

CALIFORNIA COASTAL COMMISSION

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Staff: Tamara L. Gedik
Staff Report: January 26, 2012
Hearing Date: February 9, 2012
Commission Action:

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: **1-11-011**

APPLICANT: Wages Creek Campground, LLC/ Jeffrey Z.B. Springer

AGENT: Amy Wynn Coastal Development Permits/ Amy Wynn

PROJECT LOCATION: 37630, 37640, and 37700 North Highway One, along Wages Creek, one mile north of Westport, Mendocino County (APNs 013-240-49, 50 and -51).

PROJECT DESCRIPTION: Adjust the boundary between two parcels, adjusting the parcel sizes from 5.4 acres (APN 013-240-50) and 0.86 acres APN 013-240-49) to 4.63 acres and 1.63 acres, respectively.

LAND USE DESIGNATION: Remote Residential (RMR); and Open Space (OS) on a portion of the bluff of APN 013-240-50

ZONING DESIGNATION: Remote Residential (RMR); and Open Space (OS) on a portion of the bluff of APN 013-240-50

LOCAL APPROVALS RECEIVED: Mendocino County approval of Boundary Line Adjustment #B 18-2011 (pursuant to Subdivision Map Act)

SUBSTANTIVE FILE DOCUMENTS: Mendocino County LCP; CDP File No. 1-99-008 approved by the Coastal Commission; CDP-11-99 / CDB-79-98 approved by Mendocino County; and LCP Amendment No. MEN-MAJ-1-02 (Part D)

SUMMARY OF STAFF RECOMMENDATION:

The staff recommends that the Commission approve with conditions the requested coastal development permit for a boundary line adjustment between two parcels owned by Wages Creek Campground, LLC.

The project involves reconfiguring the boundaries of two of three parcels (Exhibit 4) comprising the Wages Creek Campground, APN 013-240-50 (referred to by the applicant as “Campground Owner’s Parcel”) and APN 013-240-49 (referred to by the applicant as “Campground Manager’s Parcel”) such that the land area that contains the existing septic infrastructure that serves the campground on adjoining APN 013-240-51 (Campground parcel) would be transferred from APN 013-240-50 (Campground Owner’s Parcel) to APN 013-240-49 (Campground Manager’s Parcel). As described by the applicant’s agent, the goal of the boundary line adjustment is to facilitate the sale of the Owner’s Parcel without it being encumbered by the septic system that services the Campground located on APN 013-240-51. The Commission is processing a consolidated coastal development permit application to cover both the portion of the development within the Commission’s retained jurisdiction and the portion within the County’s permit jurisdiction.

Wages Creek Campground is located on 50 acres and contains 75 full hookup R.V. sites (with sewer hook-ups, water, and electricity) and 50 tent sites. The Wages Creek Campground parcel also provides amenities that include a vacation rental house on the upper portion (across the access road from the Campground Owner house); and a camp store and two restroom and shower buildings on the lower campground site, all of which are supported by septic infrastructure contained on the currently-configured Campground Owner’s parcel (APN 013-240-50).

The Campground Owner’s Parcel that is affected by the subject land division currently provides the septic infrastructure that will be located on the Campground Manager’s Parcel as adjusted and a portion of the campground access road that supports Wages Creek Campground. The Campground Owner’s parcel contains an existing residential unit that, according to a site map and information on the campground website¹ (Exhibit 8), is used as a vacation rental. The Campground Manager’s Parcel contains the visitor-serving infrastructure that supports the campground, including the following facilities: the caretaker’s residence that functions as the campground registration and office site; a campground registration booth; water tanks that store water supplied to the campground by a local water district; and (according to information on the campground website¹) laundry facilities for the campground.

The rural commercial campground has been in continued operation as a visitor-serving facility since the 1950’s and pre-dates enactment of the Coastal Act. The Commission has issued several coastal development permits and *de minimis* permit waivers for sewage system repairs, seasonal stream crossings, campground improvements, stream restoration work, a previous land division, and other development at Wages Creek Campground since 1979, both before and after

¹ http://koa.com/uploadedFiles/Campgrounds/Westport_Beach/_N_Mendocino_Coast_KOA/Sitemap/05457.pdf
[accessed January 23, 2012]

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certification of Mendocino County's LCP in 1992. Prior to 1999, both Wages Creek Campground and the currently-configured Owner's Parcel were part of the same parcel.

Prior to legislation enabling consolidated coastal development permit processing, the County of Mendocino approved coastal development permit CDP-21-98 and coastal development boundary adjustment CDB-79-98 on August 26, 1999, and the Commission granted to Wages Creek Campground, LLC CDP No. 1-99-008 on November 17, 2000, each permit authorizing within the separate jurisdictional areas the same land division. The land division that resulted in the reconfiguration and merger of five parcels into four (two parcels owned by Westport – Ten Mile Cemetery District, and three parcels owned by Wages Creek Campground, LLC) to facilitate expanded land use by the cemetery and to facilitate development of a septic system to serve the campground. CDP 21-98 expressly authorized the "installation of a new septic system leach field and extension of underground force line to serve the proposed development of 75 RV hook-ups at the existing campground." The campground site contains various environmentally sensitive habitat areas (ESHAs) including sand dune and riparian ESHA that precludes new development of a septic system within the campground.

The County and Commission findings for the permit actions described above demonstrate that at the time of prior approval of this previous development at the subject site, both the County and the Commission envisioned that all three parcels comprising the Wages Creek Campground, including APN 013-240-51 (the Campground Parcel), APN 013-240-50 (the Campground Owners Parcel), and APN 013-240-49 (the Campground Manager's Parcel) would continue to provide services that support the campground visitor-serving use on the subject property. With vacation rental, septic, water, visitor access road, and other visitor-supporting services occurring on all three parcels, the three parcels which are all owned by Wages Creek Campground, LLC have therefore functioned to date as one campground. The current boundary line adjustment seeks authorization to reconfigure parcels such that the Campground Owner Parcel could be sold at a later date without encumbrances of the septic infrastructure that serves Wages Creek Campground. The explicit owner's intention of the current development to facilitate the sale of one of the parcels that has functioned in the past as part of a single campground facility raises concerns about the continued provision of the infrastructure necessary to operate the adjacent campground. As the Managers Parcel provides essential support facilities for the campground operation that enable the campground to function, any future sale of that parcel separate from the Campground Parcel would jeopardize the continued existence of the priority campground visitor serving use at this location. In addition, the Campground Owners Parcel as proposed to be reconfigured would still contain a portion of the main access road serving the campground facility. Unless the access road is required to continue to serve the campground facility, sale of the Campground Owners Parcel separate from the other campground parcels could enable the future purchasers of the Campground Owners Parcel to eliminate use of that portion of the road by users of the campground facility, further jeopardizing the campground's continued use.

Therefore, to ensure that the visitor-serving infrastructure and facilities located on the Campground Manager's Parcel and on the portion of the access road on the Campground Owner's parcel are protected in a way that continues to support Wages Creek Campground uses, Staff recommends Special Condition Number 2. Special Condition No. 2 requires that the Campground Manager's Parcel as adjusted and as depicted on Exhibit No. 7, and which includes

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services that currently support the visitor-serving campground facility (including but not limited to water facilities; storage shed; access road; septic; caretaker's facility; and any other visitor-serving uses that support the campground that is contained on APN 013-240-51), shall: (1) be maintained and occupied by the manager or property owner who will manage the campground facility; and (2) continue to provide the necessary infrastructure for the adjacent campground. In addition, Special Condition No. 2 also requires that the portions of the campground access road that cross both the Campground Managers Parcel as adjusted and the Campground Owners Parcel as adjusted continue to serve as the access road for the campground located on the Campground Parcel.

Thus, Staff believes that the proposed project as conditioned will protect, encourage, and provide lower cost recreational facilities consistent with Section 30213 and other applicable policies of the Coastal Act.

All three parcels are currently developed and the proposed boundary line adjustment will not result in increased density of use. The project site is, however, located in a designated Critical Water Resources area. Although the project site is in a rural setting, it is located within the boundaries of the Westport County Water District (WCWD). WCWD has indicated that the existing developments on both parcels subject to the boundary line adjustment (APNs 013-240-49 and 013-240-50) can have adequate water services separate from the campground water. Therefore, Staff believes the proposed development is also consistent with Coastal Act Section 30250(a) to the extent that it is located in a developed area with adequate water, sewer, utility, transportation, and other public service capabilities, and as conditioned herein, will not have significant adverse effects, either individually or cumulatively, on coastal resources.

The project as proposed is a boundary line adjustment between two parcels that does not include any physical land improvements or other developments. As conditioned by Special Condition 2C, the proposed project would not interfere with the public's right of access to the sea either by patrons of the private campground or the general public from established nearby coastal access points, and the access road to the campground would remain open. In addition, the proposed boundary line adjustment would not create any new demand for public access or otherwise create any additional burdens on public access.

Staff believes the proposed project as conditioned is consistent with the Coastal Act and recommends approval.

The motion to adopt the staff recommendation of approval with conditions is found on page 5.

STAFF NOTES:

1. Jurisdiction and Standard of Review

The project site is located on three lots that comprise Wages Creek Campground along Wages Creek, about one mile north of Westport, in Mendocino County. Mendocino County has a certified LCP, but a portion of the site is within the retained jurisdiction of the Commission in an

area shown on State Lands Commission maps over which the state retains a public trust interest. The proposed project also affects a portion of land within the permitting jurisdiction delegated to Mendocino County by the Commission through the County's certified Local Coastal Program.

Section 30601.3 of the Coastal Act authorizes the Commission to process a consolidated coastal development permit application when agreed to by the local government, the applicant, and the Executive Director, for projects that would otherwise require coastal development permits from both the Commission and from a local government with a certified LCP.

In this case, the Mendocino County Board of Supervisors passed a resolution (Exhibit 9) on October 4, 2011 authorizing County staff to request the consolidated processing of the application by the Coastal Commission staff. On October 6, 2011 County staff requested the consolidated permit processing, and the applicant has also requested that Coastal Commission staff undertake the consolidated permit processing. The Executive Director has authorized the consolidated processing on behalf of the Commission. The policies of Chapter 3 of the Coastal Act provide the legal standard of review for a consolidated coastal development permit application submitted pursuant to Section 30601.3. The local government's certified LCP may be used as guidance.

I. MOTION, STAFF RECOMMENDATION AND RESOLUTION:

The staff recommends that the Commission adopt the following resolution:

Motion:

I move that the Commission approve Coastal Development Permit Amendment No. 1-11-011 pursuant to the staff recommendation.

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION TO APPROVE THE PERMIT:

The Commission hereby approves the coastal development permit for the proposed land division and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment.

II. STANDARD CONDITIONS: (See attached Appendix A.)

III. SPECIAL CONDITIONS:

1. Generic Deed Restriction

PRIOR TO ISSUANCE OF COASTAL DEVELOPMENT PERMIT NO. 1-11-011, the applicant shall submit for the review and approval of the Executive Director, documentation demonstrating that the applicant has executed and recorded against the parcel(s) governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit as covenants, conditions, and restrictions on the use and enjoyment of the property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

2. Campground Manager Parcel Restrictions

The manager parcel shall be defined as: (1) existing Assessor's Parcel No. (APN) 013-240-49 as generally depicted on Exhibit 6, and which contains the campground caretaker facility; water facilities; storage shed; and portions of the campground access road; and (2) the portion of existing APN 013-240-50 that is to be adjusted into proposed APN 013-240-49 as generally depicted on Exhibit 6 because it contains the septic system that supports the visitor-serving campground facility located on APN 013-240-51.

- A. The manager parcel, as generally depicted on Exhibit No. 7 as proposed APN 013-340-49, and which includes services that currently support the visitor-serving campground facility located on existing APN 013-240-51 (including but not limited to water facilities; storage shed; portions of the campground access road; and the septic system; and any other development that supports the campground contained on existing APN 013-240-51) shall be maintained and occupied by the manager or property owner who will manage the campground facility located on existing APN 013-240-51.
- B. Consistent with the terms and conditions of CDP No. 1-99-008 approved by the Coastal Commission and CDP No. 21-98 approved by Mendocino County, the septic improvements located on the portion of existing APN 013-240-50 that is to be included in proposed APN 013-240-49 as generally depicted on Exhibit 7 shall continue to serve the visitor serving uses located on: (1) proposed APN 013-240-49 (the campground caretaker's facility) as generally depicted on Exhibit 7 and (2) on existing APN 013-240-51 (the campground). The septic improvements located on the portion of existing APN 013-240-50 that is to be included in proposed APN 013-240-49 as generally depicted on Exhibit 7 shall not be used

for any other uses without an amendment to this CDP approved by the Commission.

- C. Consistent with the terms of Grant Deed Nos. 2002-19175 (APN 013-240-49) and 2002-19176 (APN 013-240-50), the portions of the access road located on existing APN 013-240-49 and APN 013-240-50 and generally depicted on Exhibit 7 shall continue to serve as the access road for the campground located on existing APN 013-240-51 as generally depicted on Exhibit 6.
- D. **PRIOR TO ISSUANCE BY THE EXECUTIVE DIRECTOR OF THE NOTICE OF INTENT TO ISSUE COASTAL DEVELOPMENT PERMIT NO. 1-11-011 and WITHIN 6 MONTHS OF COMMISSION APPROVAL OF THIS COASTAL DEVELOPMENT PERMIT, OR WITHIN SUCH ADDITIONAL TIME AS THE EXECUTIVE DIRECTOR MAY GRANT FOR GOOD CAUSE, BUT PRIOR TO EXECUTING THE RECORDATION REQUIREMENTS OF SPECIAL CONDITION 1,** the applicant shall submit for the review and approval of the Executive Director, and upon such approval, for attachment as an Exhibit to the NOI, a metes and bounds legal description and graphic depiction prepared by a licensed surveyor of the portions of the subject properties affected by this condition, including: (1) the entirety of existing APNs 013-240-49, 013-240-50, and 013-240-51 and generally depicted on Exhibit No. 6; (2) the portion of existing APN 013-240-50 that is to be adjusted into proposed APN 013-240-49 and generally depicted on Exhibit No. 7; (3) APNs 013-240-49 and 013-240-50 as adjusted; and (4) the portion of the campground access road right-of-way that crosses through either existing APN 013-240-49 or APN 013-240-50 as generally described above and shown on Exhibit No. 7 attached to this staff report.

IV. FINDINGS AND DECLARATIONS FOR APPROVAL

The Commission hereby finds and declares:

1. Project and Site Description

The proposed project seeks to reconfigure the boundaries of two of three parcels (Exhibit 4) comprising the Wages Creek Campground, APN 013-240-50 (referred to by the applicant as “Campground Owner’s Parcel”) and APN 013-240-49 (referred to by the applicant as “Campground Manager’s Parcel”) such that the land area that contains the existing septic infrastructure that serves the campground on adjoining APN 013-240-51 (Campground parcel) would be transferred from APN 013-240-50 (Campground Owner’s Parcel) to APN 013-240-49 (Campground Manager’s Parcel). As described by the applicant’s agent, the goal of the boundary line adjustment is to facilitate the sale of the Owner’s Parcel without it being encumbered by the septic system that services the Campground located on APN 013-240-51.

The project site is located between the Pacific Ocean and Highway One approximately one mile north of the town of Westport in Mendocino County (Exhibits 1 and 2), and includes two predominantly-blufftop lots (the Campground Manager’s Parcel and the Campground Owner’s

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Parcel) located adjacent to and southwest of a large mostly low-lying parcel along the lower reach of Wages Creek and the beach (Exhibit 5) which contains the campsites (Campground Parcel). Highway One wraps around the campground in a sharp, concave, horseshoe-shaped bend. The Campground Manager's Parcel abuts Highway One, and a campground entrance road encroaches through a portion of both the Manager's Parcel and the Owner's Parcel atop a low-lying bluff ranging 65-85 feet in elevation above sea level. The campground entrance road continues through both parcels then meanders downslope to the Campground Parcel where the camping facilities are located. The rural commercial campground has been in continued operation as a visitor-serving facility since the 1950's and pre-dates enactment of the Coastal Act.

Although predominantly a bluff-top parcel, the Campground Owner's parcel (APN 013-240-50) includes a sandy shoreline area north of the bluff containing the mouth of Wages Creek, a first-order coastal stream. The two parcels that are the subject of the boundary line adjustment, in addition to the Campground Parcel (APN 013-240-51: not subject to the proposed boundary line adjustment), are currently owned by the applicant, Wages Creek Campground, LLC (c/o Jeffrey Z.B. Springer). The Westport – Ten Mile Cemetery was established in the 1870's and is located adjacent to and southwest of the Campground Manager's Parcel (Exhibit 5). The Westport – Union Landing State Beach is located $\frac{3}{4}$ -mile to the north, with a small portion of ownership located south of the subject site. In the past Westport – Union Landing State Beach has provided campground and R.V. facilities and support services; however, due to an unprecedented fiscal crisis, services at this site have been reduced or eliminated until further notice. The area is surrounded by dune strand, coastal scrub-shrub, a riparian corridor along Wages Creek, and forested hillsides along the eastern side of the subject property and north of Wages Creek Campground. Landward of the project site and east of Highway One, the terrain rises steeply to the crest of Packer Ridge and the northern flanks of Bell Mountain.

The Coastal Element of the Mendocino General Plan designates the area as "highly scenic." The subject parcels are designated and zoned for remote residential (RMR) uses, except for the western strip of the Campground Owner's parcel which is designated and zoned as open-space (OS) along the bluff and shoreline area. The Campground Owner's parcel contains an existing residential unit that, according to a site map and information on the campground website² (Exhibit 8), is used as a vacation rental. The Campground Manager's Parcel contains the visitor-serving infrastructure that supports the campground, including the following facilities: the caretaker's residence that functions as the campground registration and office site; a campground registration booth; water tanks that store water supplied to the campground by a local water district; and (according to information on the campground website¹) laundry facilities for the campground.

2. Permit History

The Commission has issued several coastal development permits and *de minimis* permit waivers for sewage system repairs, seasonal stream crossings, campground improvements, stream

² http://koa.com/uploadedFiles/Campgrounds/Westport_Beach/_N_Mendocino_Coast_KOA/Sitemap/05457.pdf
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restoration work, a previous land division, and other development at Wages Creek Campground since 1979, both before and after certification of Mendocino County's LCP in 1992. On November 17, 2000, the Commission granted to Wages Creek Campground, LLC CDP No. 1-99-008 that authorized: 1) the merger and re-subdivision of five parcels (including the Campground parcel and the parcels that are the subject of the current land division) into four parcels; 2) construction of campground improvements, including converting 75 tent campsites to full hook-up RV sites, extending underground utilities, constructing a dump station, wastewater collection and delivery system, installing interpretive signs, making road improvements, and replacing a seasonal stream crossing with a permanent bridge, and 3) stream bank stabilization & alteration work.

On April 15, 1998, Applicant Jeffrey Z.B. Springer, President and Owner of Wages Creek Campground, LLC, submitted a proposal for improvements to Wages Creek Campground that included conversion of campsites to RV full hookup sites and installation of a permanent bridge across Wages Creek. The campground improvements also included a proposal to upgrade the campground septic services. In the project proposal, the applicant stated the following:

The concept behind this proposal is that the campground requires infrastructure improvements in order to remain competitive and best serve the needs of the camping public. Recreational vehicle campers and the availability of full hookup sites are becoming more common and are in great demand by the public seeking cost-effective yet convenient access to the coastline.

Owners are requesting permits to convert approximately 76 existing campsites to full hookup RV sites and to replace the seasonal bridge and sewer line with permanent structures.

Because the parcels lie within both the County of Mendocino's and the Commission's coastal development permitting jurisdictions, on August 26, 1999 (i.e., prior to legislation enabling consolidated coastal development permit processing), the County of Mendocino approved coastal development permit CDP-21-98 and coastal development boundary adjustment CDB-79-98 authorizing those portions of the development and merger and re-subdivision within the County's jurisdiction. The County's project request is described in part as "Installation of new septic system leach field and extension of underground force line to serve proposed development of 75 RV hook-ups at existing campground." Subsequent to the April 1998 proposal, the applicant modified the permit application to include Westport – Ten Mile Cemetery District as a co-applicant and to request a boundary line adjustment and parcel merger between two parcels owned by Westport – Ten Mile Cemetery District, and three parcels owned by Wages Creek Campground, LLC to facilitate expanded land use by the cemetery and to facilitate development of the septic system to serve the campground. Specifically, the County staff report identifies the purpose of the boundary line adjustment as follows:

(1) Provide additional area for development of the septic system for Wages Creek Campground by transferring portions of two parcels owned by the Westport-Ten Mile (WTM) Cemetery district into a parcel owned by the campground. This land is located on the blufftop, south of Wages Creek. (2) Provide additional usable space for the WTM Cemetery district to expand the cemetery. A portion of the campground parcel adjacent

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to the existing cemetery will be transferred to the cemetery. (3) Transfer ownership of the parcel which comprises the beach in front of the campground from WTM Cemetery district to the campground.

CDP 21-98 expressly authorized the “installation of a new septic system leach field and extension of underground force line to serve the proposed development of 75 RV hook-ups at the existing campground.” In the County’s findings, they further indicated the following:

The leach field includes 1,250 lineal feet of leaching trench. The wastewater collection and delivery systems that will collect the wastewater generated from the RV sites, settle it in septic tanks and deliver it to the force line and leaching trenches are not part of this application and will be considered with the Coastal Commission’s coastal permit for the 75 RV hook-ups at the campground.

The County’s permit approval therefore included septic improvements consisting of installation of a septic system leach field (that is now located on the current Campground Owner’s Parcel) and extension of an existing underground force line from the campground to the leach field. The County’s permit approval also reconfigured the boundaries of the adjacent cemetery and transferred beach ownership from the cemetery to a parcel owned by Wages Creek Campground. The County’s actions on CDP-11-99 / CDB-79-98 were not appealed to the Commission and became effective on September 24, 1999.

The Commission’s findings on CDP No. 1-99-008 included the following:

The proposed development involves extensive service improvements to an existing commercial campground, including installation of an onsite sewage disposal system, development of an internal roadway network, and the extension of water, electricity and communication utilities.

The Commission certified LCP Amendment No. MEN-MAJ-1-02 PART D (Wages Creek Campground/ Westport Cemetery District) with modifications on November 16, 2005. The LCP amendment as modified served to adjust land use and zoning designations such that the cemetery parcel as reconfigured by the land division would remain designated and zoned Public Facility (PF) and the campground parcels as reconfigured would remain designated and zoned as Remote Residential (RMR).

3. Standard of Review

The proposed project site is located on three lots that comprise Wages Creek Campground along Wages Creek, about one mile north of Westport, in Mendocino County. Mendocino County has a certified LCP, but a portion of the site is within the retained jurisdiction of the Commission in an area shown on State Lands Commission maps over which the state retains a public trust interest. The proposed project also affects a portion of land within the permitting jurisdiction delegated to Mendocino County by the Commission through the County’s certified Local Coastal Program.

Section 30601.3 of the Coastal Act authorizes the Commission to process a consolidated coastal development permit application when agreed to by the local government, the applicant, and the Executive Director, for projects that would otherwise require coastal development permits from both the Commission and from a local government with a certified LCP.

In this case, the Mendocino County Board of Supervisors passed a resolution (Exhibit 9) on October 4, 2011 authorizing County staff to request the consolidated processing of the application by the Coastal Commission staff. On October 6, 2011 County staff requested the consolidated permit processing, and the applicant has also requested that Coastal Commission staff undertake the consolidated permit processing. The Executive Director has authorized the consolidated processing on behalf of the Commission. The policies of Chapter 3 of the Coastal Act provide the legal standard of review for a consolidated coastal development permit application submitted pursuant to Section 30601.3. The local government's certified LCP may be used as guidance.

4. Public Access

Applicable Coastal Act Policies

Section 30210 "Access; recreational opportunities; posting" states the following:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse. (Amended by Ch. 1075, Stats. 1978.)

Section 30211 "Development not to interfere with access" states:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30212 "New development projects" states in part the following:

(a) *Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:*

- (1) *it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources,*
- (2) *adequate access exists nearby, or,*
- (3) *agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.*

Advisory LCP Policies

LUP Policy 3.6-11 states the following:

Visitor accommodations and services on parcels adjoining the shoreline as identified on the public access maps shall provide public access to the blufftop and/or the shoreline. The access, to be required as a condition of permit approval or other methods as

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described in policy 3.6-5, shall be available to the public at large as well as to guests. In the event that the use is changed to a use other than visitor accommodations or services, an irrevocable offer to dedicate an easement for public access shall be made available to a public entity for acceptance and management. If the accessway is reopened, it shall remain available to the public free of entrance charge.

LUP Policy 3.6-12 states the following:

Vertical accessways not shown on the Land Use Maps or required by these policies shall not be required as a condition of permit approval unless the plan shall have been amended to change the intensity of use, or to delete an access point shown on the plan and serving a similar need.

LUP Policy 3.6-28 states the following:

New development on parcels containing the accessways identified on the land use maps shall include an irrevocable offer to dedicate an easement, as required by other policies in this Chapter, for public use. Such offers shall run for a period of 21 years and shall be to grant and convey to the people of the State of California an easement for access over and across the offeror's property.

LUP Policy 4.2-9 states (emphasis added):

At those times when the campground is open for business on specific days and hours an entrance fee may be charged to the general public as long as the visitor serving use remains. Public access without an entrance fee shall be provided consistent with policy 3.6-5 if a use other than a visitor serving use is permitted on the site.

Coastal Act Sections 30210, 30211, and 30212 require the provision of maximum public access opportunities, with limited exceptions. Coastal Act Section 30210 requires in applicable part that maximum public access and recreational opportunities be provided when consistent with public safety, private property rights, and natural resource protection. Section 30211 requires in applicable part that development not interfere with the public's right of access to the sea where acquired through use (i.e., potential prescriptive rights or rights of implied dedication). Section 30212 requires in applicable part that public access from the nearest public roadway to the shoreline and along the coast be provided in new development projects, except in certain instances, such as when adequate access exists nearby or when the provision of public access would be inconsistent with public safety.

Although it is not the standard of review in the Commission's retained jurisdiction area, the County of Mendocino's LCP can be utilized by the Commission as guidance. The LCP addresses access points in the project vicinity, and the Mendocino County certified land use maps identify a proposed shoreline access route that utilizes the campground access road that passes through the Campground Manager's parcel (APN 013-240-49) and the Campground Owner's parcel (APN 013-240-50). As discussed further below, Special Condition 2C ensures that this road will continue to provide access to the campground. Mendocino County Land Use Plan (LUP) Policy

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4.2-9 identifies public access, recreation, and visitor-serving uses specific to Wages Creek Campground and specifies that when the campground is open for business, an entrance fee may be charged to the public as long as the visitor serving use remains. Currently, Wages Creek Campground charges a day-use access fee of \$5.00 per person.

In applying Sections 30211 and 30212, the Commission is limited by the need to show that any denial of a permit application based on these sections, or any decision to grant a permit subject to special conditions requiring new public access, is necessary to avoid or offset a project's adverse impact on existing or potential public access.

The project site is located adjacent to the Pacific Ocean, between the sea and the first public road. Due to its private commercial orientation, public coastal access points to and along the ocean through the campground site are limited to paid day-use access, and campground occupants and their guests. Public coastal access to the beach through the Westport - Ten Mile Cemetery is constrained by steep slopes and unstable bluffs in that portion of the project site. Adjoining the site to the north and south are coastal access facilities, comprising the day use areas, campgrounds, and beachfront trails within Westport – Union Landing State Beach.

The project as proposed is a boundary line adjustment between two parcels that does not include any physical land improvements or other developments. As conditioned by Special Condition 2C, the proposed project would not interfere with the public's right of access to the sea either by patrons of the private campground or the general public from established nearby coastal access points, and the access road to the campground would remain open. In addition, the proposed boundary line adjustment would not create any new demand for public access or otherwise create any additional burdens on public access. Therefore, the Commission finds that the proposed project, which does not include new public access, is consistent with the public access policies of the Coastal Act.

5. Lower-Cost Visitor Serving Facilities

Applicable Coastal Act Policies

Coastal Act Section 30213 states in applicable part:

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred...

Section 30221 Oceanfront land; protection for recreational use and development

Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

Section 30222 Private lands; priority of development purposes

The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over

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private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

Advisory LCP Policies

LUP Policy 3.7-5 states the following (emphasis added):

The locations designated and types of use permitted are intended to result in accommodations of all price ranges, including lower cost ones such as campgrounds and hostels. Lower-cost visitor and recreational facilities for persons and families of low and moderate income shall be protected, encouraged and, where feasible, provided. Developments providing public recreational opportunities are preferred.

LUP Policy 4.2-9, “Coastal Element Policies: Wages Creek” states (emphasis added):

At those times when the campground is open for business on specific days and hours an entrance fee may be charged to the general public as long as the visitor serving use remains. Public access without an entrance fee shall be provided consistent with policy 3.6-5 if a use other than a visitor serving use is permitted on the site.

Discussion:

Coastal Act Section 30213 requires lower cost visitor serving and recreational facilities to be protected, and where feasible, provided. In addition, Coastal Act Section 30221 states that oceanfront land suitable for recreational use shall be protected for recreational use and development unless current and future foreseeable recreational demand is adequately provided for in the area. Similarly, Mendocino County Land Use Plan Policy 3.7-5 requires that lower-cost visitor and recreational facilities for persons and families of low and moderate income shall be protected.

Wages Creek Campground is located on 50 acres and provides low cost fully plumbed transient-use RV camping sites, and cheaper “dry” transient-use camping sites, consistent with the goals of Section 30213. The campground contains 75 full hookup R.V. sites (with sewer hook-ups, water, and electricity) that range in cost between \$45.00 and \$62.00 per night (depending on time of year and standard site or “premium” beach site); 50 tent sites that range in cost between \$25.00 and \$42.00 per night; and 5 group sites. The Wages Creek Campground parcel also provides amenities that include a vacation rental house on the upper portion (across the access road from the Campground Owner house) and a camp store and two restroom and shower buildings on the lower campground site. The “Campground Manager’s Parcel” that is affected by the subject land division also provides several visitor-supporting services to Wages Creek Campground, including but not limited to the following campground services: (1) water supply; (2) campground registration office and caretaker’s residence; (3) campground registration booth; (4) road access to the campground; and (5) a laundromat that serves the campground. The existing Campground Owner’s Parcel that is affected by the subject land division currently provides (1) septic infrastructure; (2) road access to the campground; and (3) a single family residence that currently functions as one of two vacation rentals offered by Wages Creek Campground.

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As discussed above, the proposed project seeks to reconfigure the boundaries of two parcels, APN 013-240-50 (the “Campground Owner’s Parcel”) and APN 013-240-49 (the “Campground Manager’s Parcel”) such that Campground Manager’s parcel will contain the existing septic infrastructure that serves the campground and that currently is associated with APN 013-240-50 (Campground Owner’s parcel). As described by the applicant’s agent, the goal of the boundary line adjustment is for Wages Creek Campground to be able to sell the Owner’s Parcel without it being encumbered by the septic that services the Campground on APN 013-240-51.

Prior to 1999, both Wages Creek Campground and the currently-configured Owner’s Parcel were part of the same parcel. The rural commercial campground has been in continued operation as a visitor-serving facility since the 1950’s and pre-dates enactment of the Coastal Act. Previous permit actions on the subject property authorized a land division that resulted in the reconfiguration and merger of five parcels into four (two parcels owned by Westport – Ten Mile Cemetery District, and three parcels owned by Wages Creek Campground, LLC) to facilitate expanded land use by the cemetery and to facilitate development of a septic system to serve the campground. The campground site contains various environmentally sensitive habitat areas (ESHAs) including sand dune and riparian ESHA that precludes new development of a septic system within the campground.

On April 15, 1998, Applicant Jeffrey Z.B. Springer, President and Owner of Wages Creek Campground, LLC, submitted a proposal for improvements to Wages Creek Campground that included conversion of campsites to RV full hookup sites and installation of a permanent bridge across Wages Creek. The campground improvements also included a proposal to upgrade the campground septic services. In the project proposal, the applicant stated the following:

The concept behind this proposal is that the campground requires infrastructure improvements in order to remain competitive and best serve the needs of the camping public. Recreational vehicle campers and the availability of full hookup sites are becoming more common and are in great demand by the public seeking cost-effective yet convenient access to the coastline.

Owners are requesting permits to convert approximately 76 existing campsites to full hookup RV sites and to replace the seasonal bridge and sewer line with permanent structures.

As described above, the parcels lie within both the County of Mendocino’s and the Commission’s coastal development permitting jurisdictions and previous permit actions occurred prior to legislation authorizing the option to pursue consolidated coastal development permit processing. Subsequent to the April 1998 proposal, the applicant modified the permit application to include Westport – Ten Mile Cemetery District as a co-applicant and to request a boundary line adjustment and parcel merger between two parcels owned by Westport – Ten Mile Cemetery District, and three parcels owned by Wages Creek Campground, LLC to facilitate expanded land use by the cemetery and to facilitate development of the septic system to serve the campground. Thus, in 1999 the County of Mendocino approved coastal development permit CDP-21-98 and coastal development boundary adjustment CDB-79-98 authorizing those portions of the development (including septic infrastructure) and merger and re-subdivision within the County’s jurisdiction. The County staff report identifies the purpose of the development and land division

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as follows (emphasis added):

(1) Provide additional area for development of the septic system for Wages Creek Campground by transferring portions of two parcels owned by the Westport-Ten Mile (WTM) Cemetery district into a parcel owned by the campground. This land is located on the blufftop, south of Wages Creek. (2) Provide additional usable space for the WTM Cemetery district to expand the cemetery. A portion of the campground parcel adjacent to the existing cemetery will be transferred to the cemetery. (3) Transfer ownership of the parcel which comprises the beach in front of the campground from WTM Cemetery district to the campground.

CDP 21-98 expressly authorized the “installation of a new septic system leach field and extension of underground force line to serve the proposed development of 75 RV hook-ups at the existing campground.” In the County’s findings, they further indicated the following:

The leach field includes 1,250 lineal feet of leaching trench. The wastewater collection and delivery systems that will collect the wastewater generated from the RV sites, settle it in septic tanks and deliver it to the force line and leaching trenches are not part of this application and will be considered with the Coastal Commission’s coastal permit for the 75 RV hook-ups at the campground.

On November 17, 2000, the Commission granted to Wages Creek Campground, LLC CDP No. 1-99-00 authorizing those portions of the development (including septic infrastructure) and land division within the Commission’s retained permit jurisdiction.

In its findings for CDP No. 1-99-00, the Commission indicated the following (emphasis added):

The project proposes to merge and re-subdivide five parcels into four parcels, portions of which run through dune, coastal strand and riparian ESHAs. The purpose for these adjustments is to facilitate the transfer of fee-title over portions of the properties owned by the co-applicants. The result of the proposed merger and re-subdivision would be the consolidation of ownership areas such that the properties may be managed more effectively for their intended uses as commercial campgrounds and burial sites. Additional area would be provided to the campground for development of the septic disposal system and ownership of contiguous oceanfront areas directly to the west. In exchange, flat, geologically stable portions of the campground would be transferred to the Westport – Ten Mile Cemetery District such that the cemetery may be expanded to meet the region’s interment needs.

The Commission’s findings on CDP No. 1-99-008 indicated the following (emphasis added):

The proposed development involves extensive service improvements to an existing commercial campground, including installation of an onsite sewage disposal system, development of an internal roadway network, and the extension of water, electricity and communication utilities.

The County and Commission findings demonstrate that at the time of prior approval of this previous development at the subject site, both the County and the Commission envisioned that all three parcels comprising the Wages Creek Campground, including APN 013-240-51 (the

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Campground Parcel), APN 013-240-50 (the Campground Owners Parcel), and APN 013-240-49 (the Campground Manager's Parcel) would continue to provide services that support the campground visitor-serving use on the subject property. With vacation rental, septic, water, visitor access road, and other visitor-supporting services occurring on all three parcels, the three parcels which are all owned by Wages Creek Campground, LLC have therefore functioned to date as one campground facility. The current boundary line adjustment seeks authorization to reconfigure parcels such that the Campground Owner Parcel could be sold at a later date without encumbrances of the septic infrastructure that serves Wages Creek Campground. The explicit owner's intention of the current development to facilitate the sale of one of the parcels that has functioned in the past as part of a single campground facility raises concerns about the continued provision of the infrastructure necessary to operate the adjacent campground. As the Managers Parcel provides essential support facilities for the campground operation that enable the campground to function, any future sale of that parcel separate from the Campground Parcel would jeopardize the continued existence of the priority campground visitor serving use at this location. In addition, the Campground Owners Parcel as proposed to be reconfigured would still contain a portion of the main access road serving the campground facility. Unless the access road is required to continue to serve the campground facility, sale of the Campground Owners Parcel separate from the other campground parcels could enable the future purchasers of the Campground Owners Parcel to eliminate use of that portion of the road by users of the campground facility, further jeopardizing the campground's continued use.

Therefore, to ensure that the visitor-serving infrastructure and facilities located on the Campground Manager's Parcel and on the portion of the access road on the Campground Owner's parcel are protected in a way that continues to support Wages Creek Campground uses, the Commission attaches Special Condition Number 2. Special Condition No. 2 requires that the Campground Manager's Parcel as adjusted and as depicted on Exhibit No. 7, and which includes services that currently support the visitor-serving campground facility (including but not limited to water facilities; storage shed; access road; septic; caretaker's facility; and any other visitor-serving uses that support the campground that is contained on APN 013-240-51), shall: (1) be maintained and occupied by the manager or property owner who will manage the campground facility; and (2) continue to provide the necessary infrastructure for the adjacent campground. In addition, Special Condition No. 2 also requires that the portions of the campground access road that cross both the Campground Managers Parcel as adjusted and the Campground Owners Parcel as adjusted continue to serve as the access road for the campground located on the Campground Parcel.

Therefore, as conditioned, the Commission finds that the proposed project will protect, encourage, and provide lower cost recreational facilities. Thus, the project is consistent with Section 30213 and other applicable policies of the Coastal Act.

6. Locating and Planning New Development

Applicable Coastal Act Policies

Section 30250(a) of the Coastal Act states in applicable part that:

New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.

Advisory LCP Policies

LUP Policy 3.8-1 states in applicable part that (emphasis added):

Highway 1 capacity, availability of water and sewage disposal, and other known planning factors shall be considered when considering applications for development.

LUP Policy 3.9-1 states (emphasis added):

An intent of the Land Use Plan is to apply the requirement of Section 30250(a) of the Act that new development be in or in close proximity to existing areas able to accommodate it, taking into consideration a variety of incomes, lifestyles, and location preferences. Consideration in allocating residential sites has been given to:

- each community's desired amount and rate of growth.*
- providing maximum variety of housing opportunity by including large and small sites, rural and village settings, and shoreline and inland locations.*

In addition to the considerations pertaining to the allocation of residential sites listed above, all development proposals shall be regulated to prevent any significant adverse effects, either individually or cumulatively, on coastal resources.

One housing unit shall be authorized on every legal parcel existing on the date of adoption of this plan, provided that adequate access, water, and sewage disposal capacity exists and proposed development is consistent with all applicable policies of this Coastal Element and is in compliance with existing codes and health standards. Determination of service capacity shall be made prior to the issuance of a coastal development permit.

Discussion:

The intent of Coastal Act Section 30250(a) is to direct development toward areas where community services are provided and potential impacts to resources are minimized. Similarly, LUP Policy 3.9-1 of the Mendocino County Land Use Plan states that new development shall be located within or near existing developed areas able to accommodate it or in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.

LUP Policy 3.8-1 states that Highway 1 capacity, availability of water and sewage disposal, and other known planning factors shall be considered when considering applications for

development.

Sewage Disposal

As discussed above, the proposed project seeks to reconfigure the boundaries of two parcels, APN 013-240-50 (the “Campground Owner’s Parcel”) and APN 013-240-49 (the “Campground Manager’s Parcel”) such that the Campground Manager’s parcel will contain the existing septic infrastructure that serves the campground and that currently is located on APN 013-240-50 (Campground Owner’s parcel). As described by the applicant’s agent, the goal is for Wages Creek Campground to be able to sell the Owner’s Parcel without it being encumbered by the septic that services the Campground located on APN 013-240-51. In addition to the septic system that supports Wages Creek Campground that will be located on the Campground Manager’s Parcel as adjusted, the Campground Owner’s parcel contains an existing septic system that is dedicated to the existing residence located on the Campground Owner’s parcel.

Wages Creek Campground is located on 50 acres and contains 75 full hookup R.V. sites (with sewer hook-ups, water, and electricity) and 50 tent sites. The Wages Creek Campground parcel also provides amenities that include a vacation rental house on the upper portion (across the access road from the Campground Owner house); and a camp store and two restroom and shower buildings on the lower campground site, all of which are supported by septic infrastructure contained on the currently-configured Campground Owner’s parcel (APN 013-240-50). The “Campground Manager’s Parcel” that is affected by the subject land division also provides several visitor-supporting services to Wages Creek Campground, including but not limited to the campground registration office and caretaker’s residence, a laundromat that serves the campground, and a portion of the campground access road. The Campground Owner’s Parcel that is affected by the subject land division currently provides the septic infrastructure that will be located on the Campground Manager’s Parcel as adjusted and a portion of the campground access road that supports Wages Creek Campground. The campground site (APN 013-240-51) contains various environmentally sensitive habitat areas (ESHAs) including sand dune and riparian ESHA that precludes new development of a septic system within the campground.

The septic system that serves Wages Creek Campground was designed to accommodate treatment of an estimated daily flow of 7,500 gallons of wastewater through leachfield disposal conveyed by a pressurized system. The design was developed in accordance with the requirements of the North Coast Regional Water Quality Control Board (NCRWQCB) and the Mendocino County Division of Environmental Health (MCDEH). The proposed system includes designation of a 100% leachfield replacement area in the advent of future failure of the primary field. A cumulative analysis of the effects of the system on water quality was also conducted consistent with the North Coast Basin Plan. The system design was approved by the MCDEH on December 20, 1999 and the septic installation was authorized under County permit No. CDP-21-98 and Coastal Commission CDP No. 1-99-00.

To ensure that the septic infrastructure currently located on APN 013-240-50 is protected in a way that continues to support Wages Creek Campground uses once the proposed Campground Manager’s parcel (APN 013-240-49) is reconfigured to contain the septic infrastructure, the Commission attaches Special Condition Number 2. Special Condition No. 2 requires that the Campground Manager’s Parcel as adjusted and as depicted on Exhibit No. 10, will include the

WAGES CREEK CAMPGROUND, LLC

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septic services that currently support the visitor-serving campground facility on APN 013-240-51 to be maintained and occupied by the manager or property owner who will manage the campground facility.

Road System

The project site is served internally by a 25-ft.-wide gravel roadway system connected to State Highway One. The roadway system was developed as part of improvements to the campground and as approved by Coastal Commission CDP No. 1-99-008 and Mendocino County CDP-11-99 / CDB-79-98. This roadway system was improved to serve the campground because the only other campground access, described as the “lower” or “northerly” approach (Post Mile 78.35) was determined by Caltrans in a letter dated July 27, 1998, as unlikely to meet their standards due to “Highway geometrics which limit sight distance.” Caltrans additionally recommended the “lower” approach be either relocated or abandoned. In its approval of CDP-11-99 / CDB-79-98, Mendocino County described the secondary campground access road recommended for improvements as the “southerly road approach” and imposed Special Condition No. 3 that requires “The legal descriptions for the boundary line adjustment shall include a minimum 40’ wide access easement from State Highway 1 to serve the landlocked parcel located north of the Westport Cemetery.” In their findings, the County also noted the following:

Caltrans has identified several improvements which are necessary to upgrade the two road approaches at the project site. Since the improvements which are the subject of this permit are restricted to the area served by the southerly road approach, these requirements are established by Special Condition #4.

It is noted that Caltrans has recommended substantial changes to the northerly road approach at PM 78.35 (west of the hairpin in the Highway), including relocation of the approach and driveway, and removal of trees. These improvements are within the Coastal Commission’s area of original jurisdiction and must be addressed in the plans and coastal permit for the RV hook-ups.

In its findings for approval of CDP No. 1-99-008, the Commission described a portion of the project as involving “Grading and installation of \pm 4,000-lineal ft. of 25-ft. wide internal road network, surfaced with aggregate rock base to a 6-in. depth; [and] installation of an emergency ingress/egress “crash gate” at the existing lower (northern) onsite roadway entrance to State Highway 1.” Therefore, the only road capable of serving and accommodating the campground facility (APN 013-240-51) is the “southerly road approach” that enters the project site through the Campground Manager’s Parcel. As described above, the Campground Manager’s Parcel abuts Highway One, and the campground entrance road encroaches through a portion of both the Manager’s Parcel and the Owner’s Parcel atop a low-lying bluff ranging 65-85 feet in elevation above sea level. The campground entrance road continues through both parcels then meanders downslope to the Campground Parcel where the camping facilities are located. A 40-foot-wide Roadway and Public Utility Easement currently exists and is reflected in the Grant Deed description for the Campground Manager’s Parcel and the Campground Owner’s Parcel.

As described above, the explicit owner’s intention of the current development to facilitate the sale of one of the parcels that has functioned in the past as part of a single campground facility

raises concerns about the continued provision of the infrastructure necessary to operate the adjacent campground. As the Managers Parcel provides essential support facilities for the campground operation that enable the campground to function, any future sale of that parcel separate from the Campground Parcel would jeopardize a portion of the main access road serving the campground facility. Unless the access road is required to continue to serve the campground facility, sale of the Campground Owners Parcel separate from the other campground parcels could enable the future purchasers of the Campground Owners Parcel to eliminate use of that portion of the road by users of the campground facility, further jeopardizing the campground's continued use. While the County's approval of CDP-11-99 / CDB-79-98 included Special Condition No. 3 that required a "minimum 40' wide access easement from State Highway 1 to serve the landlocked parcel located north of the Westport Cemetery," the requirement does not ensure continued access to the campground facility located on APN 013-240-51. Therefore, Special Condition No. 2 requires that the portions of the campground access road that cross both the Campground Managers Parcel as adjusted and the Campground Owners Parcel as adjusted continue to serve as the access road for the campground located on the Campground Parcel.

Water Supply

The project site is located in a designated Critical Water Resources area. Although the project site is in a rural setting, it is located within the boundaries of the Westport County Water District (WCWD). As indicated by WCWD in a letter dated June 14, 2011, currently there is one water service that is apparently located on the Campground Manager's Parcel and that serves all three parcels (APNs 013-240-49, 50 and -51). The Campground Manager's Parcel that is affected by the subject boundary line adjustment contains storage tanks that supply water to the campground facility via gravity flow. In a letter dated December 8, 2011 (Exhibit 10), the WCWD has indicated its "willingness-to-serve" the both the Campground Manager's Parcel and the Campground Owner's Parcel with separate water services should the parcels be separately owned in the future. Furthermore, the WCWD has indicated that the existing developments on both parcels subject to the boundary line adjustment (APNs 013-240-49 and 013-240-50) can have adequate water services separate from the campground water.

Therefore, as conditioned, the proposed development is consistent with Coastal Act Section 30250(a) to the extent that it is located in a developed area with adequate water, sewer, utility, transportation, and other public service capabilities, and as conditioned herein, will not have significant adverse effects, either individually or cumulatively, on coastal resources. Therefore, Commission finds that the proposed project is consistent with Section 30250 of the Coastal Act.

7. State Waters and Other Property Interests

Portions of the project site are in areas that are State-owned waters or were otherwise subject to the public trust. For example, Wages Creek flows through a portion of the Campground Owner's property (APN 013-240-50) affected by the proposed boundary line adjustment.

Therefore, to ensure that the applicant has the necessary authority to undertake all aspects of the land division on these public lands, Commission staff requested the applicant provide evidence demonstrating whether the State of California had any interest in the portion of the area affected by the project. Correspondence was provided by the State Lands Commission dated May 27,

2011 indicating the state's sovereign interest in the bed of Wages Creek and the Pacific Ocean, neither of which are affected by the subject boundary line adjustment.

In addition, the Mendocino County certified land use map depicts a portion of APN 013-240-50 as owned by California Department of Parks and Recreation (a.k.a. "State Parks"). Therefore, both the applicant's agent and Commission staff corresponded with State Parks staff to verify whether State Parks had any ownership interest in lands affected by the proposed land division. On January 12, 2012 Commission staff received correspondence from State Parks staff acknowledging that their maps have since been updated to reflect that they do not have any interests in any of the subject parcels.

8. California Environmental Quality Act (CEQA)

Section 13906 of the California Code of Regulation requires Coastal Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Public Resources Code Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are any feasible alternatives or feasible mitigation measures available, which would substantially lessen any significant adverse effect that the activity may have on the environment.

The Commission incorporates its findings on Coastal Act policies at this point as if set forth in full. The proposed project has been conditioned to be consistent with the policies of the Coastal Act and the requirements of PRC §21080.5(d). Special condition(s) have been attached to require mitigation measures which will minimize all adverse environmental impacts. As conditioned, there are no other feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impacts which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, can be found consistent with the requirements of the Coastal Act to conform to CEQA.

Exhibits:

1. Regional Location Map
2. Vicinity Map
3. Land Use and Zoning Maps
4. Aerial image of project site
5. Coastal Records Project Images
6. Existing Parcel Configurations
7. Proposed Parcel Configurations
8. Campground Site Map Showing Visitor-Serving Facilities on Parcels
9. Consolidation Requests
10. Water Capacity Information

APPENDIX A

STANDARD CONDITIONS:

1. Notice of Receipt & Acknowledgement

The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.

2. Expiration

If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.

3. Interpretation

Any questions of intent of interpretation of any condition will be resolved by the Executive Director of the Commission.

4. Assignment

The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

5. Terms & Conditions Run with the Land

These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

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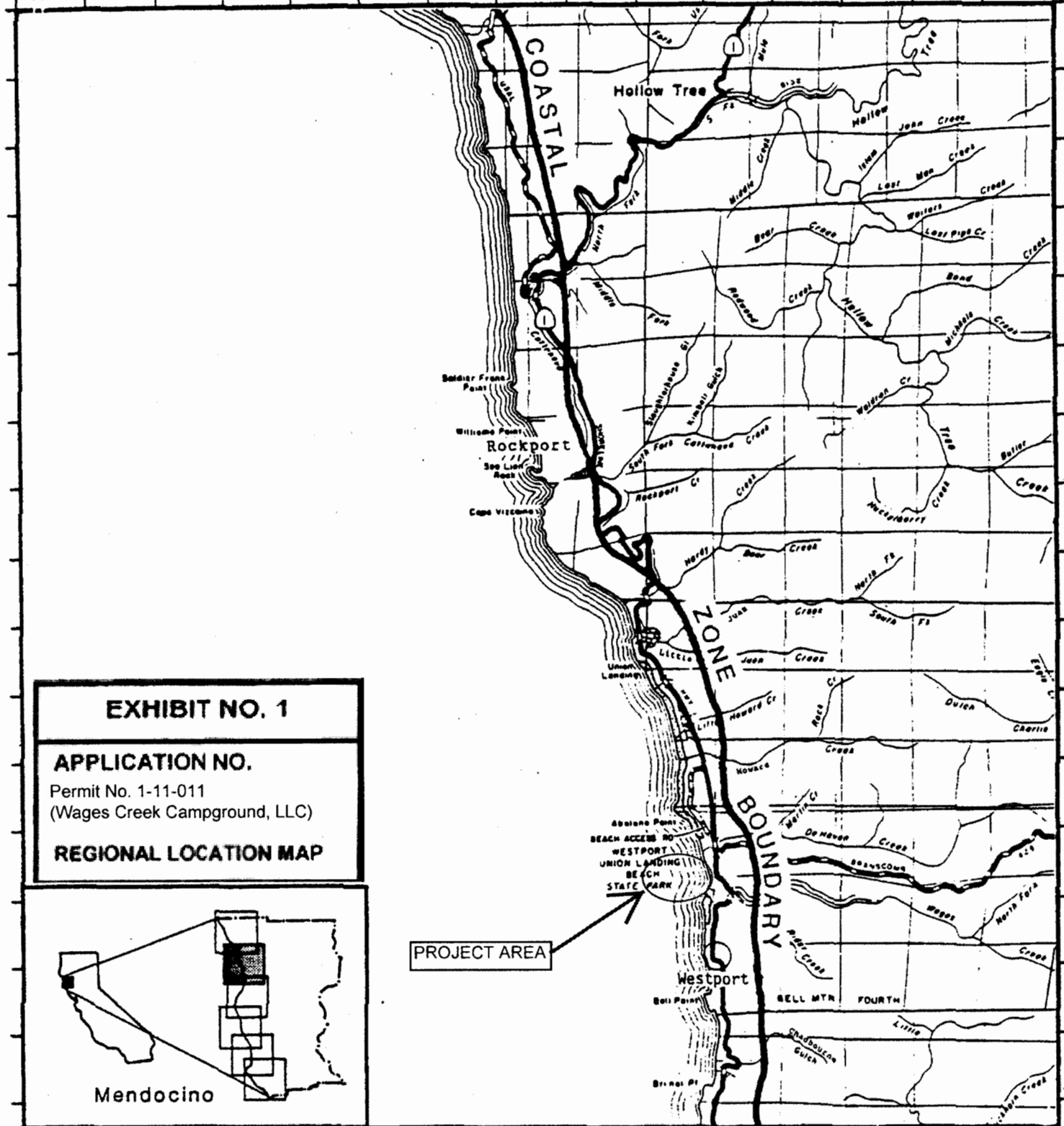
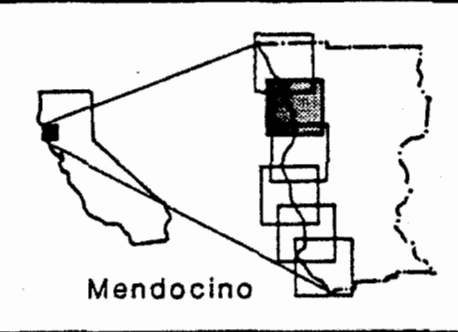


EXHIBIT NO. 1

APPLICATION NO.
Permit No. 1-11-011
(Wages Creek Campground, LLC)

REGIONAL LOCATION MAP



PROJECT AREA

BOUNDARY



California Coastal Commission

LOCATION MAP



County of Mendocino



EXHIBIT NO. 2

Permit No. 1-11-011
(Wages Creek Campground, LLC)

VICINITY MAP

Sinkyone
Wilderness
State Park

Wheeler

101

Bell Springs

Pratt Place

Riverdale

1

101

Twin Rock

Hales Grove

Bowmar
Place

1

Hardy

101

Indian
Springs

Dos Rios

DeHaven

Westport

Kibesillah

Laytonville

Tatu

1

Longvale

101

Arnold

Hearst

Fort Bragg

Marble
Place

Wantsa

Brooktrails

DeCamp

South Fork

Grove

Northspur

Shake City

Burbeck

Willits

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Clare Mill

Fair Oaks

Caspar

Jackson
State Forest

Imulco

Clare Mill

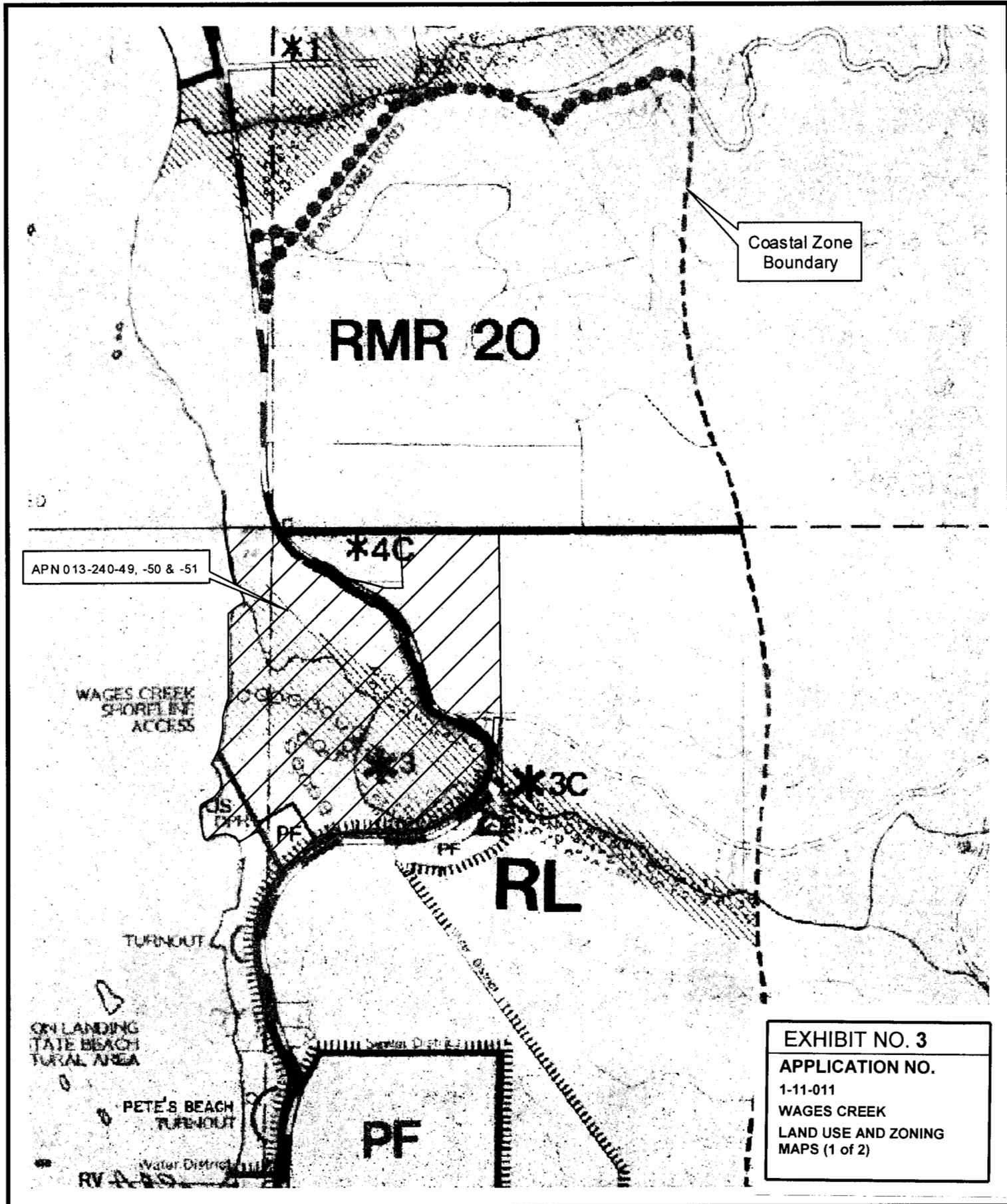
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Mendocino

Melbourne

Map data ©2012 Google



Coastal Zone Boundary

RMR 20

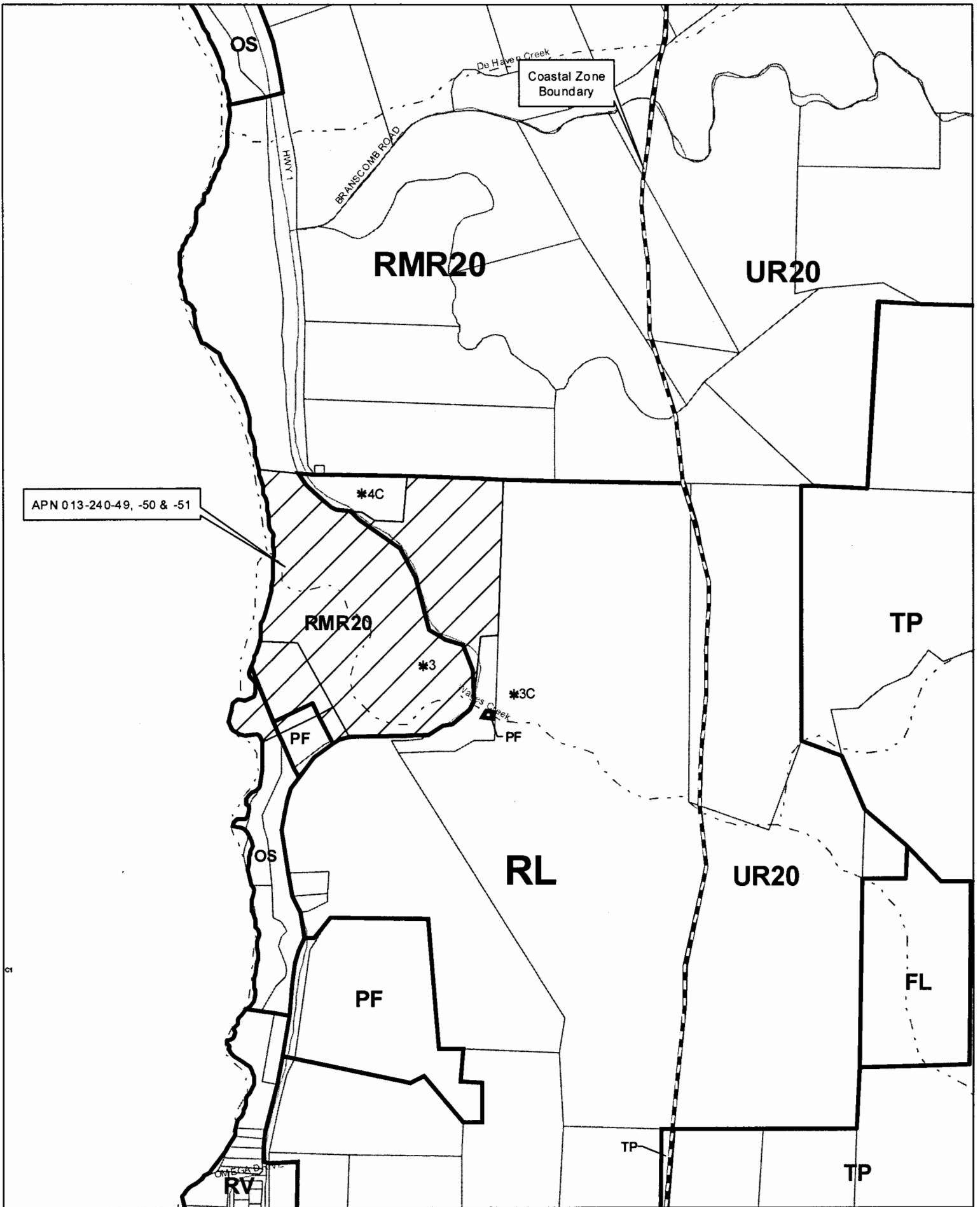
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EXHIBIT NO. 3
APPLICATION NO.
 1-11-011
WAGES CREEK
LAND USE AND ZONING
MAPS (1 of 2)

COASTAL PLAN LAND USE MAP 7

Parcel lines are approximate. Parcel lines on this map are NOT SURVEY LINES, they are for viewing purposes only and should not be used to determine legal boundary lines. Parcel line can be over 200 feet off.



APN 013-240-49, -50 & -51

Coastal Zone Boundary

RMR20

UR20

*4C

RMR20

*3

*3C

PF

PF

TP

OS

RL

UR20

PF

FL

RV

TP

TP

Parcel lines are approximate. Parcel lines on this map are NOT SURVEY LINES, they are for viewing purposes only and should not be used to determine legal boundary lines. Parcel line may be over 200 feet off (Parcel lines are as of October 2009)

This map is provided as a visual display of County information. Map prepared by Mendocino County Department of Planning & Building Services. Reasonable effort has been made to ensure the accuracy of the map and data provided; nevertheless, some information may not be accurate. The positional accuracy of the data is approximate and not intended to represent map accuracy from a published record of survey.

THIS MAP AND ASSOCIATED DATA ARE PROVIDED WITHOUT WARRANTY OF ANY KIND.

DO NOT USE THIS MAP TO DETERMINE PROPERTY BOUNDARIES.

Either expressed or implied, including but not limited to, the implied warranties of merchantability and fitness for a particular purpose.

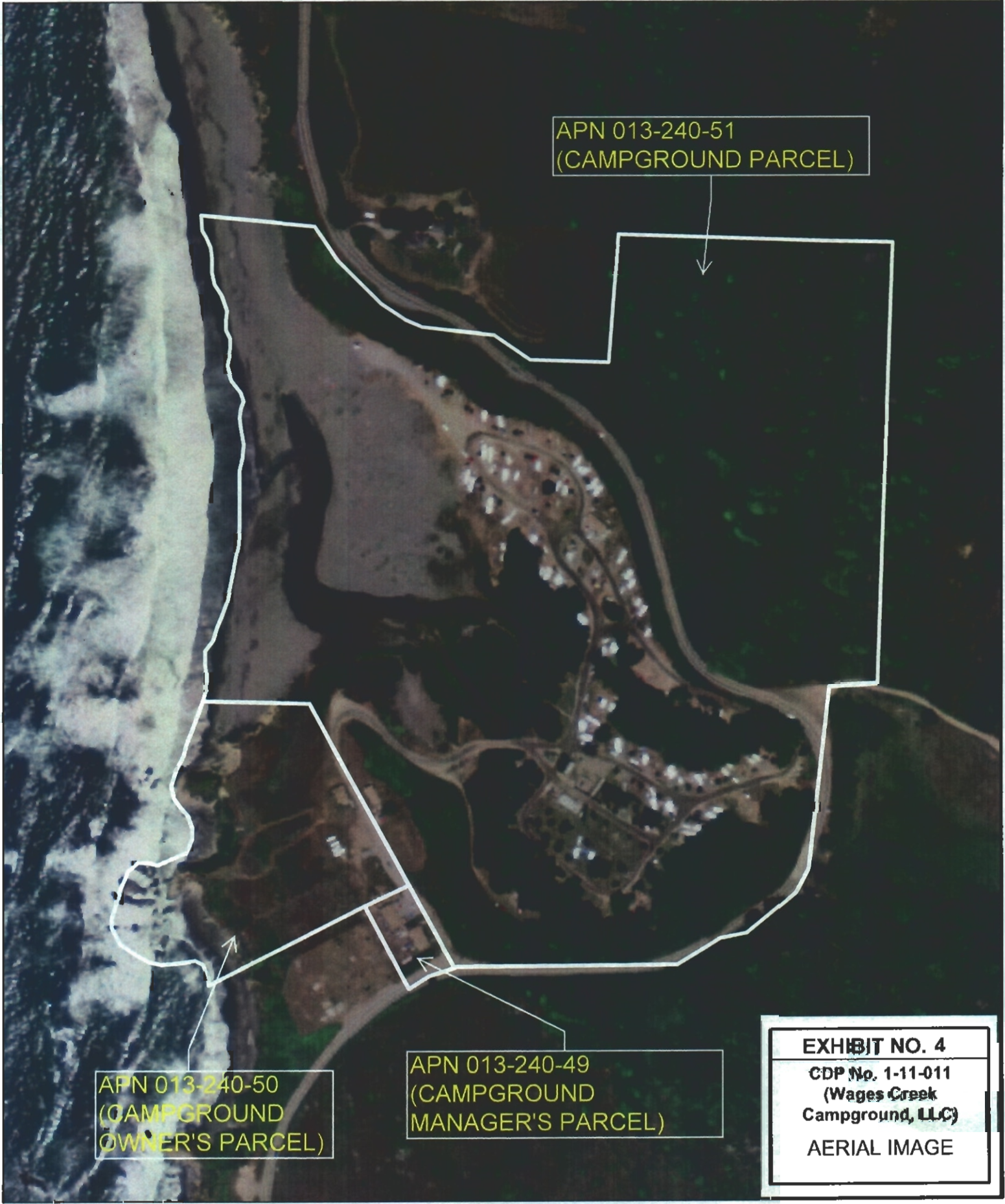
DO NOT make a business decision based on this data without first validating the information with appropriate County agencies or other government entities.

2 of 2

ZONING DISPLAY MAP

ZONING DISPLAY MAP ONLY - NOT ADOPTED BY THE COUNTY. Zoning was adopted by a computer print out parcel by parcel. Map prepared by the Department of Planning and Building Services Cartographic Section. Data was extracted from the County's Property System Database using the appropriate use codes assigned by the Planning Department.





APN 013-240-51
(CAMPGROUND PARCEL)

APN 013-240-50
(CAMPGROUND
OWNER'S PARCEL)

APN 013-240-49
(CAMPGROUND
MANAGER'S PARCEL)

EXHIBIT NO. 4
CDP No. 1-11-011
(Wages Creek
Campground, LLC)
AERIAL IMAGE

Parcel lines are approximate. Parcel lines on this map are NOT SURVEY LINES, they are for viewing purposes only and should not be used to determine legal boundary lines. Parcel line may be over 200 feet off (Parcel lines are as of October 2009)

This map is provided as a visual display of County Information. Map prepared by Mendocino County Department of Planning & Building Services. Reasonable effort has been made to ensure the accuracy of the map and data provided; nevertheless, some information may not be accurate. The positional accuracy of the data is approximate and not intended to represent map accuracy from a published record of survey.

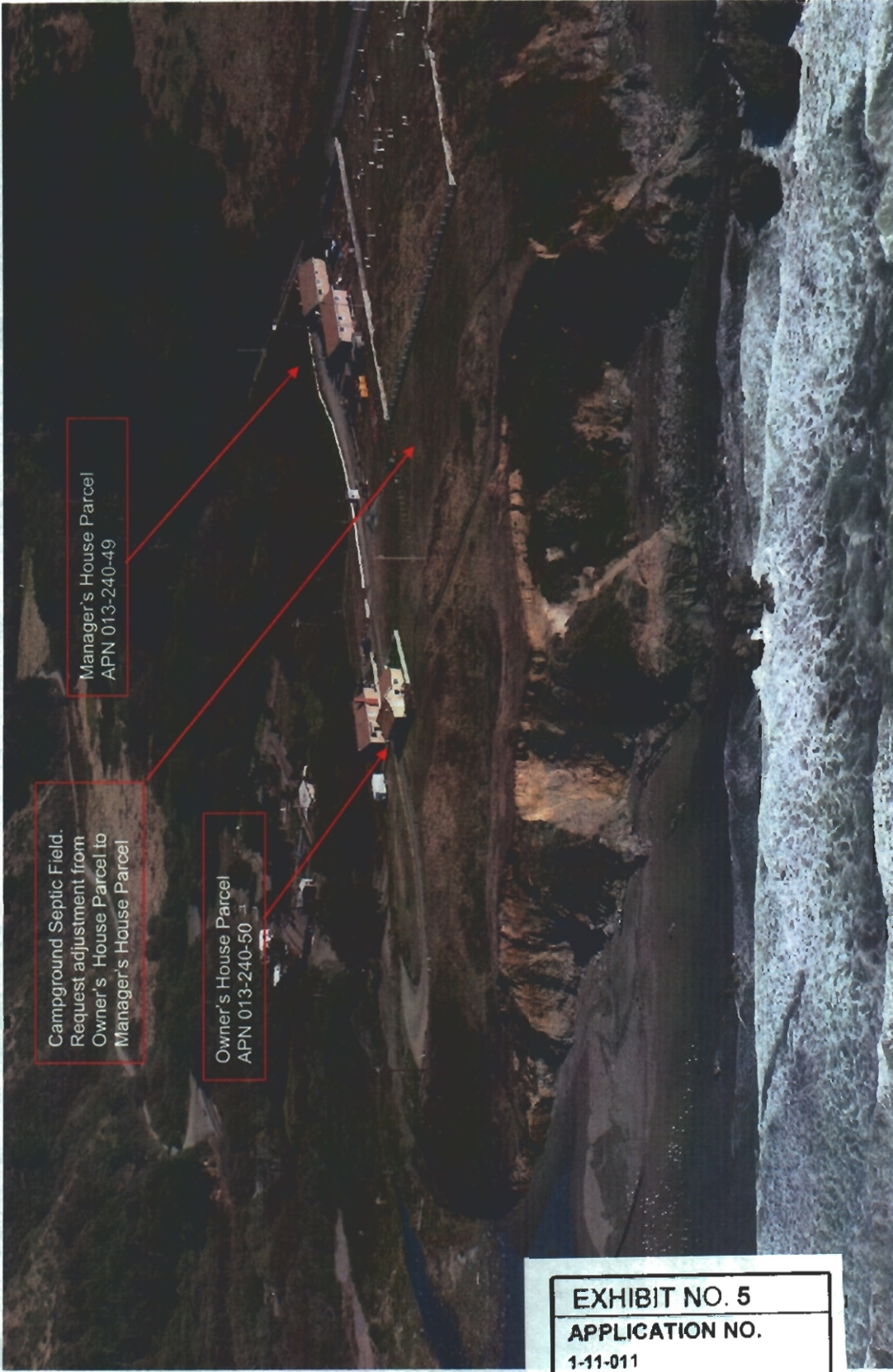
THIS MAP AND ASSOCIATED DATA ARE PROVIDED WITHOUT WARRANTY OF ANY KIND. DO NOT USE THIS MAP TO DETERMINE PROPERTY BOUNDARIES.

Either expressed or implied, including but not limited to, the implied warranties of merchantability and fitness for a particular purpose. DO NOT make a business decision based on this data without first validating the information with appropriate County agencies or other government entities

APN 013-240-49, -50 & -51

ORTHOPHOTO - June 2009





Coastal Records Photo 200502951, showing Owner's House Parcel and Manager's House Parcel, with Campground septic field in between.

Amy Wynn Coastal Development Permits
Permit Agent and Land Use Consultant



COASTAL RECORDS IMAGE NOS. 200902560 and 200902563 showing Campground Parcel and Campground
Manager's Parcel in Relation to Wages Creek Campground (left photo)

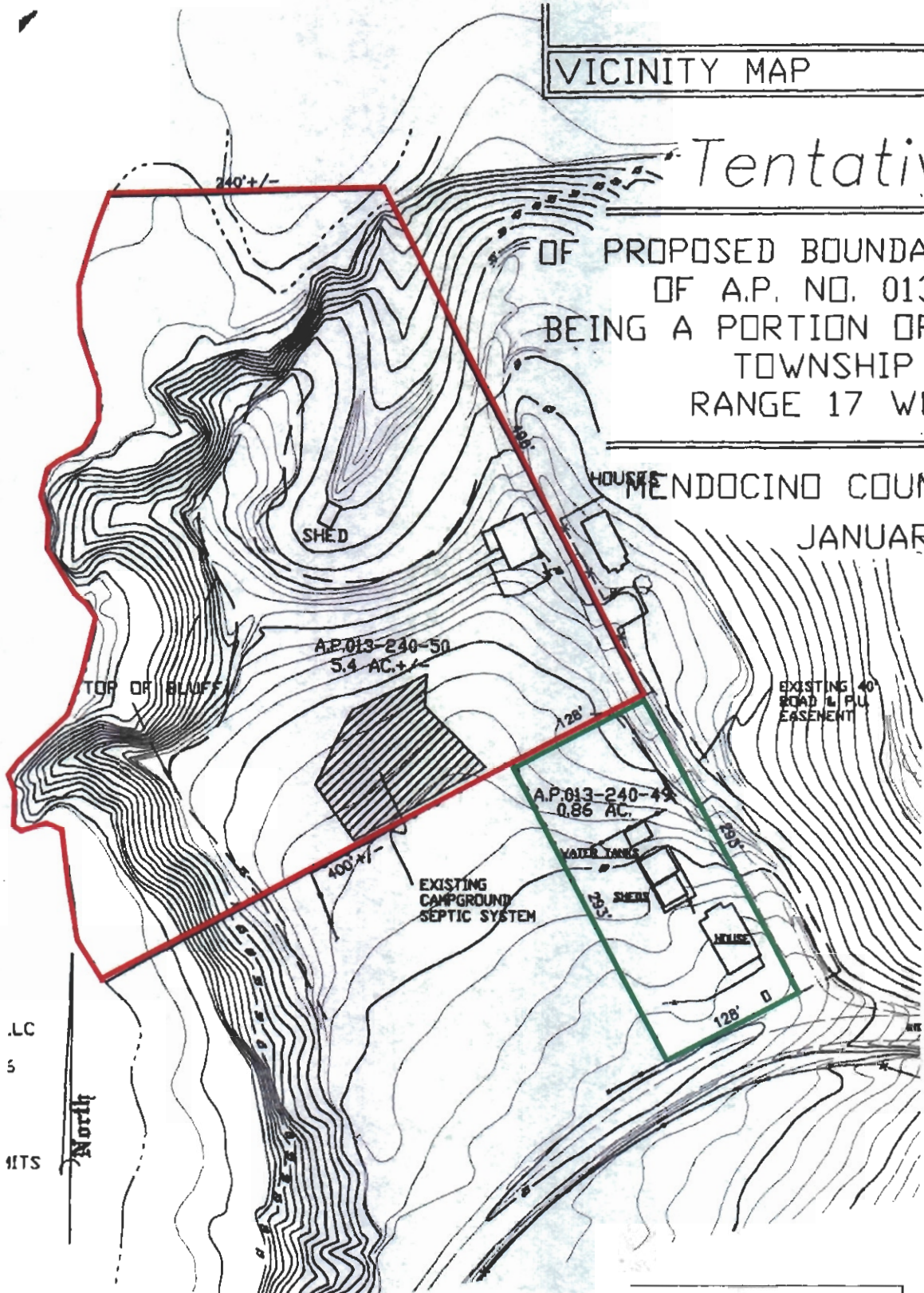
292

VICINITY MAP

Tentative

OF PROPOSED BOUNDARY
OF A.P. NO. 013-2
BEING A PORTION OF S
TOWNSHIP 21
RANGE 17 WEST

MENDOCINO COUNTY
JANUARY,



.LC
5
11TS
North

SOCIATES
STREET
IFORNIA 95437

7
R.C.E.19461



EXISTING

EXHIBIT NO. 6
 CDP No. 1-11-011
 (Wages Creek
 Campground, LLC)
 EXISTING PARCEL
 CONFIGURATIONS
 PAGE 1 OF 2

APN 013-240-51
(CAMPGROUND PARCEL)

APN 013-240-50
(CAMPGROUND
OWNER'S PARCEL)

APN 013-240-49
(CAMPGROUND
MANAGER'S PARCEL)

EXHIBIT NO. 6
CDP No. 1-11-011
(Wages Creek
Campground, LLC)
EXISTING PARCEL
CONFIGURATIONS
PAGE 2 OF 2

Parcel lines are approximate. Parcel lines on the map are NOT SURVEY LINES, they are for viewing purposes only and should not be used to determine legal boundary lines. Parcel line may be over 200 feet off. (Parcel lines are as of October 20/09)

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APN 013-240-49, -50 & -51

ORTHOPHOTO - June 2009

100 50 0 100
Foot





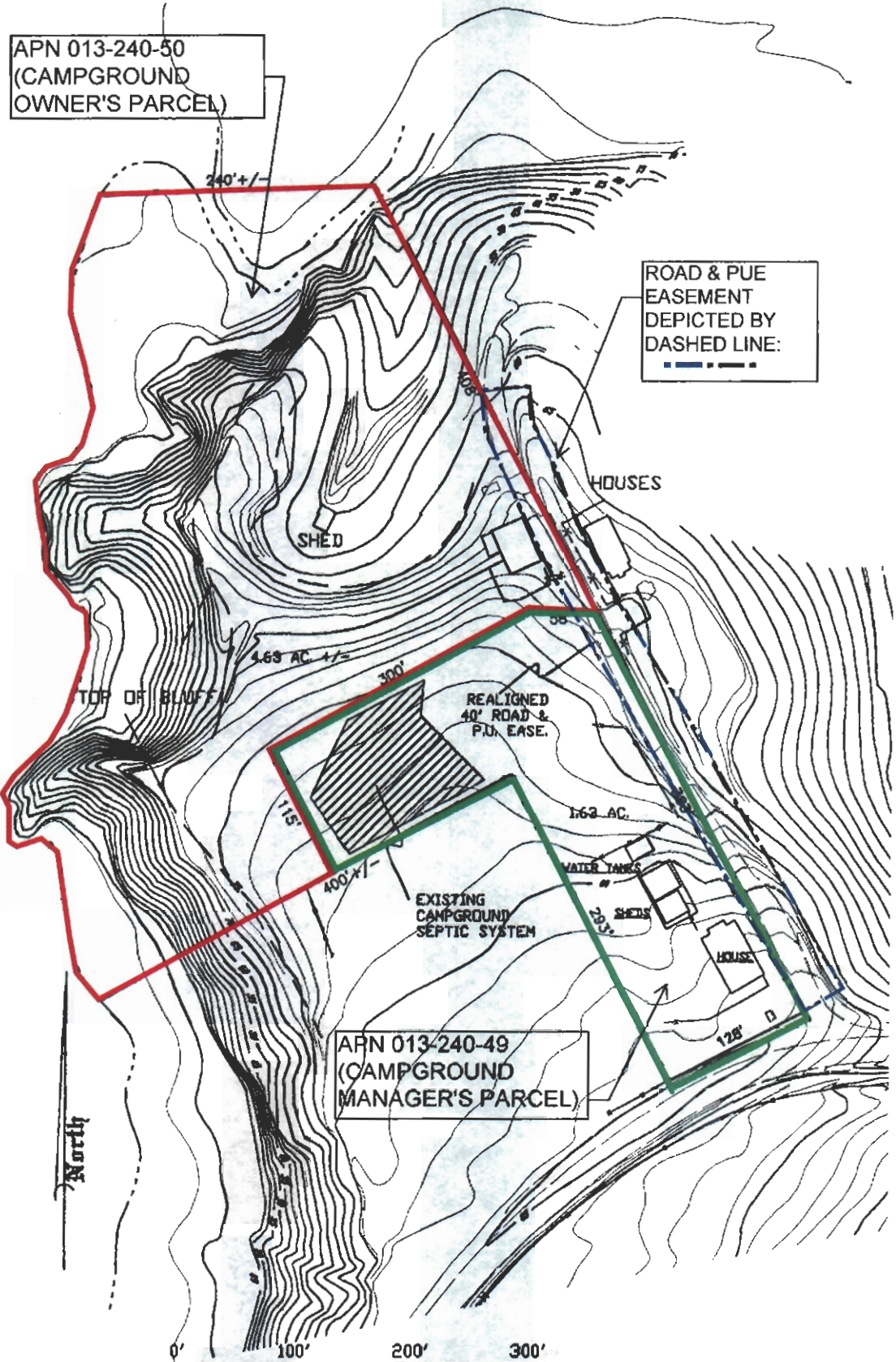
APN 013-240-50
(CAMPGROUND
OWNER'S PARCEL)

MENT

&
A

Pacific Ocean

ROAD & PUE
EASEMENT
DEPICTED BY
DASHED LINE:



APN 013-240-49
(CAMPGROUND
MANAGER'S PARCEL)

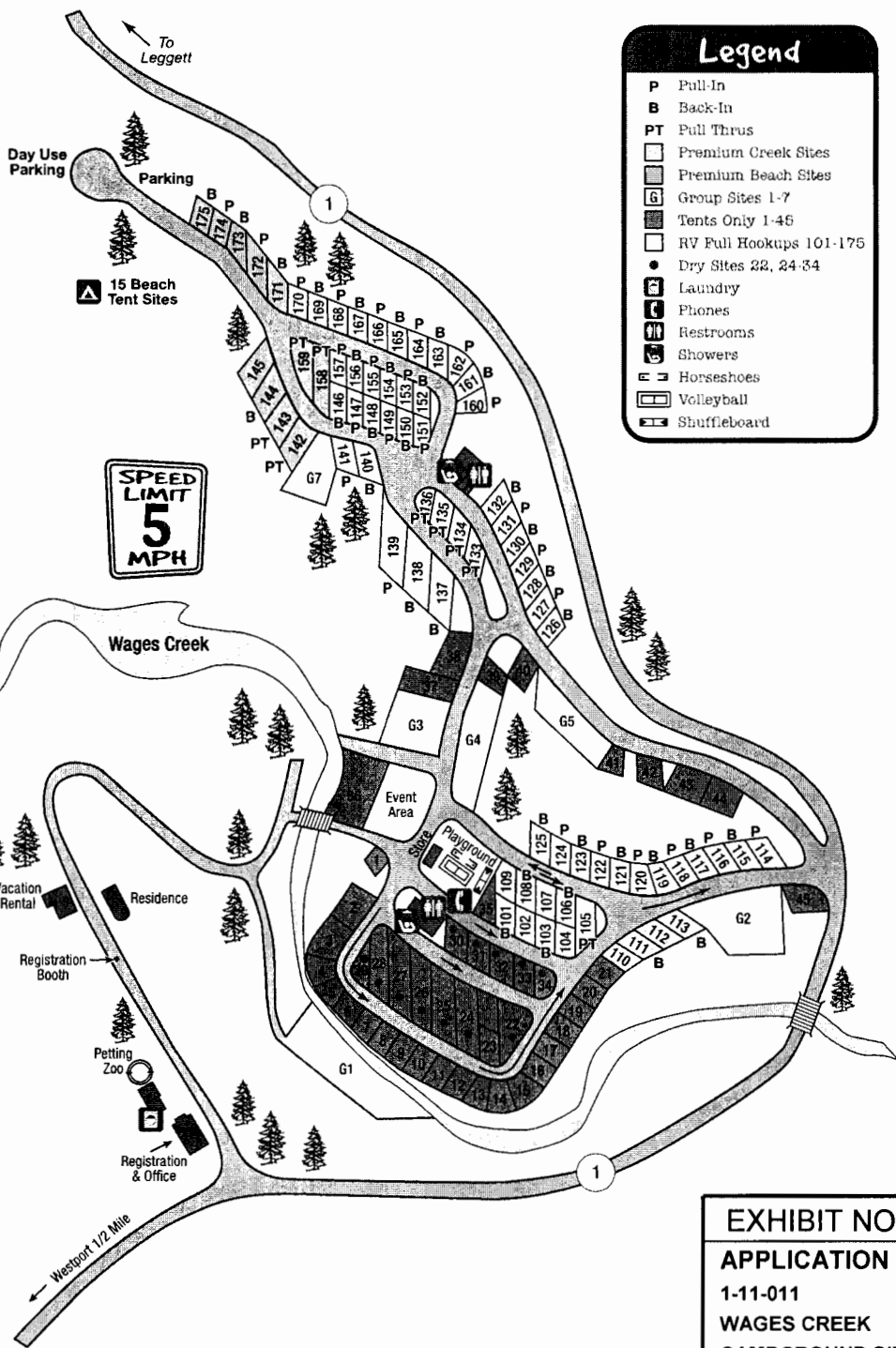
PROPOSED

EXHIBIT NO. 7
CDP No. 1-11-011
(Wages Creek
Campground, LLC)
PROPOSED PARCEL
CONFIGURATIONS

KOA Campground Map showing Wages Creek Campground Visitor-Serving Facilities
 Located at 37630, 37640, and 37700 North Highway One, along Wages Creek, one mile north of Westport,
 Mendocino County (APNs 013-240-49, 50 and -51)

Pacific ocean

CAUTION!
Rip Area



Legend

- P Pull-In
- B Back-In
- PT Pull Thrus
- ◻ Premium Creek Sites
- ◻ Premium Beach Sites
- G Group Sites 1-7
- ◻ Tents Only 1-46
- ◻ RV Full Hookups 101-175
- Dry Sites 22, 24-34
- ☒ Laundry
- ☒ Phones
- ☒ Restrooms
- ☒ Showers
- ☒ Horseshoes
- ☒ Volleyball
- ☒ Shuffleboard

EXHIBIT NO. 8
APPLICATION NO.
 1-11-011
WAGES CREEK
CAMPGROUND SITE MAP
SHOWING VISITOR-SERVING
FACILITIES ON PARCELS



COUNTY OF MENDOCINO
DEPARTMENT OF PLANNING AND BUILDING SERVICES
501 LOW GAP ROAD · ROOM 1440 · UKIAH · CALIFORNIA · 95482

IGNACIO GONZALEZ, DIRECTOR
Telephone 707-463-4281
FAX 707-463-5709
pbs@co.mendocino.ca.us
www.co.mendocino.ca.us/planning

October 6, 2011

RECEIVED
OCT 11 2011
CALIFORNIA
COASTAL COMMISSION

California Coastal Commission
Attn: Tamara Gedik
Coastal Program Analyst
710 E. Street, Suite 200
Eureka, CA 9501

Re: County request for consolidation of the CDP for Wages Creek Campground (CDP#1-11-011)
request per Resolution No 11-139

Dear Ms. Gedik:

At their meeting Tuesday October 4, 2011, the Mendocino County Board of Supervisors adopted Resolution #11-139 which authorizes the Planning and Building Services Director to recommend consolidation of the Coastal Development Permit (CDP) applications which span both the county and state's permit jurisdiction to the Executive Director of the California Coastal Commission per SB 1843 (2006). At this time, the county is requesting consolidation of the CDP required for approval of the Wages Creek Campground boundary line adjustment application with the permit required by the California Coastal Commission.

Consolidation of the CDP/BLA is consistent with provisions of the Resolution 11-139 and SB 1843. We therefore request the Executive Director of the Coastal Commission consider a consolidated permit process for the Wages Creek Campground project.

If you should need additional information or have any questions, please do not hesitate to contact this office.

Sincerely,

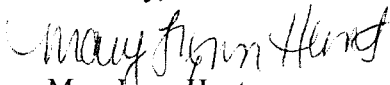

Mary Lynn Hunt
Planner II

EXHIBIT NO. 9
APPLICATION NO.
1-11-011
WAGES CREEK
CONSOLIDATION REQUESTS
(1 of 3)

Attachments

Cc: Amy Wynn, 703 N. Main St., Fort Bragg, CA 95437
B 18-2011 Wages Creek.Wynn.Co Comm authority ltr/ML/BLA2011

RESOLUTION NO. 11-139

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS AUTHORIZING THE PROCESSING OF A CONSOLIDATED COASTAL DEVELOPMENT PERMIT FOR THE WAGES CREEK CAMPGROUND, LLC

WHEREAS, the Coastal Act was amended by Senate Bill 1843 effective January 1, 2007, which allows for a consolidated permitting process for projects for which the Coastal Development Permit (CDP) authority is shared by a local government and the State Coastal Commission, and

WHEREAS, SB 1843 requires that the applicant, the local government and the Executive Director of the Coastal Commission agree to the consolidation; and

WHEREAS, consolidation may only proceed where public participation is not substantially impaired by that review consolidation, and

WHEREAS, Planning staff finds that consolidated coastal development permit application would be beneficial to the public by reducing the total time and cost that it takes to go through the entire coastal permitting process, and

WHEREAS, the Mendocino County Subdivision Committee has reviewed the application and recommends approval to the Coastal Commission with the necessary conditions required to meet MCC 17-17.5 Division of Land Regulations and California Subdivision Map Act; and

WHEREAS, Planning staff finds that consolidated coastal development permit application would benefit the Planning Division of the Department of Planning and Building Services by avoiding unnecessary and duplicative processing;

NOW, THEREFORE, BE IT RESOLVED by the Mendocino County Board of Supervisors that: Pursuant to Public Resource Code 30610.3, authorizes the Department of Planning and Building Services Director to act on behalf of the Board of Supervisors to recommend and authorize the Coastal Commission, with the acknowledgement of Wages Creek Campground, LLC, to process a consolidated Coastal Development Permit for Boundary Line Adjustment #B 18-2011.

The foregoing Resolution introduced by Supervisor McCowen, seconded by Supervisor Brown, and carried this 4th day of October, 2011, by the following vote:

AYES: Supervisors Brown, McCowen, Pinches, Smith, and Hamburg
NOES: None
ABSENT: None

WHEREUPON, the Chair declared said Resolution adopted and SO ORDERED.

ATTEST: CARMEL J. ANGELO
Clerk of the Board

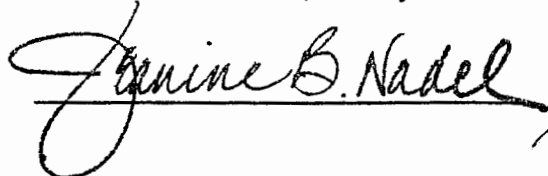

Deputy



Kendall Smith, Chair
Mendocino County Board of Supervisors

I hereby certify that according to the provisions of Government Code Section 25103, delivery of this document has been made.

APPROVED AS TO FORM:
JEANINE B. NADEL, County Counsel



BY: CARMEL J. ANGELO
Clerk of the Board


Deputy

Wages Creek Campground, LLC
1130 South Flower Street, Unit 306
Los Angeles, CA 90015

November 30, 2011

Tamara Gedik, Coastal Program Analyst
North Coast District
California Coastal Commission
710 E Street, Suite 200
Eureka CA 95501

RE: CDP #1-11-011, Proposed BLA
Signed Written Authorization from Applicant to Process Consolidated
CDP Application

Applicant: Wages Creek Campground, LLC
c/o Jeffrey Z.B. Springer

Owner: Same

Site: 37640 & 37630 North Highway 1
Westport, CA 95488
APNs 013-240-49 & -50

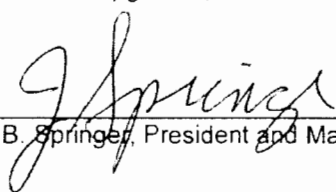
Dear Ms. Gedik:

Please accept this letter as Wages Creek Campground, LLC's signed, written authorization requesting the Coastal Commission to process a consolidated CDP application for the above property, CDP #1-11-011.

Thank you for your attention to this matter.

Sincerely,

Wages Creek Campground, LLC

By: 
Jeffrey Z.B. Springer, President and Managing Member

3 of 3

Westport County Water District

PO Box 55
Westport, CA 95488

December 8, 2011

Amy Wynn
Amy Wynn Coastal Development Permits
703 North Main Street
Fort Bragg, CA 95437

RE: Wages Creek Campground, LLC
Proof that Residences may be Separately Served

Site: 37630 & 37640 North Highway 1
Westport, CA 95488
APNs 013-240-49 & -50

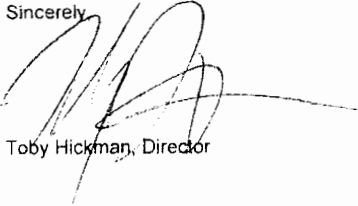
Dear Amy,

Per your request dated November 29, 2011, please accept this letter as The Westport County Water District's confirmation that the existing single-family residential developments on each of the above parcels can have adequate water services separate from the campground water, and that the parcels are capable of supporting the residential developments following your boundary line adjustment as proposed to the Coastal Commission (rather than one service to support both parcels) within the restrictions placed on the District by California Department of Fish and Game regarding stream levels as well as any applicable restrictions placed by other governmental agencies with jurisdiction over the Water District.

The residences on the parcels listed above, commonly referred to as the Manager's House Parcel (APN 013-240-49) and the Owner's House Parcel (APN 013-240-50), currently share one water service from the District. Should these parcels be owned separately in the future, the District could serve each parcel with a separate water service. The separation of the service would require a separate water meter and separate connection to the District's water supply line; all fees and installations would be paid by the parcel owner.

Please feel free to contact us if you have any further questions.

Sincerely,



Toby Hickman, Director

Encl: n/a
CC: Patty Moran, District Secretary; Jeffrey ZB Springer, applicant

EXHIBIT NO. 10

APPLICATION NO.

1-11-011

WAGES CREEK

**WATER CAPACITY
INFORMATION**