

pbscommissions - Mendocino County CPA Special Meeting item 2, Notice Determination, November 17, 2021

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Date: 11/17/2021 9:17 AM
Subject: Mendocino County CPA Special Meeting item 2, Notice Determination, November 17, 2021
Cc: "S. Dall" <sdall49@aol.com>, "Maria B. Hansen" <wisbarhansanelac@gmail.c...
Attachments: DraftNHDtestimony,CPAItem2,20211117.pdf

Dear Coastal Permit Administrator Gonzalez,

Thank you for your concurrence in re today's Item 2 to accept my written comments on this matter, which I was unable to orally present due to meeting time limits, and for including them in the record of proceedings on it

Regards,

NHD

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Mendocino County
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 Planning & Building Services

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MenCo CPA SPECIAL MEETING, NOV 17, 2021: ITEM 2: NOTICE DETERMINATION

Norbert Dall, on behalf of Maria Hansen and the class of interested persons, known to Caltrans to be interested persons in the Navarro Ridge and Drainage projects.

Due and proper 10-day advance public notice of today's Items 3b and 3c has not been given to Ms. Hansen, who is an adjacent property owner to the two projects, whose property will be significantly adversely affected by it, AND to the class of interested persons in the Navarro Ridge and Navarro Drainage coastal zone projects, known to Caltrans starting 2019, and therefore these two items are not properly before you today for decision. Those known interested persons also include all property and residents of Navarro ridge, whose only road access to and along Highway 1 is through the area of the two projects, and whose mobility will be significantly impaired by the 2-year project period.

When the Board transmitted the County Coastal Element to the Coastal Commission for certification, the Board resolved and certified that the County would implement the LCP fully in conformity with the Coastal Act, as required by Coastal Act §30510(a).

A key component of the Coastal Act, in § 30006, is the declaration that the public has a right to maximized opportunities for understanding of, and participation in, coastal permit decision-making.

Certified LCP CZO § 20.532.025(F) requires the applicant - Caltrans in Items 3b and 3c - to include in its CDP applications a list of names and addresses of all other parties - besides property owners within 300 feet and occupants within 100 feet of the perimeter of the legal parcels on which any project development is proposed - that are known to the applicant to have an interest in the proposed development, along with stamped, addressed envelopes for provision of notice to them of the hearing on the CDP applications.

Already on September 3, 2019, Caltrans was in possession of a list of some 80 names to which Mr. Demling, the manager of the two projects, sent notice of a public meeting in Albion about the Navarro Ridge and Drainage projects. 100 interested persons showed up, including members of the press, and at Caltrans' request, many filled out Caltrans' contact information forms.

However, when Caltrans submitted the two CDP applications in 2019 and until the applications were deemed withdrawn in 2020, it ignored that Code requirement and failed to inform the County of that list of known interested persons. Caltrans has also not submitted that list subsequently.

Concurrently in 2019, Caltrans posted the County's notice of pending permit forms in a few inconspicuous places, where the public travelling along Highway 1, Navarro Ridge Road, and the project staging areas could not readily see them. Caltrans did not maintain even these forms through 2020 and 2021.

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CZO § 20.536.010(C) requires the CPA to provide detailed notice by 1st class mail to “all persons who have requested to be on the mailing list for that development project or coastal decisions” generally.

People to whom Caltrans sent notice in 2019, who completed the Caltrans contact information form in 2019, and others who communicated in writing to Caltrans, the County, or in the press qualify under the harmonized Coastal Act and CZO provisions as having made that request for notice of these two projects.

But they did not receive the required 10-day advance notice of today’s CPA special meeting on items 3b and 3c, and therefore were denied the necessary information to understand and participate in the hearings on them, where their testimony could have presented information that would have materially influenced the CPA’s actions on these matters.

In addition, the list of property owners that Caltrans did provide to PBS for notice of these hearings does not include all property owners within 300 feet of the perimeter (excluding roads) of the legal parcels on which Caltrans proposes development, or any any occupants of parcels within 100 feet of that perimeter, inconsistent with CZO § 20.536.010(C).

Further, the CPA public notice that others received

- does not describe the full location of either the Navarro Ridge development or the Navarro Drainage development. By Caltrans’ own disclosures, these projects overlap and together extend (a) between near PM 40.8 and 43 along Highway 1, (b) the Pacific Ocean/Navarro Bluff/Cliff near PM 42.1 on the west, (c) the west-facing slopes of Navarro ridge and up Navarro Ridge Road to the east, and (d) includes an undisclosed offsite fill site for substantial amounts of excavated material from those slopes,
- does not identify all of its principal components (e.g., grading and drainage alterations on the Navarro Preserve, adjacent private property, and in the County’s Navarro Ridge Road corridor), and
- does not describe, even briefly, how the public can participate in the County’s webinar of the special meeting or the CPA’s rules of procedure for such participation, inconsistent with 20.536.010(D)4).

In sum, due and proper public notice has not been given to the class of known interested persons for today’s hearings and possible CPA action on Items 3b and 3c, and they are therefore not properly before the CPA.