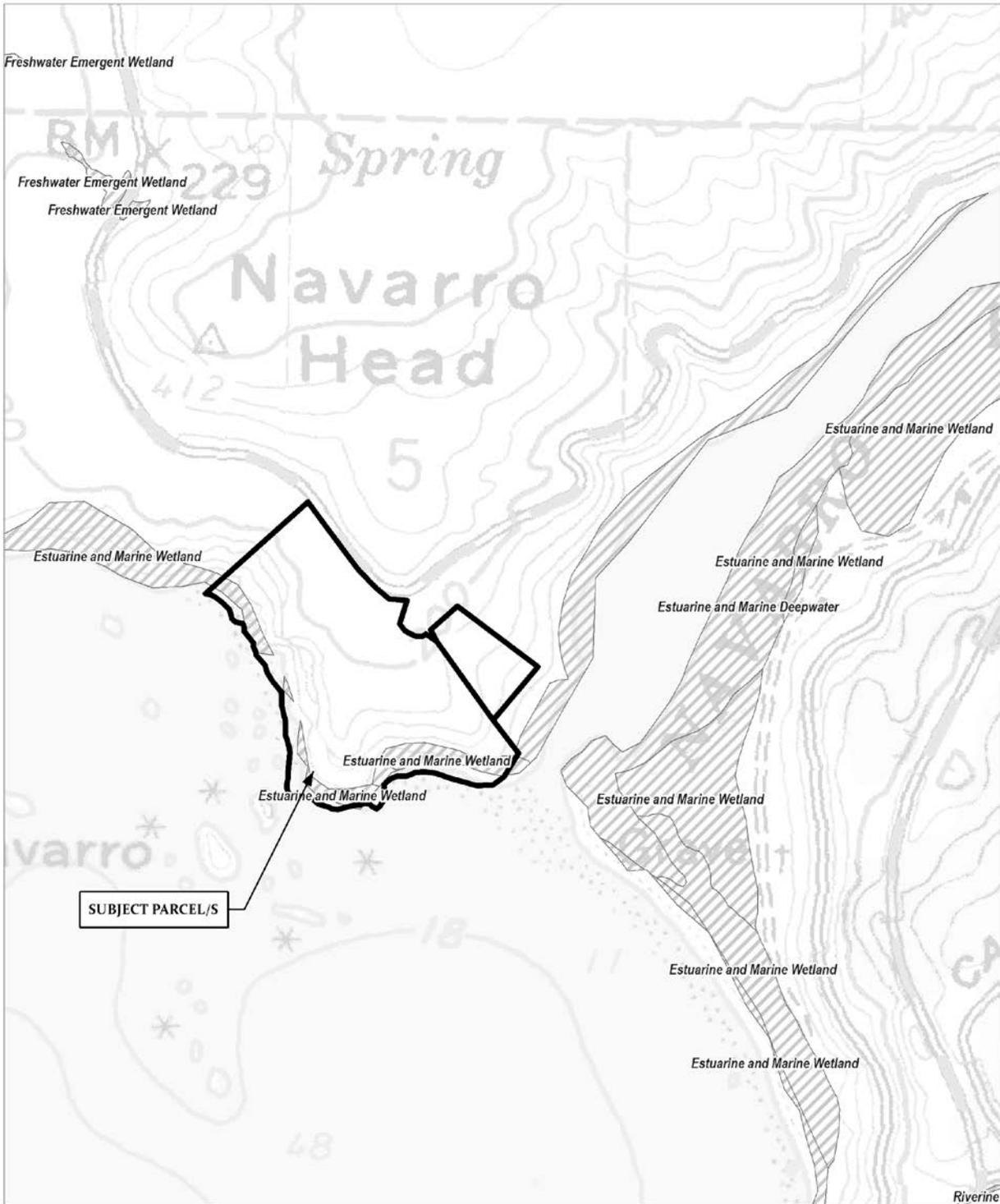
CASE: B 2015-0039  
OWNER: BAUMEISTER/VONDERPOOL  
APN: 126-040-05, 09  
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ADDRESS: 1020 N. Hwy. 1, AL

-  Highly Scenic Area
-  Tree Removal Area



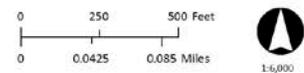
HIGHLY SCENIC & TREE REMOVAL AREAS

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 Wetlands



CLASSIFIED WETLANDS

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