

# COUNTY OF MENDOCINO DEPARTMENT OF PLANNING AND BUILDING SERVICES

860 North Bush Street · Ukiah · California · 95482 120 West Fir Street · FT. Bragg · California · 95437

September 27, 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, October 13, 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, commencing immediately following the Subdivision Committee meeting.

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 <u>pbscommissions@mendocinocounty.org</u> or via telecomment. The telecomment form may be found at: <u>https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas</u>. The meeting is available for viewing on the Mendocino County YouTube page at, <u>https://www.youtube.com/MendocinoCountyVideo</u>.

CASE#: B\_2022-0028 DATE FILED: 8/19/2022 OWNER/APPLICANT: MARSHALL & SHARON STELLER AGENT: JEREMY JAMES REQUEST: Coastal Development Boundary Line Adjustment to reconfigure the boundaries between two existing lots. Lot 1 (APN: 126-170-05) will increase to 40.5± acres, and Lot 2 (APNs: 126-170-06, 126-180-05, 14) will decrease to 115± acres. ENVIRONMENTAL DETERMINATION: Categorically Exempt LOCATION: In the Coastal Zone, 2.9± miles southeast of Albion on the south side of Navarro Ridge Road (CR 518), 2.47± miles east of its intersection with State Route 1 (SR 1), no address assigned; APNs: 126-170-05, 06, 126-180-05, 14. SUPERVISORIAL DISTRICT: 5 (Williams) STAFF PLANNER: RUSSELL FORD

The staff report and notice will be available for public review 10 days prior to the 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. Written comments should be submitted by mail to the Department of Planning and Building Services Commission Staff, at 860 North Bush Street, Ukiah, California. In order to minimize the risk of exposure during this time of emergency, the public may participate digitally in meetings by emailing comments to <u>pbscommissions@mendocinocounty.org</u> by October 12, 2022, or orally via telecomment in lieu of personal attendance. All public comment will be made available to the Coastal Permit Administrator, staff, and the general public as they are received and processed by staff, and can be viewed as attachments to this meeting agenda at <a href="https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas/CoastalPermit-administrator">https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas/CoastalPermit-administrator</a>.

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(s) 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. Should you desire notification of the Coastal Permit Administrator's decision you may do so by requesting notification in writing and providing a self-addressed stamped envelope to the Department of Planning and Building Services.

JULIA KROG, Director of Planning and Building Services



## COASTAL PERMIT ADMINISTRATOR STAFF REPORT COASTAL BOUNDARY LINE ADJUSTMENT

2	SUMMARY
OWNER/APPLICANT:	MARSHALL & SHARON E STELLER 1615 PROVINCETOWN DR SAN JOSE, CA 95129
AGENT:	JEREMY JAMES PO BOX 381 FORT BRAGG, CA 95437
REQUEST:	Coastal Development Boundary Line Adjustment to reconfigure the boundaries between two existing lots. Lot 1 (APN: 126-170-05) will increase to 40.5± acres, and Lot 2 (APNs: 126-170-06, 126-180-05, 14) will decrease to 115± acres.
DATE DEEMED COMPLETE:	8/19/2022
LOCATION:	In the Coastal Zone, $2.9\pm$ miles southeast of Albion on the south side of Navarro Ridge Road (CR 518), $2.47\pm$ miles east of its intersection with State Route 1 (SR 1). No address assigned; APNs: 126-170-05, 06, 126-180 05, 14.
TOTAL ACREAGE:	155.5± Acres
GENERAL PLAN:	Rangeland- 160 acre minimum (RL160)
ZONING:	Rangeland- 160 acre minimum (RL160)
SUPERVISORIAL DISTRICT:	5 <sup>th</sup> (Williams)
ENVIRONMENTAL DETERMINATION:	Class 5(a) Categorically Exempt
RECOMMENDATION:	Approve with Conditions per the Staff Report
STAFF PLANNER:	RUSSELL FORD

## BACKGROUND

**PROJECT DESCRIPTION**: Coastal Development Boundary Line Adjustment to reconfigure the boundaries between two existing lots. Lot 1 (APN: 126-170-05) will increase to 40.5± acres, and Lot 2 (APNs: 126-170-06, 126-180-05, 14) will decrease to 115± acres. Lot 1 as proposed is currently in escrow with a 'remediation company' to be preserved.

**APPLICANT'S STATEMENT**: {As stated in the application for CC 2022-0007} "...[APNs] 126-180-14 and 126-170-05 are being sold to a remediation company for preservation."

## **RELATED APPLICATIONS**:

On-Site

• CC 2022-0007 (pending)

#### **Neighboring Property**

• No relevant projects

**SITE CHARACTERISTICS**: The subject parcels are located within the Coastal Zone, approximately 1.5 miles east of the Pacific Ocean and lie between Navarro Ridge Road at the north end, and the centerline of the Navarro River at the south, stretching across State Route 128. Lot 1 lies between SR 128 and the Navarro River, is 100% flood plain and is comprised almost entirely of highway right-of-way and riparian areas associated with the Navarro. Lot 2 consists of ridgetop areas, riverbed, and steep canyon slopes that exceed 30%. Both parcels are currently undeveloped.

Lot 1 is comprised entirely of Bigriver loamy sand type soil associated with alluvial flood plains and is subject to inundation. Lot 2 is mostly Dystropepts soils, found on the side slopes of marine terraces. Vegetation on the hillside consists of a thick tree belt along the highway and river corridor that quickly thins to sparse shrubs and grass upslope. Both parcels are currently zoned as Rangeland and a portion of Lot 2 is currently subject to a non-prime Williamson Act contract, number 63.

#### SURROUNDING LAND USE AND ZONING:

	GENERAL PLAN	ZONING	LOT SIZES	USES
NORTH	Rangeland (RL)	Rangeland (RL)	40± Acres	Forestland
EAST	Rangeland (RL)	Rangeland (RL)	80± Acres	Forestland
SOUTH	Rural Residential (RR)	Rural Residential (RR)	5± Acres	Residential
WEST	Timberland Production (TP)	Forestland (FL)	40± Acres	Forestland

#### **PUBLIC SERVICES:**

Access: Navarro Ridge Road (CR 518) Fire District: Albion Little-River FPD Water District: None Sewer District: None School District: Mendocino Unified

**AGENCY COMMENTS:** On August 23<sup>rd</sup>, 2022 project referrals were sent to the following responsible or trustee agencies with jurisdiction over the Project. Their required related permits, if any, are listed below. Their submitted recommended conditions of approval are contained in Exhibit A of the attached resolution. 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	RELATED PERMIT	COMMENT	DATE
Department of Transportation		No Response	
Environmental Health-FB/Ukiah		No Response	
Building Division-FBPBS		No Response	
Agriculture Commissioner		No Response	
Farm Advisor		No Comment	8/24/22
Resource Lands Protection Committee		No Comment	9/7/22

#### KEY ISSUES

**GENERAL PLAN AND ZONING CONSISTENCY:** Both lots are currently zoned and classified as Rangeland with a 160-acre minimum. Lot 1 is 2.5± acres, and Lot 2 is 153± acres, making them both non-conforming. This project proposes to transfer 38± acres from Lot 2 to Lot 1, creating two lots of 115± acres and 40.5± acres, respectively. Significantly, the portion of land being transferred is all between the SR 128 right-of-way and the Navarro River. This will consolidate the riparian and (likely development-restricted)

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

area of the parcels into a single lot, that will then be sold for conservation purposes. Section 20.368.005 of the Mendocino County code includes *Passive Recreation* and *Fish and Wildlife Habitat Management* as principal uses within the RL district. Additionally, Section 20.488.010 (D) states:

#### "Wetland buffer areas (the transition areas between wetland and upland habitats) shall be protected, preserved, and, where feasible, restored"

Separation of the riparian corridor areas of these parcels from the remaining Williamson Act contracted lands will contribute to their protection from associated uses within the Rangeland district. Subsequent transfer to a land trust or incorporation into a conservation easement will add further protection, and will prevent unintended impacts to the other lands. Staff therefore finds that the project as proposed is consistent with the intent of the Rangeland classification and zoning

**DIVISION OF LAND REGULATIONS:** The project was reviewed by the Mendocino County Subdivision Committee on October 13, 2022. No conflicts with the Division of Land Regulations were identified at the meeting, and the committee recommended approval of the project to the Coastal Permit Administrator per the findings contained in Section 17-17.5.

**HABITATS AND NATURAL RESOURCES:** A portion of Lot 2 is currently subject to a non-prime Williamson Act contract. The portion of land being transferred is not within the contracted area and therefore can have no effect on its agricultural viability. The remainder of Lot 2 will retain its contract under the same boundary, and no impact to it is expected as a result of this project.

A biological scoping survey was not provided or required for this application, so the extent of any Environmentally Sensitive Habitat Areas (ESHAs) is not definitively known. The California Natural Diversity Database (CNDDB) and LCP Land Use maps currently show no results for sensitive species within the project area. Due to its proximity to the Navarro River, Lot 1 is extensively covered by wetland which would likely limit its development potential and is entirely within a FEMA flood zone.

**ENVIRONMENTAL DETERMINATION:** The project is considered exempt from CEQA review under 15305(a), "minor lot line adjustments ... not resulting in the creation of any new parcel".

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

- The boundary line adjustment will not result in a net loss of density; reconfiguring the two subject lots will not affect the number of units that may be constructed. Due to the severe geographic impacts present upon Lot 1, addition of another 38± acres can only increase the development potential of the parcel;
- 2. The boundary line adjustment will not create any new parcels. Reconfiguring the two subject lots will not alter any of the parcels in such a way that would constitute the creation of a new parcel;
- 3. No significant Environmentally Sensitive Habitat Areas were identified within the project area, and therefore no significant buffers exist. Lot 1 is located entirely within a wetland and will be subject to future development restrictions associated with it;
- No substandard lot will result from the adjustment. After the adjustment, both lots will continue to be non-conforming, and the reduction in acreage on Lot 2 will not affect its agricultural viability or its compliance with the Williamson Act;
- The lots subject to the adjustment are mapped within an area designated Critical Water Resources (CWR) identified in the Mendocino County Coastal Groundwater Study and are consistent with the study;
- 6. No pygmy vegetation or pygmy-capable soils were identified on the project site. The lots are not within the mapped range of pygmy-capable soils or known pygmy vegetation;

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

- 7. The project is located within a designated "Highly Scenic" area, but no physical development is proposed or permitted as part of the project approval. Therefore, there will be no scenic impacts as a result of the boundary line adjustment;
- 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;
- 9. Any future development may require a Coastal Development Permit, unless determined to be exempt.

**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. Lot 1 as it currently exists is likely unbuildable. Its small size  $(2.5\pm$  acres) and location between State Route 128 and the Navarro River result in setback and flood impacts that are, in all likelihood, not resolvable. The proposed project will add an additional  $38\pm$  acres to this lot and while the impacts will remain similar, there will be a potential increase in the buildable areas as a result. No significant ESHAs were identified on the parcel and therefore no significant buffer zones exist. While the best use of Lot 1 is likely to be open space and resource conservation, staff finds that the project as proposed is consistent with Policy 3.1-32.

**Policy 3.5-3** discusses the necessity of visual resource impact analysis for development in areas designated as "Highly Scenic". The proposed project is located within a designated highly scenic area, but no development is proposed or permitted as part of the project. Therefore, no visual resource impact analysis is applicable.

**Policy 3.8-7** states that lot line adjustments shall be approved only where a satisfactory site for a sewage system exits. Both lots are currently undeveloped. Lot 2 will remain  $155\pm$  acres with likely sufficient room for a primary and backup septic field. Lot 1 is subject to impacts related to rights-of-way and flooding, but may have the potential to develop a septic system should development be approved. Staff finds the project is consistent with this policy.

#### **RECOMMENDATION**

The Coastal Permit Administrator approves Coastal Development Boundary Line Adjustment B\_2022-0028, subject to the following Findings and 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:

#### FINDINGS:

- Pursuant to Mendocino County Coastal Zoning Code Section 20.532.095(A)(1), the proposed boundary line adjustment is in conformity with the certified local coastal program. The proposed project would preserve the intent of the Rangeland land use classification (Coastal Element Chapter 2.2) by retaining the usable agricultural areas within a single, contracted legal lot. Existing areas unusable for agriculture will be consolidated to be designated for open space-type preservation. The proposed project is consistent with all other 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. There is no physical development associated with the proposed boundary line adjustment. Future proposed

development may require further review and be subject to a Coastal Development Permit to determine if existing utilities support such development; 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 Rangeland zoning district, as well as the provisions of the Mendocino County Coastal Zoning Code and preserves the integrity of the Rangeland zoning district. No new nonconforming lot would be created. As no physical development is proposed, the project would not have any impact on the integrity of the district; 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. 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. The proposed adjustment will not result in additional parcels beyond what currently exist; therefore, public services remain sufficient; and
- 7. 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 will increase Lot 1 and consolidate the riparian and flood zone areas into a single lot. The existing agricultural resource land will remain unaffected by this adjustment; and
- 8. Pursuant to Mendocino County Coastal Zoning Code Section 20.532.100(B)(2), the proposed boundary line adjustment will not result in the conversion of Non-Prime Williamson Act Contracted lands to a non-agricultural use. While a portion of Lot 2 is currently under Williamson Act Contract, the proposed boundary line adjustment does not include any development that would impact or otherwise convert the existing agricultural land and activities.

#### **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 <u>contained within the legal description</u>:

"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\_2022-0028 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.
- 10. Certificate of Compliance Number CC\_2022-0007 must be completed prior to recording clearance being granted for this Boundary Line Adjustment.

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).

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.

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

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# 9(20/22

DATE

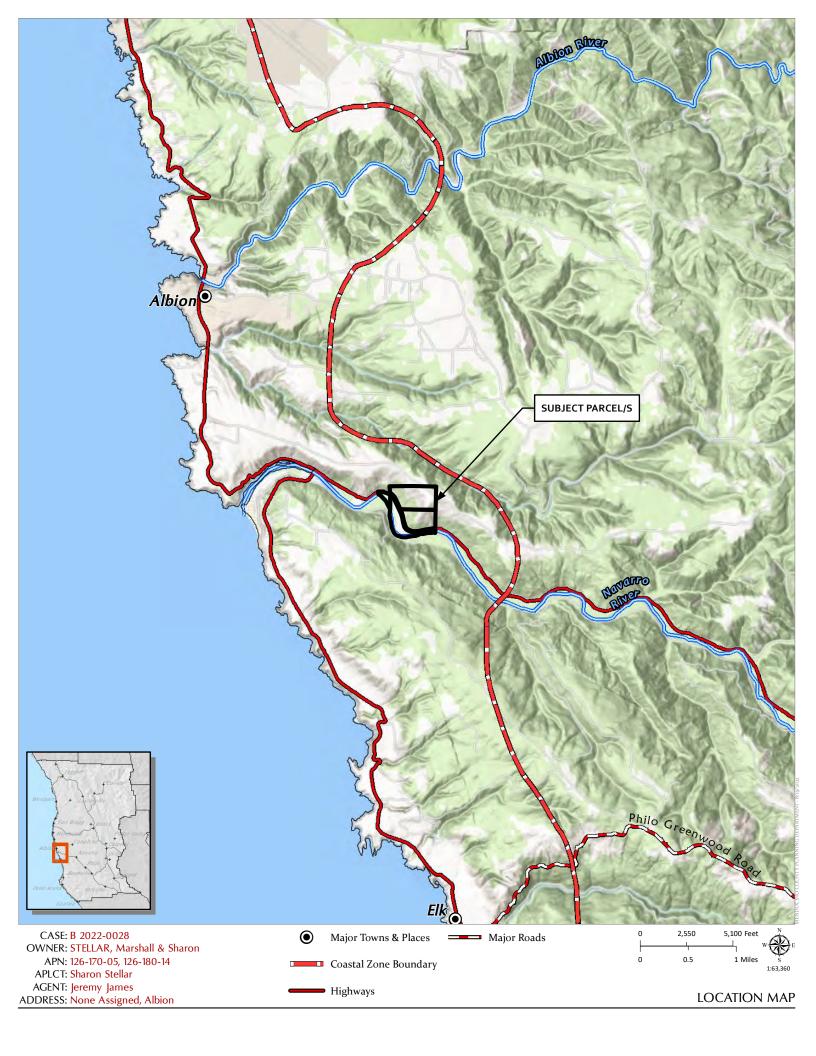
RUSSELL FORD SENIOR PLANNER

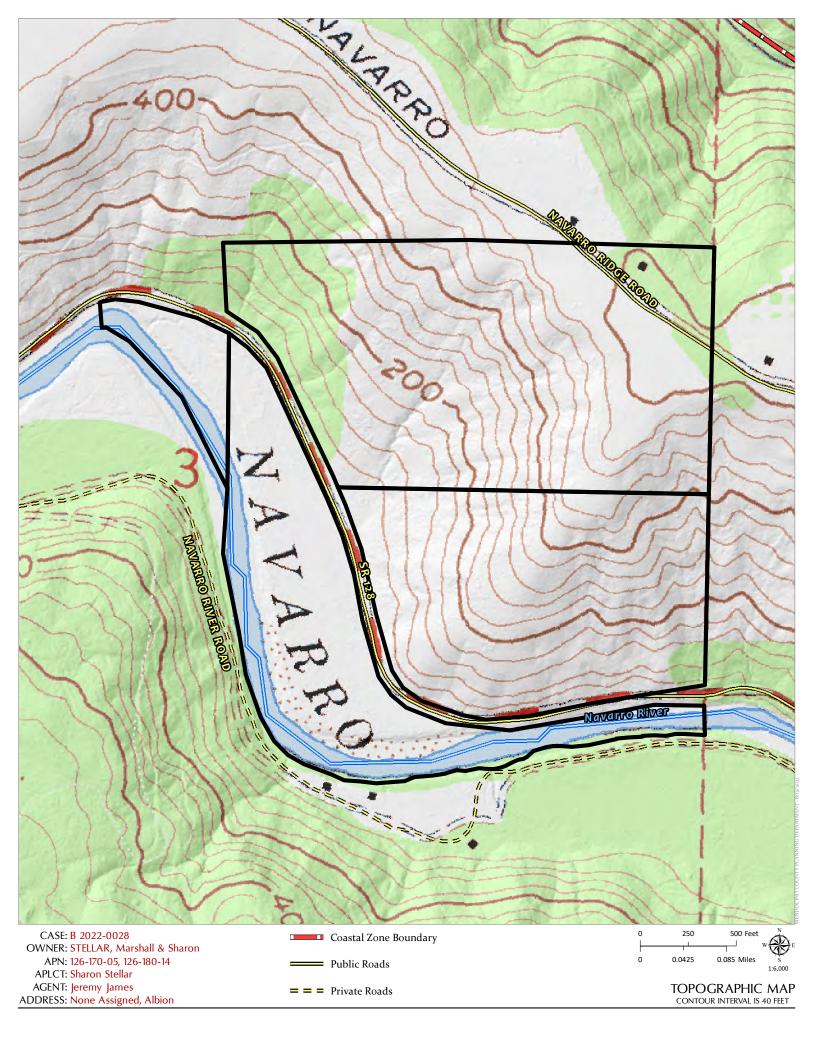
Appeal Period: 10 Days Appeal Fee: \$2,620.00

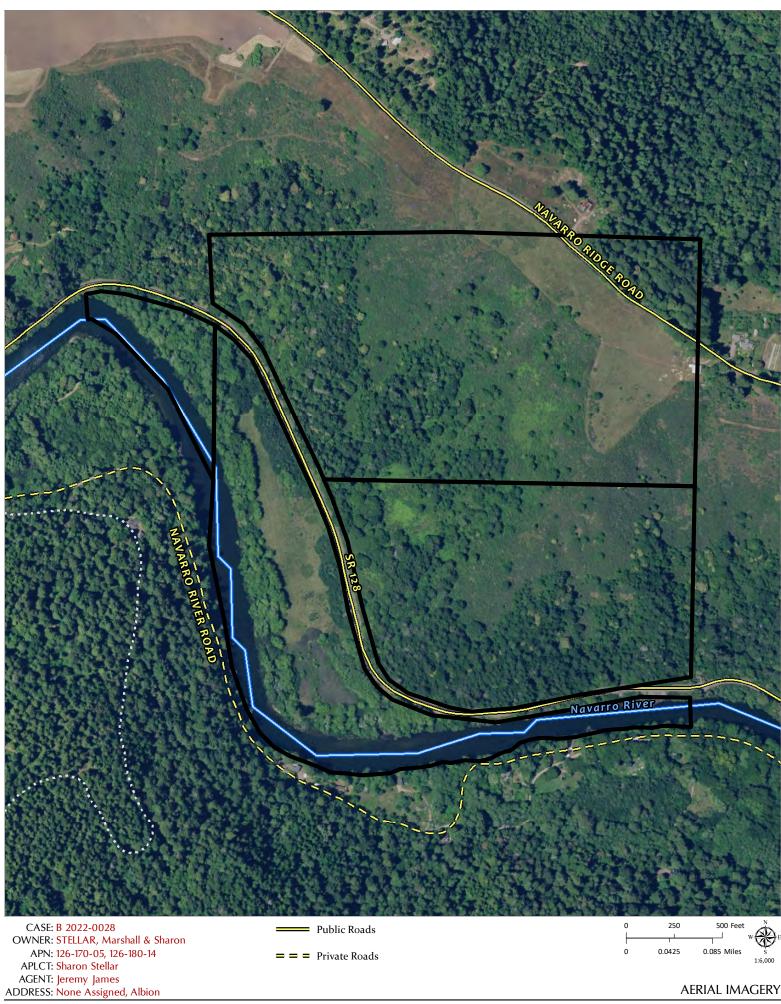
## **ATTACHMENTS:**

- A. Location Map
- B. Topographical Map
- C. Aerial Map
- D. Existing Lot Configuration
- E. Proposed Lot Configuration
- F. Zoning Map
- G. General Plan Classifications
- H. LCP Land Use Map
- I. LCP Land Capabilities & Natural Hazards
- J. LCP Habitats & Resources K. Appealable Areas
- L. Highly Scenic & Tree Removal Areas

- M. Adjacent Parcels
- N. Fire Hazard Zones
- O. Wildland-Urban Interface Zones
- P. Farmland Classifications
- Q. Williamson Act
- R. Coastal Groundwater Resources
- S. Wetlands
- T. Special Flood Hazard Areas
- U. Estimated Slope
- V. Soil Classifications
- W. Miscellaneous







AERIAL IMAGERY

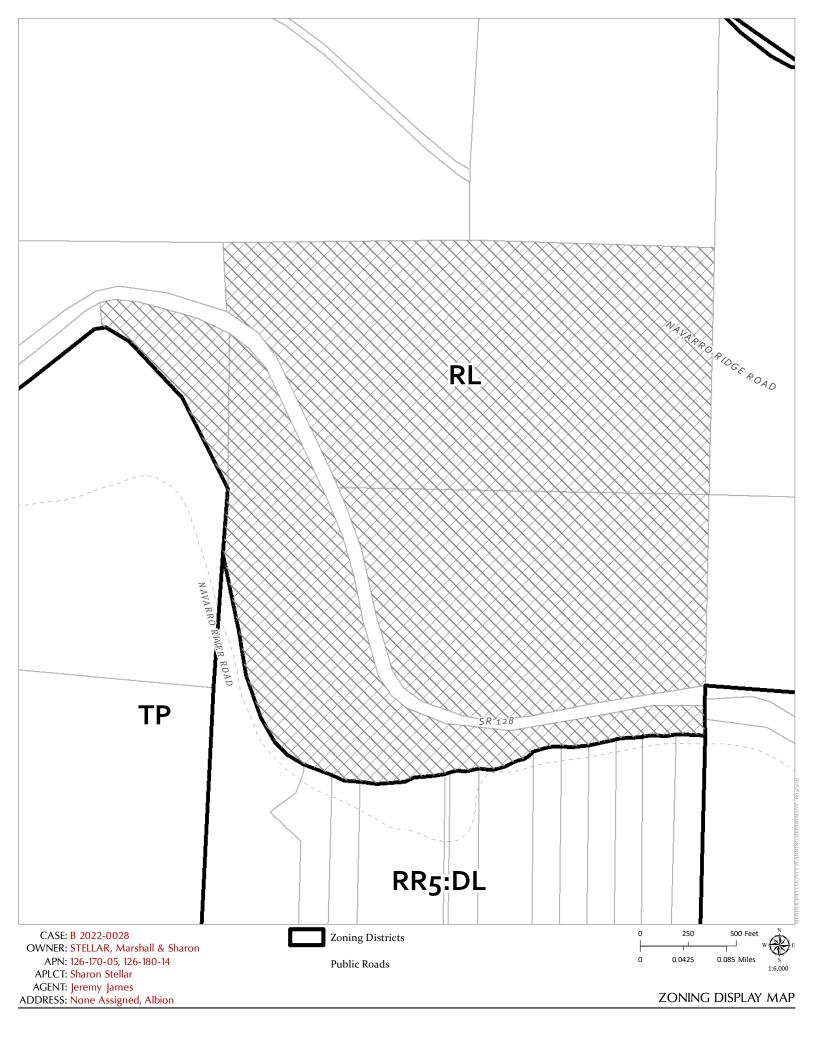


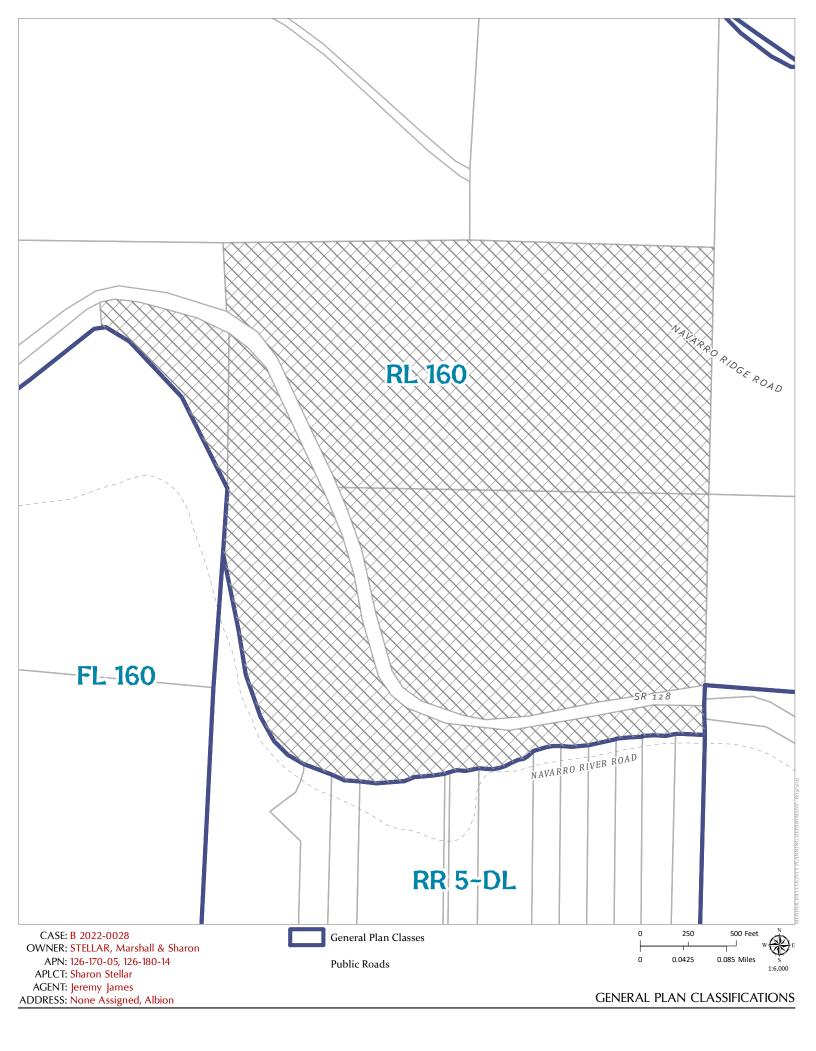
EXISTING LOT CONFIGURATION

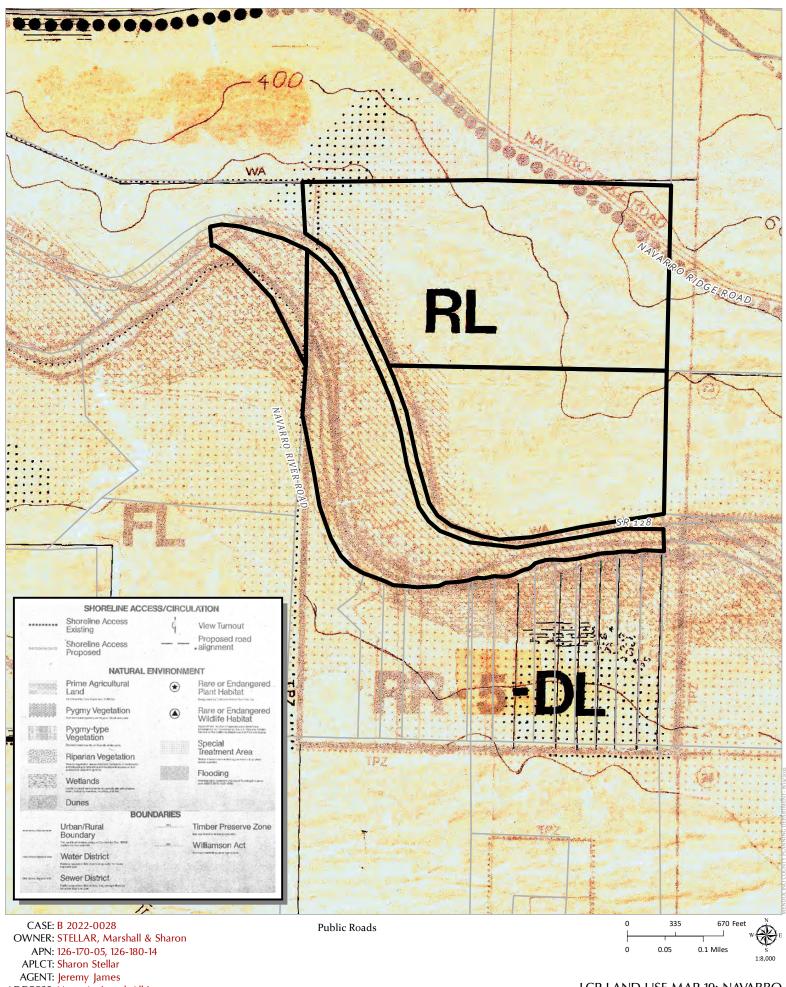


APLCT: Sharon Stellar AGENT: Jeremy James ADDRESS: None Assigned, Albion

PROPOSED LOT CONFIGURATION

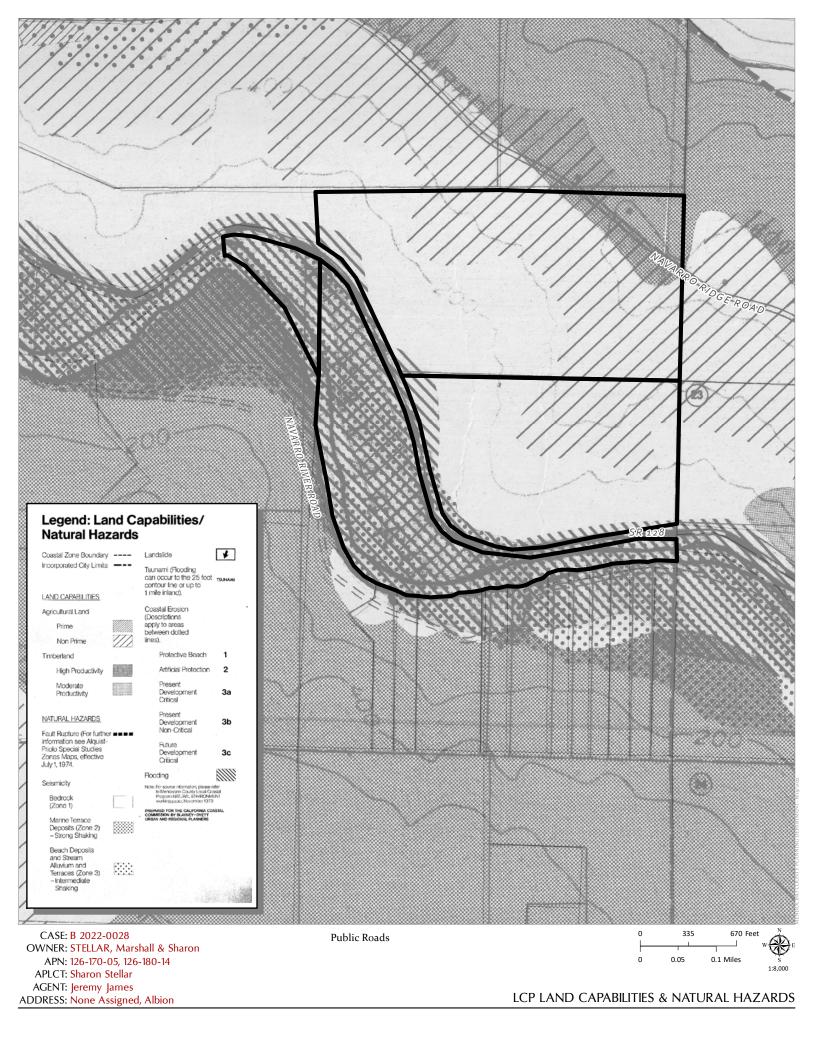


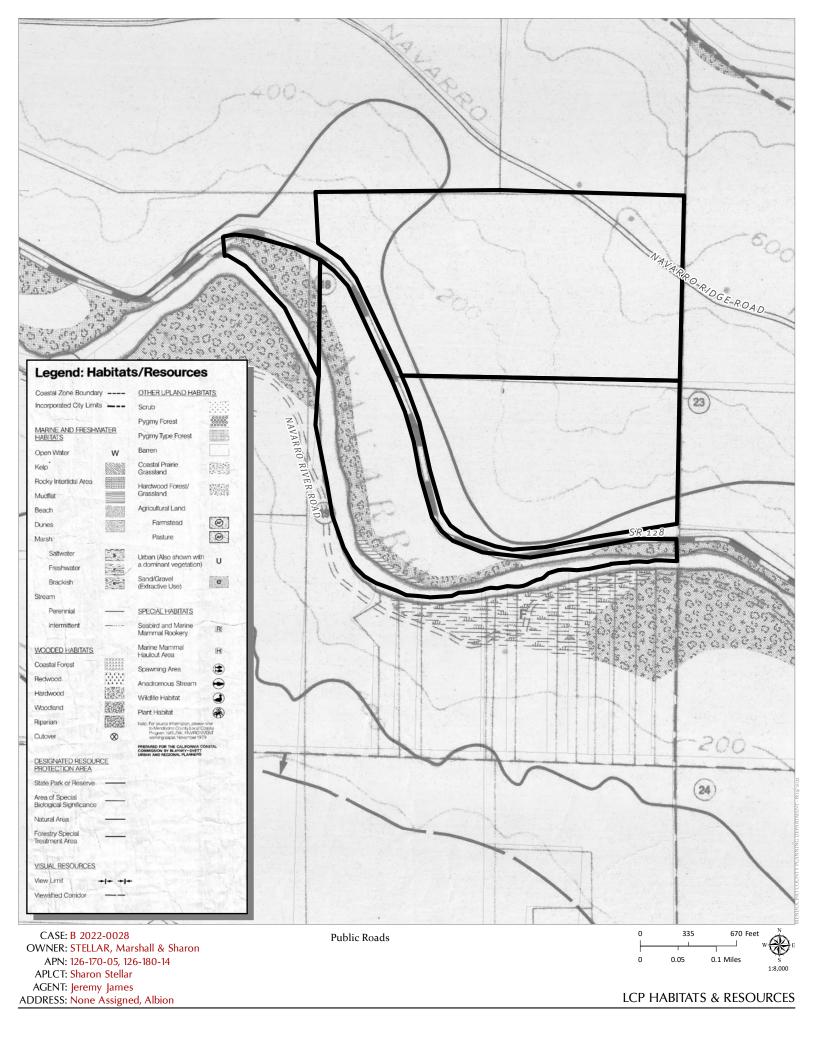


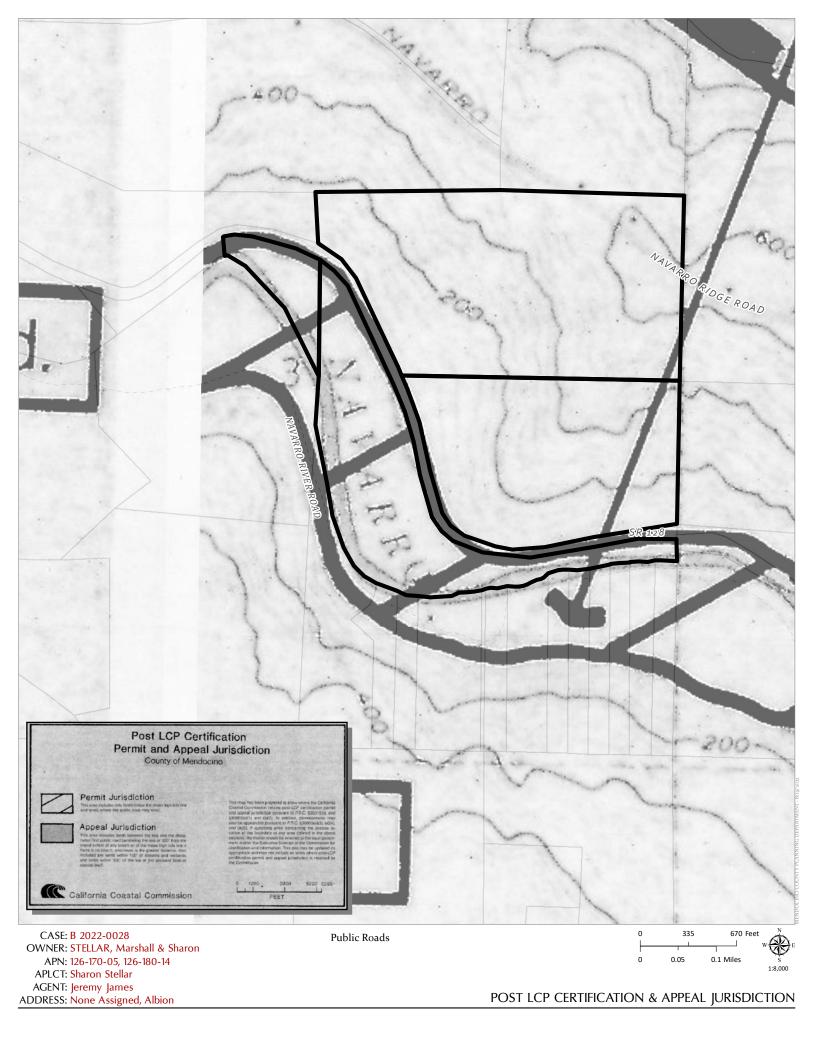


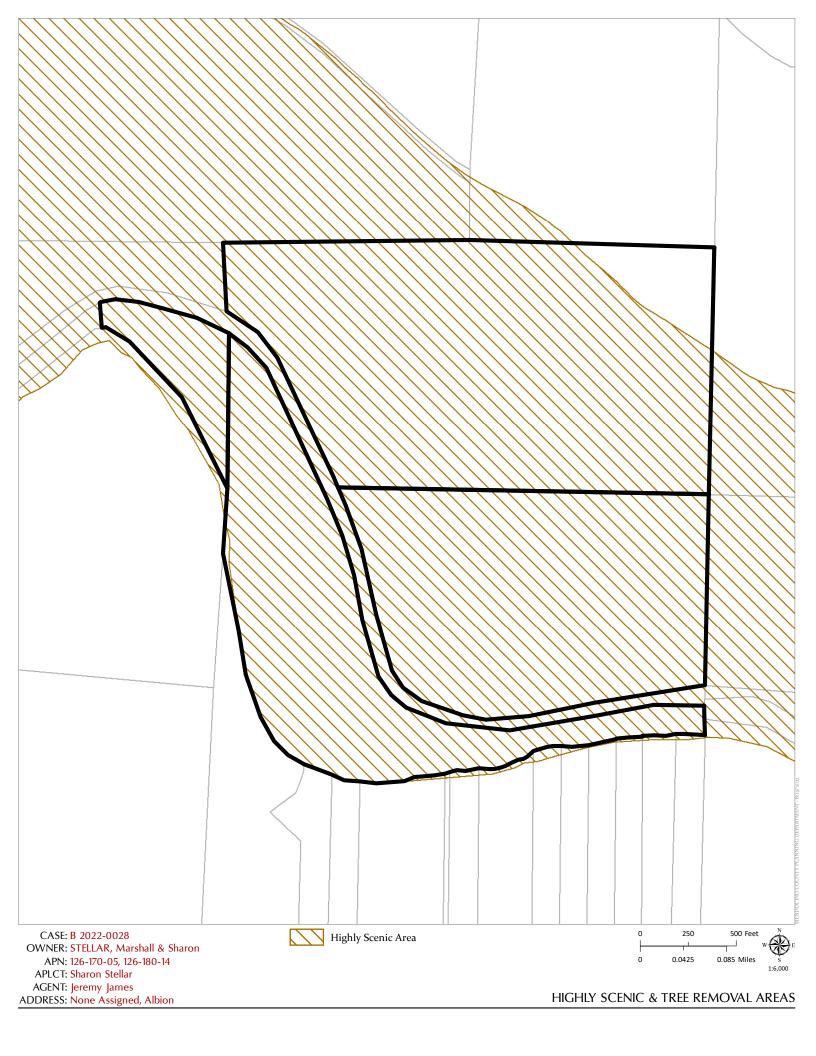
ADDRESS: None Assigned, Albion

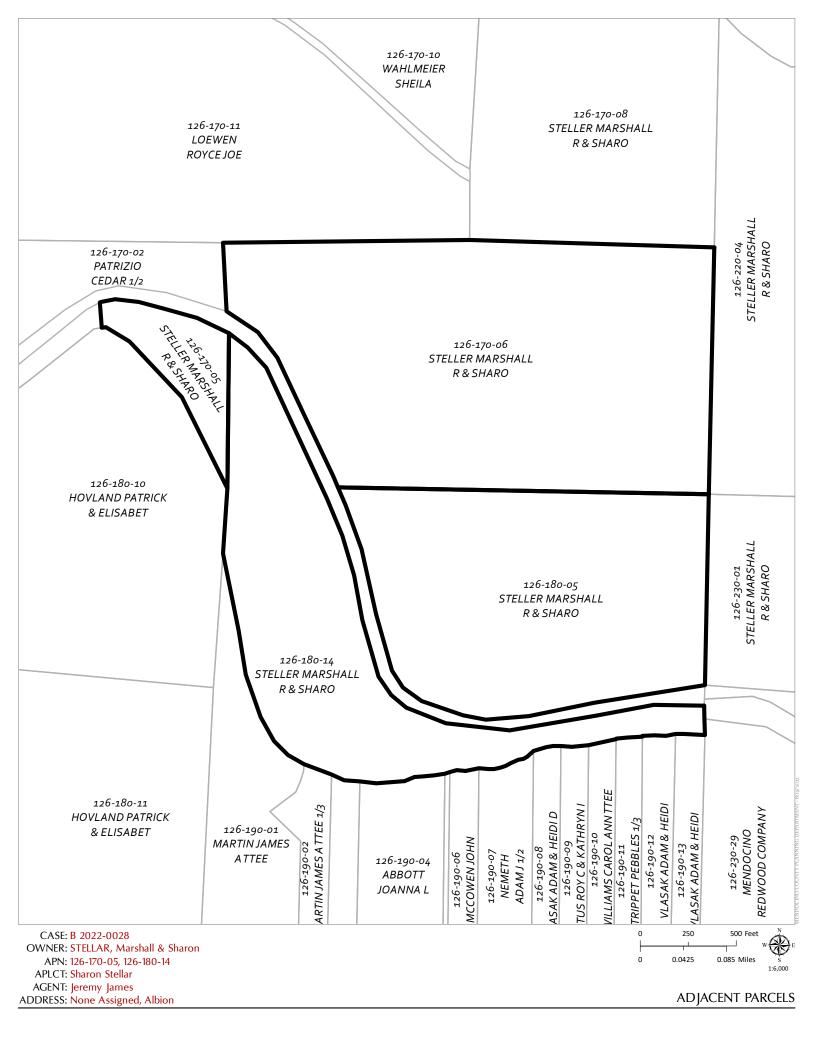
LCP LAND USE MAP 19: NAVARRO

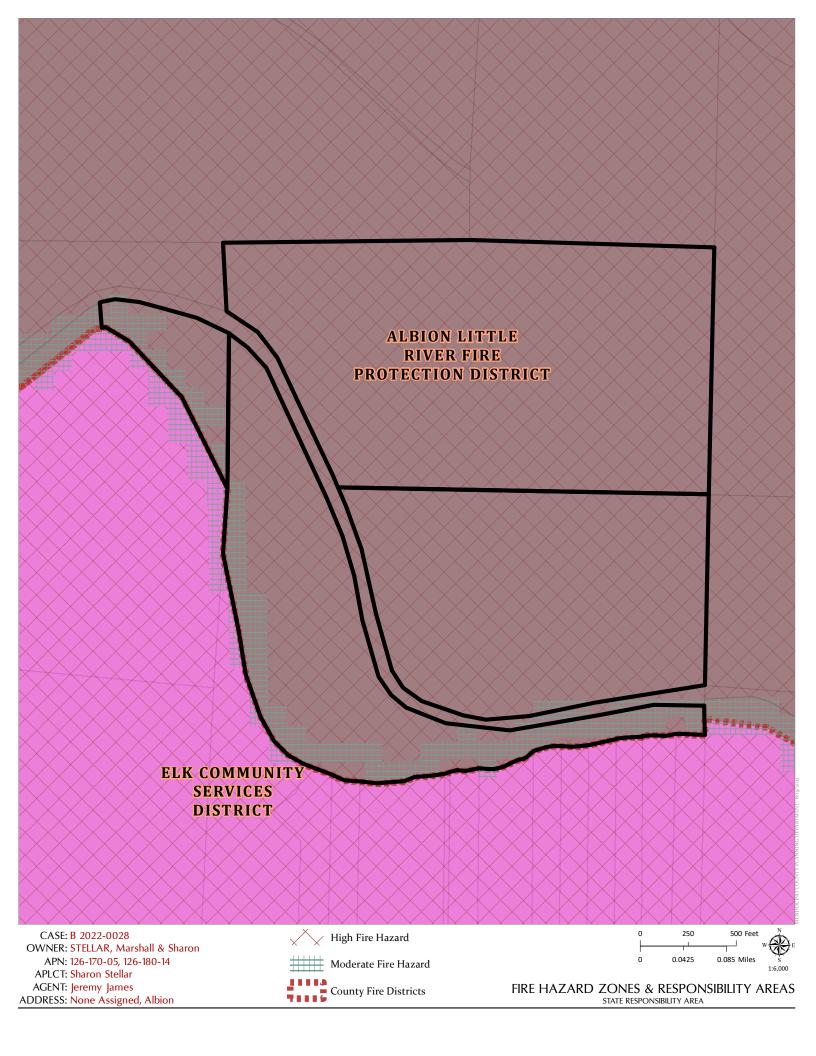


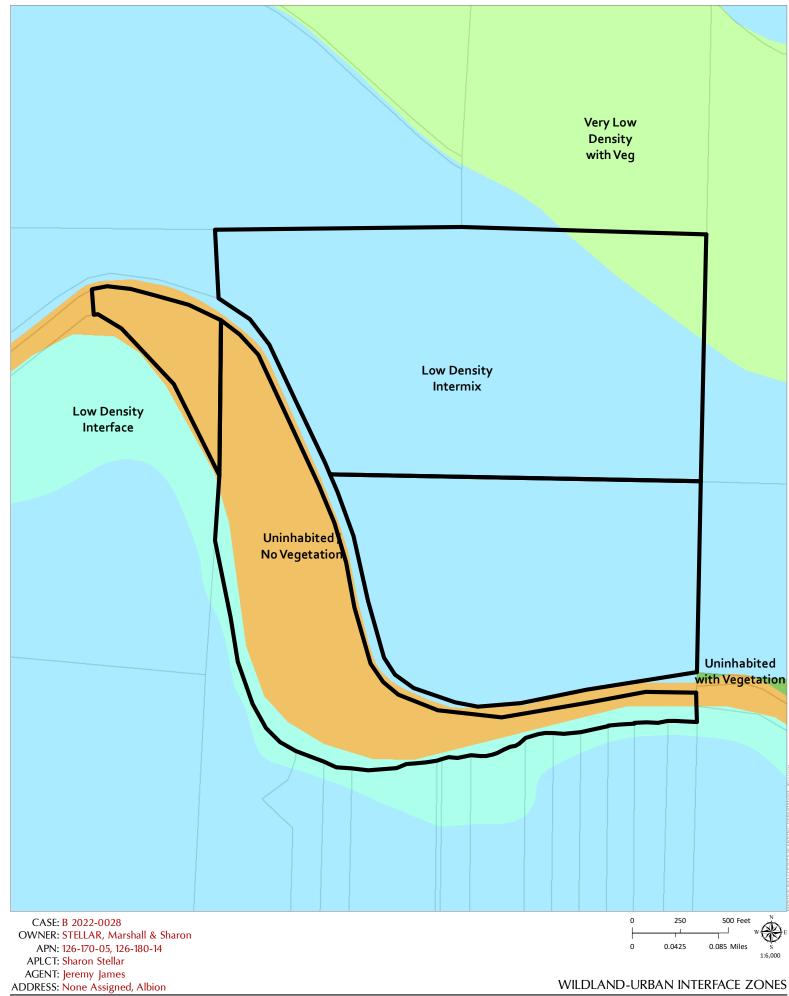




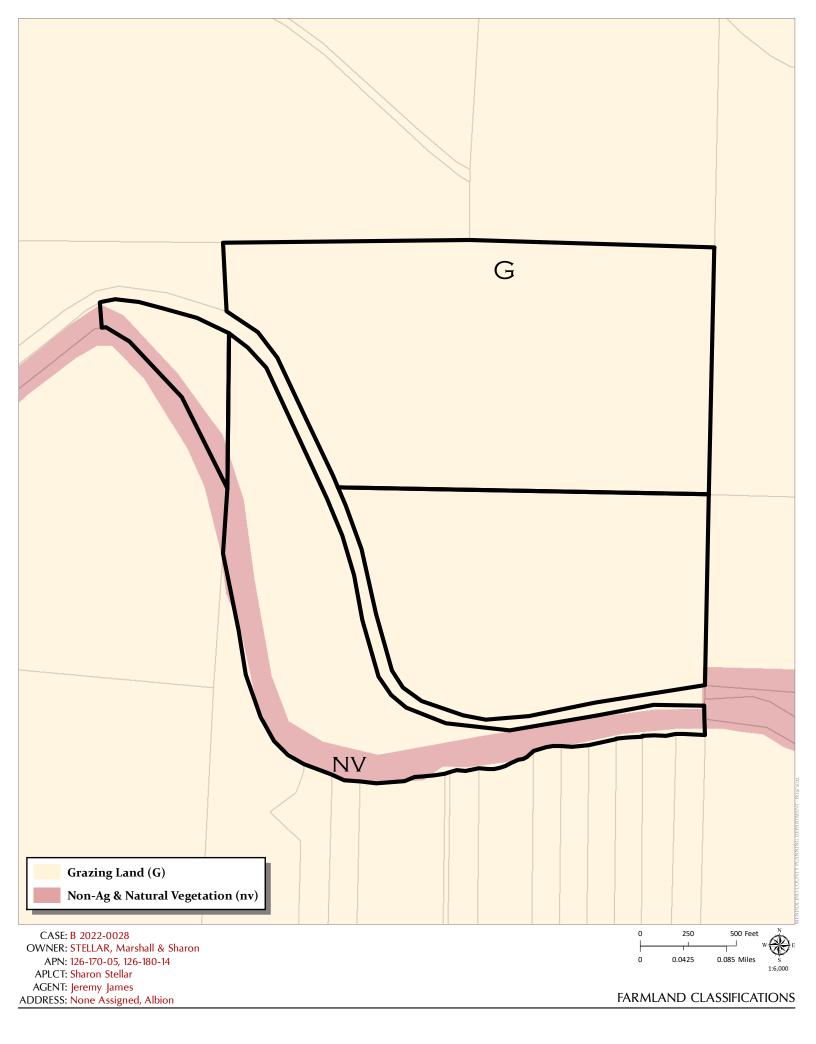




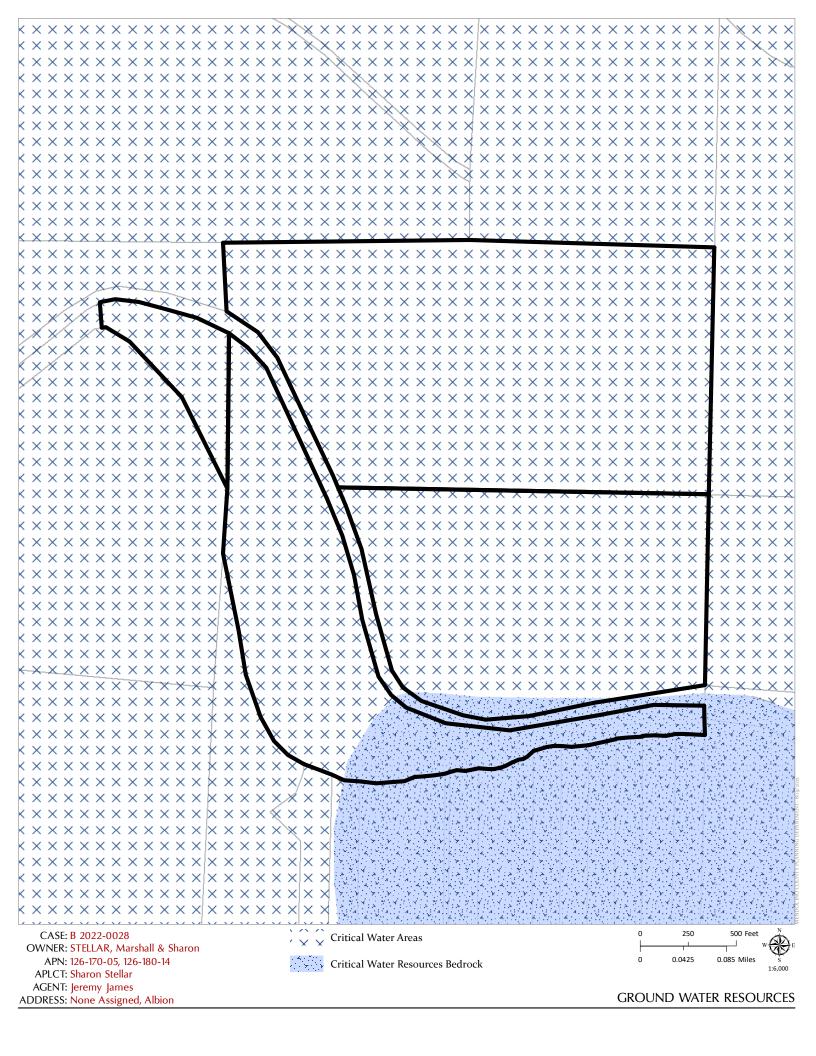


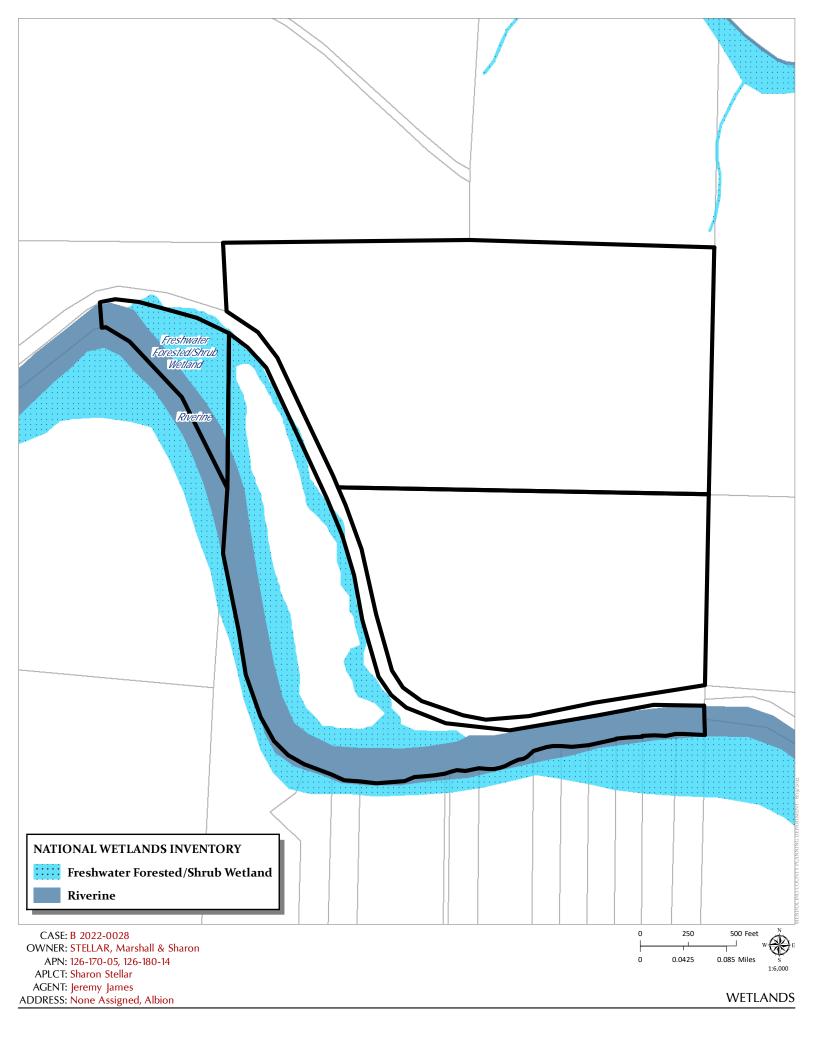


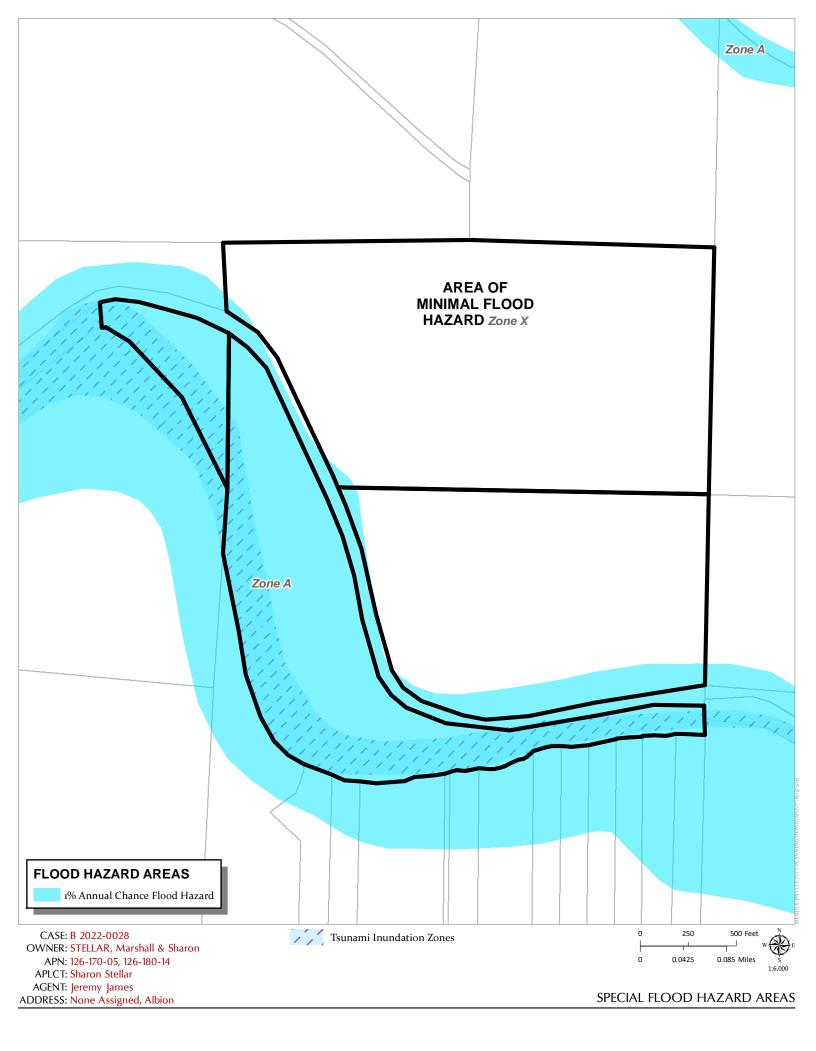
WILDLAND-URBAN INTERFACE ZONES

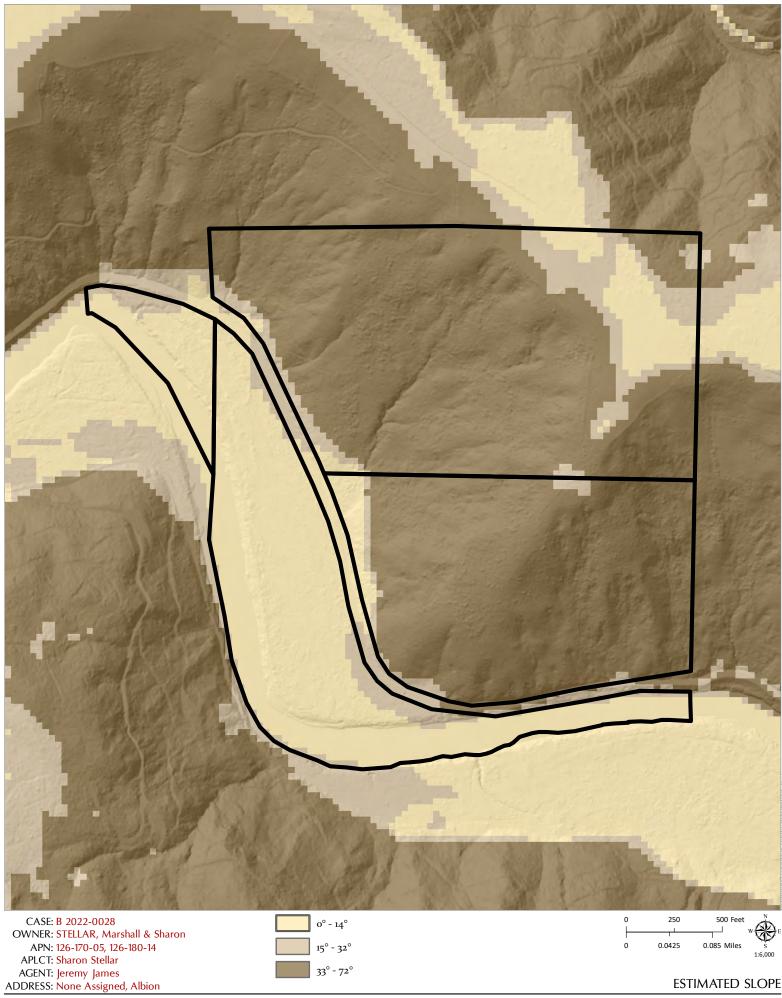












NT: Jeremy	James	
ESS: None Assigned, Albion		

# ESTIMATED SLOPE

