120 WEST FIR STREET · FORT BRAGG · CALIFORNIA · 95437

NASH GONZALEZ, DIRECTOR JULIA KROG, ASSISTANT DIRECTOR TELEPHONE: 707-234-6650 FAX: 707-463-5709 FB PHONE: 707-964-5379 FB FAX: 707-961-2427

pbs@mendocinocounty.org
www.mendocinocounty.org/pbs

December 10, 2021

PUBLIC HEARING NOTICE OF PENDING ACTION STANDARD COASTAL BOUNDRY LINE ADJUSTMENT PERMIT

NOTICE IS HEREBY GIVEN THAT the Mendocino County Subdivision Committee and Coastal Permit Administrator will consider the following project on Thursday January 13, 2021. The Subdivision Committee will consider the boundary line adjustment at 9:00 a.m., or soon thereafter. The Coastal Permit Administrator will conduct a public hearing to consider issuance of a coastal development permit on the boundary line adjustment, commencing at 11:00 a.m., or soon thereafter.

This meeting will be conducted virtually and not available for in person public participation in an effort to slow the spread of COVID-19 and pursuant to the recommendation of the Mendocino County Health Officer and the California Department of Industrial Relations. In order to minimize the risk of exposure during this time of emergency, the public may participate digitally in meetings by sending comments to pbscommissions@mendocinocounty.org or orally via Telecomment, and is available for viewing on the Mendocino County YouTube page, at https://www.youtube.com/MendocinoCountyVideo.

CASE#: B_2021-0048 **DATE FILED**: 11/16/2021

OWNER/APPLICANT: KENNETH HODGES & VANESSA NOLASCO

AGENT: VANCE RICKS

REQUEST: Coastal Development Boundary Line Adjustment to merge two parcels in the Little River Area. Parcel 1 (APN 121-310-14) and Parcel 2 (APN 121-310-15) will combine into a single parcel of 1.88± acres.

ENVIRONMENTAL DETERMINATION: Categorically Exempt

LOCATION: In the Coastal Zone, 0.55± miles southeast of Little River Community Center, lying on the east side of Highway 1 (CA 1), 0.40± miles east of its intersection with Little River Airport Road (CR 404); located at 44621 Little River Airport Road, Little River, and 44631 Little River Airport Road, Little River; APNs 121-310-14 and 121-310-15.

SUPERVISORIAL DISTRICT: 5 STAFF PLANNER: DIRK LARSON

The staff report and notice will be available for public review 10 days prior to the hearing at 860 North Bush Street, Ukiah, California and on the Department of Planning and Building Services website at: https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas/planning-commission

Your comments regarding the above project(s) are invited; all correspondence should contain reference to the above noted case number. Written comments should be submitted by mail to the Department of Planning and Building Services Commission Staff, at 860 North Bush Street, Ukiah or 120 W. Fir Street, Fort Bragg, California. In order to minimize the risk of exposure during this time of emergency, the public may participate digitally in meetings by sending comments to pbscommissions@mendocinocounty.org by January 12, 2021, or orally via telecomment in lieu of personal attendance. A request form to provide telecomment is available at https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas and must be received prior to 7:00 a.m. the morning of the meeting.

Action by the Subdivision Committee and Coastal Permit Administrator shall be final unless appealed to the Board of Supervisors. The appeal must be filed in writing with a filing fee with the Clerk of the Board within 10 calendar days after such action. If appealed, the decision of the Board of Supervisors shall be final except that an approved project may be appealed to the Coastal Commission in writing within 10 working days following Coastal Commission receipt of a Notice of Final Action on this project.

If you challenge the project in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the

Department of Planning and Building Services, the Subdivision Committee or Coastal Permit Administrator, at or prior to, the public hearings.

AMERICANS WITH DISABILITIES ACT (ADA) COMPLIANCE. Mendocino County complies with ADA requirements and upon request, will attempt to reasonably accommodate individuals with disabilities by making meeting material available in appropriate alternate formats (pursuant to Government Code Section 54953.2). Anyone requiring reasonable accommodation to participate in the meeting should contact the Department of Planning and Building Services by calling (707) 234-6650 at least five days prior to the meeting.

Additional information regarding the above noted item may be obtained by calling the Department of Planning and Building Services at 234-6650, Monday through Friday, 8:00 a.m. through 5:00 p.m.

IGNACIO GONZALEZ, INTERIM Director planning and building services

RECOMMENDATION:

STAFF PLANNER:

JANUARY 13, 2021 B_2021-0048

SUMMARY

OWNER/APPLICANT:	KENNETH HODGES & VANESSA NOLASCO 5119 TENAYA AVENUE NEWARK, CA 94560
AGENT:	VANCE RICKS 10580 WEST ROAD REDWOOD VALLEY, CA 95470
REQUEST:	Coastal Development Boundary Line Adjustment to merge two parcels in the Little River Area. Parcel 1 (APN 121-310-14) and Parcel 2 (APN 121-310-15) will combine into a single parcel of 1.88± acres.
LOCATION:	In the Coastal Zone, 0.55± miles southeast of Little River town center, lying on the east side of Highway 1 (CA 1), 0.40± miles east of its intersection with Little River Airport Road (CR 404); located at 44621 Little River Airport Road, Little River and 44631 Little River Airport Road, Little River; APNs 121-310-14 and 121-310-15
TOTAL ACREAGE:	1.88± Acres
GENERAL PLAN:	Rural Residential, five acre minimum variable to one acre minimum (RR5 [RR-1]):R
ZONING:	Rural Residential five acre minimum, variable to one acre minimum (RR-5 [RR-1])
SUPERVISORIAL DISTRICT:	5 (Williams)
ENVIRONMENTAL DETERMINATION:	Categorically Exempt: Class 5(a)-Minor parcel line adjustment not resulting in the creation of any new parcel.

BACKGROUND

PROJECT DESCRIPTION: Coastal Development Boundary Line Adjustment to merge two parcels in the Little River Area. Parcel 1 (APN 121-310-14) and Parcel 2 (APN 121-310-15) will combine into a single parcel of 1.88± acres. There currently exists a two bedroom Single Family Residence and a one bedroom Guest Cottage located on Parcel 1 (APN 121-310-14). Parcel 2 (APN 121-310-15) is vacant. Existing well and septic systems service the aforementioned living units. The subject property is accessed via a gravel drive off of the public road.

DIRK LARSON

Approve with Conditions per Staff Report

APPLICANT'S STATEMENT:

"Voluntary merger of Lot A with Lot B"

RELATED APPLICATIONS:

On-Site

- Categorical Exclusion, CE_2002-0102, for well replacement. Project completed December 31, 2010
- F-6502. New Single Family Residence.

Neighboring Property

 The subject property lies within the Woodward Acres Subdivision and is surrounded by similar sized parcels already developed with Single Family Residences. The area consists of mostly gentle slopes and is heavily wooded. The proposed merger of the two existing parcels would not disrupt the character of the neighborhood and would conform to the surrounding area.

<u>SITE CHARACTERISTICS</u>: The project site is situated on the south side of Little River Airport Rd, $0.40\pm$ miles east of its intersection with State Route 1 (SR 1) and is located approximately one half mile southeast of the Little River town center. The majority of both parcels being considered for merger are heavily wooded with mostly level to gentle slopes and are situated more than 100 feet from any watercourse. The immediate area surrounding the subject property is mostly residential and the adjacent parcels are already developed with Single Family Residences.

SURROUNDING LAND USE AND ZONING:

	GENERAL PLAN	ZONING	PARCEL	USES
NORTH	Remote Residential, 40 Acre minimum (RMR40)	Remote Residential, 5 Acre minimum (RMR:5)	3.7± Acres	Residential
WEST	Rural Residential, 5 Acre Minimum, variable to one Acre. minimum (RR5 [RR1])	Rural Residential, 5 Acre. Minimum, variable to one (1) Acre minimum (RR5 [RR1])	1.1± Acres	Residential
SOUTH	Rural Residential, 5 Acre Minimum, variable to one (1) Acre minimum (RR5 [RR1])	Rural Residential, 5 Acre. Minimum, variable to one (1) Acre minimum (RR5 [RR1])	2.04± Acres	Residential
WEST	Rural Residential, 5 Acre Minimum, variable to one Acre minimum (RR5 [RR1])	Rural Residential, 5 acre. Minimum, variable to one Acre minimum (RR5 [RR1])	1.05± Acres	Residential

PUBLIC SERVICES:

Access: Little River-Airport Road (CR 404)

Fire District: CalFire
Water District: NONE
Sewer District: NONE

School District: Mendocino Unified

AGENCY COMMENTS: On or around September 20, 2021 project referrals were sent to the following responsible or trustee agencies with jurisdiction over the Project. A summary of the submitted agency comments are listed below. Any comment that would trigger a project modification or denial are discussed in full as key issues in the following section.

REFERRAL AGENCIES	COMMENT	
Department of Transportation	No Comment	
Forest Advisory	No Comment	
Planning Division (FB)	No Comment	
Environmental Health-FB/Ukiah	No Response	
Building Services-FBPBS	No Comment	
Airport Land Use Commission	Comments	
Albion Little River Fire District	No Response	
Dept. of Fish & Wildlife	No Response	
CalFire	Comments	
California Coastal Commission	No Response	
Potter Valley Tribe	No Response	
Cloverdale Rancheria	No Response	
Redwood Valley Rancheria	No Response	
Sherwood Band of Pomo Indians	No Response	

The majority of the responsible agencies had no comment on this project. Staff did receive comments from two agencies, CalFire and the Airport Land Use Commission (ALUC). CalFire advised that the location of this project lies within the State Responsibility Area (SRA) and falls under the applicable sections of Title 14 of the California Code of Regulations, Division 1.5, Chapter 7, Sub-Chapter 2-State Fire Safe Regulations. Staff has included this as a Condition of Approval for this project. ALUC acknowledged that a portion of both parcels involved in the proposed merger are partially located within Zone C of the Airport Comprehensive Land Use Plan (ACLUP) but pose no issue for the Commission as there is no development being proposed with this project.

KEY ISSUES

1. General Plan and Zoning Consistency:

The site area is currently zoned and classified as Rural Residential 5 acre minimum, variable to one acre minimum (RR-5 [RR-1]). The proposed merger of the two subject parcels is consistent with this Zoning District and does not propose to create any new parcels. The eastern most parcel (APN 121-310-14) is currently developed with an existing Single Family Dwelling and Guest Cottage and is currently at the allowed density for this zoning designation. Any future development may be subject to a Coastal Development Permit. The project is consistent with Sec. 20.516.015 of Division II of the Mendocino County Coastal Zoning Code.

2. Natural Resources:

The project site area is located within a 'Highly Scenic Area' and within the estimated habitat of the Western Bumble Bee (*Bombus occidentalis*) but with no development proposed with this project, Staff has determined that additional studies or surveys would not be necessary with this project. Any future development will require additional review by Planning Staff. There currently exists a two bedroom Single Family Residence and Guest Cottage serviced by existing water and septic systems on the property.

3. Division of Land Regulations:

This project is scheduled to be reviewed by the County Subdivision Committee on **January 13, 2021** at which time the Subdivision Committee will make recommendations concerning approval to the Coastal Permit Administrator per the required finding in Section 17-17.5 of the Mendocino County Code. No conflicts with the County Division of Land Regulations were identified.

COASTAL POLICY CONSISTENCY REVIEW: Staff reviewed the project relative to coastal issues and determined the following:

- **1.** The Boundary Line Adjustment will result in a change of density and the proposed merger does not provide for future divisions beyond that which currently exist;
- 2. The Boundary Line Adjustment will not create any new parcels;
- **3.** The parcels subject to the adjustment are not located within an environmentally sensitive habitat area, and no fully impacted parcel will be created as a result of this adjustment;
- **4.** No substandard parcel will result from the adjustment. Neither of the existing parcels are conforming to the current minimum parcel size or its variable, but merging the parcels will make them conforming to the higher density minimum (1 acre);
- **5.** The parcels subject to the adjustment, or merger, are in an area designated "Marginal Groundwater Resources" as identified in the Mendocino County Groundwater Study, and is consistent with the study.
- **6.** The project is not located on property containing Pygmy vegetation;
- 7. The project is located within a designated "Highly Scenic Area". The merger of the parcels, however, will not result in additional development not already allowed under the current configuration. No change to visual characteristics will result, and those policies addressing "Highly Scenic" remain applicable;
- **8.** The project is an appealable project as it is a Boundary Line Adjustment, and therefore is required to be processed as a Standard Coastal Development Permit.

ENVIRONMENTAL RECOMMENDATION: The application is Categorically Exempt- Class 5a: Minor parcel line adjustments, side yard and set back variances not resulting in the creation of any new parcel. Therefore, no further environmental review is required.

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

Policy 3.1-32 discusses the prohibition of a boundary line adjustment if it is located within an ESHA and (1) creates a parcel entirely within an ESHA, or (2) would result in a parcel that does not have adequate building site locations. The proposed boundary line adjustment is consistent with the policy as the resulting parcel would not be located entirely within an ESHA nor would the resulting parcel provide inadequate building site locations.

Policy 3.5-3 discusses the necessity of visual resource impact analysis for development in areas designated as "Highly Scenic". The subject parcels of the proposed boundary line adjustment are within an area designated as such, but as no development is permitted as a part of the project, no visual impacts will occur as a result of its approval. No further analysis is required.

Policy 3.8-7 discusses the requirement of adequate utilities prior to the approval of a boundary line adjustment. The eastern parcel is currently developed with a Single Family Residence with well and septic. This project will merge this developed parcel with the undeveloped parcel adjacent, removing the ability to permit further residences as second units are currently prohibited within the Coastal Zone. Therefore, the proposed boundary line adjustment is consistent with this policy.

RECOMMENDED MOTION

The Coastal Permit Administrator approves Coastal Development Boundary Line Adjustment B_2021-0048, subject to the following conditions of approval, finding that the application and supporting documents and exhibits contain sufficient information and conditions to establish, as required by the Coastal Zoning Code, that:

- 1. Pursuant to Mendocino County Coastal Zoning Code Section 20.532.095(A)(2), the proposed boundary line adjustment is in conformance with the Coastal Element and its policies discussed in this report. The proposed boundary line adjustment is consistent with all applicable policies that discuss boundary line adjustments, and;
- Pursuant to Mendocino County Coastal Zoning Code Section 20.532.095(A)(2), the
 proposed project will be provided with adequate utilities, access roads, drainage and
 other necessary facilities. The proposed boundary line adjustment does not change any
 utilities (including water provisions) between the two subject parcels and Little River
 Airport Road remains the primary access to the property;
- 3. Pursuant to Mendocino County Coastal Zoning Code Section 20.532.095(A)(3), the proposed project is consistent with the purpose and intent of the zoning district applicable to the property, as well as the provisions of the Mendocino County Coastal Zoning Code and preserves the integrity of the zoning district. The proposed boundary line adjustment will change the property line between two parcels within the RR-5 [RR-1] zoning district. The proposed boundary line adjustment will merge the two parcels and create one parcel of approximately 1.88± acres, bringing them into conformity with the higher density minimum. The proposed boundary line adjustment would not result in the creation of any new non- conforming parcel.
- 4. Pursuant to Mendocino County Coastal Zoning Code Section 20.532.095(A)(4), the proposed project would not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act (CEQA). The proposed boundary line adjustment was found to be Categorically Exempt from the provisions of CEQA under a Class 5(a) exemption, and;
- 5. Pursuant to Mendocino County Coastal Zoning Code Section 20.532.095(A)(5), the proposed boundary line adjustment will not have any adverse impacts on any known archaeological or paleontological resource. The proposed boundary line adjustment does not include any ground disturbing activities that would impact archaeological or paleontological resources. Additionally, as the project is categorically exempt from CEQA, the proposed boundary line adjustment is not subject to additional archaeological survey requirements per Mendocino County Code Section 22.12.050(A); and
- 6. Pursuant to Mendocino County Coastal Zoning Code Section 20.532.095(A)(6), other public services including but not limited to, solid waste and public roadway capacity have been considered and are adequate to serve the proposed adjustment.
- 7. Pursuant to Mendocino County Coastal Zoning Code Section 20.532.100(A)(1), the proposed project will not impact any environmentally sensitive habitat areas (ESHAs). The proposed boundary line adjustment does not propose any ground disturbing or environmentally impactful activities that would affect ESHAs. Furthermore, the proposed boundary line adjustment does not create parcels that are undevelopable due to ESHA buffers or other environmental setbacks; and
- 8. Pursuant to Mendocino County Coastal Zoning Code Section 20.532.100(A)(2), the proposed project is compatible with the long-term protection of resource lands. The proposed boundary line adjustment affects only residential parcels with extremely limited or no commercial resources.

CONDITIONS OF APPROVAL

- 1. This action shall become final on the 11th day following the decision unless an appeal is filed pursuant to Section 20.544.015 of the Mendocino County Code. The permit shall become effective after the ten (10) working day appeal period to the Coastal Commission has expired and no appeal has been filed with the Coastal Commission. The permit shall expire and become null and void at the expiration of two years after the effective date.
- 2. That for <u>each proposed adjusted parcel</u> provides <u>one</u> perimeter description of each parcel. The new deed description submitted shall be prepared by, and bear the seal of, a Licensed Land Surveyor.
- 3. That each transfer of real property be by means of a quit claim deed containing the following wording to be contained within the legal description:
 - "Any and all lands and any and all interest thereto lying within the following described real property perimeter description of the adjusted parcels(s)."

And.

- "This deed is given pursuant to Mendocino County Coastal Development Boundary Line Adjustment B 2021-0048 and is intended to create no new parcel."
- 4. Per Mendocino County Code Section 17-17.5(I)(2):
 - "That the Treasurer-Tax Collector certifies that all taxes and assessments due on each parcel affected by the adjustment have been paid or cleared, and that a deposit to secure payment of the taxes and assessments which are due but not yet payable have been made".
 - The enclosed **Certificate of the Official Redeeming Officer Form** must be certified by the Treasurer-Tax Collector and a copy returned to the Department of Planning and Building Services.
- After you have been given clearance to record the new documents, you must send a copy of the recorded deed(s) to the Department of Planning and Building Services. Upon review and approval of this information, you will receive a Completion Certificate.
- In the event that archaeological resources are encountered during development of the
 property, work in the immediate vicinity of the find shall be halted until all requirements of
 Chapter 22.12 of the Mendocino County Code relating to archaeological discoveries has been
 satisfied.
- 7. A note shall be placed on the deeds and/or legal descriptions stating that "The Boundary Line Adjustment shall not relinquish, remise, release, or terminate any prior right, interest in rights-of-way, easements, or other rights which may be appurtenant to and/or an encumbrance to the subject properties."
- 8. A note shall be place on the deeds and/or legal descriptions stating that, "Future development may require additional studies and/or may be subject to restrictions" and that "Future development shall be in conformance with the criteria for development within the Environmentally Sensitive Habitat and Special Treatment Areas as set forth in the Coastal Plan and Coastal Zoning Code."
- 9. A note shall appear on the deed indicating that this is a voluntary merger of parcels.
- 10. This project shall adhere to the applicable sections of Title 14 of the California Code of Regulations, Division 1.5, Chapter 7, Sub-Chapter 2-State Fire Safe Regulations.

Once the deed(s) and/or instruments(s) have been prepared, please send a copy to the Department of Planning and Building Services. After we have reviewed the documents and accepted them as correct and all conditions of approval have been met, we will notify you. **DO NOT RECORD ANY DOCUMENTS UNTIL YOU HAVE RECEIVED APPROVAL OF THE DEED(S).**

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

NOTE: ALL APPLICANTS OR OTHER PERSONS WHO ARE DISSATISFIED WITH A DECISION OF THE COASTAL PERMIT ADMINISTRATOR FOR A COASTAL DEVELOPMENT PERMIT FOR A BOUNDARY LINE ADJUSTMENT MAY APPEAL THE ACTION TO THE BOARD OF SUPERVISORS. AN APPEAL MUST BE MADE IN WRITING ALONG WITH THE APPLICABLE FEE TO THE CLERK OF THE BOARD OF SUPERVISORS WITHIN TEN (10) DAYS OF THE COASTAL PERMIT ADMINISTRATOR'S DECISION. THE APPEAL ISSUE WILL BE PLACED ON THE NEXT AVAILABLE BOARD OF SUPERVISOR'S AGENDA FOR CONSIDERATION, AND THE APPELLANT WILL BE NOTIFIED OF THE TIME AND DATE. APPEALS TO THE BOARD OF SUPERVISORS DO NOT NECESSARILY GUARANTEE THAT THE COASTAL PERMIT ADMINISTRATOR'S DECISION WILL BE OVERTURNED. IN SOME CASES, THE BOARD OF SUPERVISORS MAY NOT HAVE THE LEGAL AUTHORITY TO OVERTURN THE DECISION OF THE ADMINISTRATOR.

ÍRÍK LARSON PILÁNNER II

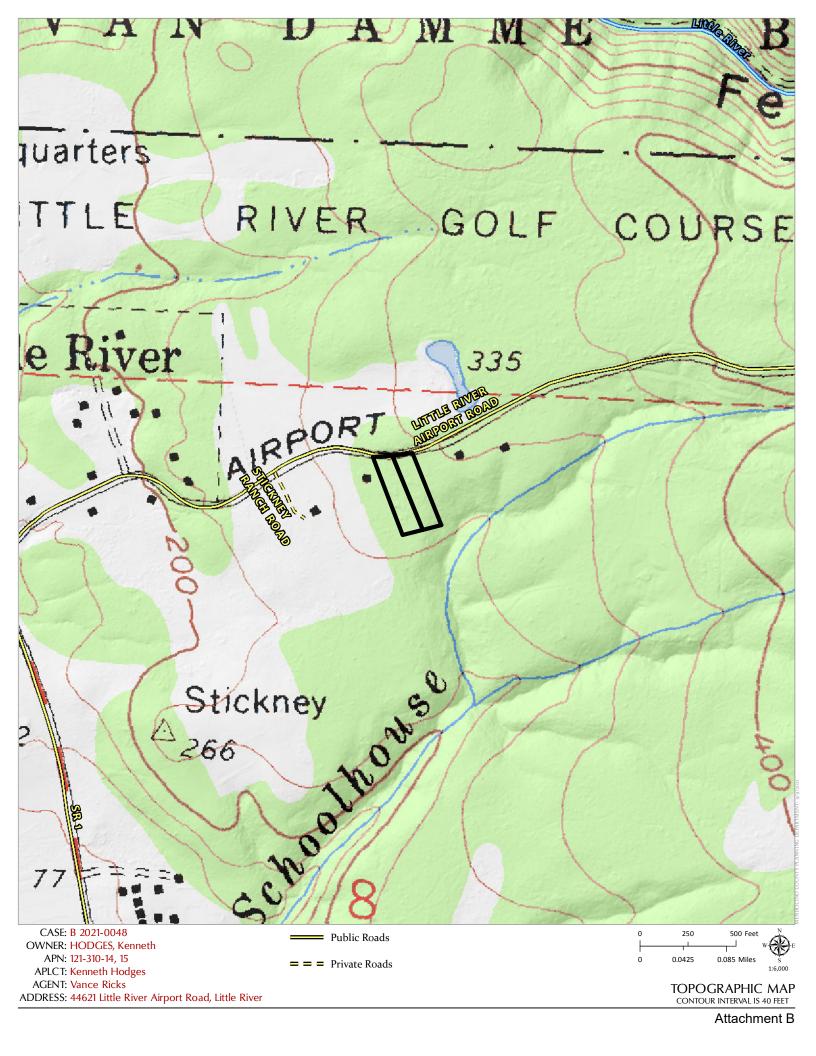
12 78 21 DATE

Appeal Period: 10 Days Appeal Fee: \$1616.00

ATTACHMENTS:

- A. Location Map
- B. Topographical Map
- C. Aerial Map
- D. Site/Tentative Map
- E. Zoning Map
- F. General Plan/LCP Map
- G. LCP Habitats & Resources Map
- H. LCP Land Capabilities & Natural Hazards Map
- LCP Land Use Map 17:Mendocino
- J. Post LCP Certification & Appeal Jurisdiction
- K. Adjacent Parcels
- L. Fire Hazards Zones & Responsibility Areas
- M. Wild Urban Interface Zones
- N. Ground Water Resources
- O. Highly Scenic & Tree Removal
- P. Estimated Slope
- Q. Western Soils Classifications
- R. Farmland Classifications
- S. Airport Zones







APN: 121-310-14, 15 **APLCT: Kenneth Hodges** AGENT: Vance Ricks

ADDRESS: 44621 Little River Airport Road, Little River

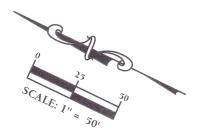


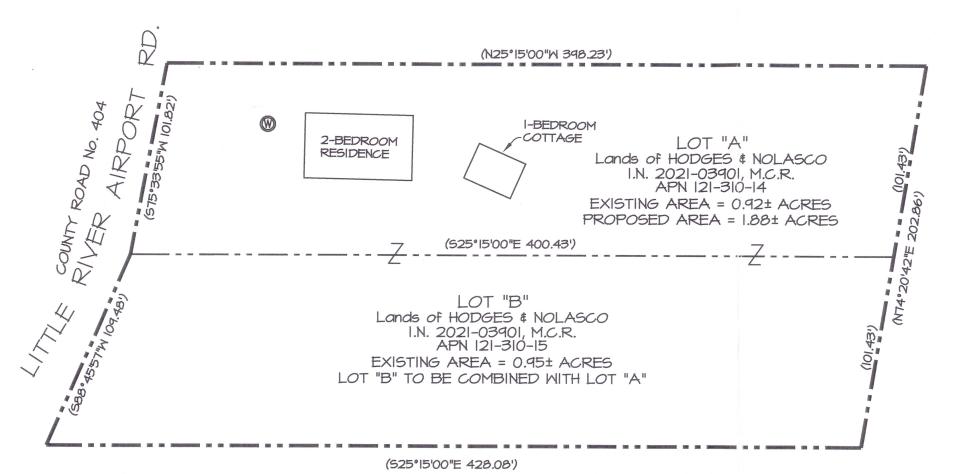
BOUNDARY LINE ADJUSTMENT EXHIBIT

Lands of HODGES & NOLASCO

44621 & 44631 LITTLE RIVER AIRPORT RD

APNs 121-310-14 & 15 VOLUNTARY MERGER



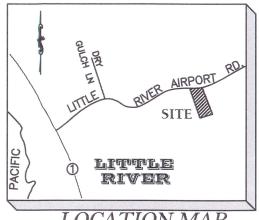


LEGEND

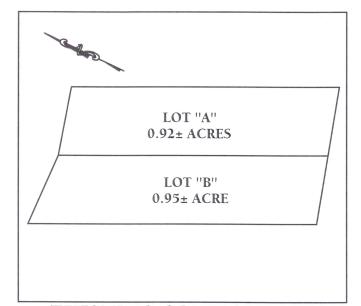
M.R.C. I.N. APN EXISTING BOUNDARY LINE
MENDOCINO COUNTY RECORDS
INSTRUMENT NUMBER, M.C.R.
ASSESSOR'S PARCEL NUMBER



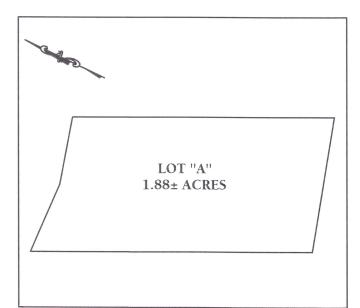
LAND SURVEYING
10580 WEST ROAD REDWOOD VALLEY, CA. (707) 891-3414



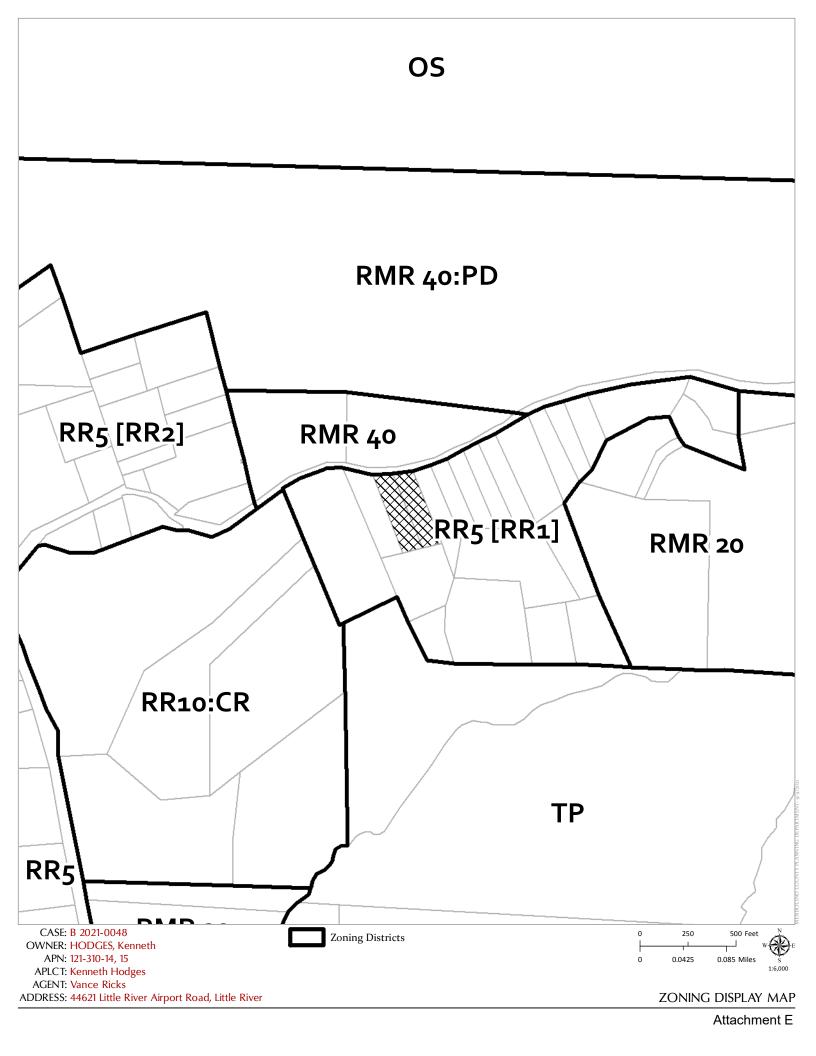
LOCATION MAP

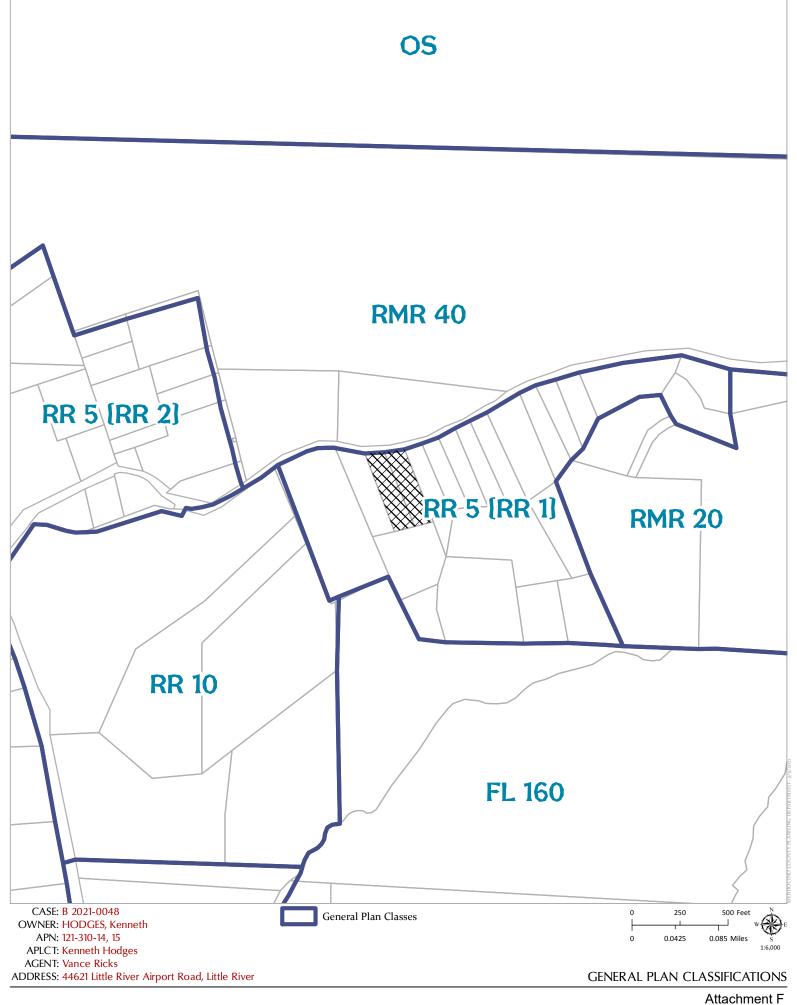


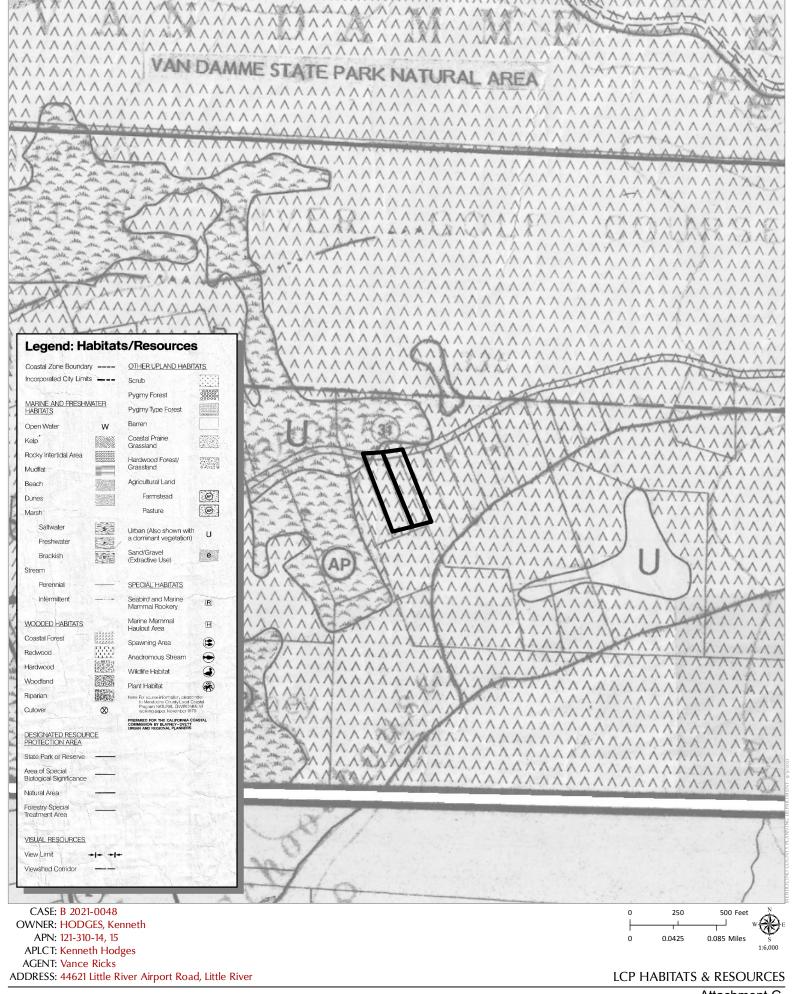
EXISTING CONFIGURATION
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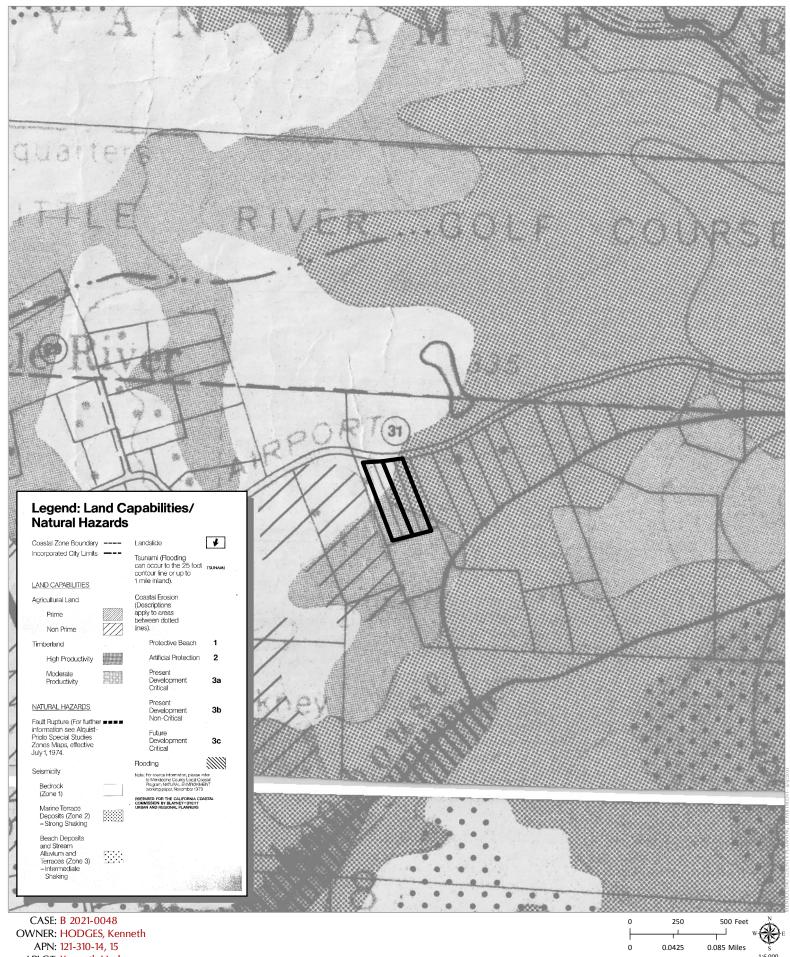


PROPOSED CONFIGURATION
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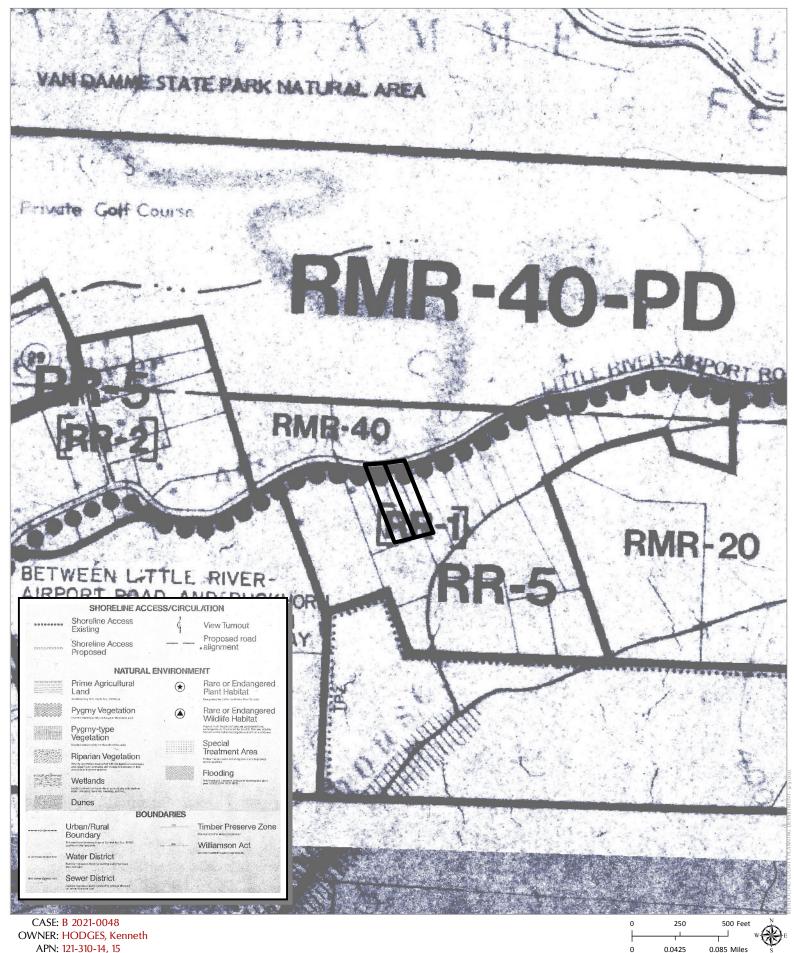






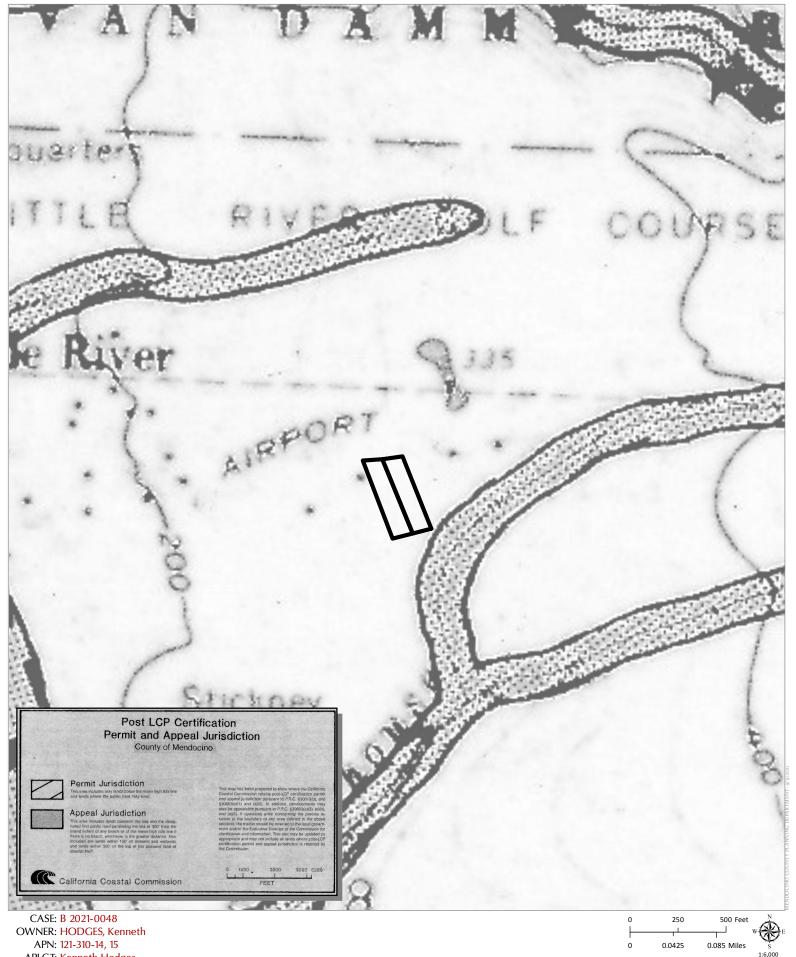
APN: 121-310-14, 15
APLCT: Kenneth Hodges
AGENT: Vance Ricks
ADDRESS: 44621 Little River Airport Road, Little River

LCP LAND CAPABILITIES & NATURAL HAZARDS



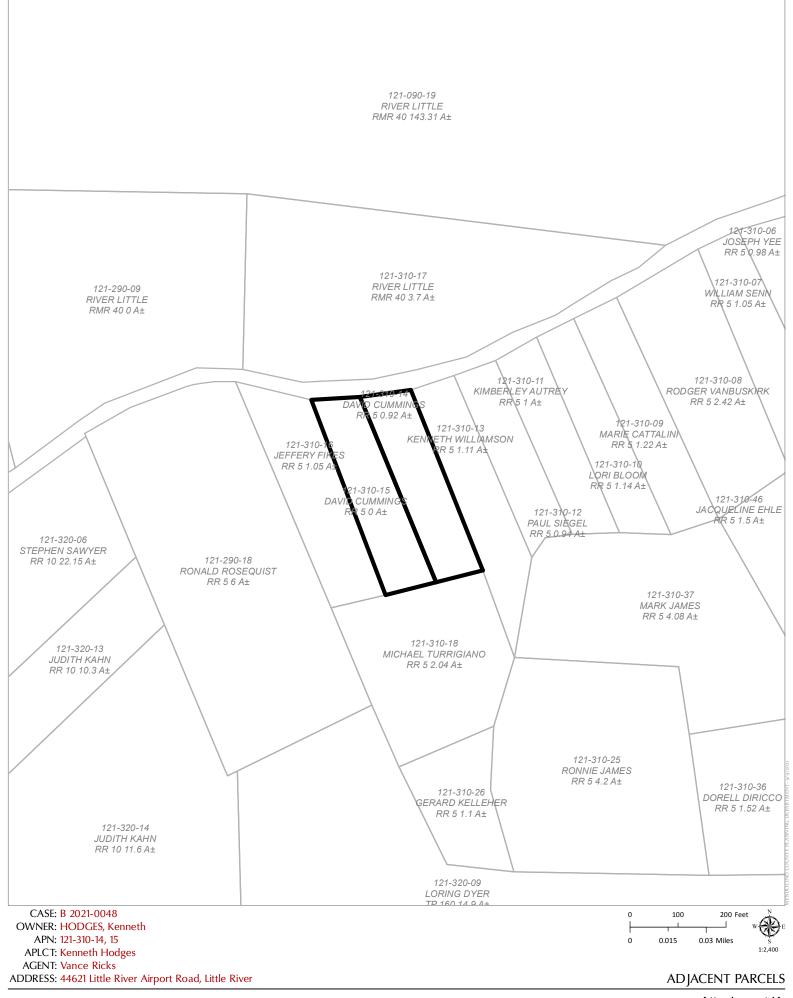
APLCT: Kenneth Hodges AGENT: Vance Ricks

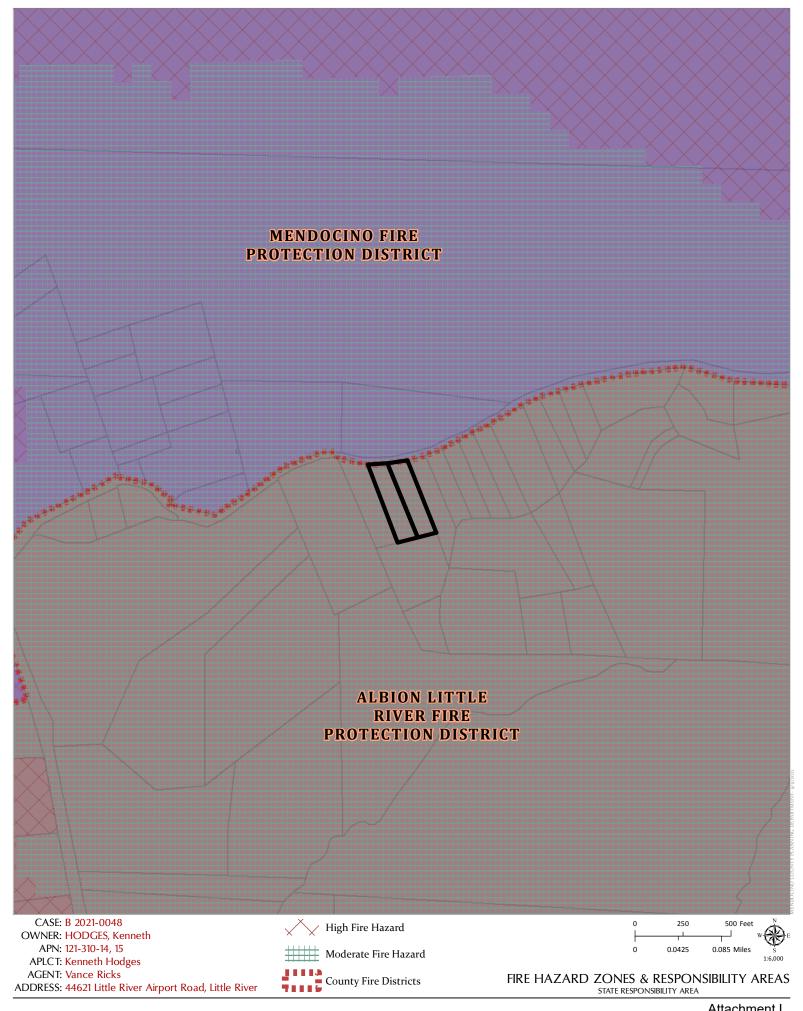
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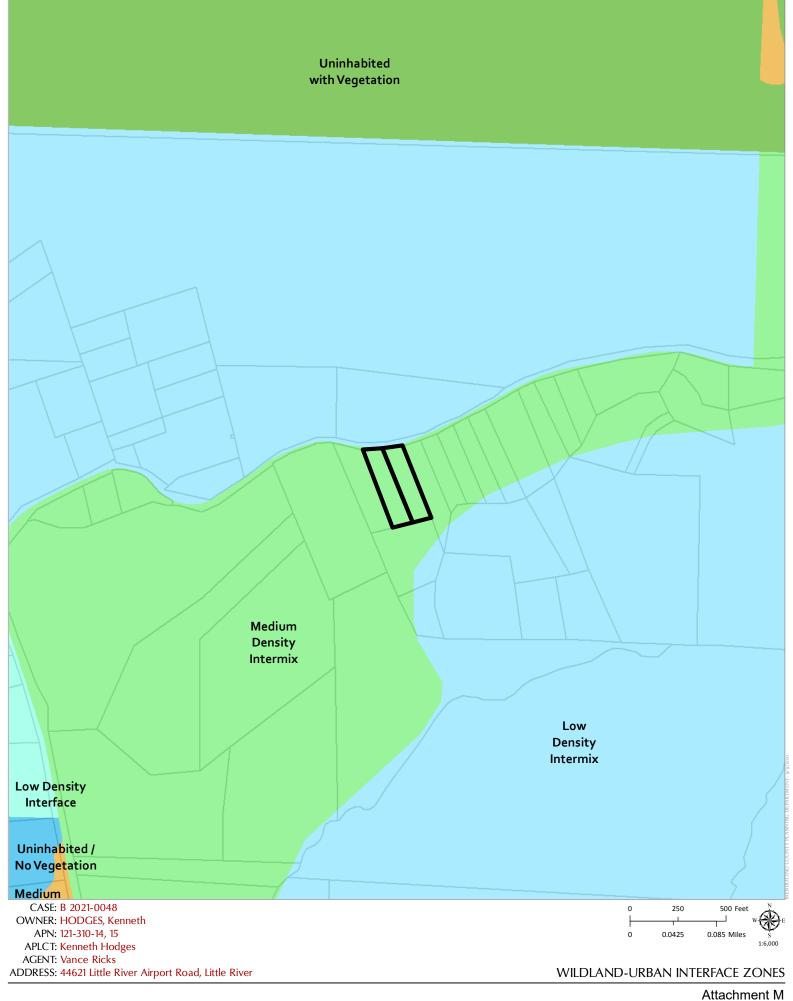


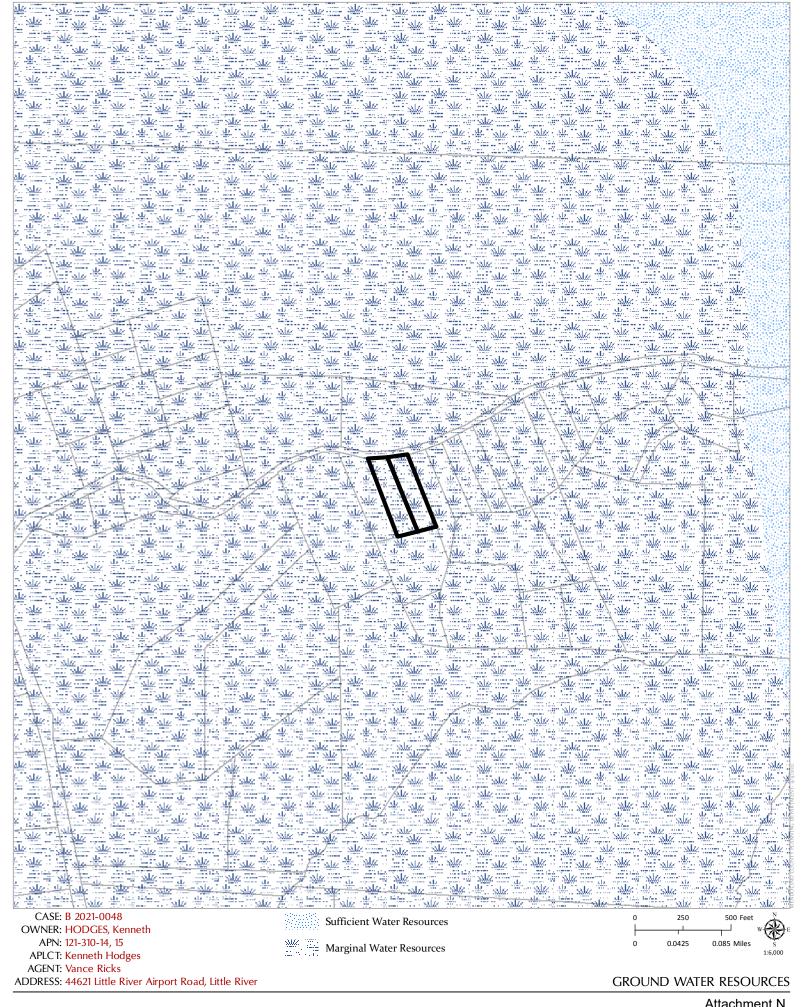
APLCT: Kenneth Hodges AGENT: Vance Ricks

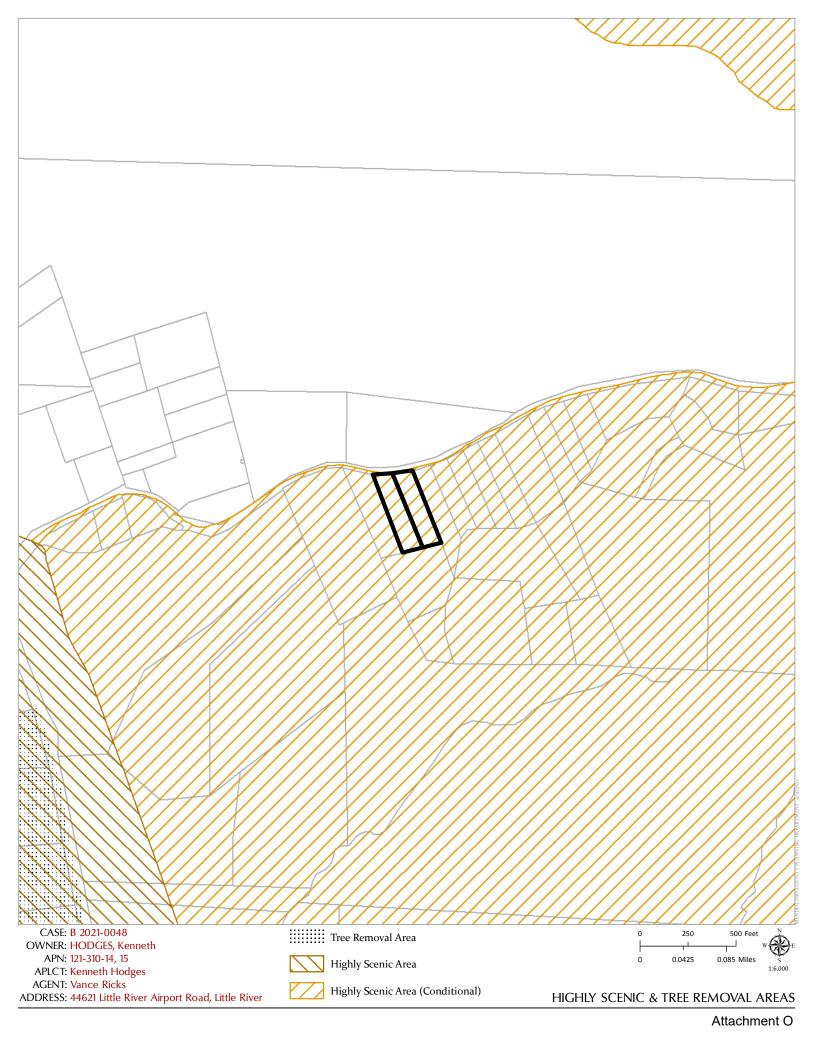
ADDRESS: 44621 Little River Airport Road, Little River

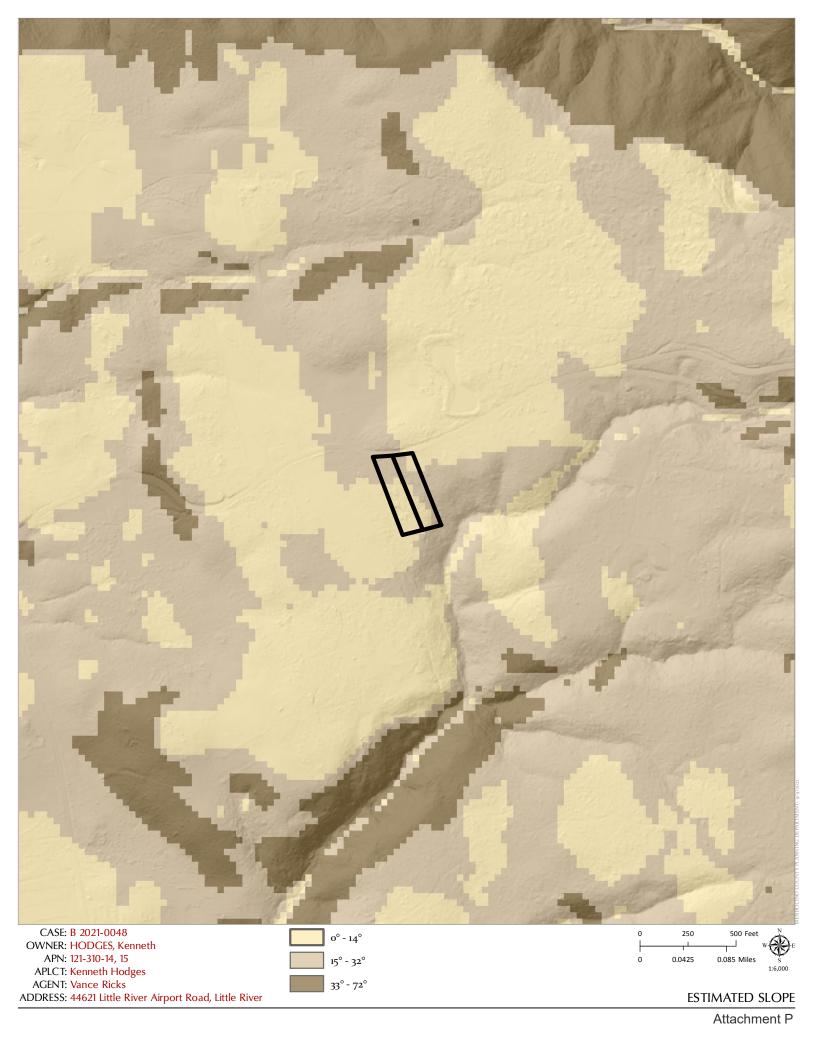


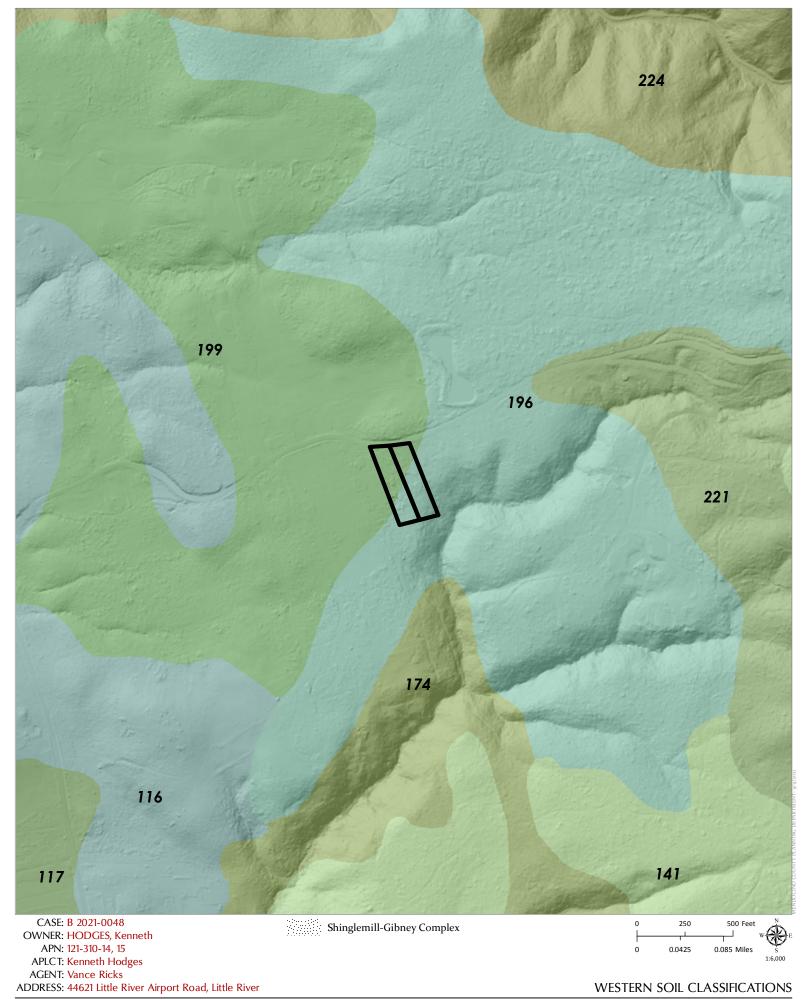












Attachment Q

