



**COASTAL PERMIT ADMINISTRATOR
STAFF REPORT- BLA COASTAL**

**B_2017-0044
OCTOBER 12, 2017**

SUMMARY

OWNERS/APPLICANTS: ELSU & CONNIE REIFERS
1630 MARK WEST SPRINGS ROAD
SANTA ROSA, CA 95404

ANNE REIN
PO BOX 628
POINT ARENA, CA 95468

AGENT: SUSAN RUSCHMEYER
PACIFIC LAND SURVEYS
P.O. BOX 574
GUALALA, CA 95445

REQUEST: Coastal Development Boundary Line Adjustment to transfer 3.2± acres from Lot 1 (APN: 027-221-14, 027-241-03) to Lot 2 (APN: 027-221-15). Transferred property will include Rein residence which was constructed over the property line. Final result will be two lots: Lot 1 (APN: 027-221-14, 027-241-03) at 24.68± acres and Lot 2 (APN: 027-221-15) at 4.70± acres.

LOCATION: In the Coastal Zone. Parcels are on the south side of Eureka Hill Road (CR 505) 1.18± miles east of its intersection with State Highway 1, located at 42701 Eureka Hill Road, Point Arena. (APNs: 027-221-14, 15, 027-221-15).

TOTAL ACREAGE: 29.38±

GENERAL PLAN: RMR 20 / RL 160

ZONING: RMR 20 / RL

SUPERVISORIAL DISTRICT: 5

ENVIRONMENTAL DETERMINATION: Categorically Exempt – Class: 5a (Minor lot line adjustments not resulting in the creation of any new parcel).

RECOMMENDATION: Approve Boundary Line Adjustment B 2017-0044 with Standard Conditions.

STAFF PLANNER: Russell Ford

BACKGROUND

PROJECT DESCRIPTION: The Reifers lot (APNs: 027-221-14, 027-241-03) was one of the resulting parcels of Boundary Line Adjustment 21-92, creating a 24.68± acre parcel on the south side of Eureka Hill Road (CR 505). The Rein lot (APN: 027-221-15) was previously existing with an SFR. In 2014, the Reifers submitted an application to build an SFR and barn. During the staff review of the application it was discovered that the Rein SFR had been built over the property line and was on the Reifers property, preventing the approval of what would be a second SFR. After litigation, a Judgement was issued ordering the property owners to complete a Boundary Line Adjustment to remedy the encroachment. The

applicant (Reifers) proposes to transfer 3.2± acres from APNs: 027-221-14 and 027-241-03 to APN: 027-221-15, (Rein). The transferred property will include the existing Rein SFR, allowing for the future construction of a new SFR on the Reifers lot. The final result of the parcel will be two lots: The Reifers lot (APNs: 027-221-14, 027-241-03) will be 24.68± acres and minimally improved with several small outbuildings. The Rein lot (APN: 027-221-15) will be 4.70± acres and contain an existing SFR.

APPLICANT'S STATEMENT: The proposed BLA is the result of a court ordered "Stipulation and Agreement and Judgement" recorded as [Doc.] 2017-05347, Official Records, Mendocino Co. Records. The desired result is to have the Rein house and driveway on Rein property, and to allow new construction on the Reifers land.

RELATED APPLICATIONS ON-SITE:

- Boundary Line Adjustment B 21-92 created the current configuration of the Reifers parcel, adjusting the previously existing parcel line down to Eureka Hill Road.
- Coastal Development Permit 12-2014 would have allowed the construction of a new Single Family Residence and barn on the Reifers parcel. The application was subsequently denied due to significant encroachment by the neighboring SFR.
- BF 2000-0219 was a re-roof of the Rein house.

Neighboring Property:

- CC 22-94 recognized three lots south of and adjacent to the Reifers/Rein parcels.

SITE CHARACTERISTICS: The project site is on the south side of Eureka Hill Road (CR 505), .25± miles east of the City of Point Arena. Bound by Eureka Hill Road on the north and Point Arena Creek on the south, the parcels are flat adjacent to the road, but drop quickly down into the creek drainage as they progress south. The slopes adjacent to the creek are heavily forested but the flat areas, particularly near the road, are largely meadow and open space. The Rein parcel is greatly impacted by the sloped area, being apparently built out with the existing SFR. The Reifers parcel has a large meadow space at the top of the canyon, improved with several outbuildings and water tank.

SURROUNDING LAND USE AND ZONING:

	GENERAL PLAN	ZONING	LOT SIZES	USES
NORTH	RL	RL	14±, 140±	Rangeland
EAST	FL	TP	70±	Forestland
SOUTH	FL/RL	FL/RL	39±	Forestland
WEST	RL	RL	6±	Rangeland

PUBLIC SERVICES:

Access: Eureka Hill Road (CR 505)
Fire District: Redwood Coast Fire Protection District
Water District: None
Sewer District: None
School District: Arena Union Elementary School District

AGENCY COMMENTS: On or around August 23th, 2017 project referrals were sent to 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
Mendocino County Planning (Fort Bragg)		Recommend Conditional Approval	9/17/2017
Department of Transportation		N/A	-
Environmental Health (Fort Bragg)		N/A	-
Mendocino County Building (Fort Bragg)		No Comment	9/12/2017
CALFIRE		N/A	-
California Coastal Commission		N/A	-

KEY ISSUES

1. General Plan and Zoning Consistency: The two lots involved in the proposed lot adjustment are classified RMR-20 (Reifers) and Rangeland (Rein). At 1.50± acres, the Rein parcel is already significantly non-conforming, though it will see a marginal increase to 4.7± acres and remain non-conforming. The Reifers parcel is a total of 27.88± acres and so is compliant with the district minimum. This adjustment would transfer 3.20± acres to Rein, leaving 24.68± acres in RMR and thus maintaining its conforming status. The proposal is in line with the district intent to “*..be applied to lands with the Coastal Zone which have constraints for commercial agriculture, timber production or grazing, but which are well-suited for small scale farming, light agriculture and low density residential uses...*”

2. Division of Land Regulations: This project is scheduled to be reviewed by the County Subdivision Committee on October 12th, 2017 at which time the Subdivision Committee will make recommendations concerning approval to the Coastal Permit Administrator per the required findings in Section 17-17.5 of the Mendocino County Code. No conflicts with the County Division of Land Regulations were identified.

3. Environmental Protection: No flora or fauna requiring special protection have yet been identified as extant on the property, however the region is within the estimated habitat zone of the Point Arena Mountain Beaver (*Aplodontia rufa nigra*), and beaver burrows have been previously identified on lots within a ½ mile of the project site.

Point Arena Creek runs through the southern portion of the parcels and its riparian area is classified as *Freshwater Forested/Shrub Wetland* by the FWS National Wetlands Inventory. No impacts to this drainage are expected from the project.

Future development will be subject to a Coastal Development Permit and all the associated review. No additional environmental concerns were identified and no environmental impacts are anticipated by this project.

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 change in density. The proposed adjustment does not provide for future divisions beyond that which currently exist;
2. The boundary line adjustment will not create any new parcels;
3. No substandard lot will result from the adjustment. The non-conforming lot will increase in size, and the conforming lot will remain so.
4. The property subject to the adjustment is in an area designated CWR (Critical Water Resources) identified in the Mendocino County Groundwater Study, which states in part:

“Areas designated CWR (Critical Water Resources) shall have a minimum lot size of 5 ac and

demonstration of “proof of water”. All lots less than 5 ac shall demonstrate “proof of water” and may require an environmental impact statement.”

The smaller lot is already developed with a SFR. Upon future development, the larger lot will be required to provide “proof of water” sufficient to meet the requirements of the Division of Environmental Health.

5. The project is not located on property containing pygmy vegetation.
6. The project is not located within a designated “Highly Scenic” area.
7. Point Arena Creek runs through the southern portion of the parcels. 100 feet on either side of the creek are classified as Appeal Jurisdiction and may be subject to Coastal Commission appeal.

ENVIRONMENTAL RECOMMENDATION: The application is Categorically Exempt – Class 5a. 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.

RECOMMENDED MOTION: The Coastal Permit Administrator approves Coastal Development Boundary Line Adjustment B_2017-0044, 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. The proposed boundary line adjustment is in conformance with the Coastal Element; and,
2. The proposed development will be provided with adequate utilities, access roads, drainage, and other necessary facilities;
3. The proposed boundary line adjustment is consistent with the purpose and intent of the zoning district applicable to the property, as well as the provisions of the Coastal Zoning Code and preserves the integrity of the zoning district; and,
4. The proposed boundary line adjustment will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act (CEQA);
5. The proposed boundary line adjustment will not have any adverse impacts on any known archaeological or paleontological resource;
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 development;
7. The proposed development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act and the Coastal Element of the General Plan.
8. The proposed use is compatible with the long-term protection of resource lands.

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. This application is valid for 24 months from the effective date. No extensions can be granted.
2. That for each proposed adjusted parcel provides one 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 parcel(s))."

And,

"This deed is given pursuant to Mendocino County Coastal Development Boundary Line Adjustment B 2017-0044 and is intended to create no new parcel."

4. Per Mendocino County Code Section 17-17.5(l) (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. All structures within the RMR district must maintain fifty (50) foot setbacks from property lines as required by Mendocino County Code Section 20.356.030. The existing structure within the RL district must maintain a twenty (20) foot setback as specified in section 20.368.035.

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.

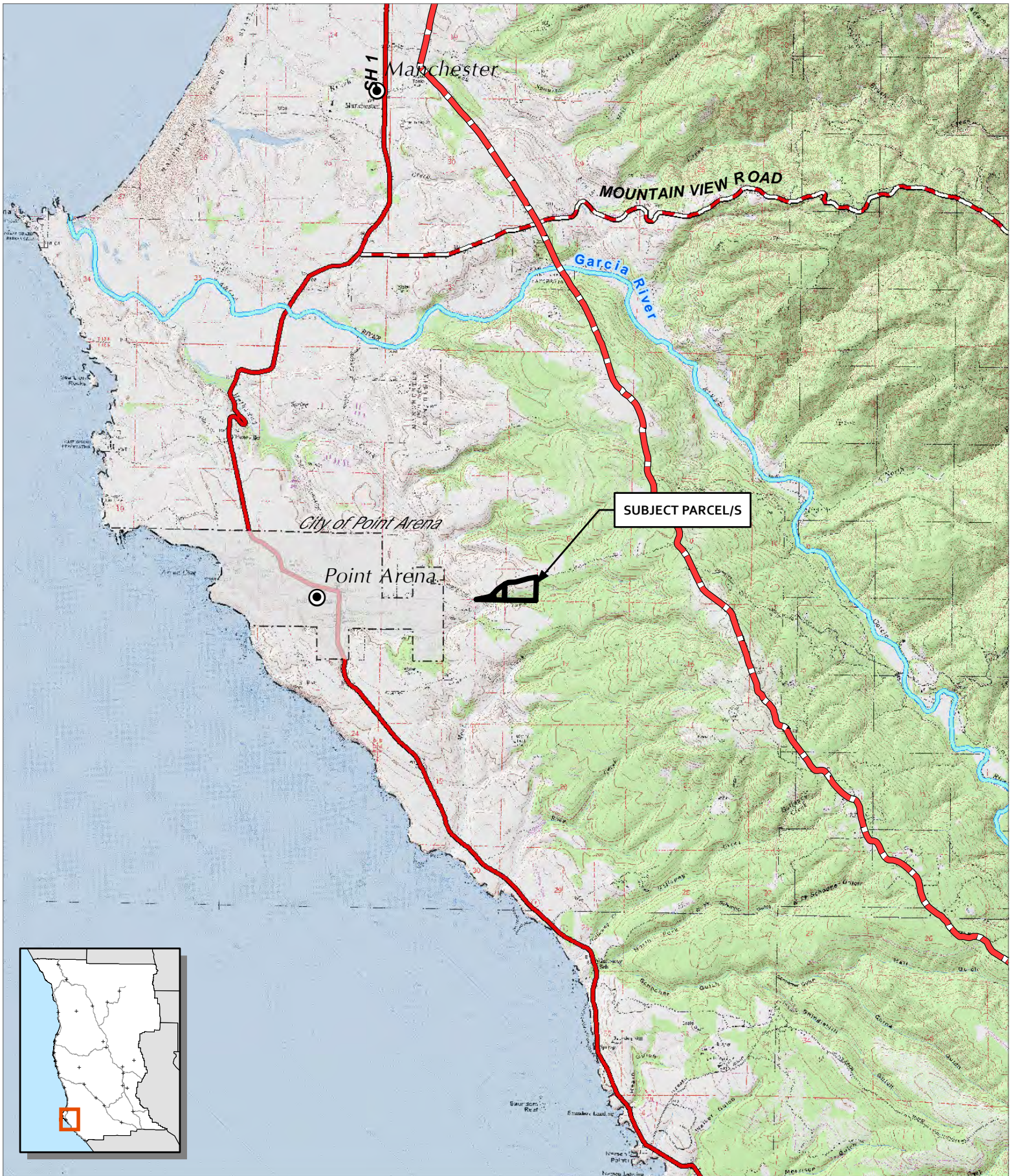
DATE

RUSSELL FORD

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

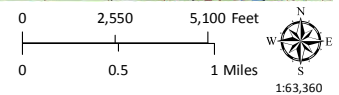
ATTACHMENTS:

- A. Location Map
- B. Topographic Map
- C. Aerial Imagery
- D. Tentative Map
- E. Zoning Map
- F. General Plan Classifications
- G. LCP Land Use Map
- H. LCP Land Capabilities & Natural Hazards
- I. LCP Habitats & Resource
- J. Appealable Areas
- K. Adjacent Parcels
- L. Fire Hazard Zones
- M. Coastal Ground Water Resources
- N. Soils
- O. Wetlands



CASE: B 2017-0044
 OWNER: REIFERS/REIN
 APN: 027-221-14, 15
 APLCT: Elsu & Connie Reifers
 AGENT: Susan Ruschmeyer
 ADDRESS: 42701 Eureka Hill Road, Point Arena

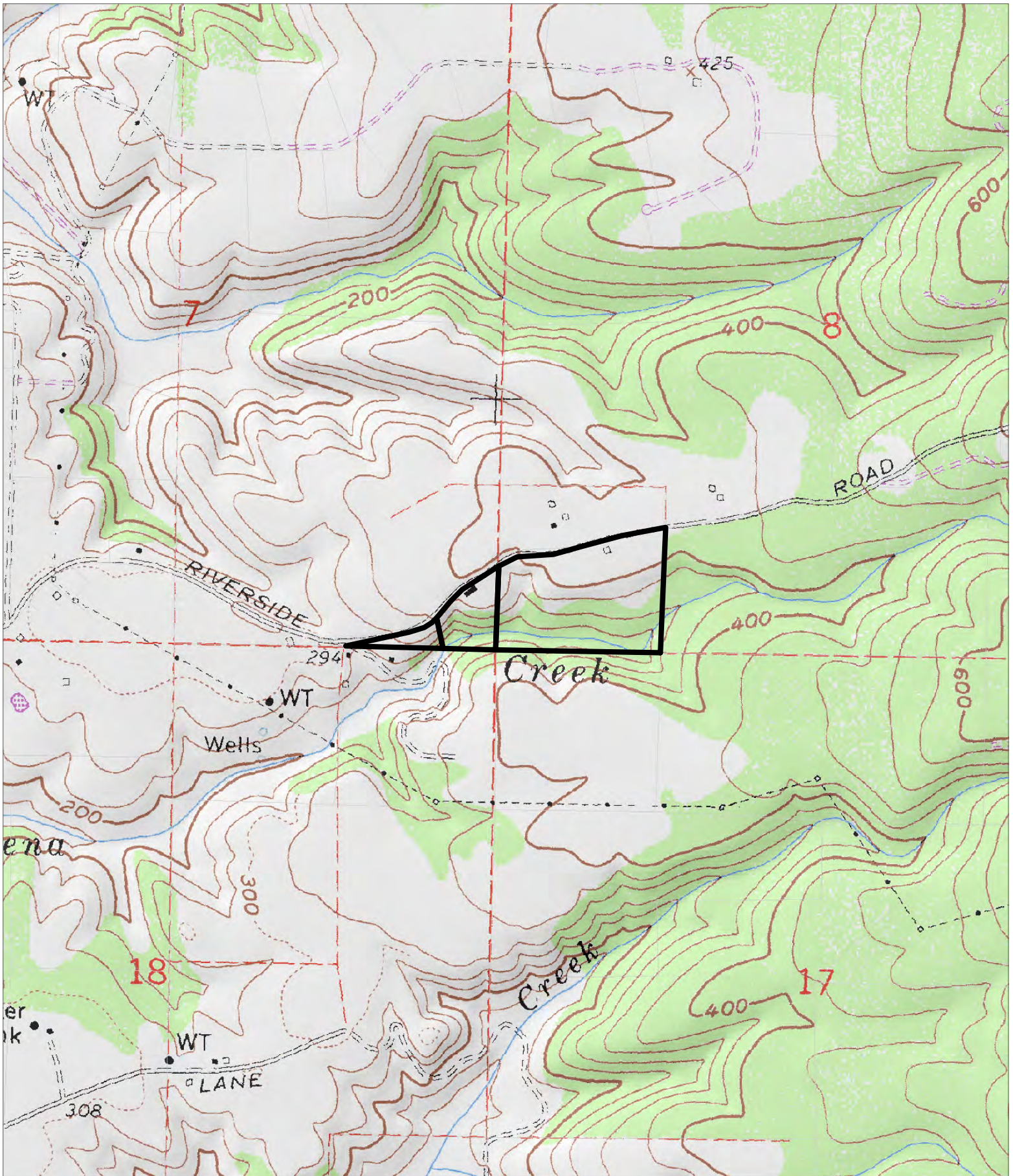
- Coastal Zone Boundary
- ~~~~~ Major Rivers
- Major Towns & Places
- Highways
- Incorporated City Limits
- Major Roads



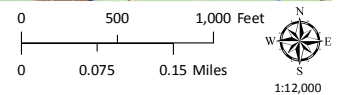
ATTACHMENT A

LOCATION MAP

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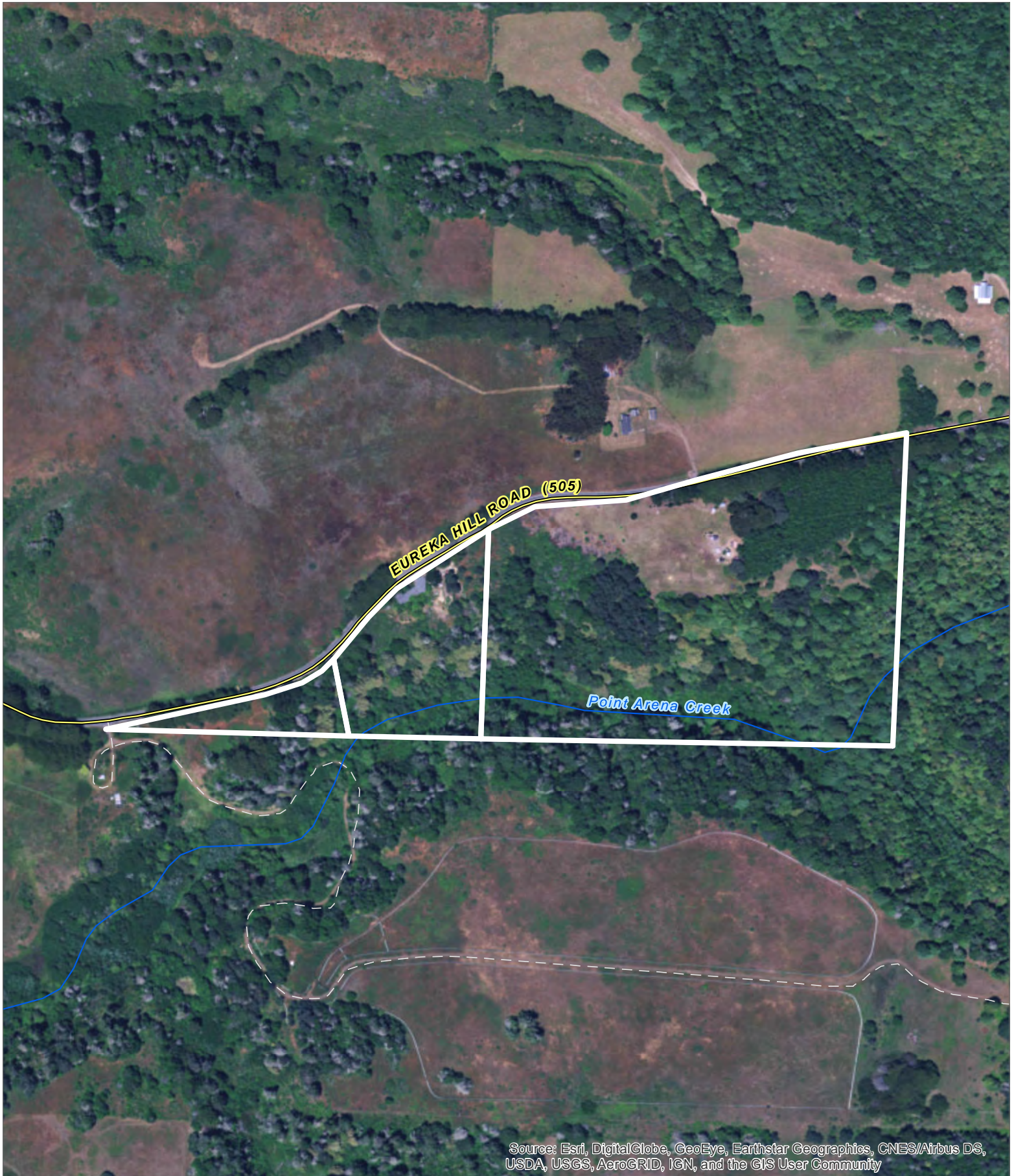
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ATTACHMENT B

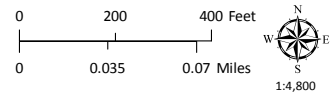
TOPOGRAPHIC MAP
CONTOUR INTERVAL IS 40 FEET

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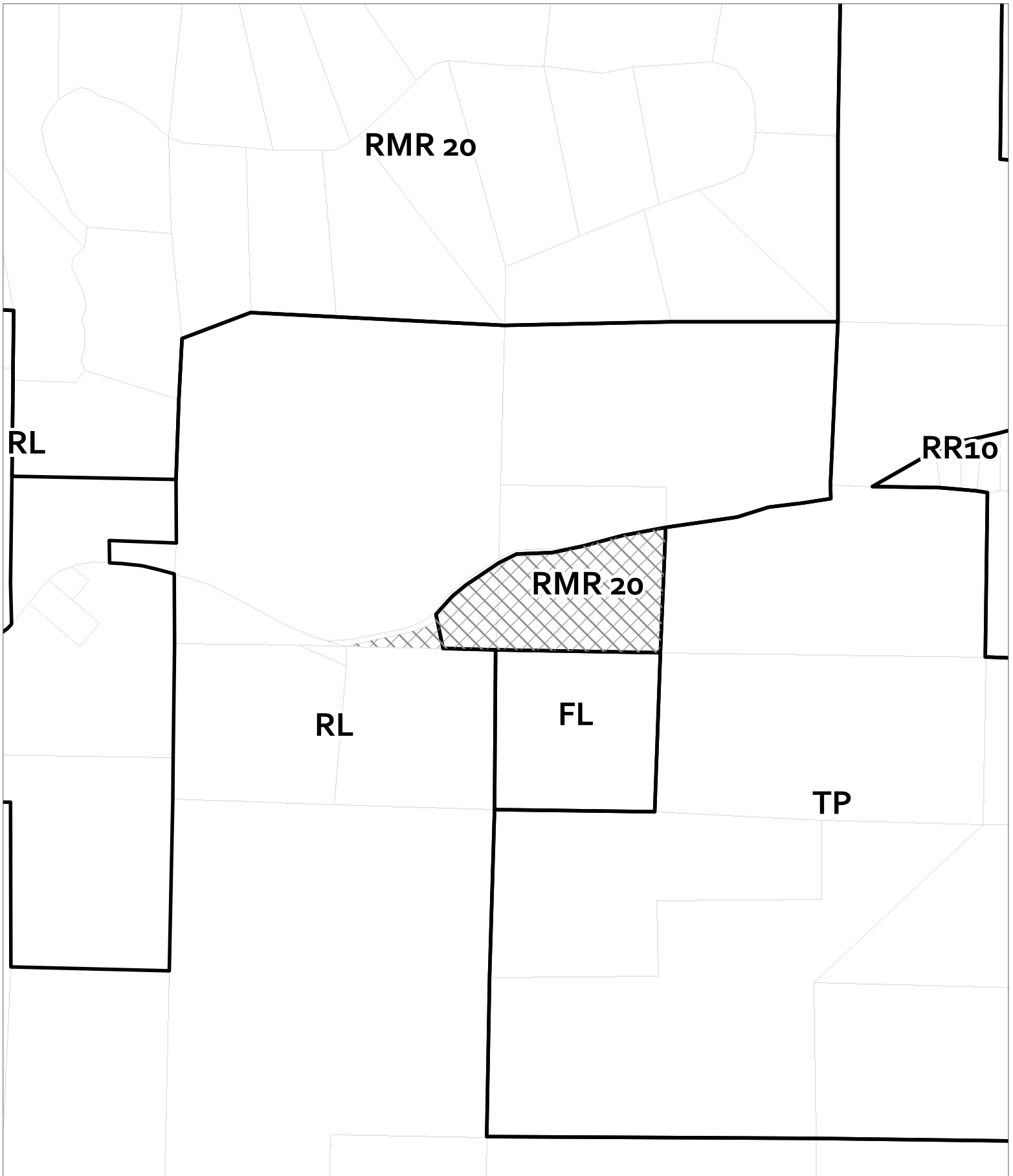
-  Named Rivers
-  Public Roads
-  Driveways/Unnamed Roads




ATTACHMENT C

AERIAL IMAGERY

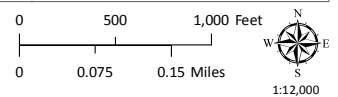
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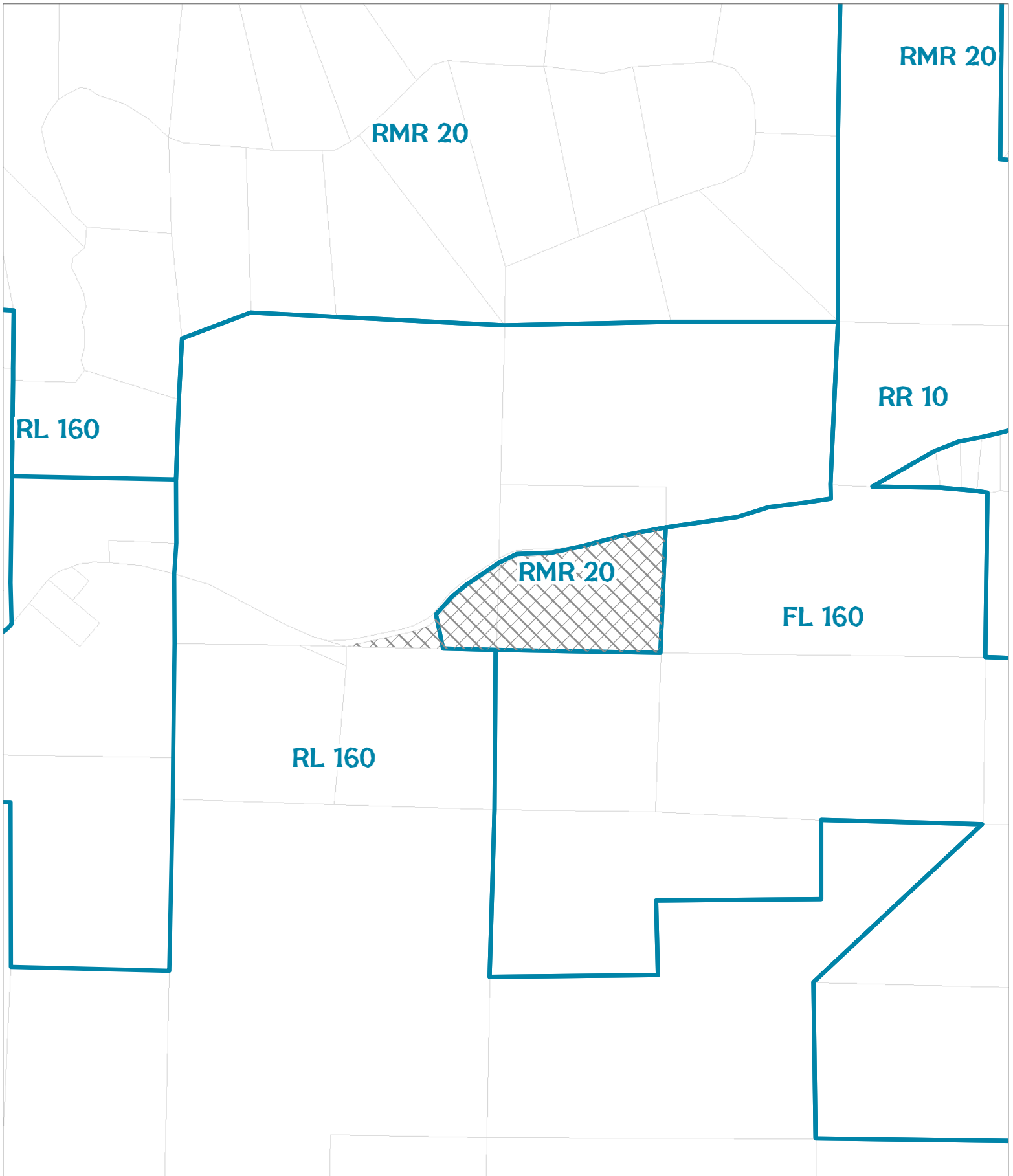
 Zoning Districts

ATTACHMENT E




ZONING DISPLAY MAP

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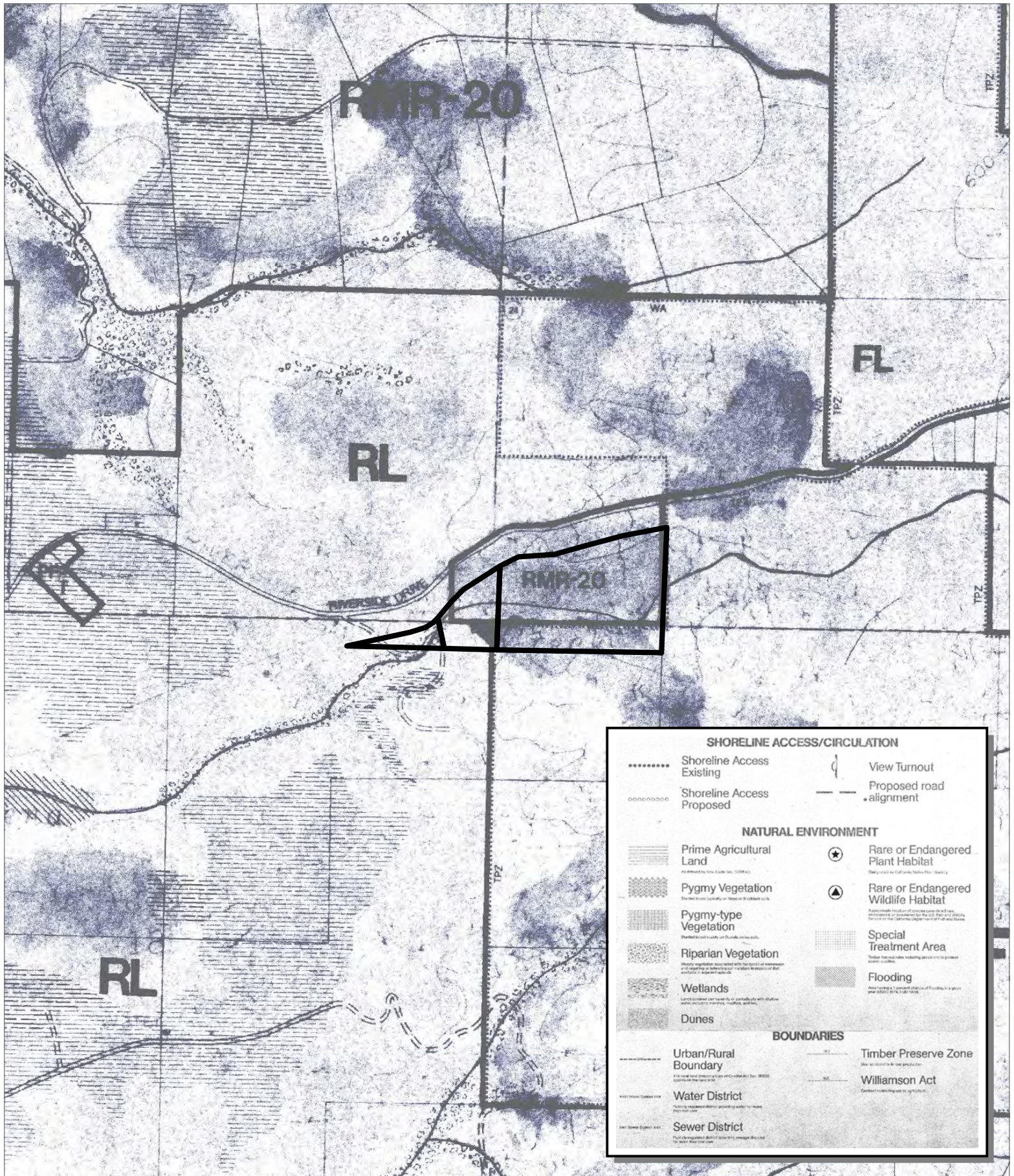
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 General Plan Classes

ATTACHMENT F

GENERAL PLAN CLASSIFICATIONS

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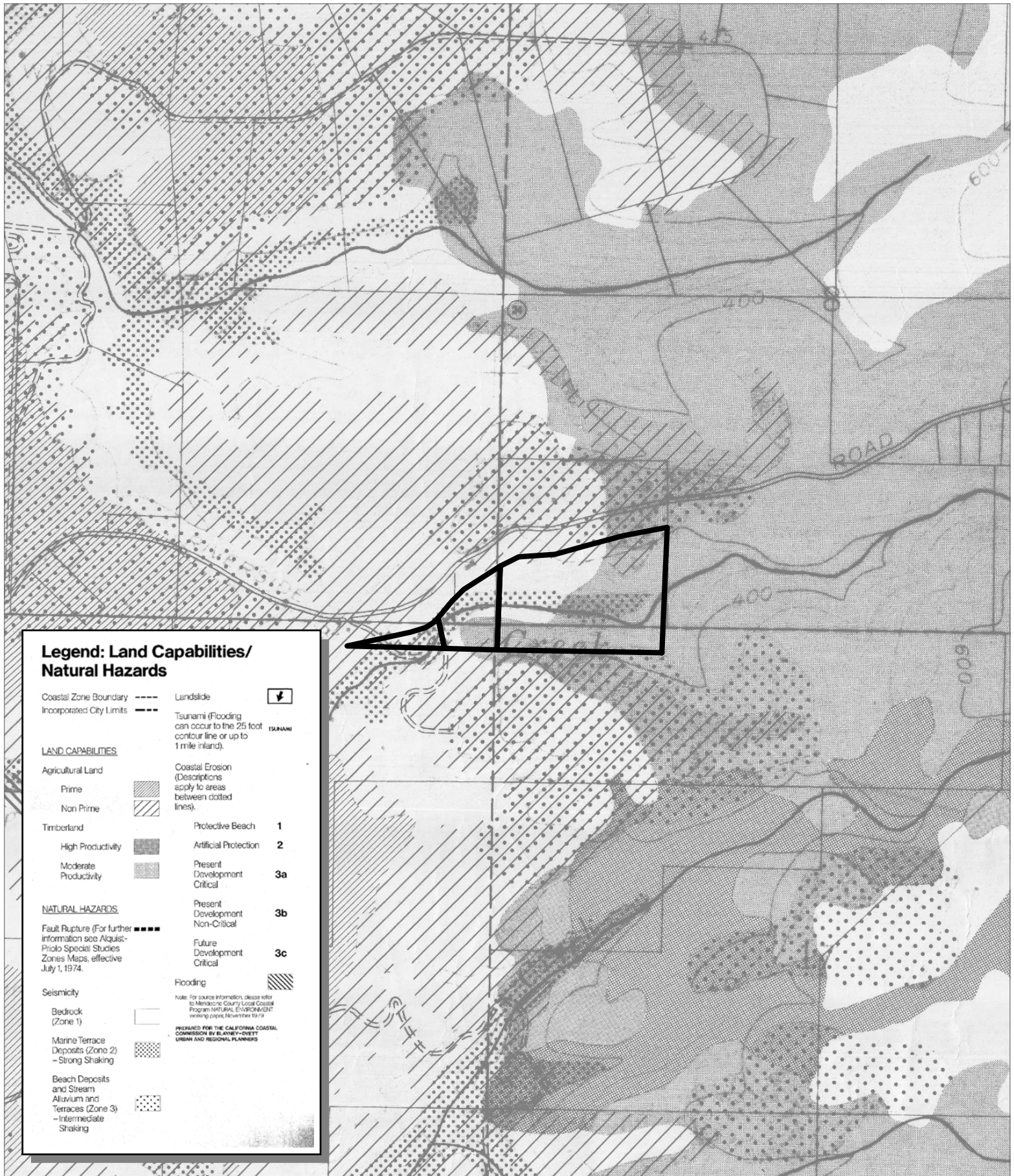


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ATTACHMENT G

LCP MAP 25: POINT ARENA

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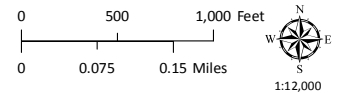


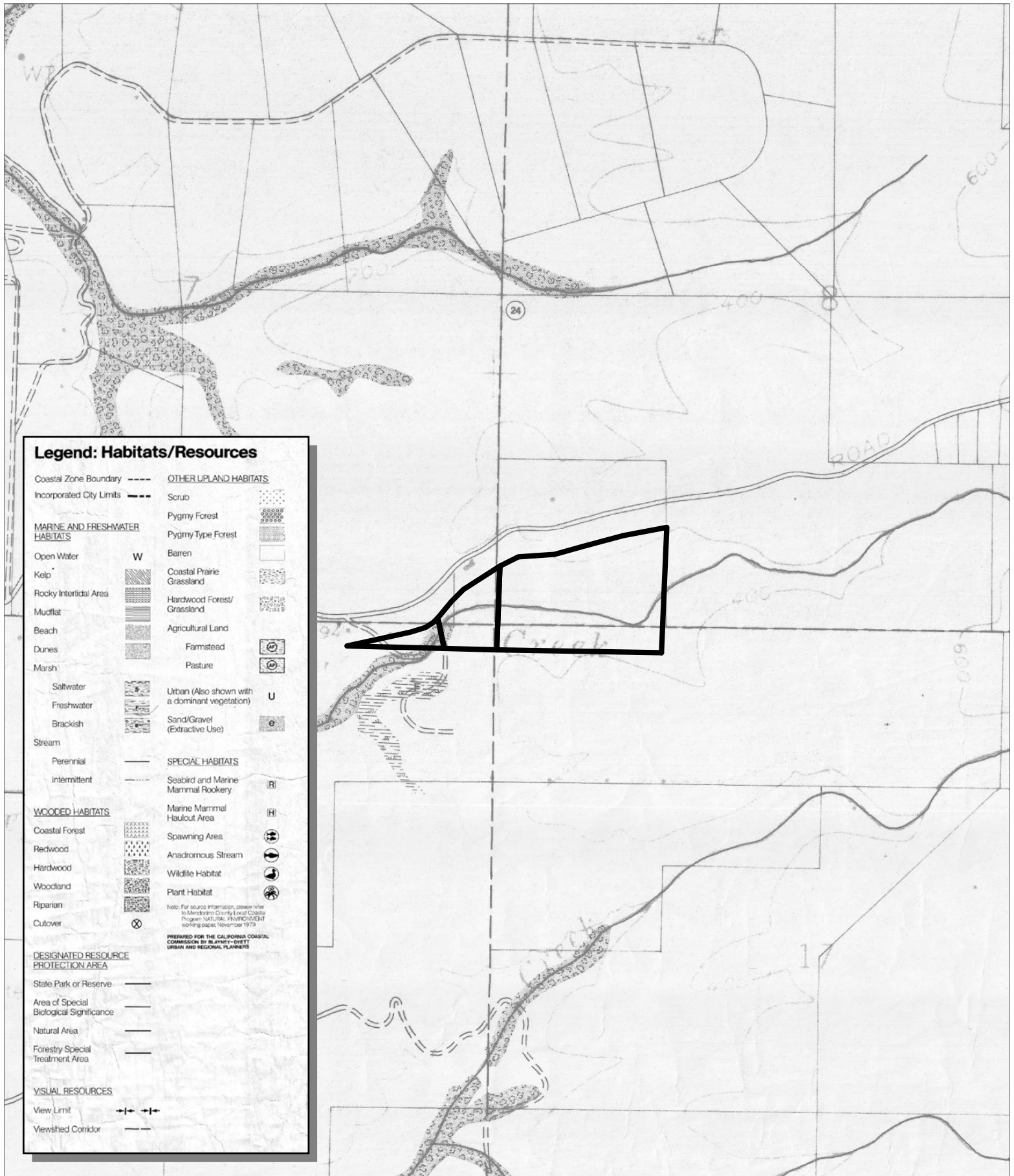
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ATTACHMENT H

LCP LAND CAPABILITIES & NATURAL HAZARDS

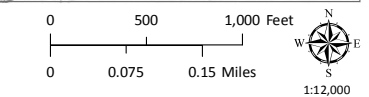
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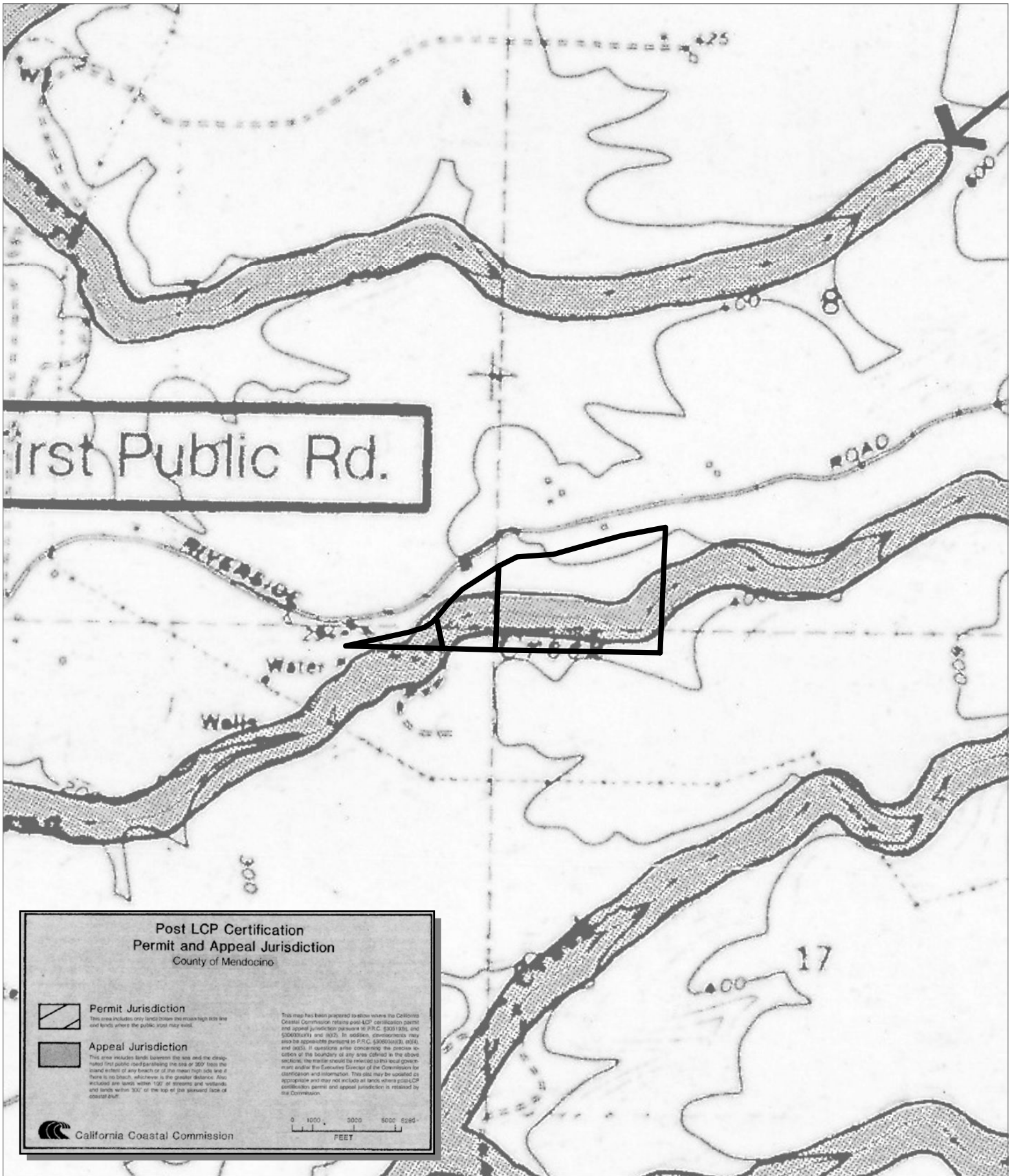
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ATTACHMENT I

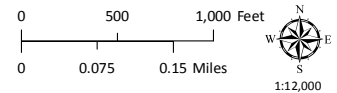


LCP HABITATS & RESOURCES

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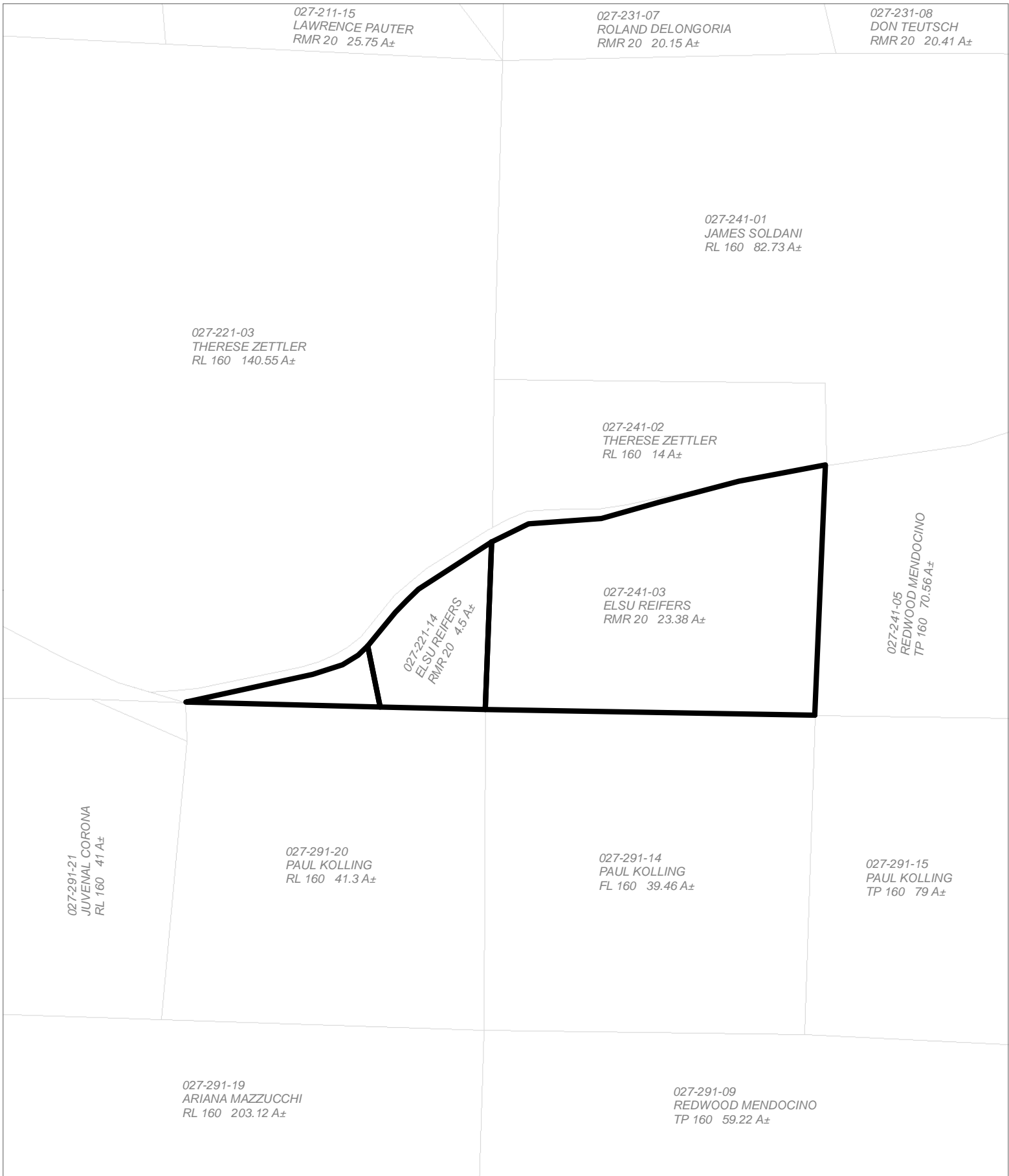
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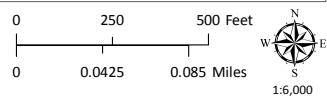
ATTACHMENT J

APPEALABLE AREAS

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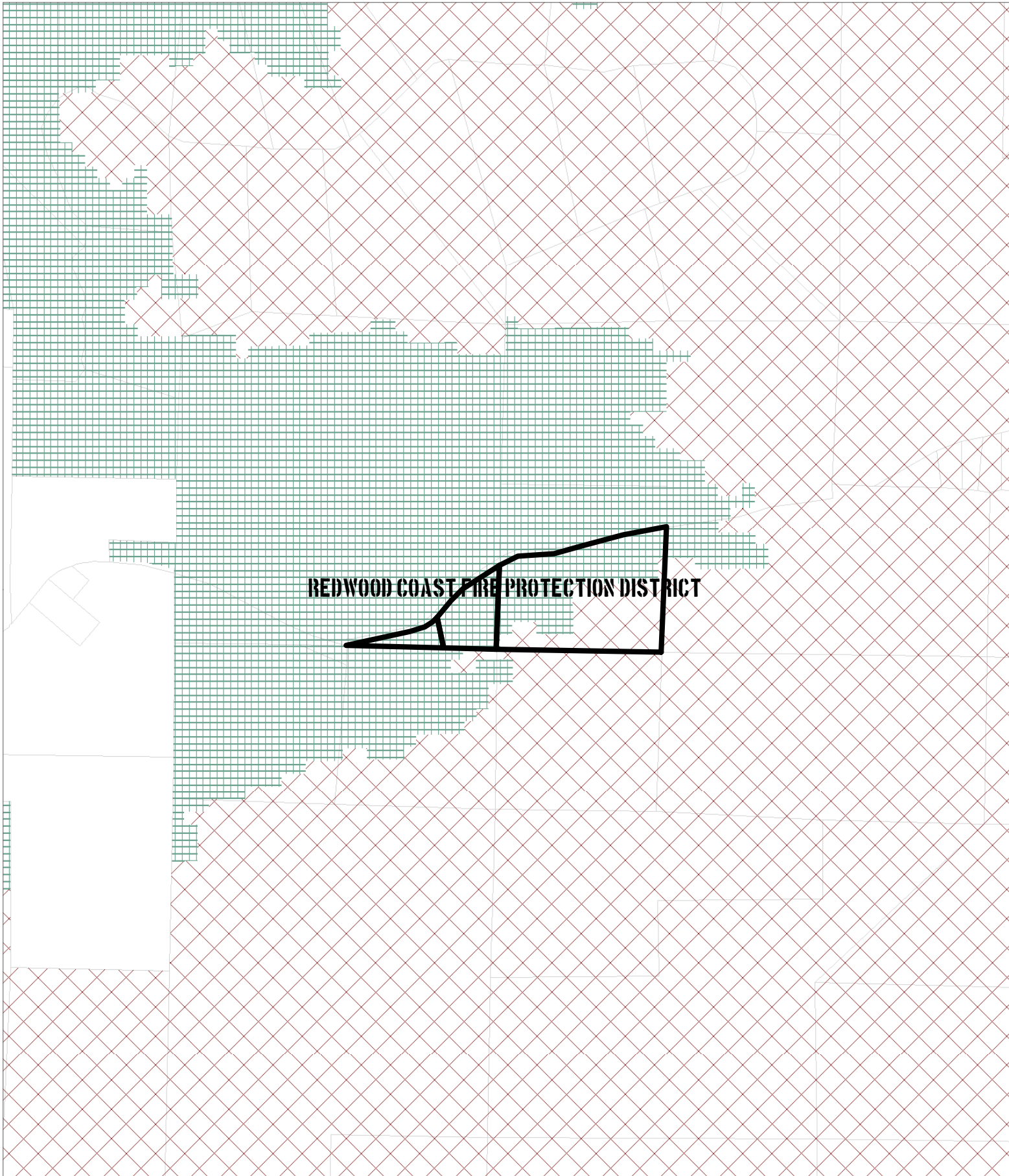
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ATTACHMENT K

ADJACENT PARCELS

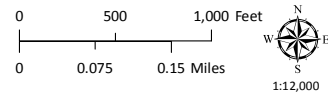
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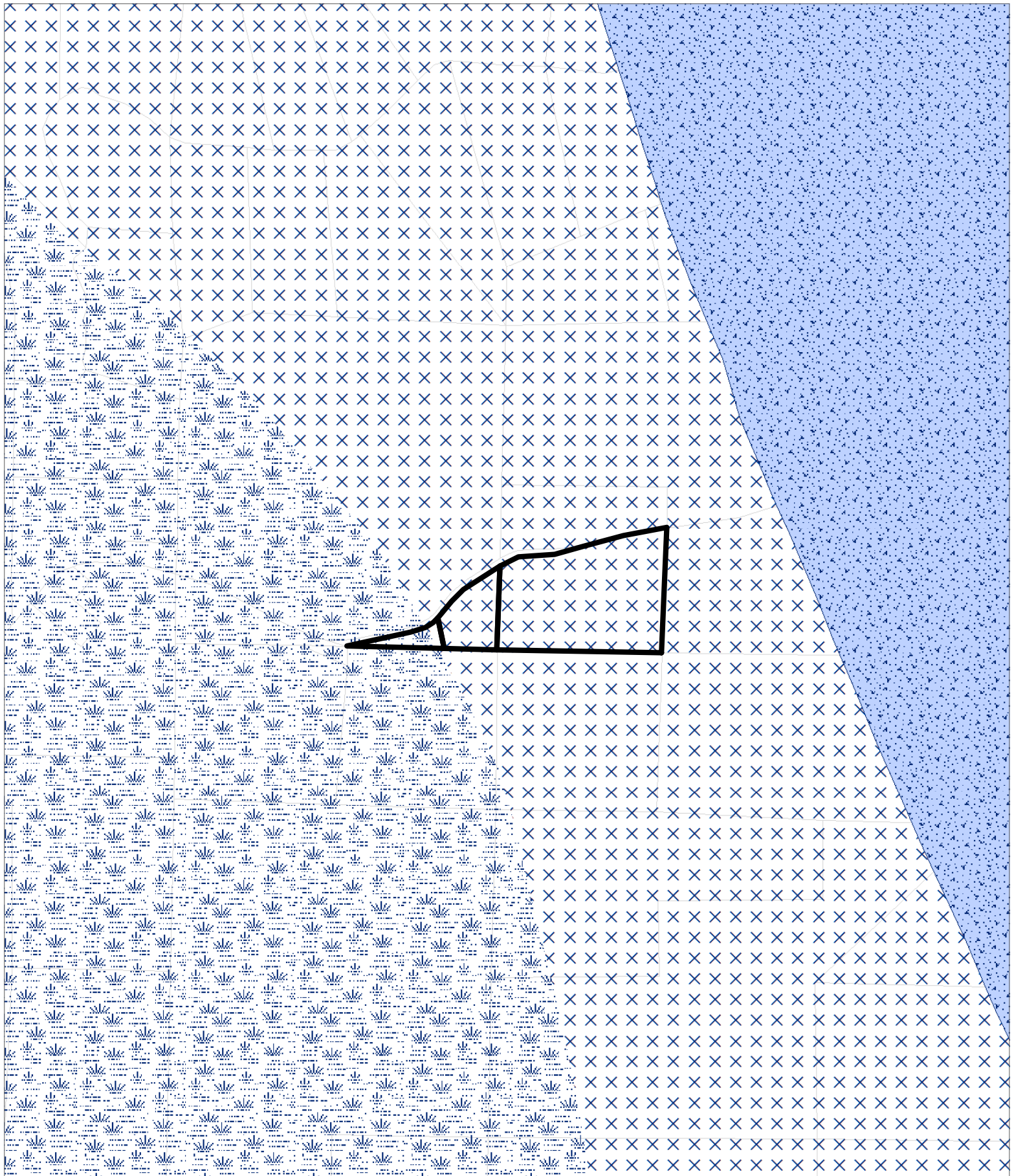
-  County Fire Districts
-  High Fire Hazard
-  Moderate Fire Hazard

ATTACHMENT L






FIRE HAZARD ZONES & RESPONSIBILITY AREAS
STATE RESPONSIBILITY AREA

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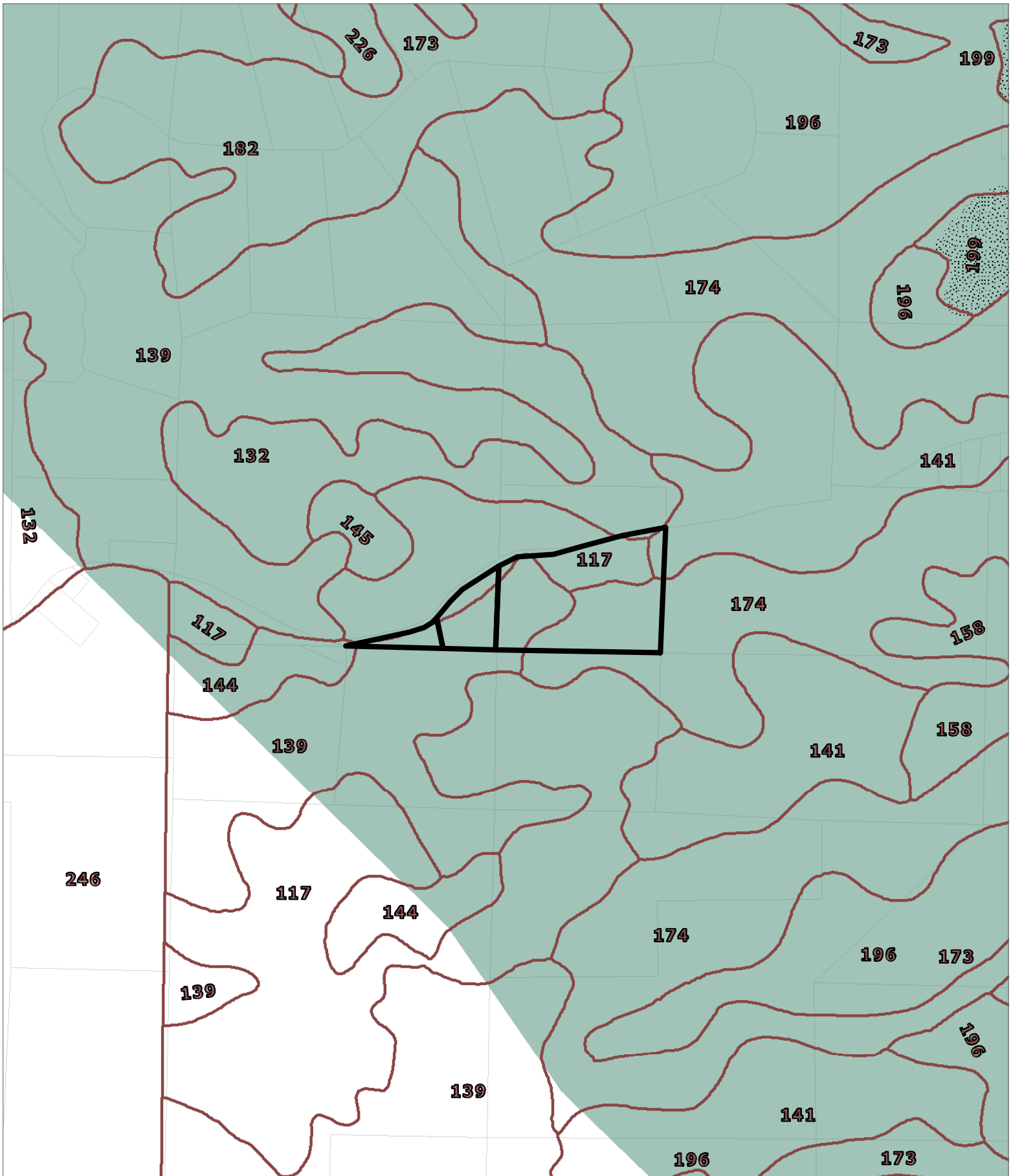
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-  Critical Water Areas
-  Marginal Water Resources
-  Critical Water Resources Bedrock

ATTACHMENT M

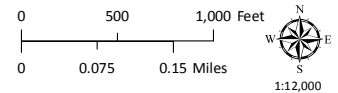
GROUND WATER RESOURCES

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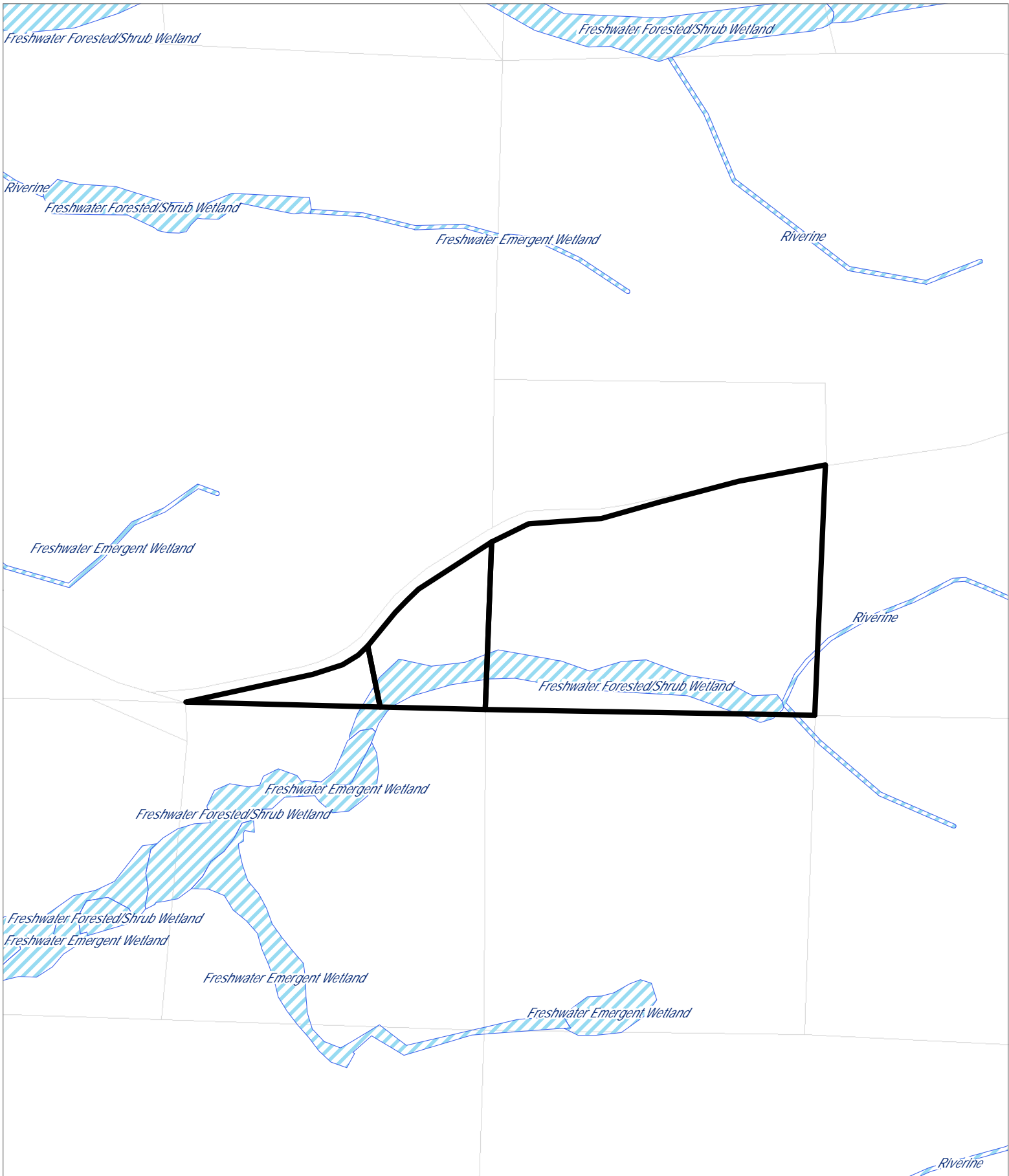
- Western Soil Classes
- Shinglemill-Gibney Complex
- Bishop Pine



ATTACHMENT N

LOCAL SOILS

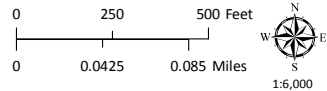
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 Wetlands

ATTACHMENT O



CLASSIFIED WETLANDS

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