



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

3015 H Street Eureka CA 95501
Phone: (707)445-7541 Fax: (707) 268-3792

Hearing Date: August 24, 2017

To: Humboldt County Planning Commission

From: John H. Ford, Director of Planning and Building Department

Subject: **Furber Parcel Map Subdivision, Coastal Development Permit, Conditional Use Permit and Special Permit Extension**
Application Number 13467
Case Numbers PMS-02-026XX, CDP-02-104XX, CUP-02-037, SP-02-110XX
Assessor Parcel Number (APN) 511-021-003
1050 Gassaway Road, McKinleyville Area

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Please contact Tricia Shortridge at (707) 268-3704, or by email at tshortridge@co.humboldt.ca.us if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
August 24, 2017	Parcel Map Subdivision, Coastal Development Permit, Conditional Use Permit, and a Special Permit Extension	Tricia Shortridge

Project: A two-year extension of a Parcel Map Subdivision, Coastal Development Permit, Conditional Use Permit and Special Permit (PMS-02-026X, CDP-02-104X, CUP-02-037X, SP-02-110X), originally approved February 2, 2006. The original project consisted of the subdivision of an approximately one acre parcel into three (3) parcels ranging in size from 6,000 square feet (net) to ± 21,400 square feet (net). A Coastal Development Permit is required for both the subdivision and to bring the existing secondary dwelling unit (SDU) into compliance. Because the SDU is over 1,000 square feet in size, a Conditional Use Permit is also required. Besides the residences, proposed Parcel 1 is developed with two (2) 64 square feet movable sheds. The remaining proposed parcels are vacant. An exception to the required road width and lot frontage standards is requested pursuant to H.C.C. Section 325-9. An exception to the 100 foot riparian corridor buffer setback from Widow White Creek is also requested based on a Biological Report prepared for the project and approved by the Department of Fish and Game. Water and sewer services are to be provided by the McKinleyville Community Services District. **No change to the original project is proposed. This is the second extension requested and if approved, the extension will expire on March 2, 2019.**

Project Location: The project site is located in Humboldt County, in the McKinleyville area, at the southwest corner of the intersection of Gassaway Road with Halfway Avenue, on the property known as 1050 Gassaway Road.

Present Plan Designation: Residential Low Density (RL). McKinleyville Community Plan/McKinleyville Area Plan (MCCP/MCAP). Densities: 1 to 7 units per acre RL (MCCP). 3 to 7 units per acre (MCAP). Slope Stability: D_o: Relatively Stable.

Present Zoning: Inland: Residential One Family in addition to the Manufactured Home and Airport Safety Review combining zones (R-1-T-AP). Coastal: Residential Single-Family specifying a 5,000 square foot minimum parcel size in addition to the Airport Safety Review and Noise Impact combining zones (RS-5/AP, N).

Case Numbers: PMS-02-026XX, CDP-02-104XX, CUP-02-037, SP-02-110XX

Application Number: 13467

Assessor Parcel Number: 511-021-003

Applicant

Don Furber
1945 Golf Course Road
Bayside, CA 95524

Owner(s)

Same as Applicant

Agent

Environmental Review: A Mitigated Negative Declaration of Environmental Impact (SCH# 2005122125) was adopted February 2, 2006.

Major Issues: Streamside Management Area, Noise Impact.

State Appeal Status: Project is appealable to the California Coastal Commission.

**FURBER EXTENSIONS FOR PARCEL MAP SUBDIVISION,
COASTAL DEVELOPMENT PERMIT, CONDITIONAL USE PERMIT, AND SPECIAL PERMIT**

Case Numbers PMS-02-026XX, CDP-02-104XX, CUP-02-037, SP-02-110XX

Assessor Parcel Number 511-021-003

RECOMMENDED COMMISSION ACTION:

1. Describe the application as part of the Consent Agenda;
2. Survey the audience for any person who would like to discuss the application;
3. If no one requests discussion, make the following motion to approve the application as a part of the consent agenda:

"I move to make all of the required findings, based on evidence in the staff report, and approve the application(s) on the Consent Agenda subject to the recommended conditions of approval."

Staff Analysis of the Evidence Supporting the Required Findings

Sections 66452.6(e) and 66463.5(c) of the California Government Code (Subdivision Map Act) and Sections 326-21 and 326-31 (Filing of Final and Parcel Maps) of the Humboldt County Code Zoning Regulations establishes the authority to grant time extensions for approved or conditionally approved tentative maps when it can be found that the findings and conditions of the original project have not changed significantly.

Recommendation:

The findings and conditions of the original project have not changed significantly based on the following analysis.

Staff Analysis:

The original project involved the subdivision of an approximately one acre parcel into three (3) parcels ranging in size from 6,000 sf (net) to ± 21,400 sf (net). A Coastal Development Permit is required for both the subdivision and to bring the existing second unit into compliance. Because the SDU is > 1,000 sf in size, Conditional Use Permit is also required. Besides the residences, proposed Parcel 1 is developed with two (2) 64 sq. ft. movable sheds. The remaining proposed parcels are vacant. An exception to the required road width and lot frontage standards is requested pursuant to H.C.C. Section 325-9. An exception to the 100 foot riparian corridor buffer setback from Widow White Creek is also requested based on a Biological Report prepared for the project and approved by the Department of Fish and Game. Water and sewer services are to be provided by the McKinleyville Community Services District. **No change to the original project is proposed.**

The Applicant states the conditions of the property have not changed since the original application/approval of PMS-02-26/CDP-02-104/CUP-02-37/SP-02-110. This is the second extension and, if approved, the extension will expire on March 2, 2019.

The Planning Department has circulated requests for input relative to the extension petition and has received no comments against the petition being granted. It is staff's opinion that **the findings and conditions of the original project, effective March 2, 2006, have not changed significantly based on the following staff analysis, and are applicable to the proposed extension because:**

1. The parcel's zoning, Residential One Family in addition to the Manufactured Home and Airport Safety Review combining zones (R-1-T-AP) and Residential Single-Family specifying a 5,000 square foot minimum parcel size in addition to the Airport Safety Review and Noise Impact combining zones (RS-5/AP, N), for which conformance findings were made, have not changed.
2. The General Plan Land Use designation, Residential Low Density (RL), for which consistency findings were made, have not changed.
3. The applicable development standards, for which the original project was evaluated, have not changed.
4. The applicable design standards, for which the project was evaluated, have not changed.
5. All other standards and requirements to which the project is subject and as administered by other departments or agencies have not changed.
6. A Mitigated Negative Declaration of Environmental Impact (SCH# 2005122125) was adopted effective with the approval of the original project. No new evidence has arisen to indicate that additional review under the California Environmental Quality Act (CEQA) is necessary.

Referral agencies have recommended approval of the extension.

ALTERNATIVES: The Planning Commission could elect not to approve the extensions. This alternative should be implemented if your Commission is unable to make all of the required findings per H.C.C. Sections 326-21 or 326-31. Planning Division staff has found that the required findings can be made. Consequently, planning staff does not recommend further consideration of this alternative.

Note: If the extension is denied, a fifteen calendar day appeal begins the next business day. Appeals must be filed with both the Planning Division and the Clerk of the Board of Supervisors. There is no appeal period for approved map extensions.

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT**

Resolution Number 17-

**MAKING THE REQUIRED FINDINGS FOR CERTIFYING COMPLIANCE WITH THE CALIFORNIA
ENVIRONMENTAL QUALITY ACT AND CONDITIONALLY APPROVING THE FURBER PARCEL MAP
SUBDIVISION, COASTAL DEVELOPMENT PERMIT, CONDITIONAL USE PERMIT AND SPECIAL PERMIT
EXTENSION APPLICATION**

**CASE NUMBERS: PMS-02-026XX/CDP-02-104XX/CUP-02-037XX/SP-02-110XX;
ASSESSOR PARCEL NUMBER: 511-021-003**

WHEREAS, Don Furber, submitted an application and evidence in support of approving the Parcel Map Subdivision, Coastal Development Permit, Conditional Use Permit and Special Permit Extension; and

WHEREAS, the County Planning Division reviewed the submitted application and evidence and referred the application and evidence to reviewing agencies for site inspections, comments and recommendations; and

WHEREAS, the project is subject to environmental review pursuant to the California Environmental Quality Act (CEQA); and

WHEREAS, the County Planning Commission on February 2, 2006 adopted a Mitigated Negative Declaration; and

WHEREAS, the Planning Division staff report includes evidence in support of making all of the required findings for approving the proposed Parcel Map Subdivision, Coastal Development Permit, Conditional Use Permit and Special Permit Extension request;

NOW, THEREFORE, be it resolved, determined, and ordered by the Planning Commission that:

1. A Mitigated Negative Declaration for the original project was adopted on February 2, 2006 pursuant to CEQA and finds that there is no substantial evidence that the proposed project extension will have a significant effect on the environment;
2. The findings in H.C.C. [§ 326-21 & § 312-11.3] in Attachment 2 of the staff report support approval for Case Numbers: PMS-02-026XX/CDP-02-104XX/CUP-02-037XX/SP-02-110XX based on the submitted evidence.
3. Approves the proposed Parcel Map Subdivision and Special Permit Extension as recommended and conditioned in the Planning Division staff report for Case Numbers: PMS-02-026XX/CDP-02-104XX/CUP-02-037XX/SP-02-110XX.

Adopted after review and consideration of all the evidence on August 24, 2017.

The motion was made by Commissioner _____ and seconded by Commissioner _____.

AYES: Commissioners:

NOES: Commissioners:

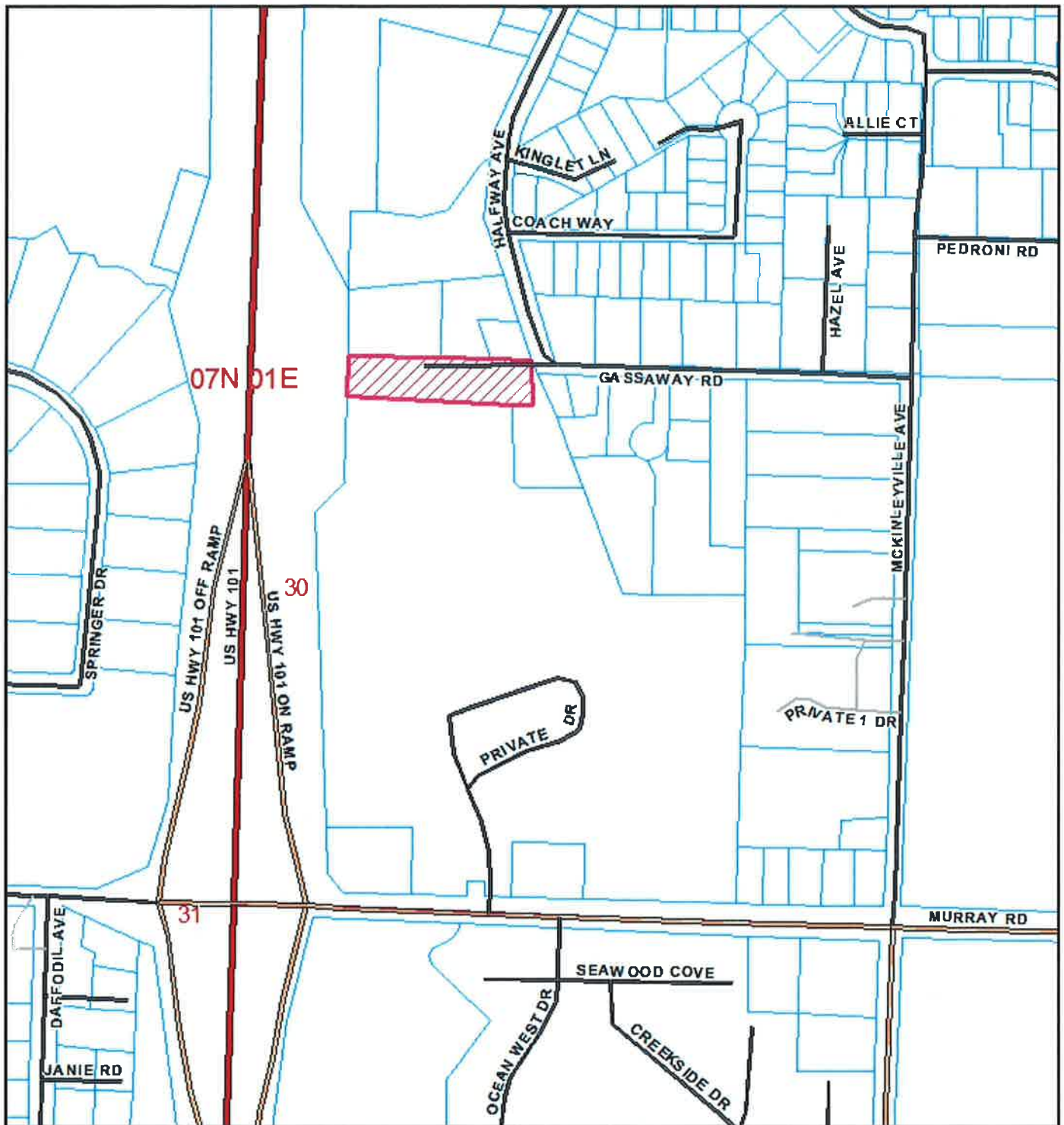
ABSTAIN: Commissioners:

ABSENT: Commissioners:

DECISION:

I, John Ford, Secretary to the Planning Commission of the County of Humboldt, do hereby certify the foregoing to be a true and correct record of the action taken on the above entitled matter by said Commission at a meeting held on the date noted above.

John Ford,
Director, Planning and Building Department



Project Area = 

LOCATION MAP

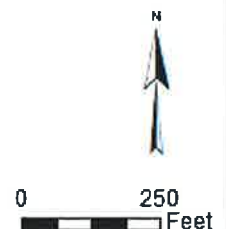
**PROPOSED FURBER EXTENSION
PARCEL MAP SUBDIVISION, CONDITIONAL USE PERMIT,
COASTAL DEVELOPMENT PERMIT & SPECIAL PERMIT
MCKINLEYVILLE AREA**

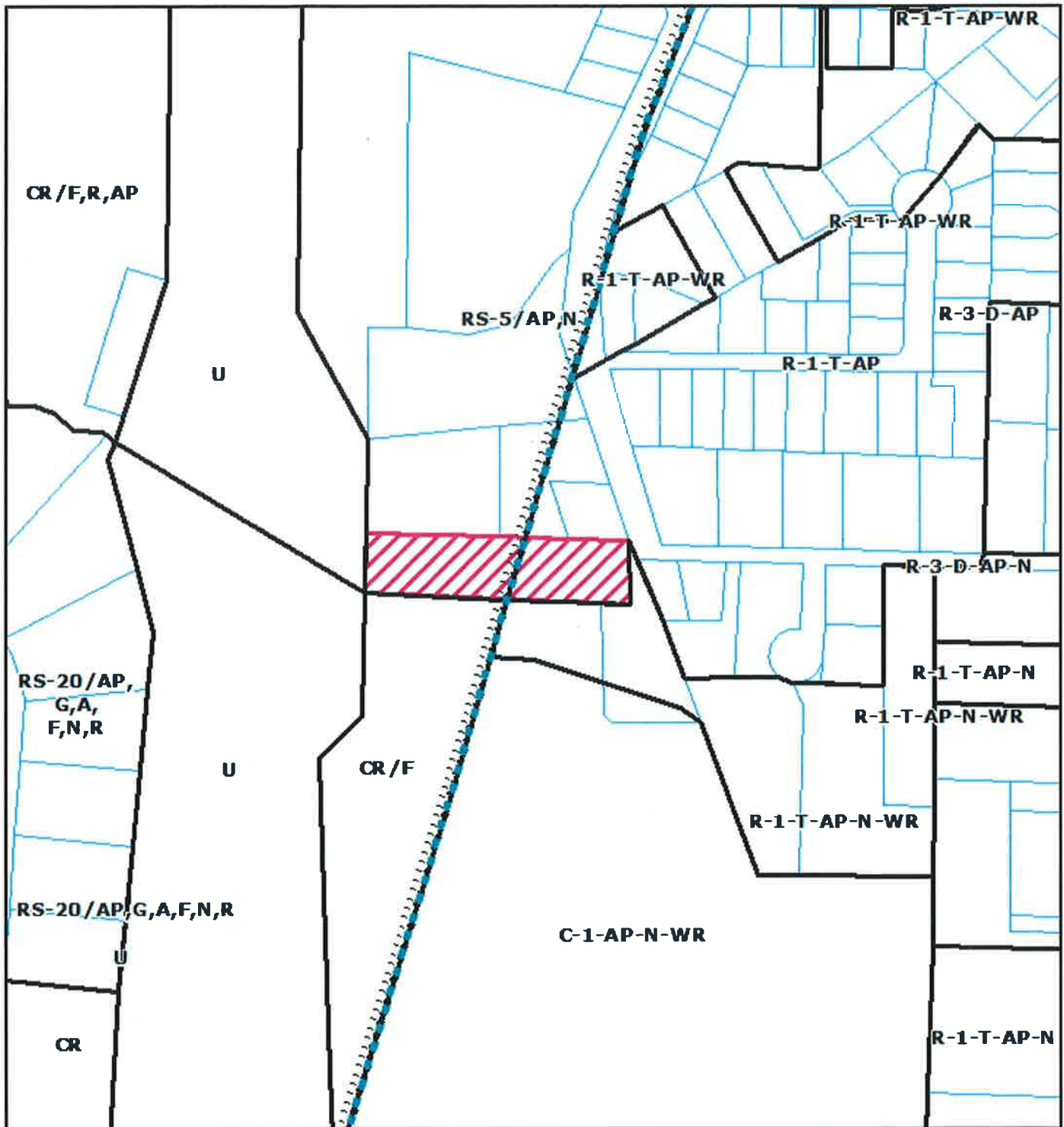
PMS-02-26XX/CUP-02-32XX/CDP-02-104XX/SP-02-110XX

APN: 511-021-003

T07N R01E S30 HB&M (Arcata North)

This map is intended for display purposes and
should not be used for precise measurement or
navigation. Data has not been completely checked
for accuracy.





Coastal Zone Boundary 

ZONING MAP

Project Area = 

**PROPOSED FURBER EXTENSION
PARCEL MAP SUBDIVISION, CONDITIONAL USE PERMIT,
COASTAL DEVELOPMENT PERMIT & SPECIAL PERMIT
MCKINLEYVILLE AREA**

PMS-02-26XX/CUP-02-32XX/CDP-02-104XX/SP-02-110XX

APN: 511-021-003

T07N R01E S30 HB&M (Arcata North)

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for accuracy.



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Feet



POR. SW1/4, SEC. 30, T.7N., R.1E.

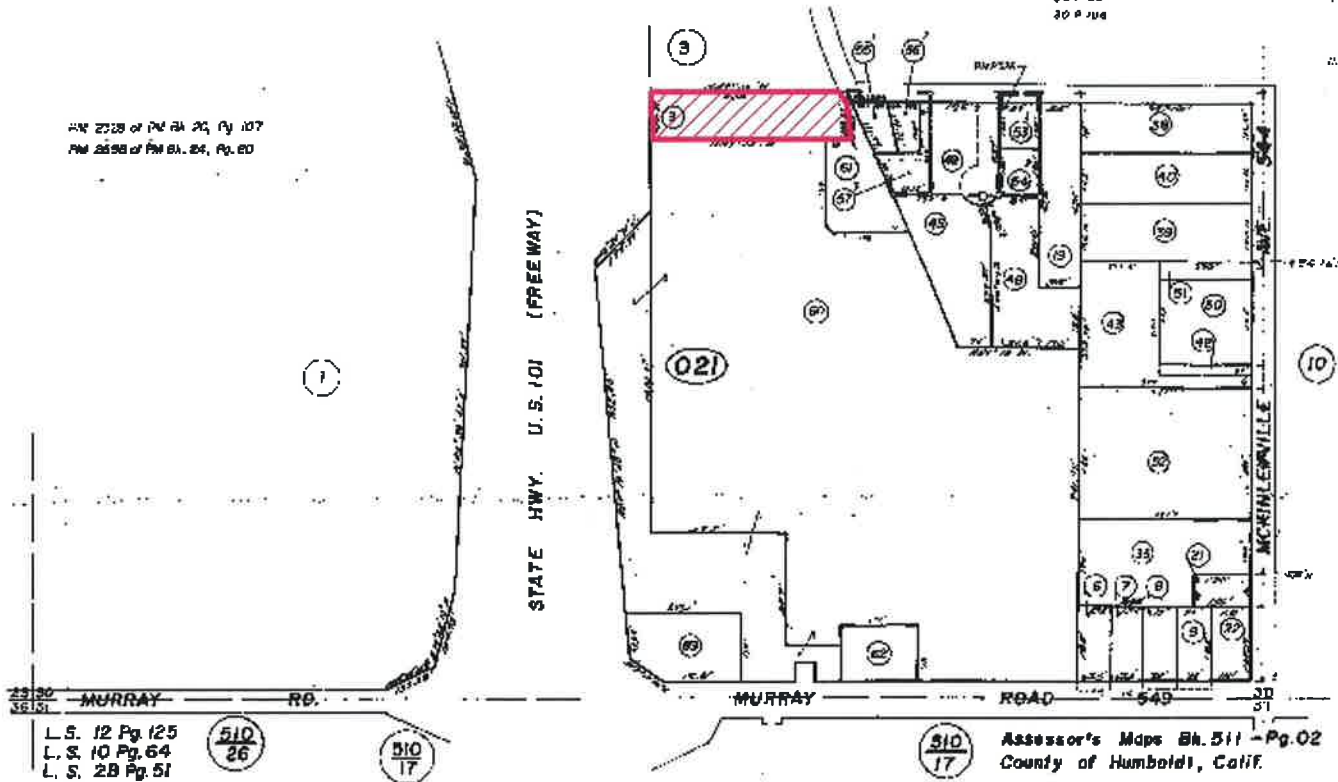
Tax Area Code

511-02

705 Bl. 50, Pgs. 02-03

L.R. 24 P. 13
25 P. 59
26 P. 50
27 P. 104

Map 2528 of P.M. Bl. 24, Pg. 107
P.M. 2658 of P.M. Bl. 24, Pg. 20



NOTE - Assessor's Block Numbers Shown in Ellipses
Assessor's Parcel Numbers Shown in Circles

Assessor's Maps Bl. 511 - Pg. 02
County of Humboldt, Calif.

Project Area = 

ASSESSOR PARCEL MAP

**PROPOSED FURBER EXTENSION
PARCEL MAP SUBDIVISION, CONDITIONAL USE PERMIT,
COASTAL DEVELOPMENT PERMIT & SPECIAL PERMIT
MCKINLEYVILLE AREA**

PMS-02-26XX/CUP-02-32XX/CDP-02-104XX/SP-02-110XX

APN: 511-021-003

T07N R01E S30 HB&M (Arcata North)

MAP NOT TO SCALE

This map is intended for display purposes and
should not be used for precise measurement or
navigation. Data has not been completely checked
for accuracy.



Project Area = 

AERIAL MAP

**PROPOSED FURBER EXTENSION
PARCEL MAP SUBDIVISION, CONDITIONAL USE PERMIT,
COASTAL DEVELOPMENT PERMIT & SPECIAL PERMIT
MCKINLEYVILLE AREA**

PMS-02-26XX/CUP-02-32XX/CDP-02-104XX/SP-02-110XX

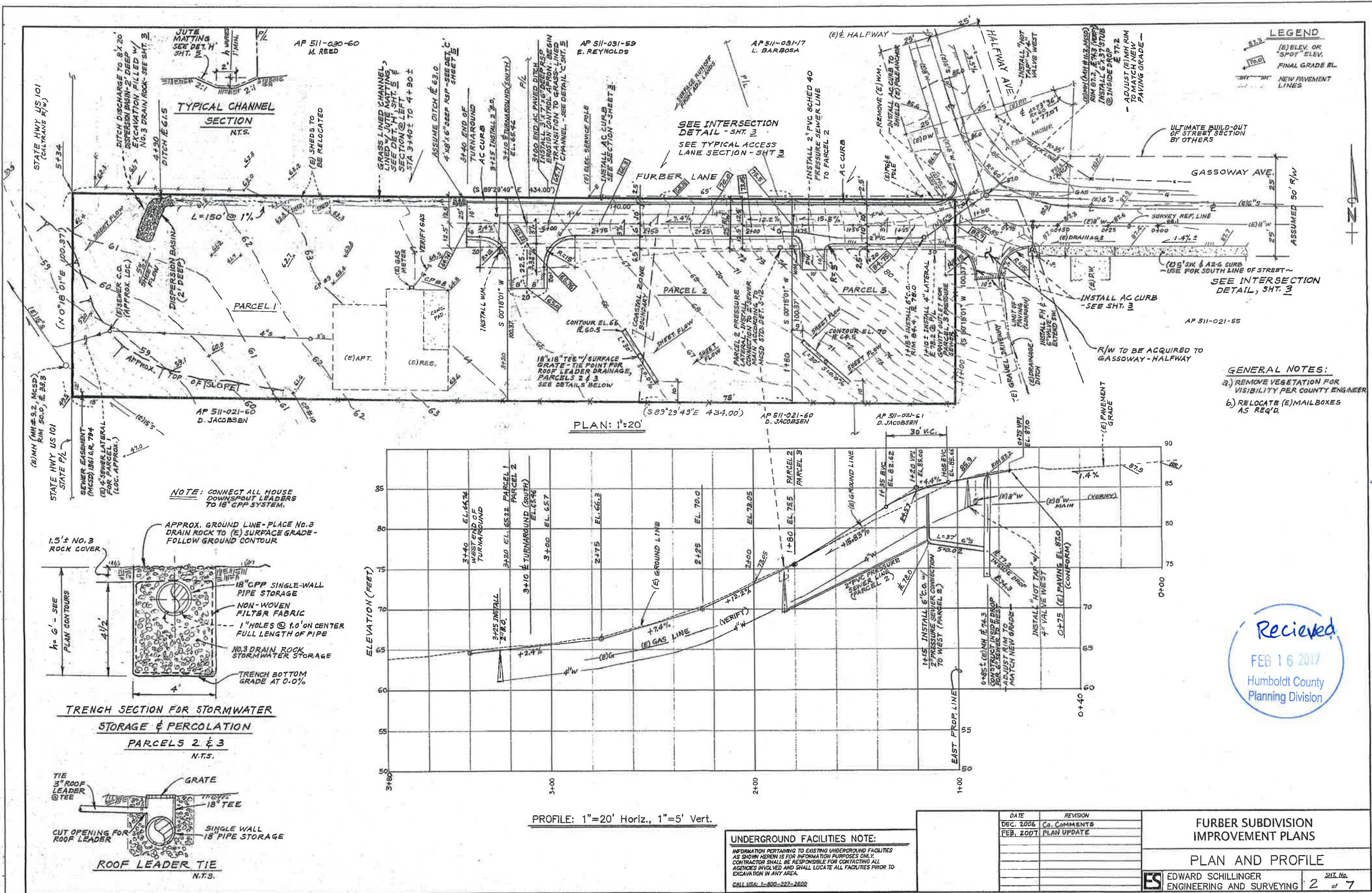
APN: 511-021-003

T07N R01E S30 HB&M (Arcata North)

This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.



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Feet



ATTACHMENT 1

Conditions of Approval

The conditions of approval effective March 6, 2006, shall remain in full force and effect and are not affected by this extension.

NOTE: THE ORIGINAL STAFF REPORT AND SUPPORTING DOCUMENTATION IS ON FILE WITH THE PLANNING DIVISION AND AVAILABLE FOR PUBLIC INSPECTION.

ATTACHMENT 2

Original Conditions of Approval

ATTACHMENT 1
RECOMMENDED CONDITIONS OF APPROVAL

APPROVAL OF THE TENTATIVE MAP IS CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS WHICH MUST BE SATISFIED BEFORE THE PARCEL MAP MAY BE RECORDED:

1. All taxes to which the property is subject shall be paid in full if payable, or secured if not yet payable, to the satisfaction of the County Tax Collector's Office, and all special assessments on the property must be paid or reapportioned to the satisfaction of the affected assessment district. Please contact the Tax Collector's Office approximately three to four weeks prior to filing the parcel or final map to satisfy this condition. This requirement will be administered by the Department of Public Works.
2. The conditions on the Department of Public Works referral dated December 8, 2005, included herein as Exhibit A of Attachment 1, shall be completed or secured to the satisfaction of that department. Prior to performing any work on the improvements, contact the Land Use Division of the Department of Public Works.
3. The Planning Division requires that two (2) copies of the Parcel Map be submitted for review and approval. Net and gross lot area shall be shown for each parcel or lot.
4. Water and sewer services shall be extended onto each lot to the specifications of the McKinleyville Community Services District (MCSD) and to the satisfaction of the Department of Public Works (DPW).
5. Prior to recordation of the Parcel Map, the applicant shall submit a letter from the Arcata Fire Protection District stating that the project meets their requirements.
6. The applicant shall submit at least three (3) copies of a Development Plan for all parcels to the Planning Division for review and approval. The map shall be drawn to scale and give detailed specifications as to the development and improvement of the site, and shall include Items 6(a) through 6(f) of the Public Works Memorandum dated December 8, 2005, included herein as Exhibit A of Attachment 1, and the following site development details:

A. Mapping:

- (1) Topography of the land in 1-foot contours.
- (2) Development standards for Lots 2 and 3: setbacks, maximum lot coverage, maximum height, and four (4) independently accessible parking spaces outside the front yard setback.
- (3) Development standards for Lot 1: setbacks, maximum lot coverage, maximum height, and a total of six (6) parking spaces, of which four are independently accessible and are outside the front yard setback.
- (4) The location of the 50' SMA setback with the portions within the SMA labeled "non-buildable".
- (5) The location of the fence at the south side of each parcel located at least 50' from the stream transition line of Norton Creek. This permanent fence can be split-rail or more decorative in nature as its purpose is to delineate the setback, not for privacy. Evidence shall be provided to the Planning Division that MRB or another qualified biologist staked the setback and marked appropriately so that the location of the fence is precise.
- (6) The location of the solid wood plank (no gaps between boards) or block wall 6' in height between the <e> residence on Lot 1 and the western property line. For more information on building materials and federal noise attenuation standards, please visit the EPA's website at: <http://www.epa.gov/history/noise.htm>.

B. Notes to be placed on the Development Plan:

- (1) "The project site is located within an area where known cultural resources have been located. As there exists the possibility that undiscovered cultural resources may be encountered during construction activities, the following mitigation measures are required under state and federal law:

- If cultural resources are encountered, all work must cease and a qualified cultural resources specialist contacted to analyze the significance of the find and formulate further mitigation (e.g., project relocation, excavation plan, protective cover).
- Pursuant to California Health and Safety Code §7050.5, if human remains are encountered, all work must cease and the County Coroner contacted.

"The applicant and successors in interest are ultimately responsible for ensuring compliance with this condition."

- Prior to any ground disturbing activities, the owner/applicant/contractor shall contact the Table Bluff Wiyot Tribe (707-733-5055) to coordinate the presence of an approved monitor. Should any cultural or archaeological artifacts or remains be unearthed during these activities, the monitor shall intervene appropriately. In the event that human remains are discovered, all work shall stop and the Humboldt County Coroner shall be contacted immediately.

- (2) "Hours of construction for on- and off-site improvements shall be restricted to Monday thru Friday from 8:00 am to 6:00 pm, Saturday from 9:00 am to 5:00 pm, with no construction activity on Sunday."
- (3) "No development shall occur within the 50' SMA/riparian corridor setback unless approved by the Planning Division."
- (4) "All development shall adhere to the findings and recommendations in the adopted Mitigated Negative Declaration."
- (5) "Please note that the information and requirements described and/or depicted on this Development Plan are current at the time of preparation but may be superceded or modified by changes to the laws and regulations governing development activities. Before commencing a development project, please contact the Planning Division to verify if any standards or requirements have changed."

7. The applicant shall cause to be recorded a "Notice of Development Plan" on forms provided by the Humboldt County Planning Division. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (**currently \$146.00 plus applicable recordation fees**) will be required. The Development Plan shall also be noticed on the Parcel Map.

8. Parkland dedication fees of \$4,602.00 (total) shall be paid to the Humboldt County Planning and Building Department, 3015 "H" Street, Eureka. Alternately, a parkland dedication fee of \$3,068.00 (total) may be paid, provided the applicant enters into a Conveyance and Agreement of development rights with the County of Humboldt for second or secondary dwelling units on Parcels 2 and 3. Release from the Conveyance and Agreement may be pursued upon payment of the \$3,068.00 parkland dedication fee balance. A copy of the Conveyance and Agreement form with *pro-rata* dedication payments amounts for each lot calculated will be provided by the Planning Division upon the election of this option by the applicant once the Parcel Map is prepared and approved for recordation. These fees may be paid for by individual lot owners on a *pro-rata* basis at the time individual lot owners apply for a permit to construct a second or secondary dwelling unit. Should the applicant elect to enter into a Conveyance and Agreement, legal document review fees as set forth in the schedule of fees and charges as adopted by

ordinance of the Humboldt County Board of Supervisors (currently \$146.00 plus applicable recordation fees) will be required. (\$80 LUD review, \$55 Planning review, \$11 Planning Notary)

9. A map revision fee as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$77.00 per parcel) as required by the County Assessor's Office shall be paid to the Humboldt County Planning Division, 3015 H Street, Eureka. The check shall be made payable to the "Humboldt County Planning Division". The fee is required to cover the Assessor's cost in updating the parcel boundaries.
10. A review fee for Conformance with Conditions as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$95.00) shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka. This fee is a deposit, and if actual review costs exceed this amount, additional fees will be billed at the County's current burdened hourly rate. Please see Informational Note 1 below for suggestions to minimize the cost for this review.
11. Prior to recordation of the Parcel Map, the applicant shall submit a letter from the Pacific Gas and Electric Company stating that the project meets their requirements.
12. The applicant shall dedicate an overflight easement to the County of Humboldt. Contact the Land Use Division of the Department of Public Works for the required form and instructions.
13. A building permit for the conversion of the residence into a single family dwelling with attached secondary dwelling unit shall be secured from the Building Division. Contact the Building Division at (707) 445-7245 for further information regarding this requirement.
14. Prior to the recordation of the Parcel Map, the fencing required for delineation of the SMA buffer and the sound wall on Parcel 1 shall be completed to the satisfaction of the Planning Division. SMA buffer fencing on Parcels 2 and 3 may be deferred to the time a building permit is requested for development on these lots.
15. Within five (5) days of the effective date of the approval of this permit, the applicant shall submit a check to the Planning Division, made out to the Humboldt County Recorder, in the amount of \$25 pursuant to Section 7.11.4 of the Fish & Game Code.

Informational Notes:

1. To minimize costs the applicant is encouraged to bring in written evidence* of compliance with all of the items listed as conditions of approval in this Exhibit that are administered by the Planning Division. The applicant should submit the listed item(s) for review as a package as early as possible before the desired date for final map checking and recordation. Post application assistance by the Assigned Planner, with prior appointment, will be subject to a Special Services Fee for planning services billed at the County's current burdened hourly rate. Contact the Planning Division for copies of all required forms and written instructions.

Each item evidencing compliance except legal documents to be recorded should note in the upper right hand corner:

Assessor's Parcel No. _____ Condition _____
(Specify) (Specify)

2. The project site is not located within an area where known cultural resources have been located. However, as there exists the possibility that undiscovered cultural resources might be encountered during construction activities, the following mitigation measures are required under state and federal law:

If cultural resources are encountered, all work must cease and a qualified cultural resources specialist contacted to analyze the significance of the find and formulate further mitigation (e.g., project relocation, excavation plan, protective cover).

Pursuant to California Health and Safety Code §7050.5, if human remains are encountered, all work must cease and the County Coroner contacted."

3. Under state planning and zoning law (CGC §66000 *et seq.*), a development project applicant who believes that a fee or other exaction imposed as a condition of project approval is excessive or inappropriately assessed may, within 90 days of the applicable date of the project's approval, file a written statement with the local agency stating the factual basis of their payment dispute. The applicant may then, within 180 days of the effective date of the fee's imposition, file an action against the local agency to set aside or adjust the challenged fee or exaction.
4. The term of the Coastal Development Permit and Conditional Use Permit shall be for 24 months from the effective date of approval, to coincide with the approved tentative map. Extensions may be permitted consistent with the provisions of the Humboldt County Code.