JULIA KROG, DIRECTOR
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March 28, 2022

#### NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT the Mendocino County Subdivision Committee and Coastal Permit Administrator will consider the following project on Thursday, April 14, 2022. 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 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 <a href="mailto:pbscommissions@mendocinocounty.org">pbscommissions@mendocinocounty.org</a> or orally via telecomment, and is available for viewing on the Mendocino County YouTube page, at <a href="https://www.youtube.com/MendocinoCountyVideo">https://www.youtube.com/MendocinoCountyVideo</a>. The telecomment form may be found at: <a href="https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas">https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas</a>

**CASE#**: B\_2021-0033 **DATE FILED**: 6/15/2021

OWNER: MICHELLE NOE, JASON VALLINA, RICHARD ESTABROOK AND RED RIDING

HOOD, LLC

**APPLICANT: MICHELLE NOE** 

**REQUEST:** Coastal Development Boundary Line Adjustment to perform the following adjustments: **Lot 1** (APN 118-100-02) and **Lot 2** (APN 118-100-03) will be merged into a single lot of 0.58± acres. **Lot 3** (APN 118-100-04) will transfer 0.13± acres into **Lot 2**. **Lot 4** (APNs 118-100-36, ET AL) will transfer 2.3± acres to lot 3.

**ENVIRONMENTAL DETERMINATION:** Categorically Exempt

**LOCATION:** In the Coastal Zone, 0.81± miles from Caspar town center, on the south side of Caspar Orchard Rd. (CR410) 0.28± miles from its intersection with Fern Creek Rd. (CR411A), at 44501 Caspar Rd. and 44521 Caspar Rd. Caspar, CA 95420, APNs 118-100-02, 118-100-03, 118-100-04, 118-100-36, and 118-090-36.

**STAFF PLANNER: MATT GOINES** 

The staff report and notice will be available for public review 10 days prior to the public hearing on the Department of Planning and Building Services website at: <a href="https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas/coastal-permit-administrator">https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas/coastal-permit-administrator</a>.

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 <a href="mailto:pbscommissions@mendocinocounty.org">pbscommissions@mendocinocounty.org</a> by April 13, 2022, or orally via telecomment in lieu of personal attendance.

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 (707) 234-6650, Monday through Friday, 8:00 a.m. through 5:00 p.m.

JULIA KROG, DIRECTOR PLANNING AND BUILDING SERVICES

## **SUMMARY**

OWNER:	JASON VALLINA & MICHELLE NOE

44501 CASPAR ORCHARD RD

CASPAR, CA 95420

RICHARD ESTABROOK

662 HAZEL AVE. UKIAH, CA 95482

RED RIDING HOOD CABIN, LLC 314 LYTTON AVE. STE. 200 PALO ALTO, CA 94301

APPLICANT: MICHELLE NOE

44501 CASPAR ORCHARD RD.

CASPAR, CA. 95420

**REQUEST:** Coastal Development Boundary Line Adjustment to

perform the following adjustments: Lot 1 (APN 118-100-02) and Lot 2 (APN 118-100-03) will be merged into a single lot of 0.58± acres. Lot 3 (APN 118-100-04) will transfer 0.13± acres into Lot 2. Lot 4 (APNs 118-100-36,

ET AL) will transfer 2.3± acres to lot 3.

**LOCATION:** In the Coastal Zone, 0.81± miles from Caspar town center

on the south side of Caspar Orchard Rd. (CR 410) 0.28± miles from its intersection with Fern Creek Rd. (CR 411A), located at 44501 Caspar Rd. and 44521 Caspar Rd. Caspar, CA 95420, APNs 118-100-02, 118-100-03, 118-

100-04, 118-100-36, and 118-090-36.

**ACREAGE:** Lot 1:  $0.33\pm$  (before)  $/0.5\pm$  (after)

Lot 2: 0.12± (before) /0.5± (after) Lot 3: 1.6± (before) /3.89± (after) Lot 4: 133.09± (before) /130.79± (after)

**GENERAL PLAN:** Rural Residential (RR:10) and Forest Land (FL:160)

**ZONING:** Rural Residential (RR:10) and Timber Production

(TP:160)

**SUPERVISORIAL DISTRICT**: 4 (Gjerde)

ENVIRONMENTAL DETERMINATION: Categorically Exempt: Class 5(a) (Minor lot line

adjustments not resulting in the creation of any new

parcel).

**RECOMMENDATION:** APPROVE WITH CONDITIONS

STAFF PLANNER: MATT GOINES

## **BACKGROUND**

**PROJECT DESCRIPTION**: Coastal Development Boundary Line Adjustment to Merge Lot 1 0.33± acres (APN 118-100-02) with Lot 2 0.12±acres (APN 118-100-03), and reconfigure boundary lines between Lot

1 and Lot 3 1.60 acres (APN 118-100-04) to transfer 0.13± acres from Lot 3 to Lot 1, resulting in a final acreage of Lot 1 at 0.58± acres and Lot 3 at 1.47±acres; reconfigure boundary lines between Lot 3 and Lot 4 133.09± acres (APNs 118-100-36 and 118-090-16, specifically) to transfer 2.3± acres from Lot 4 to Lot 3, resulting in a final acreage of Lot 3 at 3.77± acres and Lot 4 at 130.79± acres.

SITE CHARACTERISTICS: Aerial imagery and mapping show the following: the terrain varies across multiple parcels including flatter valleys and steeper slopes. The vegetation also varies in type and densities, the smaller parcels to the north have fewer trees but more shrubs and grassland while the larger parcels to the south contain densely forested areas. Portions of the southern larger parcels contain high and moderate productivity land capabilities while the smaller northern parcels contain beach deposit and stream alluvium and terrace and (zone 3) intermediate shaking natural hazards. Portions of the southern larger parcel contain closed-cone pine-Cypress, Shinglemill-Gibney Complex soils, and may include spotted owls. All parcels in question are within the marginal water resource area, designated as grazing land (G), located within a high fire hazard area, not located within a designated highly scenic area, and do not contain any designated wetlands.

## **SURROUNDING LAND USE AND ZONING:**

	GENERAL PLAN	ZONING	LOT SIZES	USES
NORTH	Rural Residential [RR:10]	Rural Residential [RR]	19.1±,2.8± Acres	Vacant, Residential
EAST	Rural Residential [RR:10]	Timber Production [TP]	30.00± Acres	Residential
SOUTH	Forest Land [FL:160]	Rural Residential [RR]	117.41± Acres	Vacant, Residential
WEST	Rural Residential [RR:10]	Rural Residential [RR]	5.50± Acres	Residential

## **PUBLIC SERVICES:**

Access: Casper Orchard Rd. (CR 410) and Casper Logging Rd. (private)

Fire District: Fort Bragg Rural Fire Protection District
Fire Protection: Cal Fire and Fort Bragg Rural Fire District

Water District: None Sewer District: None

School District: Mendocino Unified

**AGENCY COMMENTS:** On December 1, 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
Building Division (Fort Bragg)	No Comment
Department of Transportation	No Comment
Environmental Health (Fort Bragg)	No Comment
Forestry Advisor	No Comment
South Coast Fire District	No Comment
Fort Bragg Rural Fire District	No Comment
Planning Division (Fort Bragg)	No Comment
Cal fire (Land Use)	Comment
California Coastal Commission	No Response
Cloverdale Rancheria	No Response
Redwood Valley Rancheria	Comment
Sherwood Valley Band of Pomo Indians	No Response

## **KEY ISSUES**

- **1. General Plan and Zoning Consistency:** The project sites are currently zoned and classified as Remote Residential, 10 acre minimum, and Timber Production, 160 acre minimum. All parcels in question are currently non-conforming in size, after the BLA the parcels will continue to be non-conforming in size. However, this will not take away the capability for future development to be supported for any of the lots or its ability to harvest timber in a meaningful capacity. Staff finds that the project is in conformance with the requirements of Sec. 20.516.015 regarding the approval of Boundary Line Adjustments within the Coastal Zone. Any future development may be subject to a Coastal Development Permit.
- **2. Division of Land Regulations:** The project was reviewed by the Mendocino County Subdivision Committee on April 14, 2022, at which time the Subdivision Committee made recommendations concerning approval to the Coastal Permit Administrator per the required findings of Mendocino County Code Section 17-17.5. No conflicts with the County Division of Land Regulations were identified at the meeting.
- **3. Natural Resources:** Portions of the properties on the LCP maps are designated as "Moderate and High Productivity Timberland". However, the boundary line adjustment will not affect the portions this area. This project will not affect the use of existing timber resources or residential use types, and staff has determined there to be no conflict between the proposed adjustment and the LCP map information. Additionally, the boundary line adjustment would not create any new parcels and not diminish the appropriate designated land size as all parcels involved are already non-conforming to their General Plan and Zoning designations.

## COASTAL POLICY CONSISTENCY REVIEW:

Staff reviewed the project relative to coastal issues and determined the following:

- 1. The boundary line adjustment will not result in a net loss of density and will not affect the number of units that may be constructed;
- 2. The boundary line adjustment will not create any new parcels; and
- 3. The parcels subject to the adjustment are not proposing any development, therefore any potential environmentally sensitive habitat areas will not be affected, and no new parcel will be created as a result of this adjustment;
- 4. No substandard lot will result from the adjustment. After the adjustment, because involved are currently non-conforming and will remain so but will see a slight increase and decrease in sizes respectively.
- 5. The property subject to the adjustment is in an area designated CWR (Marginal Water Resources) identified in the Mendocino County Groundwater Study and is consistent with the study.
- 6. Pygmy-capable soils were identified on the project site. However, because no development is being proposed no impacts will occur.
- 7. The project is not located within a designated "Highly Scenic" area.
- 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 lot line adjustments, side yard, and set back variances not resulting in the creation of any new parcel. Therefore, no further environmental review is required (Sec. 15305(a)).

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

**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 not located within an area designated as such and thus the proposed project is not adherent to this policy.

**Policy 3.8-7** states that "proposed development, including lot line adjustments" shall be approved only where a community sewage disposal system with available capacity exists and is obligated to provide service. The subject parcels are currently undeveloped and not served by any existing district. Therefore, no district is obligated to provide service in the event of future development and the project is considered to be consistent with this policy.

## **RECOMMENDED MOTION**

The Coastal Permit Administrator approves Coastal Development Boundary Line Adjustment B\_2021-0033, 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:

- Pursuant to Mendocino County Coastal Zoning Code Section 20.532.095(A)(2), the proposed project 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
- 2. 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. Each lot that is subject to the boundary line adjustment has adequate access from Iversen Road and the boundary line adjustment request does not require the use of any utilities or facilities, therefore it is consistent with this finding; and
- 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 TP and RR zoning districts and will not result in the creation of any new non-conforming lot; and
- 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; 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. The proposed adjustment will not result in additional parcels beyond what exist today; therefore, public services remain sufficient; and
- 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. Furthermore, the proposed boundary line adjustment does not create parcels that are undevelopable due to ESHA buffers or other environmental setbacks.

#### 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 10 working day appeal period to the Coastal Commission has expired and no appeal has been filed with the Coastal Commission. This application is valid for 24 months from the effective date. No extensions can be granted.
- 2. That for <u>each proposed adjusted parcel</u> provide <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 Quitclaim Deed containing the following wording to be contained within the legal description:

"Any and all lands and any and all interest thereto lying within the following described real property (perimeter description of the adjusted parcel(s)."

And,

"This deed is given pursuant to Mendocino County Coastal Development Boundary Line Adjustment B\_2021-0033 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.

- 5. After you have been given clearance to record the new documents, you must send a **copy** of the recorded deed(s) to the Department of Planning and Building Services. Upon review and approval of this information, you will receive a Completion Certificate.
- 6. 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 have been satisfied.
- 7. A note shall be placed 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."
- 8. A note shall be placed on the deeds and/or legal descriptions stating, "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."
- 9. Approval of this Coastal Development Boundary Line Adjustment does not authorize any tree removal activities on either parcel. Such activates would need to be reviewed under a separate request and may require a Coastal Development Permit.

Once the deed(s) and/or instrument(s) have been prepared, please send a copy to the Department of Planning and Building Services. After we have reviewed the documents and accepted them as correct 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).

## COASTAL PERMIT ADMINISTRATOR STAFF REPORT FOR COASTAL BOUNDARY LINE ADJUSTMENT

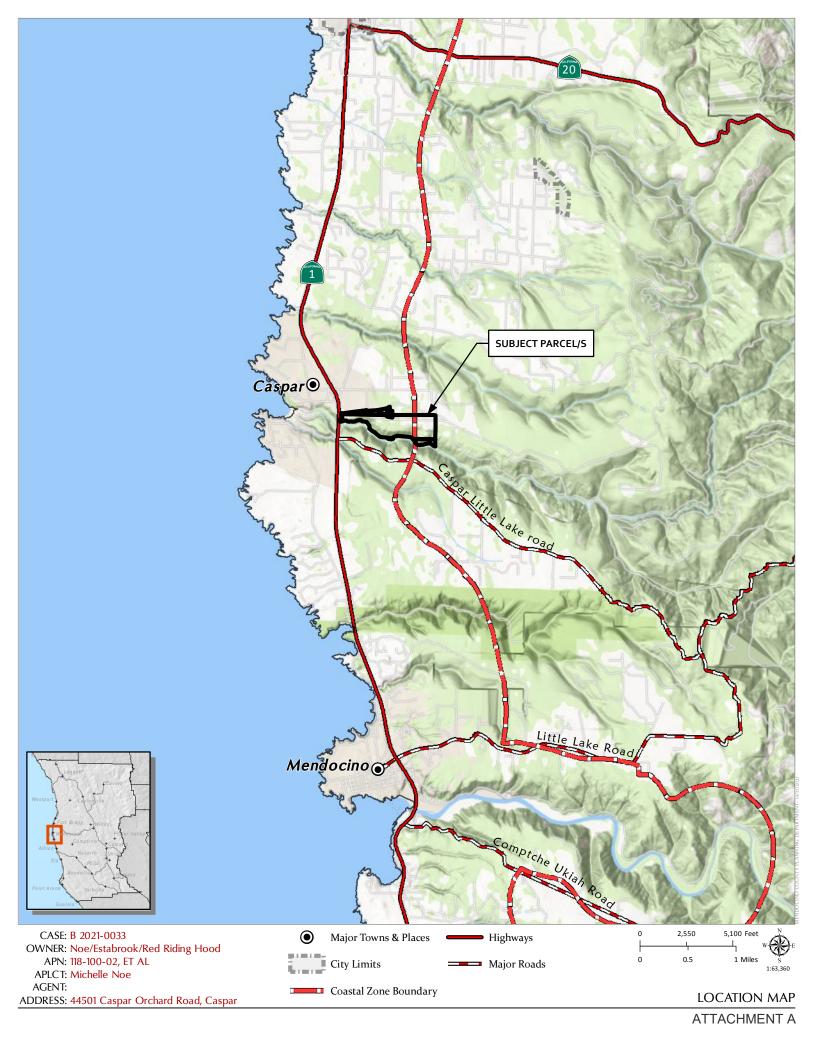
PLEASE NOTE: Title must be transferred identical to the title now being held (all owners with their exact names).

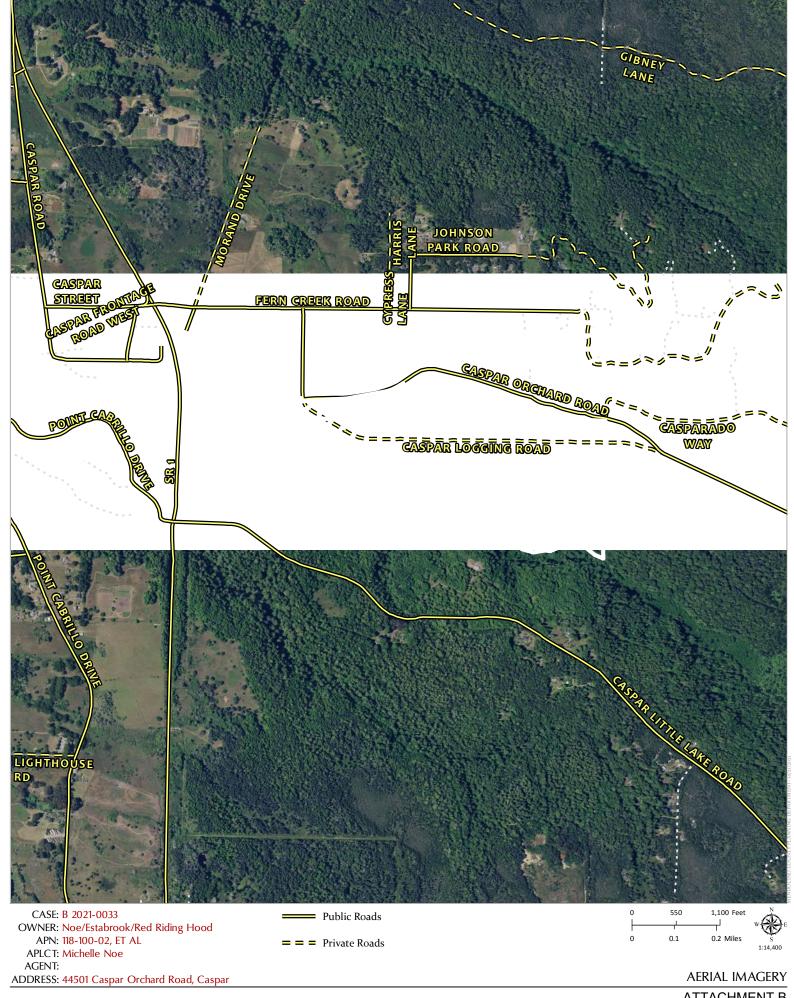
NOTE: APPLICANTS OR OTHER PERSONS WHO ARE DISSATISFIED WITH A DECISION OF THE COASTAL PERMIT ADMINISTRATOR FOR A COASTAL DEVELOPMENT PERMIT FOR A BOUNDARY LINE ADJUSTMENT MAY APPEAL THE ACTION TO THE BOARD OF SUPERVISORS. AN APPEAL MUST BE MADE IN WRITING ALONG WITH THE APPLICABLE FEE TO THE CLERK OF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

Appeal Period: 10 Days Appeal Fee: \$1,616.00

## **ATTACHMENTS:**

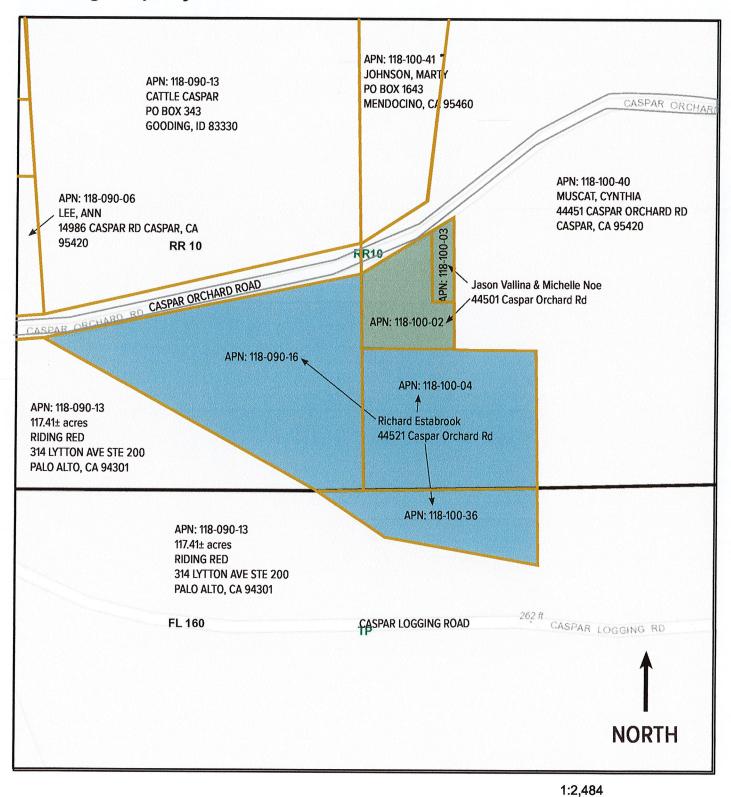
- A. Location Map
- B. Aerial Map (Vicinity)
- C. Aerial Map
- D. Applicant's map 1
- E. Applicant's map 2
- F. Applicant's map 3
- G. Applicant's map 4
- H. Applicant's map 5
- I. Topographic Map
  J. Zoning Map
- K. General Plan Classifications
- L. LCP Land Use
- M. LCP Land Cap
- N. LCP Hab and Res
- O. Appealable Areas
- P. Adjacent Parcels
- Q. Fire Hazard Zones
- R. Wildland-Urban Interface Areas
- S. Special Flood Hazard Areas Map
- T. Wetland map
- U. Coastal Groundwater Resources
- V. Slopes
- W. Soils
- X. Farmland Classifications
- Y. Mendocino Cypress map
- Z. Existing Lots map
- AA. Proposed Lots Map



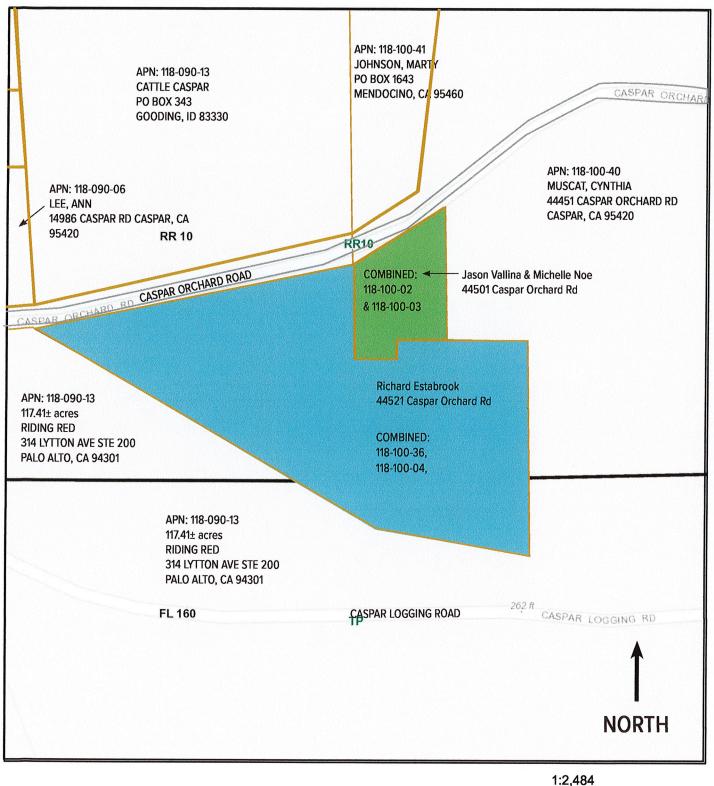


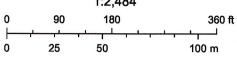


# **Existing Property Lines**



# **Proposed Property Lines**

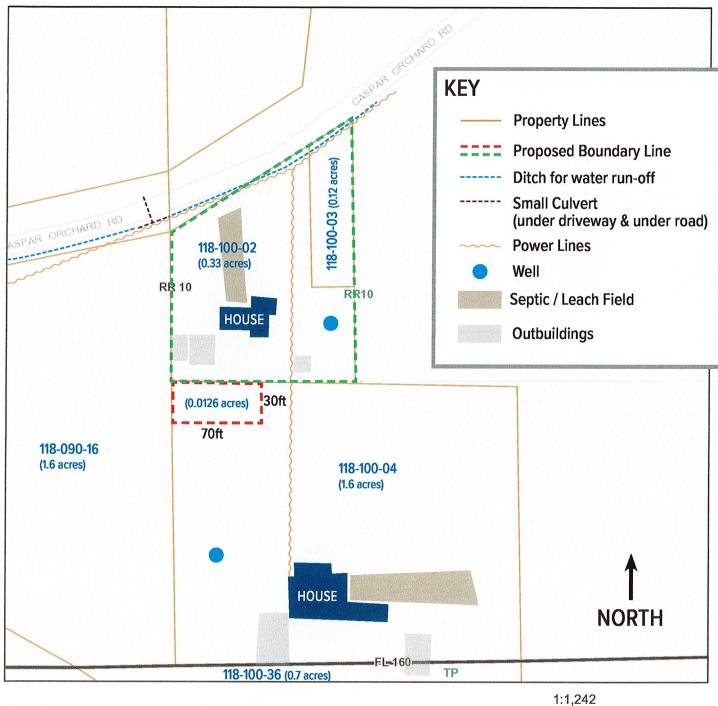




## Detail of boundary line adjustment map for Projects 1 & 2

1) BLA of red dotted line from 118-100-04 (Rich Estabrook) to 118-100-02 (Jason Vallina/Michelle Noe)

2) Combine parcels 118-100-02 and 118-100-03 into one parcel ----

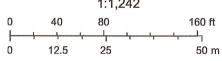


Michelle Noe / Jason Vallina 44501 Caspar Orchard Rd, Caspar, CA 95420 707-964-0528 noedesigns@gmail.com

Own property containing APNs 118-100-02 & 118-100-03

Richard Estabrook 44521 Caspar Orchard Rd, Caspar, CA 95420 707-272-0160 restabro62@gmail.com

Owns property containing APNs 118-100-04, 118-090-16, & 118-100-36

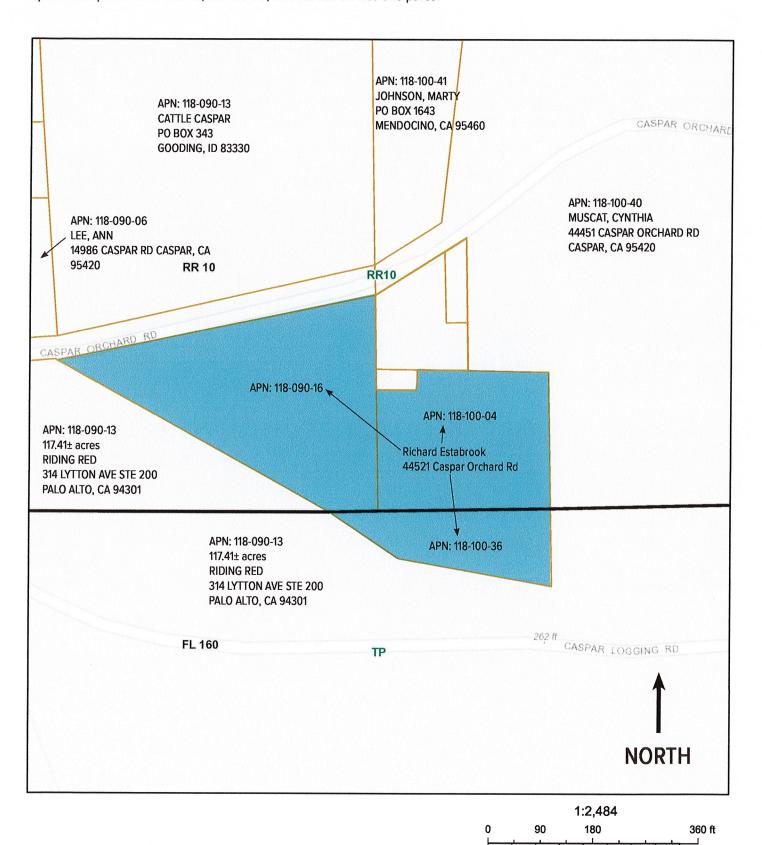


Map prepared by Michelle Noe on 3/3/2021

ATTACHMENT F

# Detail of boundary line adjustment map for Project 3

3) Combine parcels 118-090-16, 118-100-36, and 118-100-04 into one parcel

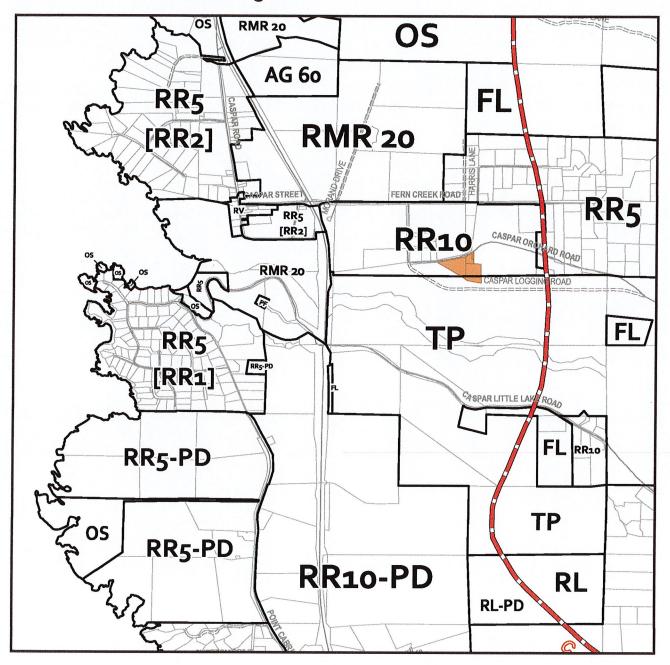


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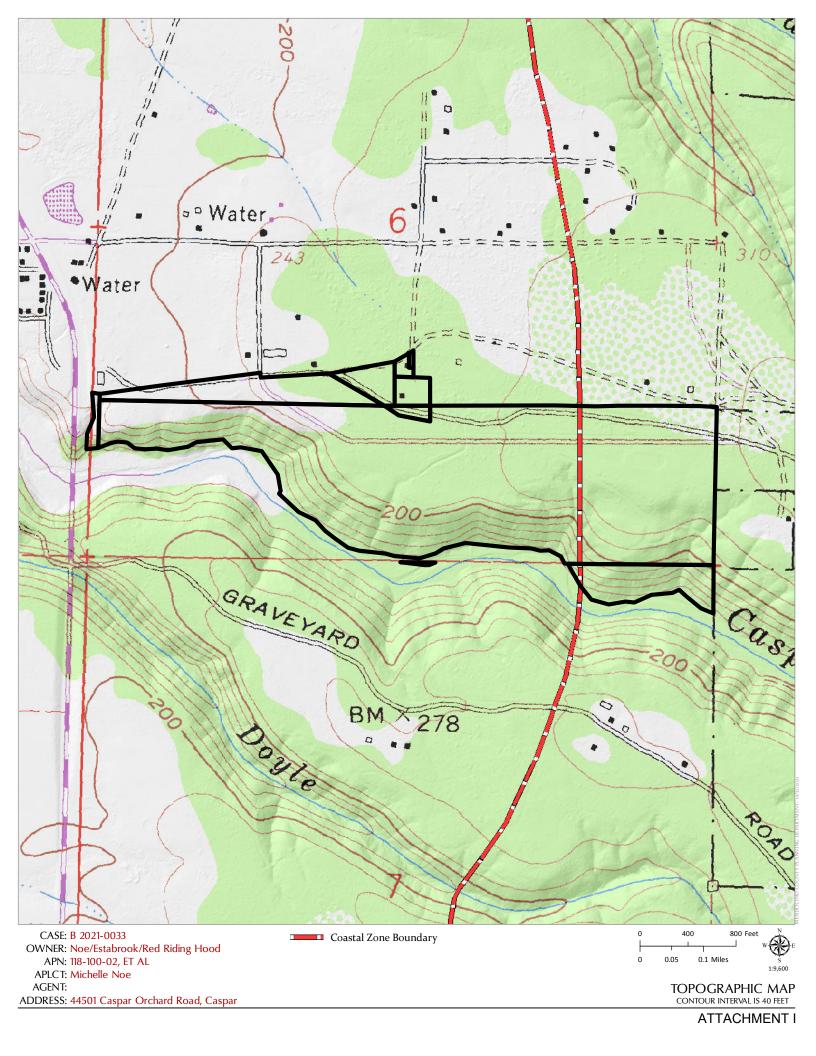
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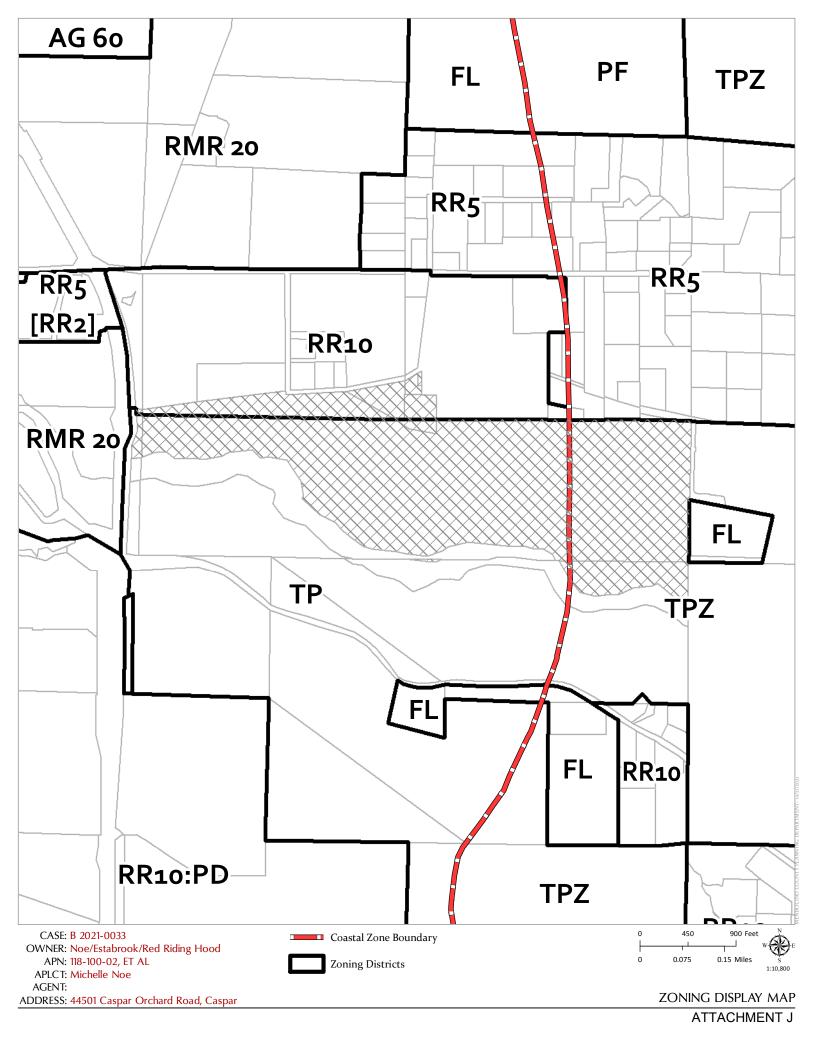
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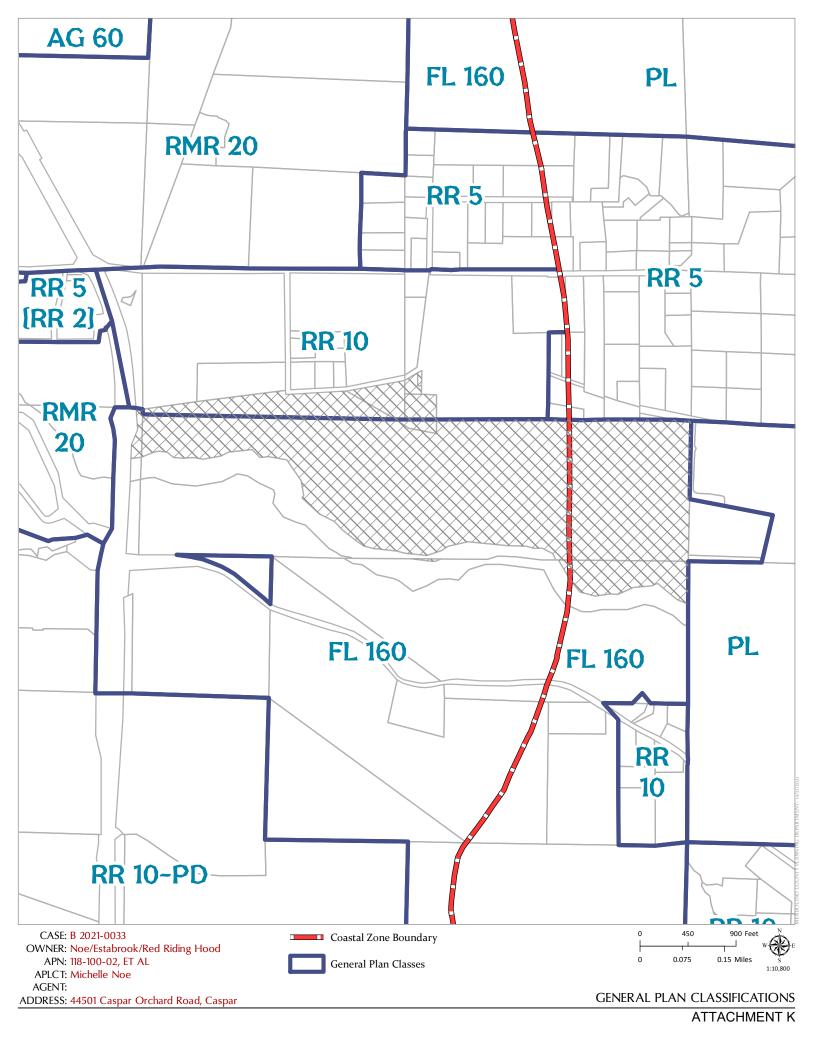
# Overview of surrounding area

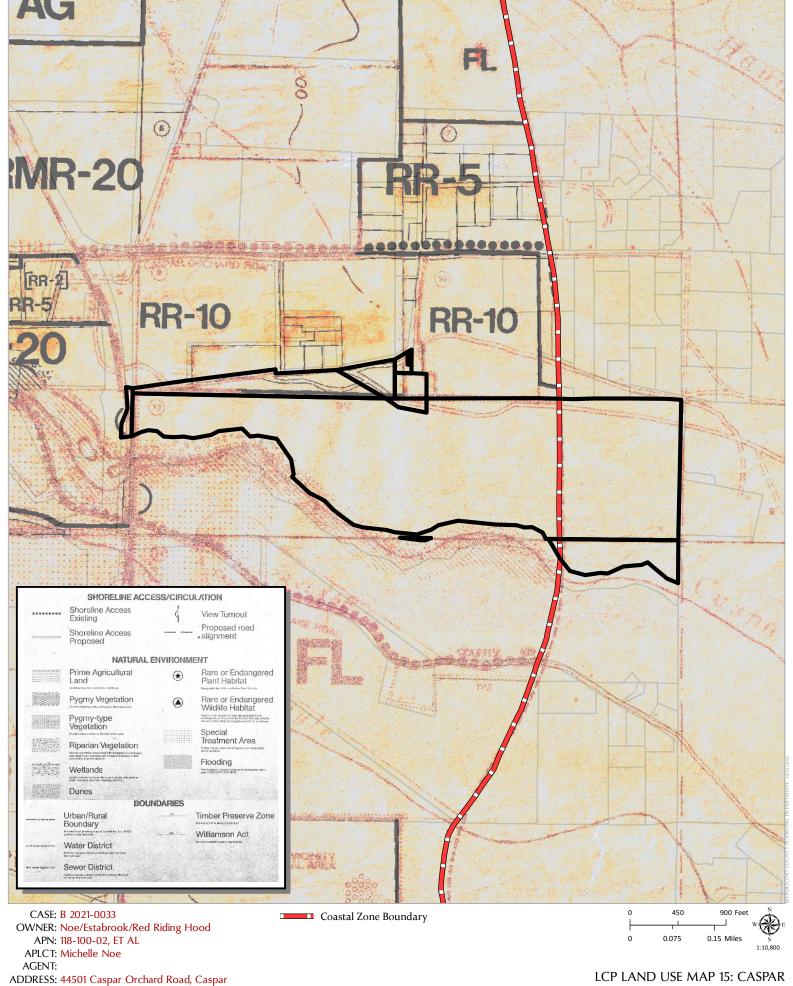


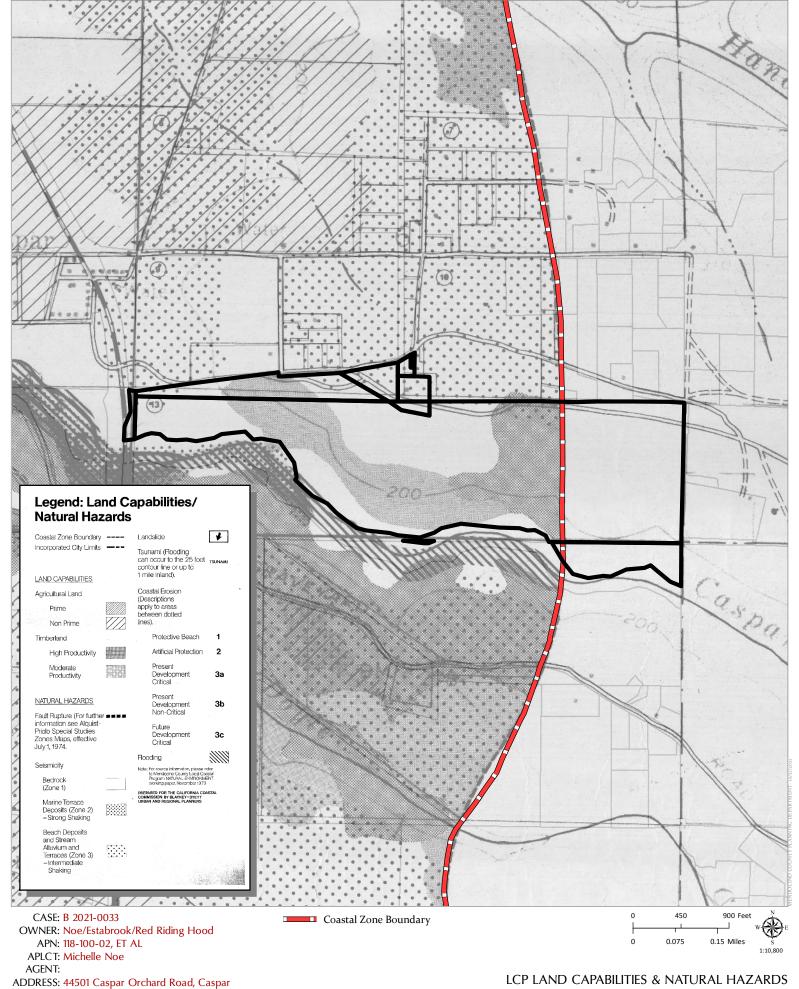
Proposed Boundary Line Adjustment properties

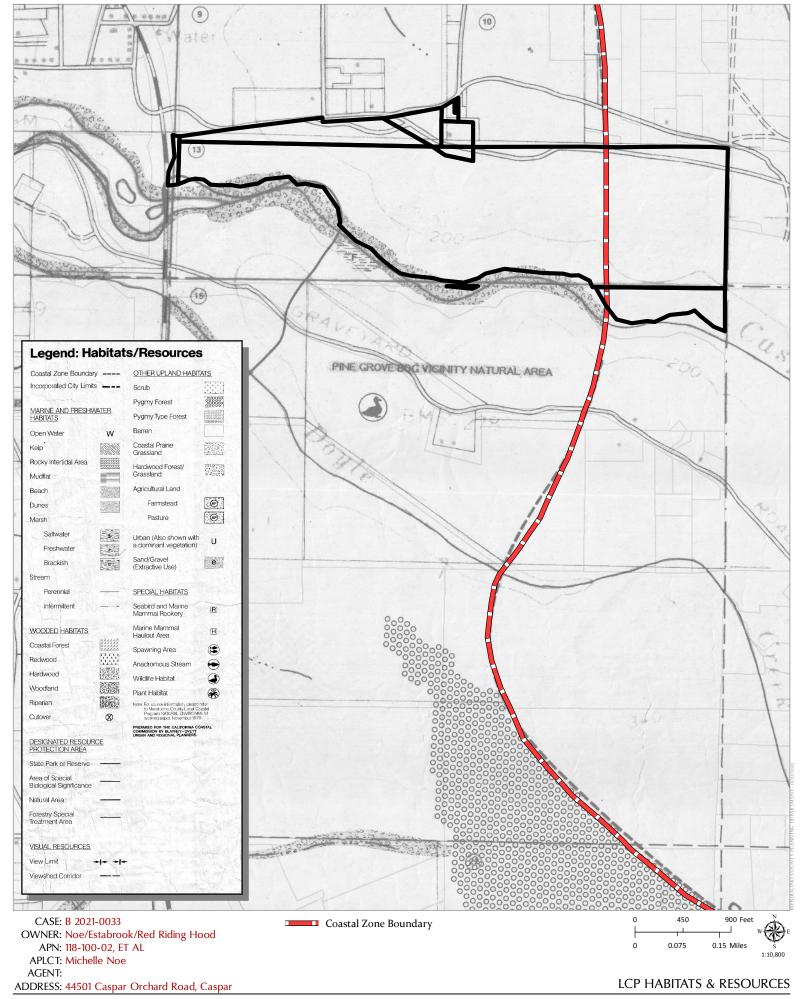


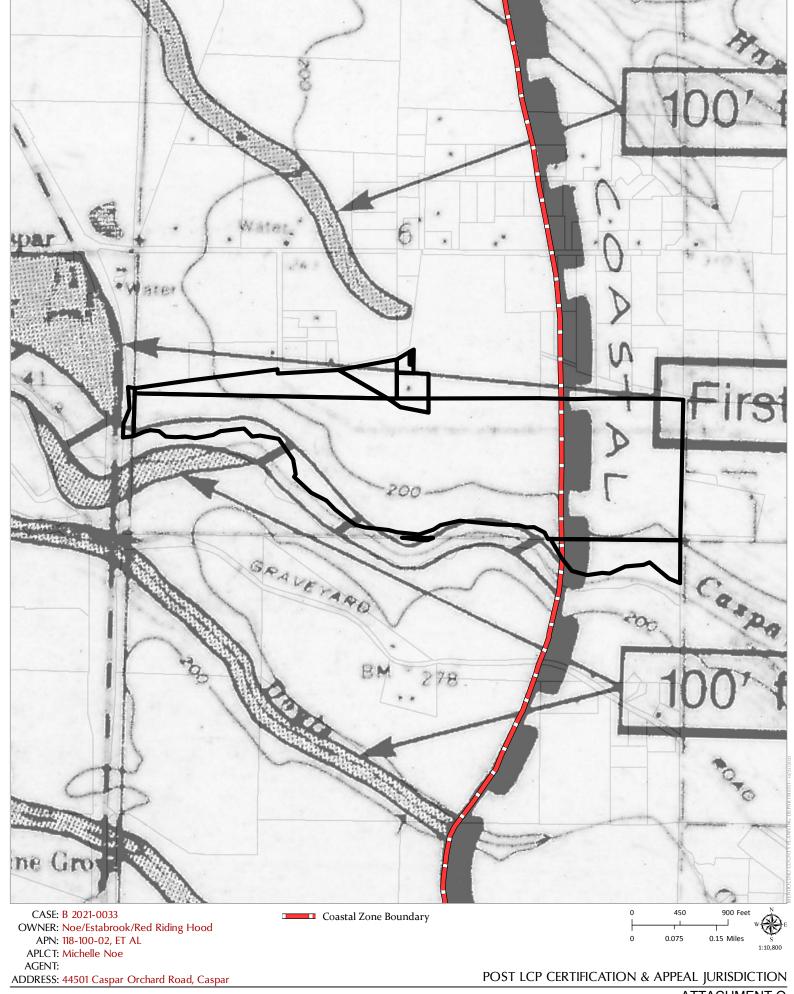


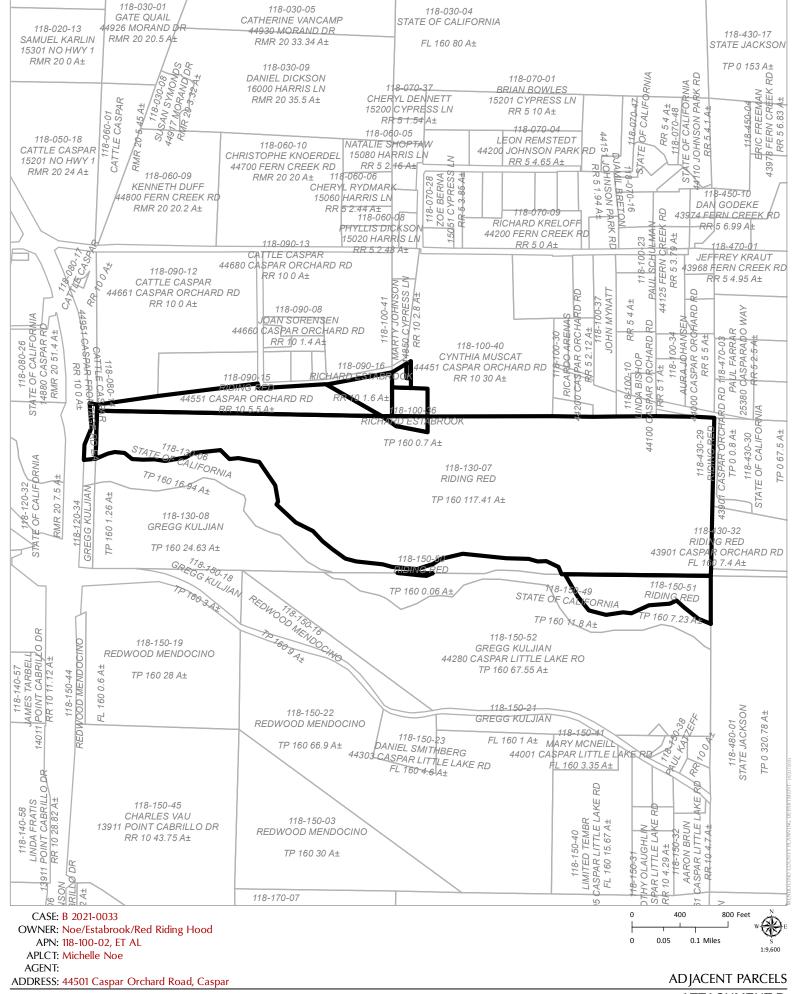


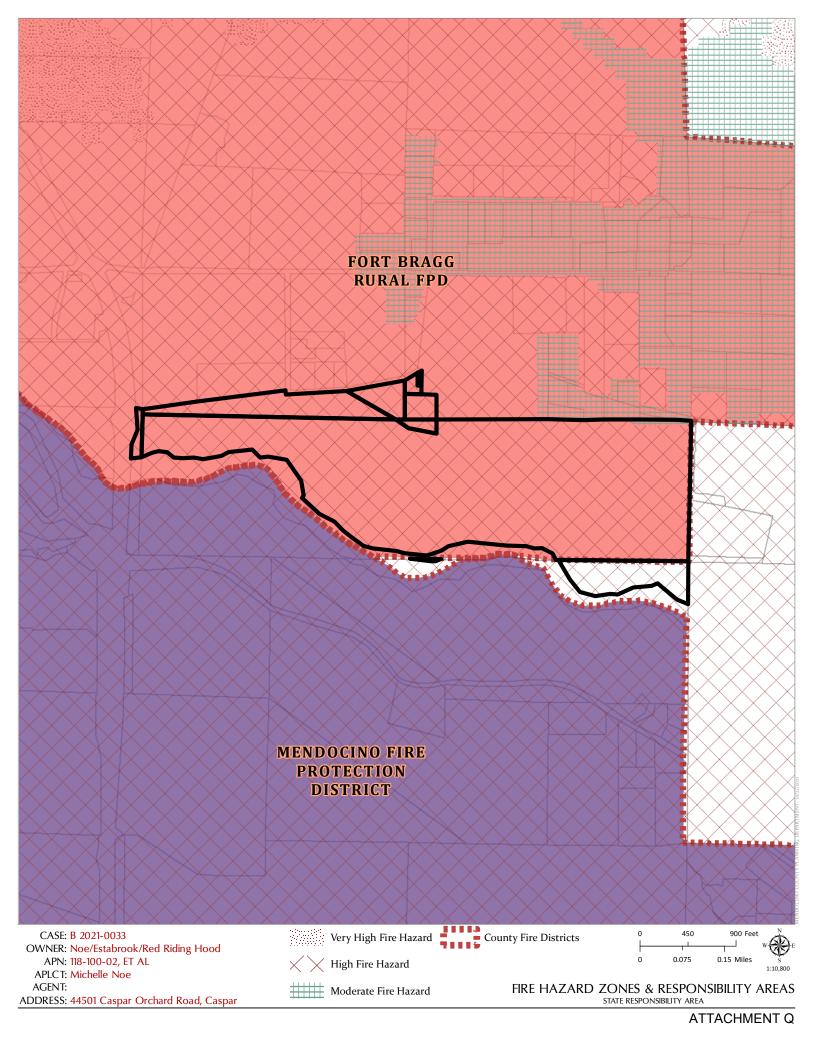


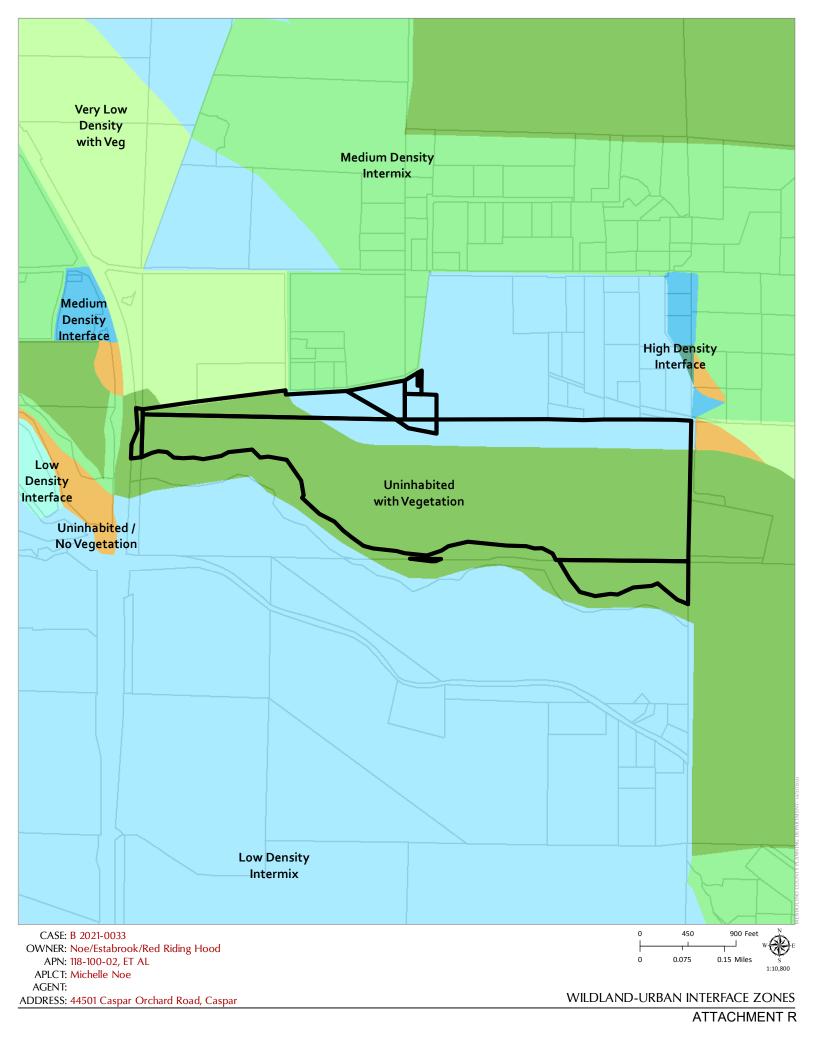


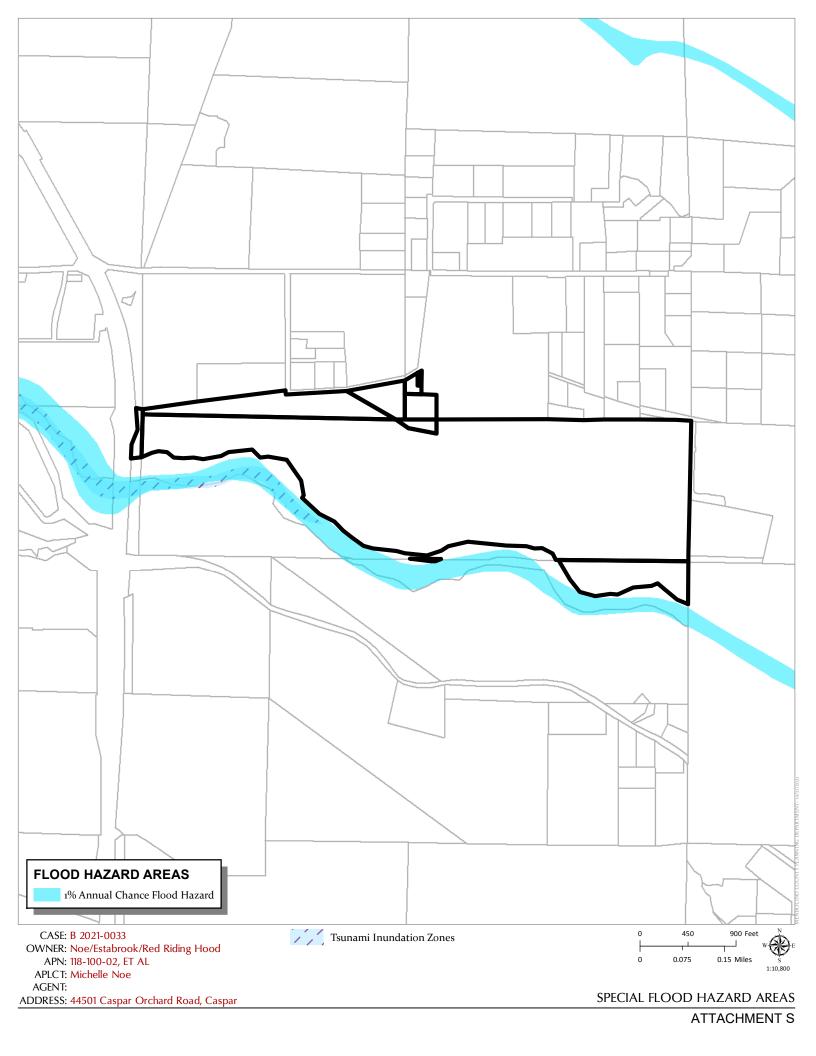


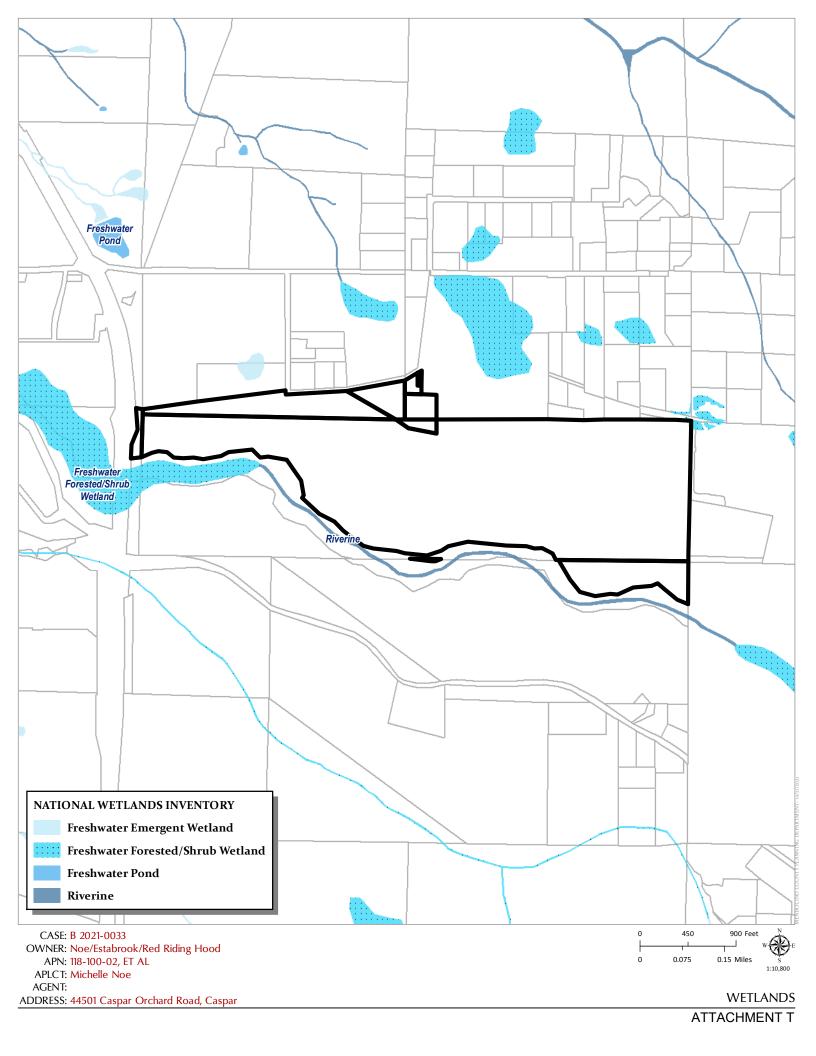


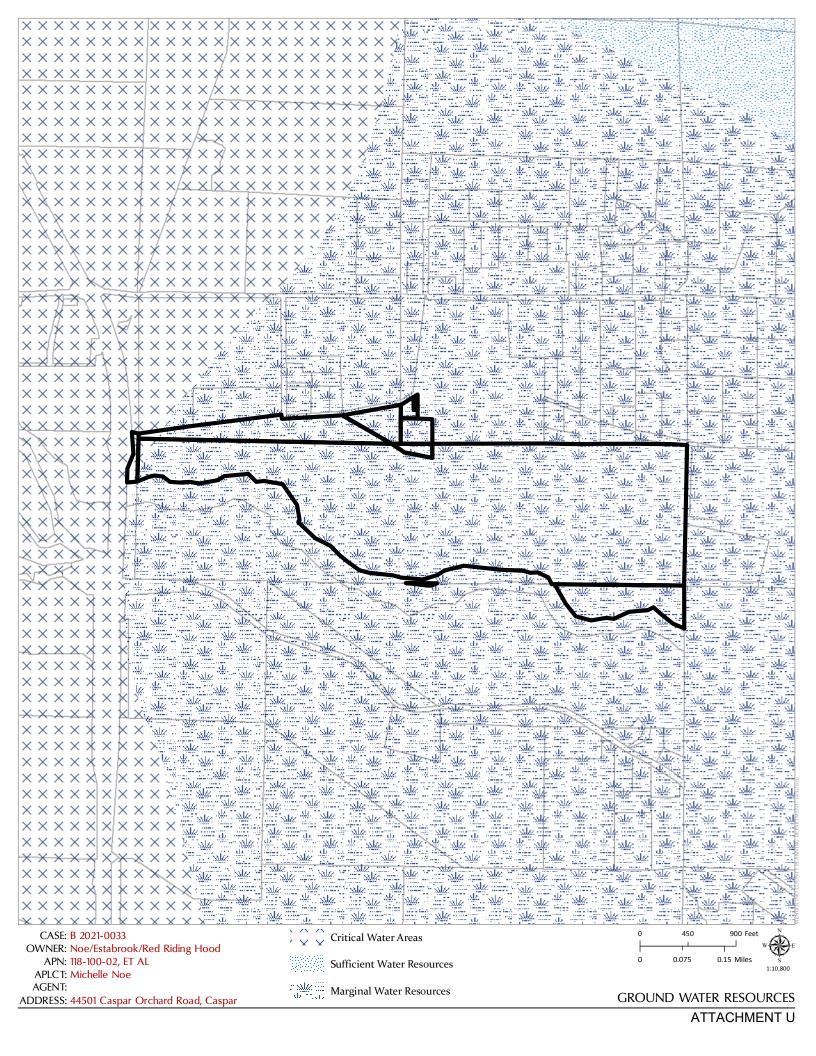


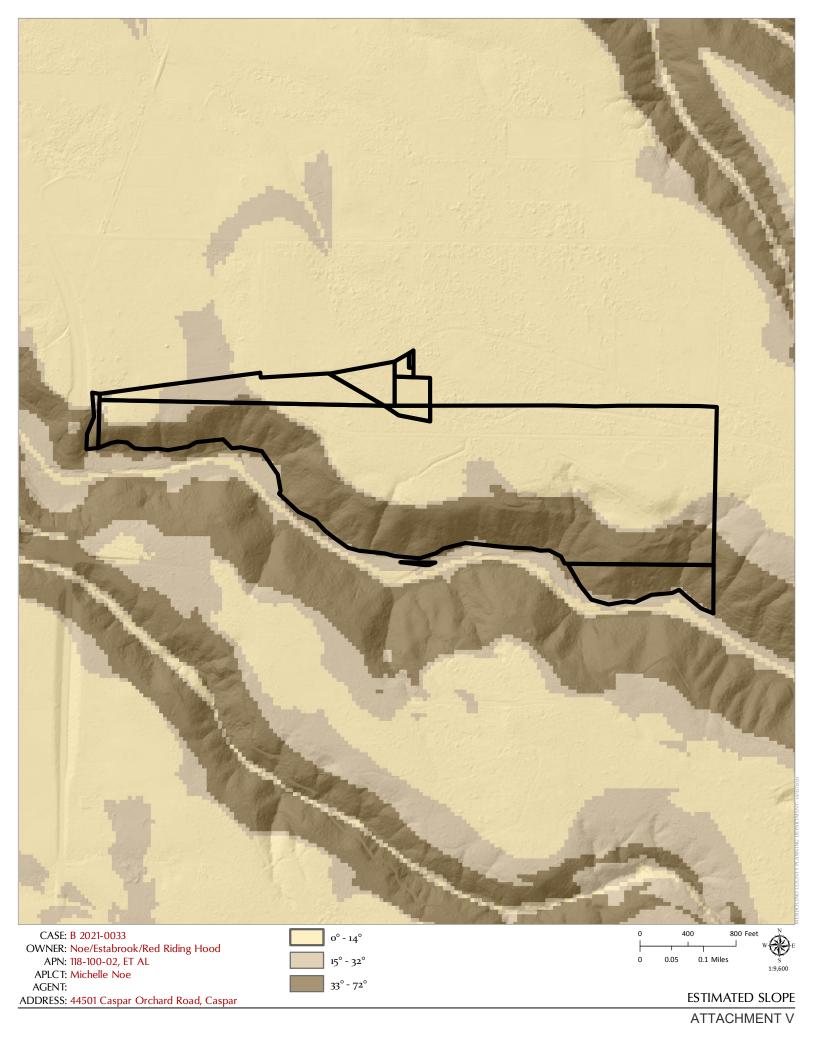


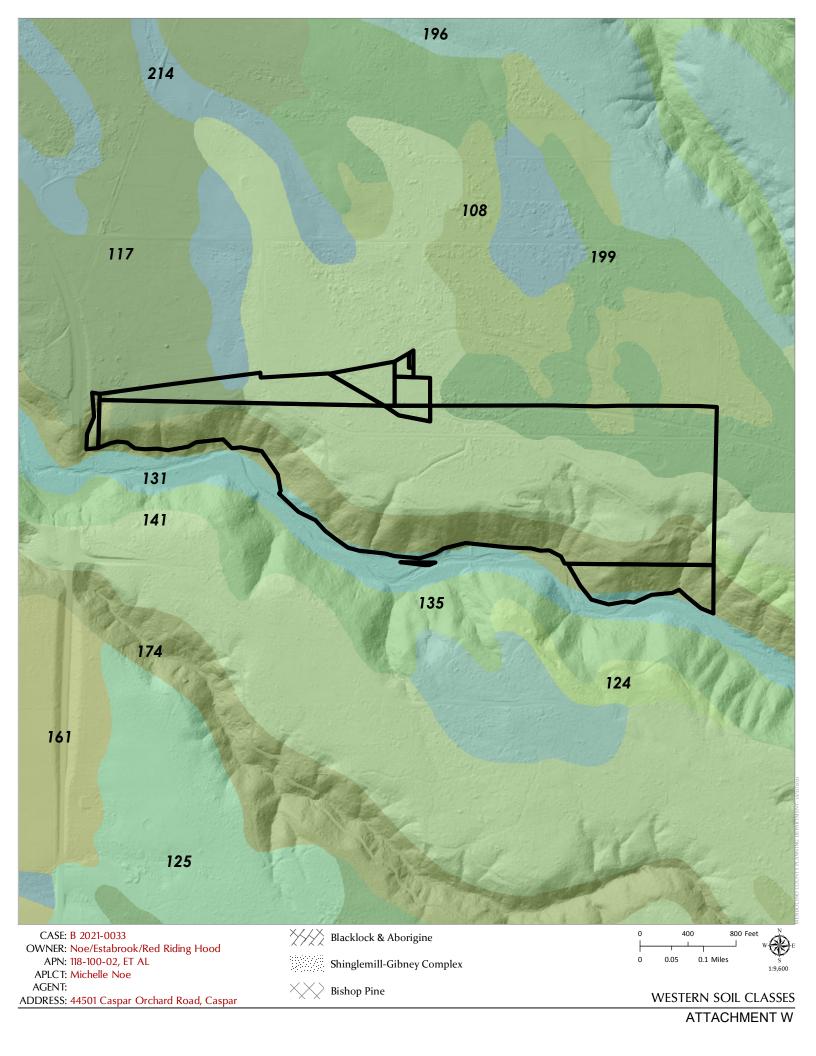


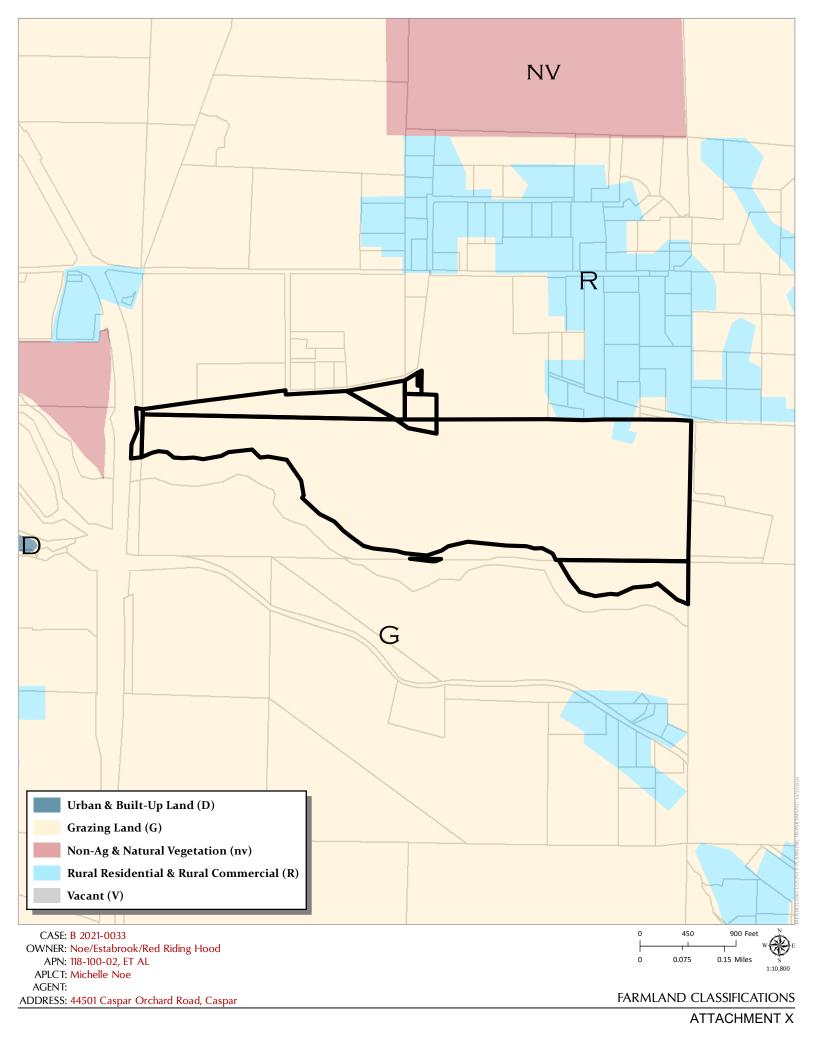


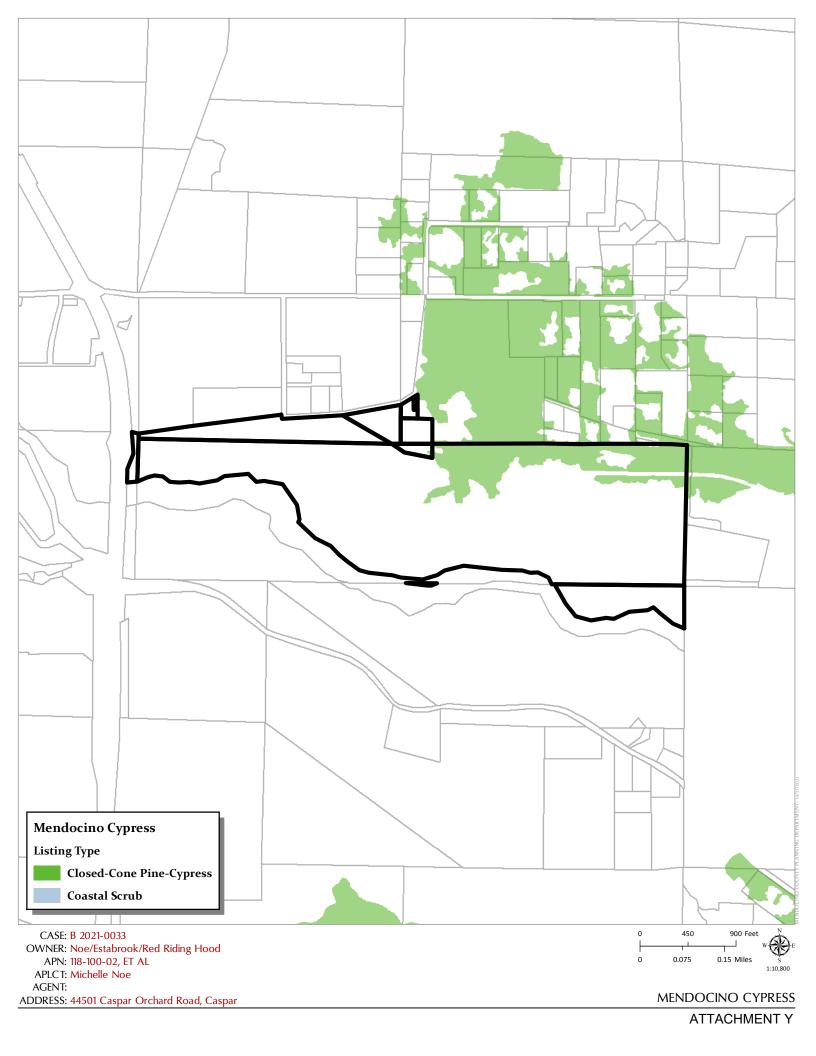


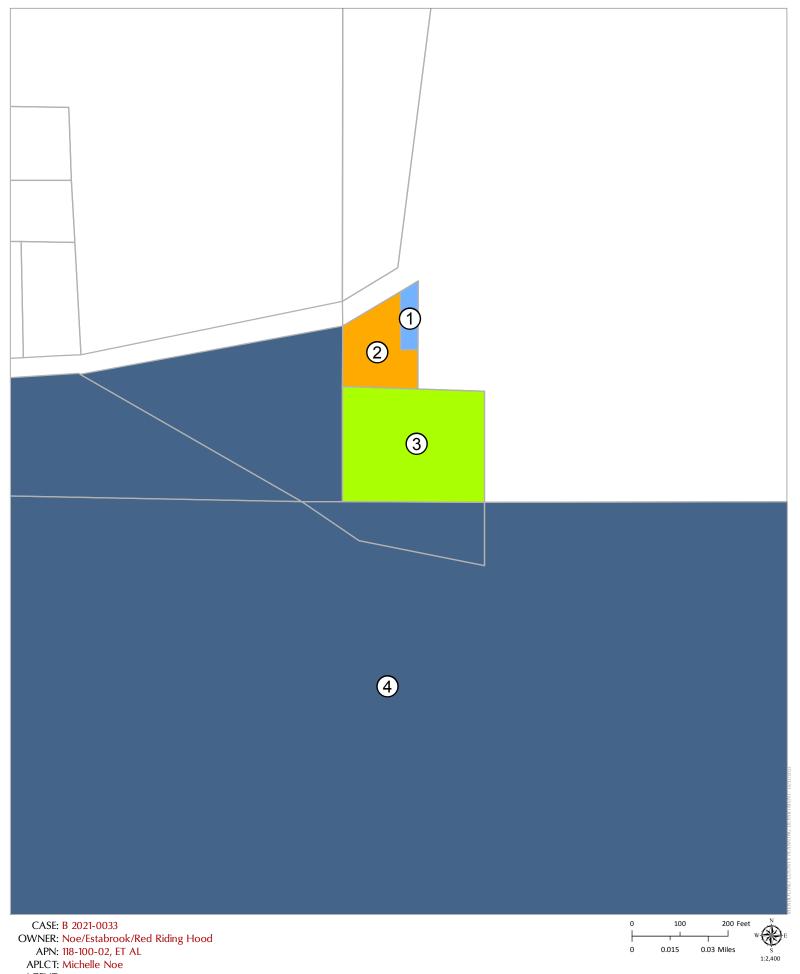






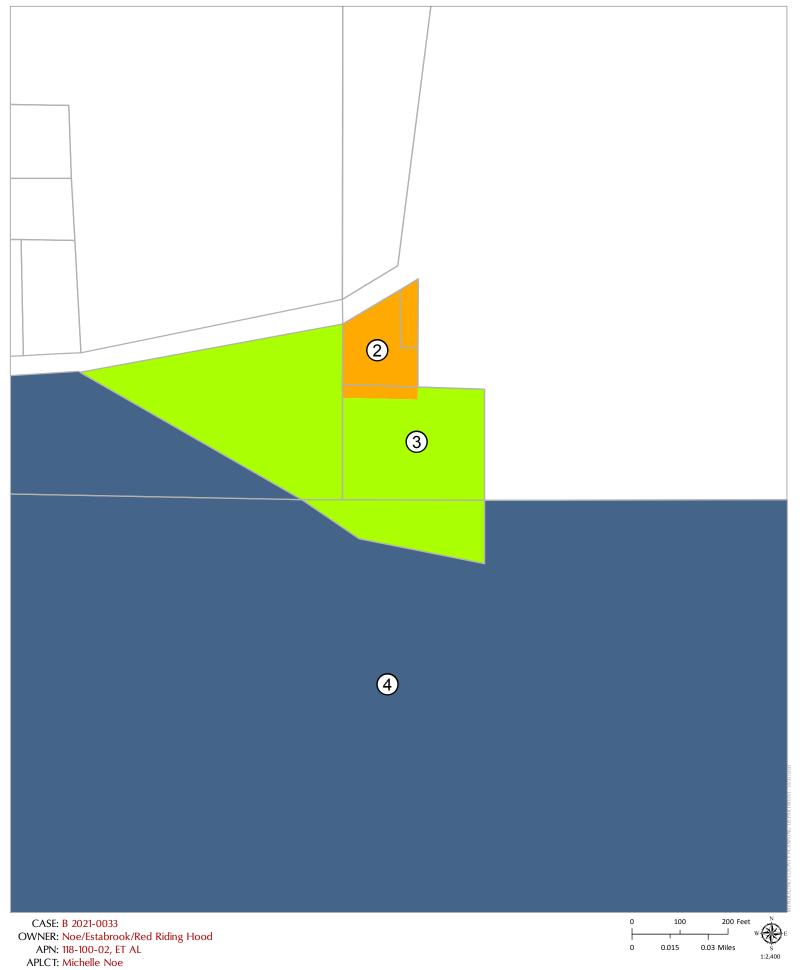






AGENT: ADDRESS: 44501 Caspar Orchard Road, Caspar

EXISTING LOTS (DETAIL)



AGENT: ADDRESS: 44501 Caspar Orchard Road, Caspar

PROPOSED LOTS (DETAIL)