

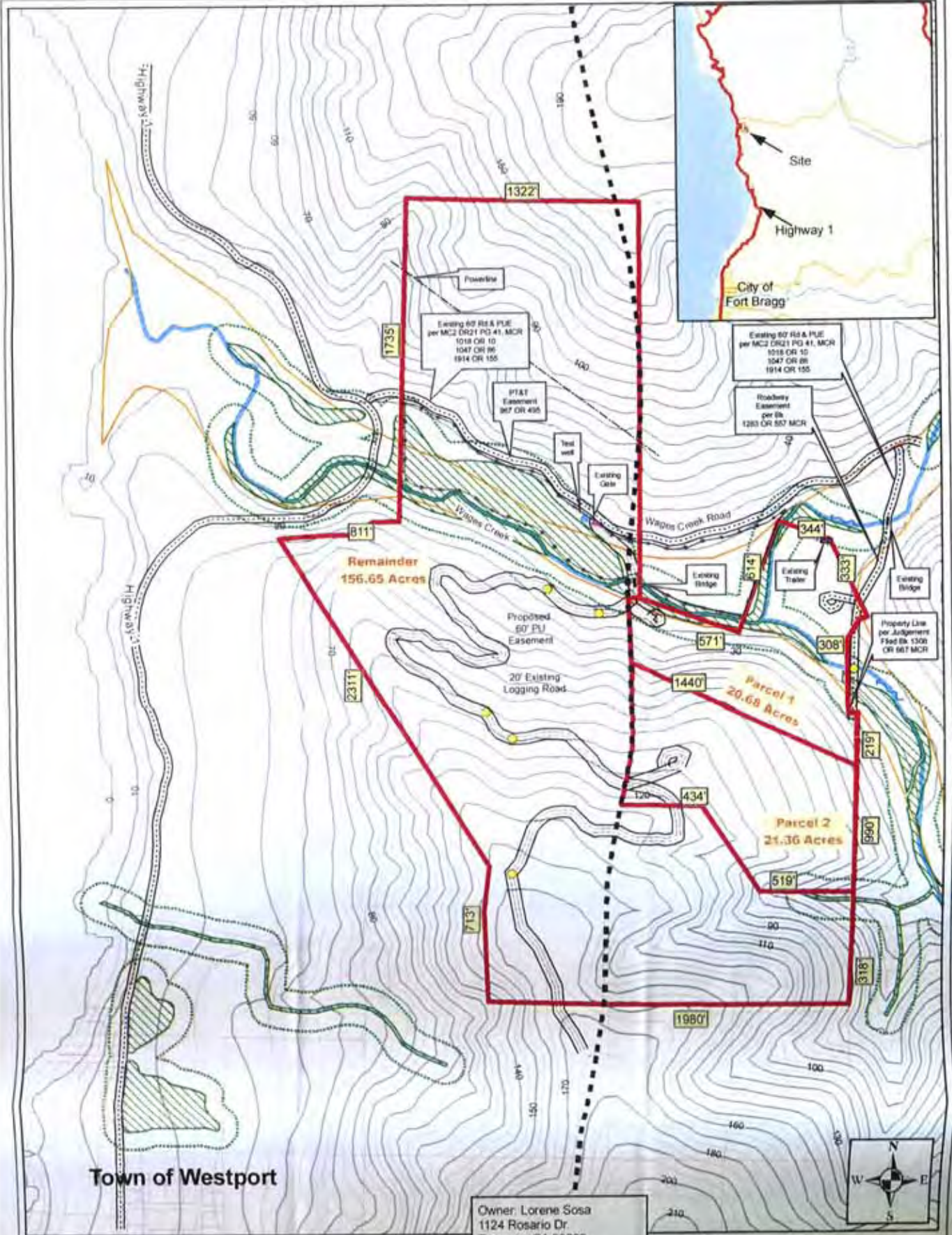
Mendocino County Memorandum

Department of Planning and Building Services
Frank Lynch, Interim Director
501 Low Gap Road, Rm. 1440
Ukiah, CA 95482
707-463-4281
Fax 707-463-5709
www.co.mendocino.ca.us/planning

To: Westport Municipal Advisory Committee
Date: March 9, 2009
From: Mary Lynn Hunt, Planner II
Subject: CDMS 2-2002 Sosa

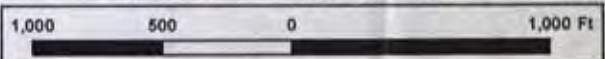
Attached is information that you have requested on the above noted subdivision request. The application is tentatively scheduled for the April 16h Planning Commission hearing.

OWNER:	Lorene Tina Sosa		
APPLICANT:	Ernest Sosa & Loretta Sosa		
AGENT:	Amy Wynn		
REQUEST:	Coastal Development Minor Subdivision creating two (2) parcels of 20.36 and 21.36± acres each outside the Coastal Zone and a Remainder parcel of 158.65+- acres within the Coastal Zone. Proposed Parcel 2 and the Remainder Parcel will take access from an existing 60-foot wide road and public utility easement. Proposed Parcels 1 will access from a 60-foot wide road and public utility easement. Repairs to an existing bridge over Wages Creek on the Remainder Parcel are proposed. Three water wells, three septic systems, utility extensions and road and driveway improvements are also proposed on the project.		
LOCATION:	Approx. ¼+- mi N of Westport, lying E of Highway One at its intersection with Wages Creek Road (pvt)		
STREET ADDRESS:	37995 Hwy 1 N, and 23651 Wages Creek Rd	ACREAGE: 200+- ac	
GENERAL PLAN:	RL 160,3C,FP (130+-ac) UR20FP (70+-ac)	ZONING: RL160,3C,FP UR20FP	COASTAL ZONE: Portion



Town of Westport

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Legend		
	Subject Parcels	
	Other Parcels	
	CZ Boundary	
	Cattle Fence	
	Gate	
	Bridges	
	Wetlands	
	100' Wetland Buffer	
	Streams	
	100 Flood Zone	
	Existing Culvert	
	Test well	

Owner: Lorene Sosa
 1124 Rosario Dr.
 Topanga, CA 90290
 310-430-0061

Agent: Amy Wynn
 Coastal Development Permits
 703 North Main St.
 Fort Bragg, CA 95437
 707-964-2537

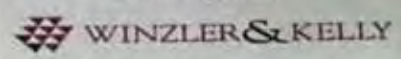
Steve Salzman, PE
 Winzler & Kelly
 633 3rd St
 Eureka, CA 95501
 (707) 443-8326

Westport Ranch

Tentative Map

October 2008

AP No: 013-240-30



3/3/2009

Wages Creek

To: County of Mendocino Department of Planning and Building
Attn; Ms. Mary Lynn Hunt
Building and Planning Commission

From; Tom Kisliuk
Landowner Adjacent to Minor Subdivision Proposed by Sosa.

Cc; Kendall Smith, Fourth District Supervisor
Amy Wynn; Coastal Development Consultant
Thad M. Van Bueren, Chair, Westport MAC

Dear Mendocino County Building and Planning,

My name is Tom Kisliuk, I am an adjacent landowner to the proposed subdivision. (AP # 013-240-29). I received a letter on 3/1/2009 dated 2/19/2009 from the County of Mendocino Department of Planning and Building Services which notified me of the proposed subdivision. The letter *stated "A copy of the Draft Negative Declaration is available for public review at 501 Low Gap Road, Room 1440 Ukiah, California and at 790 South Franklin Street, Fort Bragg, California."* On March 2nd I went to Building and Planning in Fort Bragg to review the proposal. The document was not available either on line or a hard copy. I was graciously assisted by Ann Mora, Staff Assistant IV, Planning and Building Services who determined via a number of phone calls that the document, contrary to the letter, is not available to public review. It appears to me the Public Comment Period was not properly notified.

As a result I have not had an opportunity to review the document in its entirety. On March 3rd I did have brief conversations with Mary Lynn Hunt, the Planner assigned to this Project in Ukiah, Tom Peters, Mendocino County Department of Transportation, and Ms. Amy Wynn who is a Coastal Development Planner assisting the Project Proponent. I appreciate the Professionalism and Courtesy of all the parties above who assisted me regarding the proposed project.

Prior to Consideration of the Proposed Project I would encourage the Planning Commission to ask the Landowner to rectify the following items in the proposed Subdivision. A letter dated May 5, 2006 from County of Mendocino Department of Public Health states the following (the letter is addressed to Ernest Sosa, the subject is 37995 N. Highway One, Westport)

3. There are (at least) five inactive trailers on this site. This condition violates the Mendocino County Code limit for the number of trailers that can be stored on one parcel... You have give me your word that inoperable trailers, including those abandoned by previous tenants and/or visitors will be removed this summer.

4. There are (at least) four inactive automobiles on this site. This condition violates the Mendocino County Code limit for the number of inoperable automobiles that can be stored on one parcel...you have given me your word that inoperable automobiles, including those abandoned by previous tenants And/or visitors, will be removed this summer.

The letter was written and signed by David A. Jensen, Environmental Health Specialist. (May 5, 2006)

Some of the Trailers (at least 3) and Cars (at least one and various auto parts) are still on the site. Prior to considering any Minor Subdivision I suggest the Commission ask the landowner and agent to perform the removal of trailers and cars to conform to County Code and which Ernest Sosa gave his word would occur in the Summer of 2006.

The access to the cars and trailers is on my lands. The parcel map from 2006 accurately depicts the driveway as not being on lands owned by Sosa.

Following Removal of the Cars and Trailers I would suggest a condition that the driveway portions on my lands be de-commissioned by Sosa. An alternate access should be constructed on the lands owned by Sosa. This would permit legal access to the flat portions of the property in the Wages Creek Floodplain. I presume a new landowner would desire a legal access to this portion of the proposed subdivision.

When I spoke with Ms. Wynn on 3/3/2009 she stated that the driveway historically used to access the abandoned trailers and cars is not on the Sosa property. My deed and the survey monuments also confirm that at the present time there is no road on lands owned by Sosa to the North East portion of the property South of Wages Creek and in the Floodplain. Any new landowner would desire legal access to this portion of the proposed Minor Subdivision.

Ms. Wynn also indicated that the proposed subdivision currently has the Building Areas in upslope areas out of the floodplain and accessed by the logging road approximately 600' East of Highway One. The proposed parcel one, which I believe is 20.68 acres is problematic and not compatible with a cogent subdivision in a number of perspectives.

1) The upslope areas in proposed parcel one are generally very steep and have very little areas of gentle topography suitable for remote residential land use. Numerous documented Geologic Landslide Features are described on the Sosa property by Certified Engineering Geologist (CEG #1360) Julie Bawcom in the document "Engineering Geologic Review of Timber Harvesting Plan 1-93-431 MEN". Ms. Bawcom indicates areas of a "debris slide", "hummocky unstable slope" and an "inner gorge" are present on the Sosa parcel. I assume the steeper areas of the property, namely parcel one are the location of some of the landslide features. I understand a Geo-Technical Study will be part of the proposed Minor Subdivision documentation. As previously stated it was not available for Public Review at this time.

2) At this time there is no legal road access to approximately one third of the area (of parcel one) which is the floodplain area of Wages Creek. Furthermore I understand no access is proposed in terms of repairing the existing bridge which I understand is structurally unsound. Large portions of the parcel have no existing legal access and the proposal does not include bringing conditions up to code in this area. It appears to me that approximately 1/3 of parcel one is effectively unusable.

3) Parcel One, Two and Three of the proposed subdivision currently have a County Use Code as Dry Range. The parcels are all partially forested. The property in the past has been used for Timber Production, please reference the Timber Harvest Document (1-93-431 MEN) which encompasses portions of the Sosa property and under which the ascending existing road was constructed. In particular proposed parcels one and two are mostly forestland and in parcels one case approximately 1/3 floodplain. I would suggest a logical Minor Subdivision would reconfigure the subdivision as follows; a 160 acre parcel in the Coastal Zone (Conforming to the General Plan) and one 40 acre (non-conforming) parcel zoned TPZ. Parcels one and two in combination are primarily Second Growth Redwood Forestland. Combining the parcels into one larger parcel would permit the division (with mitigations) while avoiding many of the Geologic Issues as new road construction would be minimal and areas of proposed access to parcel one would not be required on the steep terrain. A combined parcel would have an existing road terminating in the most desirable location in terms of terrain on Parcel 2. Adjacent parcels to the Sosa property on the East Side have been managed in the past and likely will be in the future for Timber Production. My property which borders Sosa is managed for Sustained Yield Timber Production via a Non-Industrial Timber Management Plan, a second landowner adjacent to Sosa, Balu Inc., also has a NTMP or Sustained Yield Timber Management Plan. In my opinion TPZ zoning would best reflect the vegetation on the property and would permit a new assessors parcel while mitigating the awkward and unusual shape and steep slopes of the proposed parcel 1.

Remote Residential is not appropriate for the area indicated as parcel one due to the steep slopes, very limited areas of moderate terrain, and the fact that approximately one third of the area has no legal access at this time and access is not proposed in the current project, as best I can tell.

The area of the proposed subdivision is in an environmentally sensitive area. Wages Creek and Rider Gulch are both Fish Bearing Watercourses with a population of Silver or Coho Salmon. In addition the Water Treatment Plant for the Town of Westport is adjacent to the Westernmost portions of the Sosa Property. This facility provides potable water for the residents of Westport and the Westport Beach Campground. Obviously potential detrimental projects to water quality and aquatic resources should be mitigated in the proposed project. In addition the Sosa property is primarily in the Coastal Zone and has sensitive habitats including Coastal Scrub and Wetlands. Historical Archeological Resources are also present as the Wages Creek Railroad was on portions of the property. The area may also have pre-historic archeological resources.

In terms of Wages Creek Road the portion owned by Sosa is a single lane rocky road which is poorly drained and in need of additional rock, widening, and a series of new culverts to convey watercourses under the road and to provide adequate ditch drainage. All of the culverts in this portion of the road are in poor condition and should be replaced and brought up to current 100 year flood interval standards.

In summary I would like to state mitigations I would like the Planning and Building Commission to consider for the project.

- 1) Bring the property into compliance with County Code in terms of abandoned vehicles and cars as Mr. Ernest Sosa gave his word to that effect in 2006. I think this should be performed prior to any review of the sub-division.
- 2) "The existing driveway to Parcel 1 which crosses neighboring property shall be obliterated and a new driveway serving Parcel 1 shall be constructed within that portion of the existing 60 foot roadway and public utility easement lying within or adjacent to Parcel 1 as shown on the tentative map."
- 3) A qualified Geotechnical Engineer should investigate the property in terms of landslide features and how the potential project will mitigate the potential of erosion into the Fish Bearing Watercourses which are habitat to Federally Protected Salmon Species and the Town of Westport's Water Supply.
- 4) "A report prepared by a Civil Engineer shall be filed with the Mendocino County Department of Transportation, verifying the openings beneath the

existing bridges have sufficient capacity to accommodate the 100-year flood, and that the bridges can sustain an H-20-44 (20 ton) loading. The report shall verify that, in the opinion of the Engineer, the bridges have been constructed in accordance with acceptable industry practice, are suitable for structures sited at these locations, and have no outstanding maintenance defects or limitations. If the bridge(s) meet the H-20-44 loading, but is not able to safely support all combinations of State legal loads (as determined by California Vehicle Code Section 35550 et seq.), the report shall also specify the allowable bridge capacities, and signs shall be posted on each side of the bridge(s) (Uniform Sign Type R20B, 24" minimum, with appropriate Type R20D) to indicate the load restrictions. Any bridge construction, or modifications, shall be performed under the direct supervision of a Civil Engineer." Any division which isolates the area South of Wages Creek and East of Rider Gulch should have some Legal access for the potential new landowner.

5) An eighteen (18') foot wide road within the access easements from Highway One to the ascending Seasonal Road on the Sosa property will have watercourse and ditch drain culverts replaced to be in compliance with the predicted 100 year flood interval. The road will also have additional rock added with a minimum of a 4" base from Highway One to the Seasonal Road ascending on the South Side of Wages Creek. I presume the existing seasonal road would have to be surfaced to similar specifications.

6) The project shall be under the direct control of a qualified of a Civil Engineer who shall be present on site for a portion of every day of equipment operations. The Civil Engineer or a qualified Resource Professional shall prepare an erosion control plan to insure that potential sediments are minimized to the Wages Creek Watershed.

7) My opinion is the subdivision proposal should be modified to result in a 160 parcel and one additional parcel of approximately 40 acres with a land use of Timber Production. The remainder 160 in the Coastal Zone should remain in conformance to the General Plan with a land use of dry range.

Sincerely,

Tom Kisliuk

Landowner Assessors Parcel Book13- Page 24- Parcel 29