

**Howard N. Dashiell**  
**DIRECTOR OF TRANSPORTATION**

Road Commissioner  
County Engineer, RCE 42001  
County Surveyor, PLS 7148



**FUNCTIONS**

Administration & Business Services  
Airports  
Engineering  
Land Improvement  
Roads and Bridges  
Landfills

**COUNTY OF MENDOCINO**  
**DEPARTMENT OF TRANSPORTATION**  
340 LAKE MENDOCINO DRIVE  
UKIAH, CALIFORNIA 95482-9432  
VOICE (707) 463-4363 FAX (707) 463-5474

February 25, 2025

Mendocino County Board of Supervisors  
501 Low Gap Road, Room 1010  
Ukiah, CA 95482

RE: NOTICED PUBLIC HEARING – DISCUSSION AND POSSIBLE ACTION INCLUDING ADOPTION OF RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS VACATING ROCKPORT STREET (COUNTY ROAD 429A) OFF OF HIGHWAY 1 (ROCKPORT AREA) AND FINDING THAT SAID VACATION IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO SECTION 15312 OF THE CEQA GUIDELINES

Honorable Board of Supervisors:

The Director of Transportation has received a request from the Mendocino Redwood Company (MRC) to vacate the County right-of-way for Rockport Street (Country Road (CR 429A)), 0.32 miles. This road is off of Highway 1 at Rockport, between Usal Road and Westport.

State statute and Board policy require a report from the Department of Transportation (DOT) on several aspects of the proposed road vacation, including location of the road to be vacated, whether or not it is part of the County Maintained Road System, DOT's recommendation regarding the proposed vacation action, and any other information DOT deems pertinent to the proceedings. This letter constitutes DOT's report.

In November 1939, the Cottoneva Redwood Company conveyed the right-of-way to Mendocino County for "...road purposes and use by the general public, said right of way and use thereof to cease if and when said County of Mendocino abandons maintenance of said road...." Because there was no deeded ownership by the County, a vacation of this

road does not involve any transfer or disposal of property; only an elimination of the public easement.

The road is entirely contained within a parcel owned by MRC and does not provide access to any parcels not owned by MRC. This vacation does not qualify for summary vacation because of the presence of utility infrastructure.

As discussed in the attached memorandum from the Department of Planning and Building Services, the vacation is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) Class 12, and therefore Fish and Game Code Section 711 fees are not required. (CEQA Guidelines, Section 15312) As discussed in the attached memorandum from the Department of Planning and Building Services, the project is consistent with the General Plan and there is no plan to expand to or connect to any public roadway, or bike or pedestrian paths. The road is unnecessary for present or prospective public vehicular use. There are utilities along Rockport Street which will keep their rights to maintain their facilities.

Notice of the public hearing was posted onsite on January 13, 2025, and at the County office on January 24, 2025. Notice was also published in the Ukiah Daily Journal on January 16<sup>th</sup> and 26<sup>th</sup>. Notice was also sent to Mendocino Redwood Company and PG&E, being the two affected parties. Notice of the Categorical Exemption was posted by the Clerk for review on January 14, 2025. No public comments for this vacation were received.

The Department of Transportation's determinations regarding the Road Vacation of Rockport Street are as follows:

- 1) The Department of Transportation has determined that Rockport Drive is adjacent to the petitioner's property only and does not affect other property owners access in the area.
- 2) All public utilities located in the proposed area to be vacated will retain their rights to their infrastructure.
- 3) Rockport Street does not lead to any public land or place that the general public has the right to travel.
- 4) Rockport Street does not provide access to any publicly owned or publicly accessible recreational facilities or lands.
- 5) Rockport Street does not lead to or connect with any current or foreseeable future public road other than State Route 1.
- 6) The vacation of Rockport Street is consistent with the County's general land use policies, since the area served by Rockport Street is not located near any cities, is zoned as forest land and timber production land, has historically been used for timber production, and is not favored for future growth under the general plan.
- 7) The Department of Transportation has no plans to develop Rockport Street, and does not believe that the street serves a necessary public purpose.
- 8) Vacating Rockport Street would serve the public interest by relieving the County of responsibility for maintaining Rockport Street, and by reducing or eliminating the County's future tort liability for any injuries arising from conditions on Rockport Street.

Because the determinations above indicate that there will be minimal impacts to the surrounding areas, the Department of Transportation supports and recommends the requested road vacation. After

consideration of the staff reports, should the Board decide that the evidence supports the requested vacation, we have prepared a resolution for your consideration that will vacate Rockport Street.

Alternatively, if after consideration of the staff reports on the matter, the Board decides that the evidence presented does not support the requested vacation, the Board may deny the petition by Minute Order.

I will, of course, respond to any questions that you may have.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Howard N. Dashiell", is positioned above the printed name.

HOWARD N. DASHIELL  
Director of Transportation

Attachments:

- (1) Planning and Building Services Staff Analysis
- (2) Map depicting roads proposed to be vacated
- (3) Copy of Original Conveyance of Right of Way
- (4) Draft Resolution of Road Vacation

cc: Julia Krog, Director of Planning and Building Services  
R/W File CR 429A, Rockport Street  
Board Correspondence



# COUNTY OF MENDOCINO

## DEPARTMENT OF PLANNING AND BUILDING SERVICES

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## MEMORANDUM

**DATE:** February 6, 2025

**TO:** Department of Transportation

**FROM:** Russ Ford, Senior Planner

**SUBJECT:** Proposed Vacation of Rockport Street (CR 429-A)

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Established by Resolution Number 84-199, enacted on September 25, 1984, the Mendocino County Board of Supervisors developed procedures to facilitate the request for vacation of a County highway, right-of-way, or public service easement.

Per Resolution No. 84-199, the Mendocino County Department of Planning & Building Services shall do the following:

- A)** Conduct the environmental studies required by the California Environmental Quality Act (Public Resources Code Section 21000 *et seq.*; “CEQA”) and the State CEQA Guidelines (14 Cal.Code Regs. 15000 *et seq.*; “CEQA Guidelines”).
- B)** Determine whether or not the proposed vacation is consistent with the County General Plan. (California Government Code section 65402(a))
- C)** Review and make a recommendation as to whether or not the County highway or public service easement proposed to be vacated is useful as a pedestrian, bicycle or equestrian trail.

On November 22, 2024, the Department of Planning & Building Services received a request to review the proposed road vacation of Rockport Street, a publicly maintained road in the Westport area of the Mendocino County north coast. Rockport Street is located approximately 7 miles north of the town of Westport and takes access directly from State Route 1 (SR 1), running 0.29± miles to the southeast. It serves only a single property owner, Mendocino Redwood Company (MRC). Below, as required by Resolution 84-199, Planning and Building staff address the aforementioned requirements.

### Environmental Review

As proposed, the project would vacate the entire length of Rockport Street and turn ownership of the land over to MRC. The requested vacation meets the standards for a Class 12 Categorical Exemption (Surplus Government Property Sales) under CEQA Guidelines §15312. The Class 12 Categorical Exemption consists of sales of surplus government property except for parcels of land located in an area of statewide, regional, or areawide concern identified in Section 15206(b) of the CEQA Guidelines unless additional findings are made by the Lead Agency. The project does not meet any of the requirements specified in §15206(b) to be considered of statewide or areawide importance, so Staff finds that the exception provided in §15312 may be applied. Therefore, under the authority cited in Public Resource Code (PRC) §21083 and PRC §21084 this project qualifies for a Class 12 Categorical Exemption. Staff has prepared a ‘Notice of Exemption’ to be filed with the Mendocino County Clerk Recorder. As the project is exempt from CEQA, no filing fee per Fish and Wildlife is required.

## **General Plan Consistency & Active Transportation Potential**

Given the location and short length of the existing road, its lack of access to publicly accessible recreational areas or facilities, and its configuration serving only a single, private landowner, the realistic potential of the road to be used as a walking trail, biking trail, or other form of public access is extremely limited. The regulatory Coastal Zone is immediately adjacent to the west side of SR 1 in this location, but Rockport Street runs east from the highway and provides no access to the coastal bluffs or beaches. Staff identified no relevant policies within the Mendocino County General Plan that would apply to this proposed vacation, inasmuch as Rockport Street is not considered a vital part of Mendocino County's transportation and circulation plans, and the area around Rockport Street is zoned for forest land and timber production, is not located near any incorporated cities, and is therefore not prioritized for future growth. Moreover, the site was not part of those addressed in the Mendocino County Pedestrian Needs Assessment and Engineered Feasibility Study completed in June of 2019. The proposed vacation would therefore not violate any goals or policies within the General Plan.

## **Summary & Determination**

As discussed above, staff finds the proposed vacation to be consistent with the relevant goals and policies of the Mendocino County General Plan, and that it qualifies for a Categorical Exemption under CEQA Guidelines §15312 for sales of surplus government property.

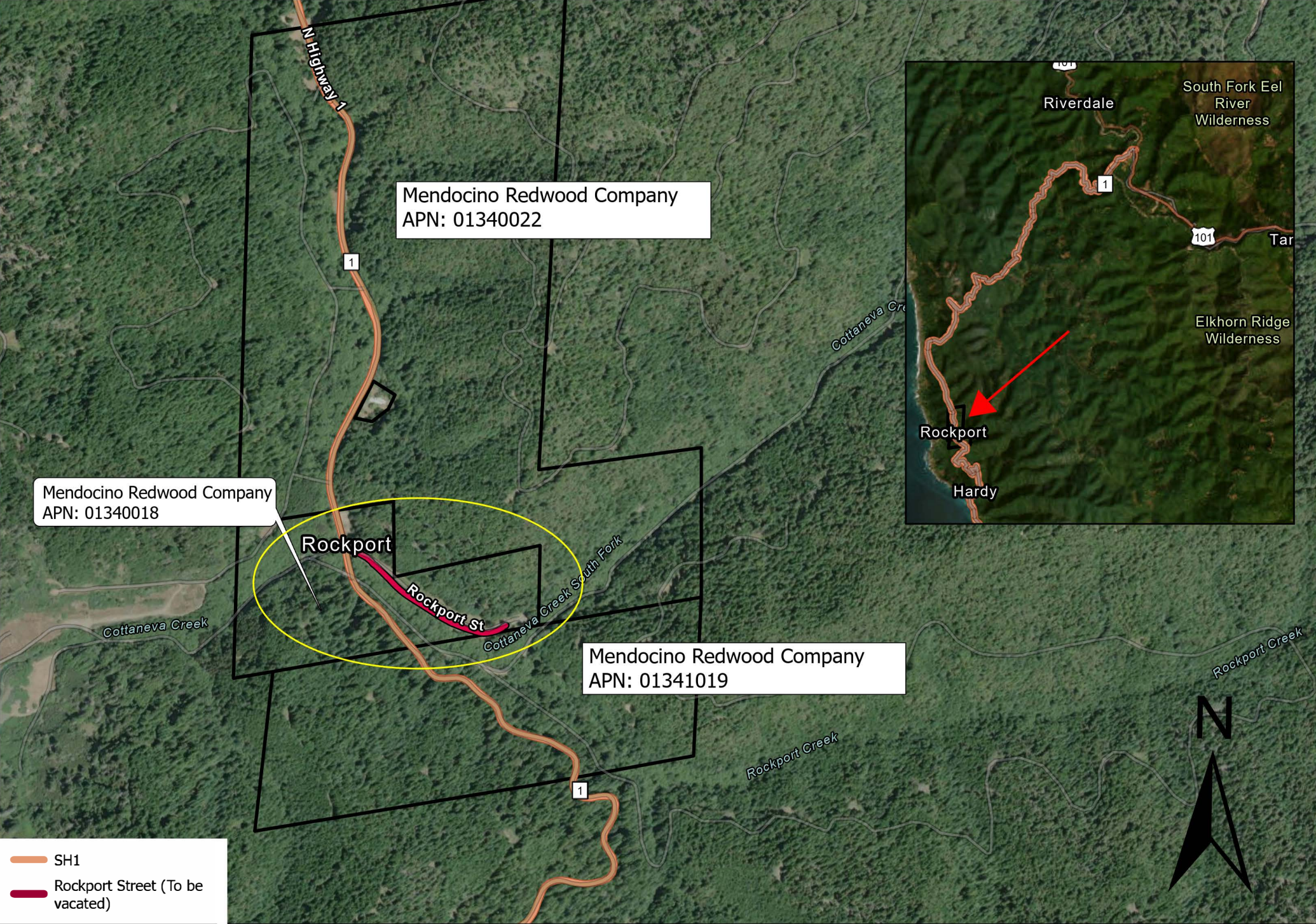
Sincerely,

*Russell Ford*

Senior Planner



Exhibit A: Location Map  
Rockport Street CR 429A  
Road Vacation



- SH1
- Rockport Street (To be vacated)



along the east line of Hortense Street 95.20 feet to the point of beginning.

WITNESS our hands November 11th 1939.

Thomas B. Ricks

Gracia B. Ricks

STATE OF CALIFORNIA )  
County of Humboldt )<sup>ss</sup>

On November 11th, 1939, before me, Jno. R. French a Notary Public in and for said County and State, personally appeared THOMAS B. RICKS and GRACIA B. RICKS, his wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

(SEAL)

Jno. R. French

Notary Public in and for the County of Humboldt, State of California

My Commission Expires May 17th 1940.

Recorded at the Request of Mendocino County Title Company Nov. 14 1939 at 15 min past 2 o'clock P.M. in Volume 136 of Official Records page 8 et seq. Mendocino County Records.

Fees \$1.00

A. J. Chalfant

Recorder

2967 Compared AJC/AB

By Alta Ballou

Deputy Recorder

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#### CONVEYANCE OF RIGHT OF WAY

WHEREAS, certain of the inhabitants of Road District No. 4 of Mendocino County, California, taxable therein for road purposes have petitioned the Board of Supervisors of said Mendocino County to lay out a new road therein, as set forth in their said petition, and which said road is proposed to be located twenty (20) feet on each side of the following described center line, in the County of Mendocino, State of California:

Beginning at a point from which the section corner between sections 23, 24, 25 and 26, T. 22 N. R. 18 W., M.D.M., bears S. 40° 38' W., 1353.46 feet and the Southeast corner of the Rockport Store bears N. 79° 21' W., 55.34 feet and the Northeast corner of the County Bridge over Cottaneva Creek bears S. 10° 23' E., 31.50 feet; thence along said center line S. 75° 13' E., 187.46 feet; thence S. 46° 22' E., 445.05 feet; thence S. 57° 53' E., 393.95 feet; thence S. 64° 34' E., 80.60 feet; thence S. 70° 27' E., 191.05 feet; thence S. 76° 52' E., 50.00 feet; thence S. 83° 19' E., 50.00 feet; thence N. 80° 31' E., 50.00 feet; thence N. 66° 33' E., 50.00 feet; thence N. 58° 53' E., 170.67 feet, and being 1668.78 feet in length.

NOW, THEREFORE, in consideration of the location and establishment of said road, as above described, and of the benefits to accrue to us, and each of us, by such location, we the undersigned owners, occupants and claimants of the land required for road purposes on the line of the foregoing designated route hereby signify our approval of the location of said road, and do hereby consent thereto, and we do hereby convey to said County of Mendocino a right of way forty (40) feet wide along said designated line for road purposes and use by the general public, said right of way and use thereof to cease if and when said County of Mendocino abandons maintenance of said road, and we hereby waive all claims for damages for and on account of the same.

WITNESS my hand this 3rd day of November 1939.

Cottoneva Redwood Co.

John S. Ross, Jr. - Agent

STATE OF CALIFORNIA )  
County of Mendocino )<sup>ss</sup>

On this 3rd day of November in the year one thousand nine hundred and Thirty-nine before me, C. R. Weller, a Notary Public, in and for the County of Mendocino, State of California, residing therein, duly commissioned and sworn, personally appeared John S. Ross, Jr. known to me to be the Agent for Cottoneva Redwood Co. of the corporation described in and that executed the within instrument and also known to me to be the person who executed the within instrument on behalf of the corporation therein named, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, at my office