



**COUNTY OF HUMBOLDT**  
**PLANNING AND BUILDING DEPARTMENT**  
**CURRENT PLANNING DIVISION**

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

Hearing Date: April 6, 2017

To: Humboldt County Planning Commission

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

Subject: **Johnston Parcel Map Subdivision Extension**  
Application Number 10537  
Case Number PMS-05-019XX  
Assessor Parcel Number (APN) 509-113-010-000  
1865 Lime Avenue, McKinleyville area

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Please contact Trevor Estlow at (707) 268-3740, or by email at [trestlow@co.humboldt.ca.us](mailto:trestlow@co.humboldt.ca.us) if you have any questions about the scheduled public hearing item.

**AGENDA ITEM TRANSMITTAL**

<b>Hearing Date</b> April 6, 2017	<b>Subject</b> Parcel Map Subdivision Extension	<b>Contact</b> Trevor Estlow
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**Project:** A second, two-year extension of a Parcel Map Subdivision (PMS-05-19), originally approved May 18, 2006 and extended once by the applicant and automatically by several Assembly Bills. The project consisted of a subdivision to create three parcels of 7,980 square feet, 6,975 square feet and 6,045 square feet. The parcel is currently 21,000 square feet in size and is developed with one single family residence that will remain on proposed Parcel 1. The project will require the removal of several mature Cypress trees to complete road improvements on First Street. The existing and proposed development is and will be served by community water and sewer. **No change to the original project is proposed. This is the second extension requested by the applicant, and if approved, the extension will expire on May 31, 2018.**

**Project Location:** The project site is located in the McKinleyville Area, on the east side of Lime Avenue, at the northeast corner of the intersection of Lime Avenue with First Street, on the property known as 1865 Lime Avenue.

**Present Plan Designation:** Residential, Low Density (RL). McKinleyville Community Plan (MCCP). Density: 1 – 7 units per acre. Slope Stability: Relatively Stable.

**Present Zoning:** Residential One-Family with a 6,000 square foot minimum parcel size and a combining zone for Noise Impacts (R-1-B-6-S-N).

**Case Numbers:** PMS-05-019XX

**Application Number:** 10537

**Assessor Parcel Number:** 509-113-010-000

<b>Applicant</b>	<b>Owner(s)</b>	<b>Agent</b>
Dwayne Johnston 1865 Lime Avenue McKinleyville, CA 95519	same as applicant	

**Environmental Review:** Project is exempt from environmental review per Section 13515 of the CEQA Guidelines.

**Major Issues:** None

**State Appeal Status:** Project is not appealable to the California Coastal Commission.

## JOHNSTON PARCEL MAP SUBDIVISION EXTENSION

Case Number PMS-05-019XX

Assessor Parcel Number 509-113-010-000

### 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. In addition, recent legislation (AB 116, AB 208, AB 333) added sections to the Subdivision Map Act that granted automatic extensions to a tentative subdivision or parcel map which met certain criteria.

#### Recommendation:

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

#### Staff Analysis:

A two-year extension, in addition to a previously approved two-year extension and three automatic two-year extensions as allowed by three State Assembly Bills (AB 116, AB 208 and AB 333) of a Parcel Map Subdivision (PMS-05-019) originally approved May 18, 2006. The project consisted of a subdivision to create three parcels of 7,980 square feet, 6,975 square feet and 6,045 square feet. The parcel is currently 21,000 square feet in size and is developed with one single family residence that will remain on proposed Parcel 1. The project will require the removal of several mature Cypress trees to complete road improvements on First Street. The existing and proposed development is and will be served by community water and sewer. **No change to the original project is proposed.**

The applicant states that the conditions of the property have not changed since the original application/approval of PMS-05-019. This is the second applicant requested extension and, if approved, the tentative map will expire on May 31, 2018.

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 May 31, 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 with a 6,000 square foot minimum parcel size and a combining zone for Noise Impacts (R-1-B-6-S-N), for which a conformance finding was made, has not changed.
2. The General Plan Land Use designation, Residential Low Density (RL), for which a consistency finding was made, has 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. The original project was found to be exempt from environmental review per Section 13515 of the CEQA Guidelines. The County has received no evidence indicating that additional review under CEQA is necessary.

Referral agencies have recommended approval of the extension.

**ALTERNATIVES:** The Planning Commission could elect not to approve the extension. 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 JOHNSTON PARCEL MAP  
SUBDIVISION EXTENSION APPLICATION.**

**CASE NUMBER: PMS-05-019XX; ASSESSOR PARCEL NUMBER: 509-113-010-000**

**WHEREAS**, Dwayne Johnston submitted an application and evidence in support of approving the Parcel Map Subdivision Extension; and

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

**WHEREAS**, the project is exempt from environmental review per Section 13515 of the California Environmental Quality Act (CEQA); 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 Extension request;

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

1. The Planning Commission did find the project exempt from environmental review 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 Planning Commission makes the findings in H.C.C. [§ 326-21] in the Planning Division staff report for Case Number: PMS-05-019XX based on the submitted evidence.
3. The Planning Commission approves the proposed Parcel Map Subdivision Extension as recommended and conditioned in the Planning Division staff report for Case Number: PMS-05-019XX.

Adopted after review and consideration of all the evidence on April 6, 2017.

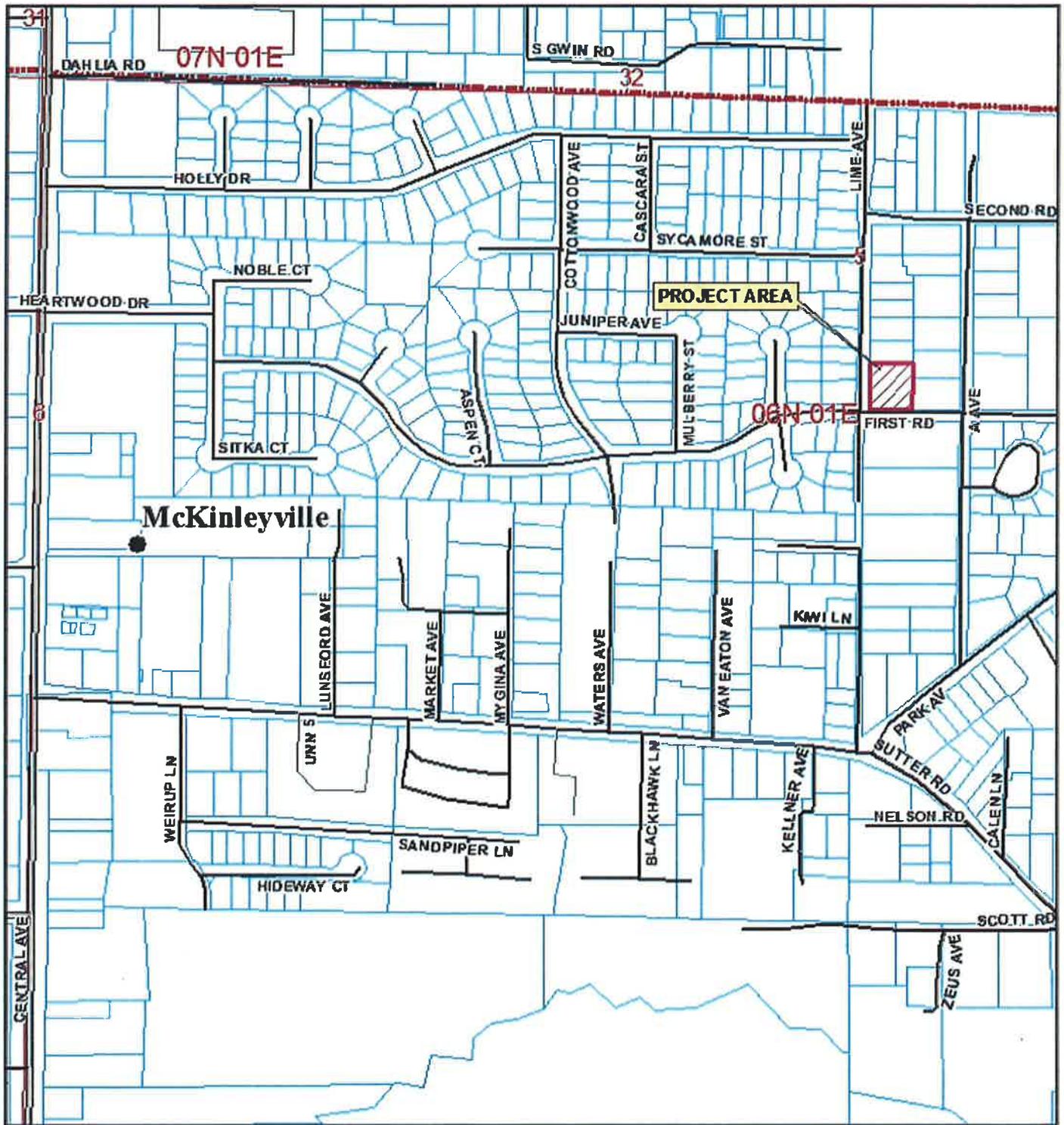
The motion was made by Commissioner \_\_\_\_\_ and seconded by  
Commissioner \_\_\_\_\_.

AYES: Commissioners:  
NOES: Commissioners:  
ABSTAIN: Commissioners:  
ABSENT: Commissioners:  
DECISION:

\_\_\_\_\_  
Robert Morris, Chair

I, Suzanne Lippre, Clerk 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.

\_\_\_\_\_  
Suzanne Lippre, Clerk



**LOCATION MAP**

**PROPOSED JOHNSTON  
PARCEL MAP SUBDIVISION EXTENSION  
MCKINLEYVILLE AREA**

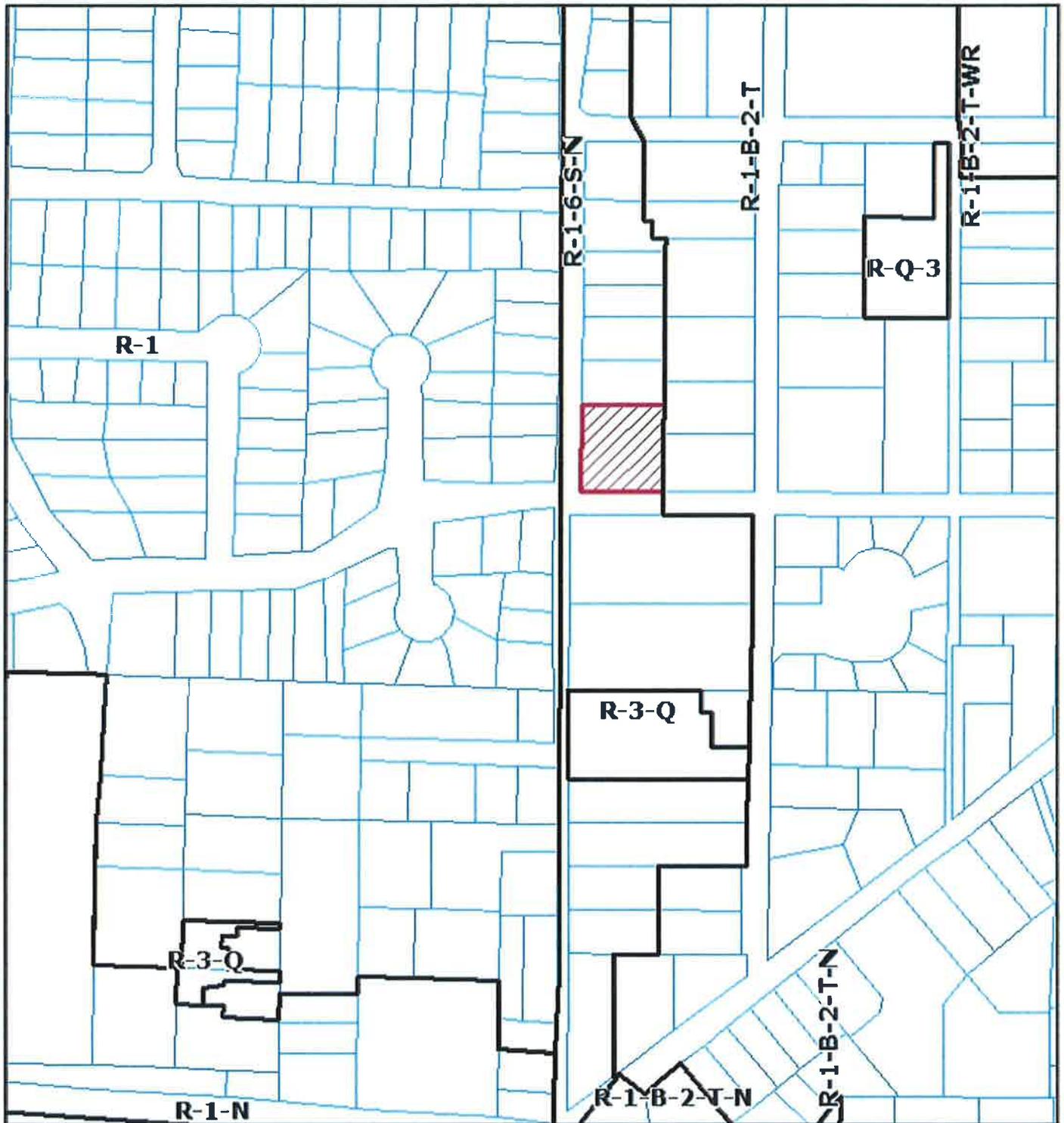
**PMS-05-019XX  
APN: 509-113-010**

**T06N R01E S05 HB&M (Arcata North)**

**Project Area =** 

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.





**ZONING MAP**

**PROPOSED JOHNSTON  
 PARCEL MAP SUBDIVISION EXTENSION  
 MCKINLEYVILLE AREA  
 PMS-05-019XX  
 APN: 509-113-010  
 T06N R01E S05 HB&M (Arcata North)**

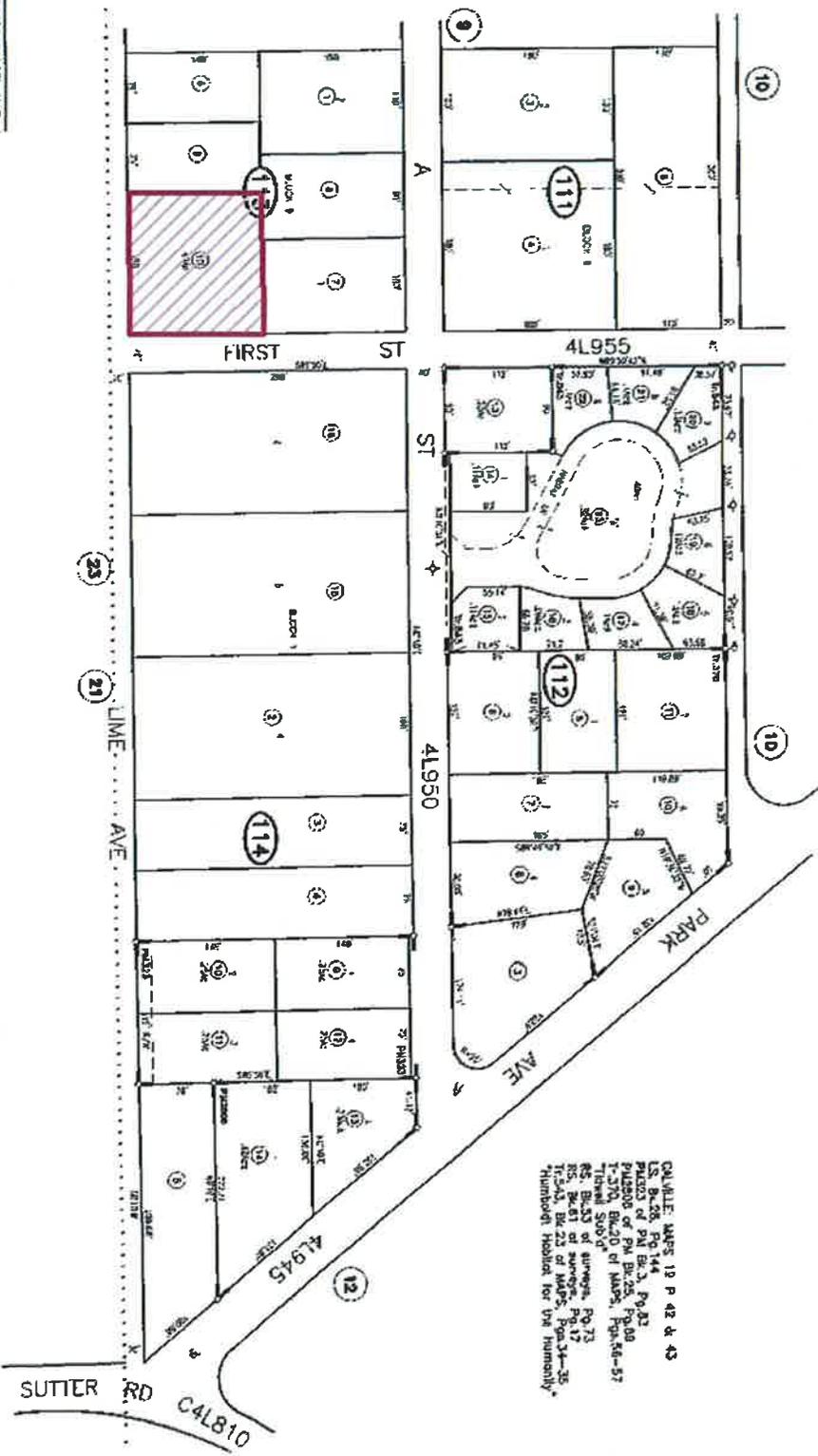
**Project Area =** 

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PTN. NE1/4, SEC.5, T6N, R1E H.B.& M.  
(CALVILLE)

509-11



CALVILLE MAPS 10 P 42 & 43  
 LN. B-208 Pg 144  
 PARCELS of PM Bk. 2, Pg. 80  
 PARCELS of PM Bk. 25, Pg. 80  
 T-370, Bk. 10 of Maps, Pg. 54-57  
 Humboldt Herald for the Humboldt

ASSESSOR'S PARCEL MAP  
 THIS MAP WAS PREPARED FOR  
 THE COUNTY OF HUMBOLDT, CALIFORNIA  
 BY THE COUNTY ASSESSOR  
 AND IS SUBJECT TO THE  
 PROVISIONS OF THE  
 REVENUE AND TAX CODE,  
 AND THE REVENUE AND TAX CODE,  
 AND THE REVENUE AND TAX CODE.

NOTE - Assessment's Book Numbers Shown in Shaded  
 Assessment's Parcel Numbers Shown in Circles.

Assessor's Map Bk. 509, Pg. 11  
 County of Humboldt, CA.

APR 2 2003

PROJECT SITE = 

**ASSESSOR PARCEL MAP**  
**PROPOSED JOHNSTON**  
**PARCEL MAP SUBDIVISION EXTENSION**  
**MCKINLEYVILLE AREA**  
**PMS-05-019XX**  
**APN: 509-113-010**  
**T06N R01E S05 HB&M (Arcata North)**



**AERIAL MAP**

**PROPOSED JOHNSTON  
PARCEL MAP SUBDIVISION EXTENSION  
MCKINLEYVILLE AREA**

**PMS-05-019XX  
APN: 509-113-010**

**T06N R01E S05 HB&M (Arcata North)**

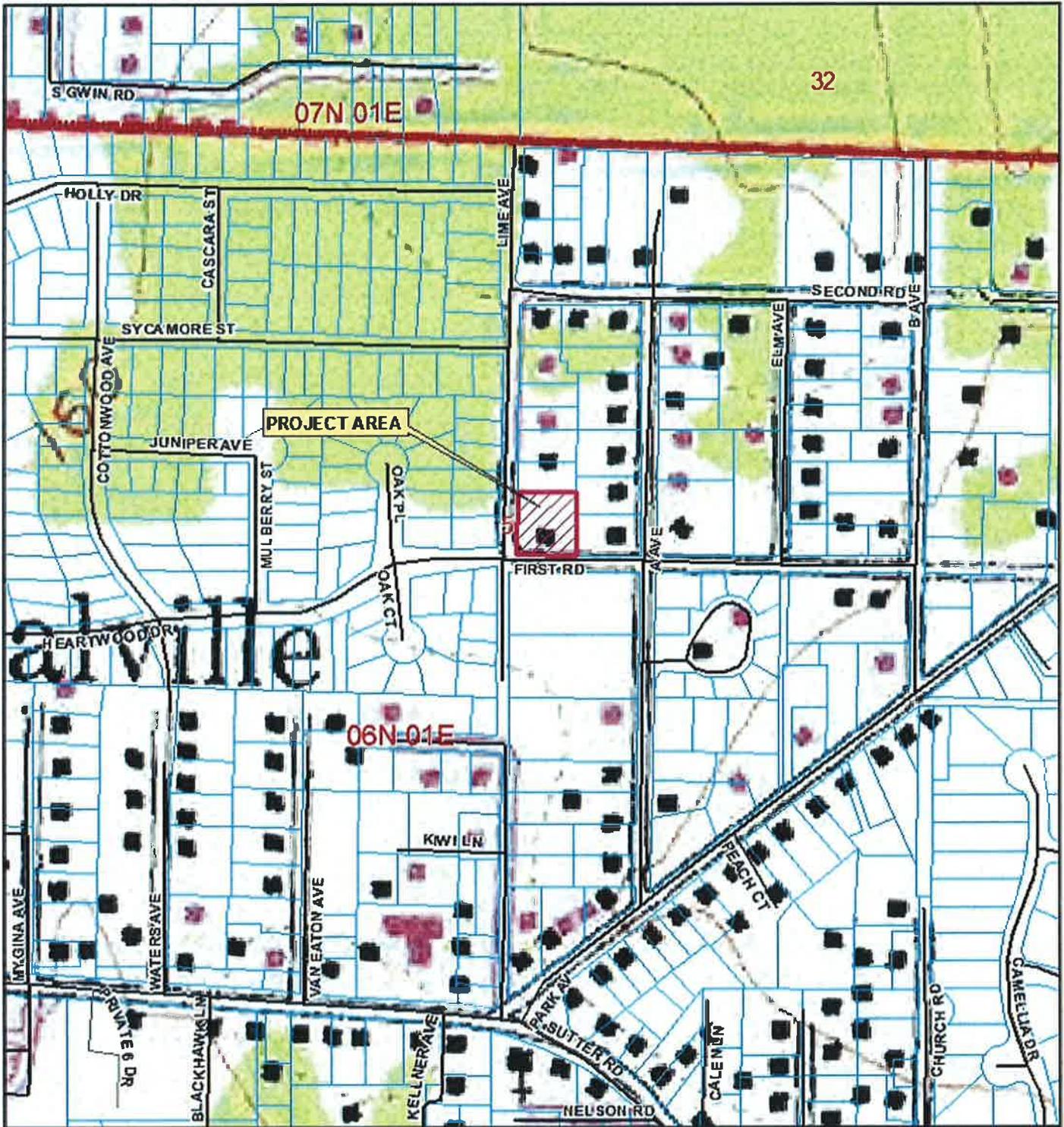
**Project Area =** 

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0 100 Feet





**TOPO MAP**

**PROPOSED JOHNSTON  
PARCEL MAP SUBDIVISION EXTENSION  
MCKINLEYVILLE AREA  
PMS-05-019XX**

**APN: 509-113-010**

**T06N R01E S05 HB&M (Arcata North)**

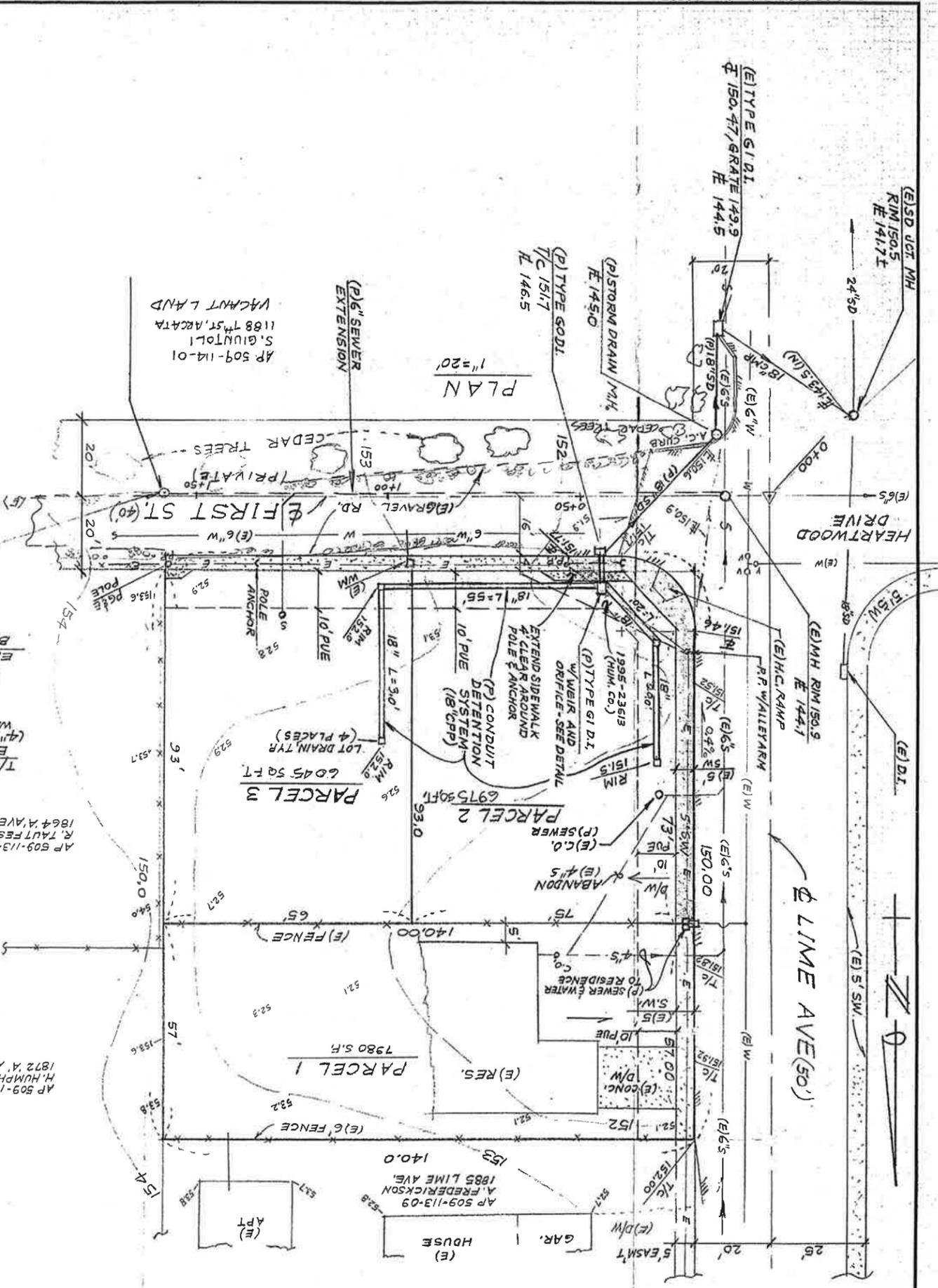
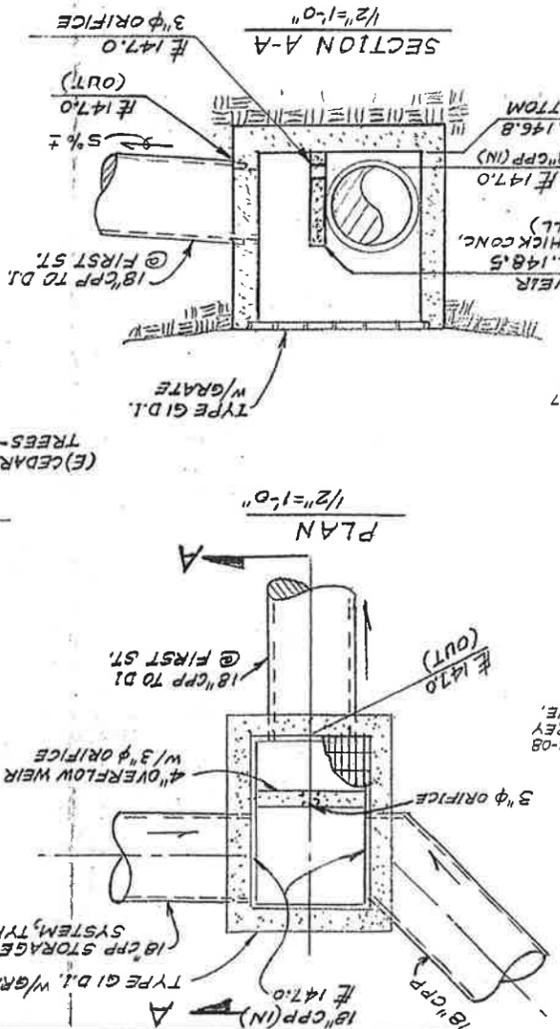
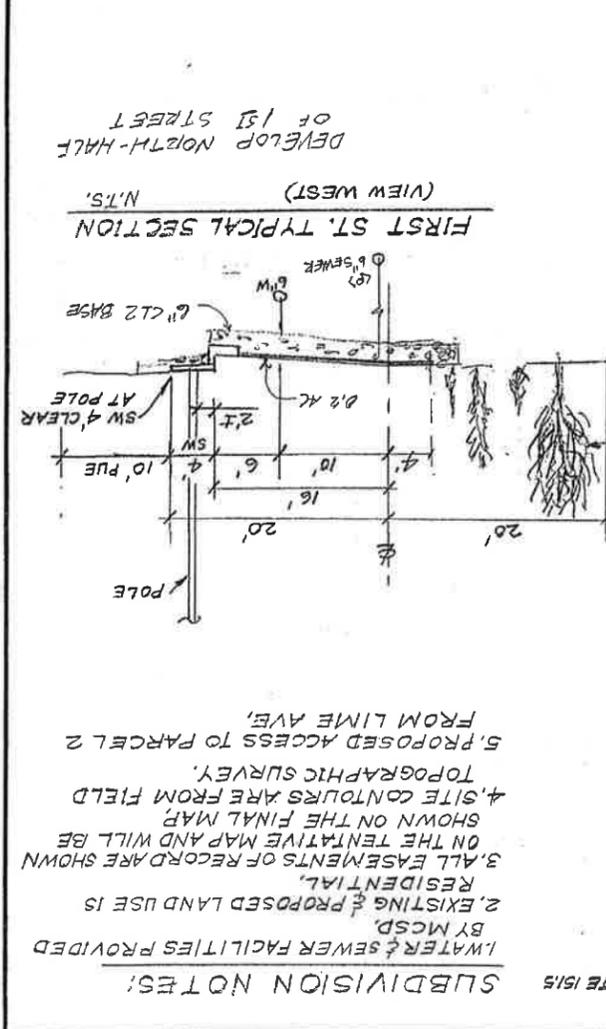
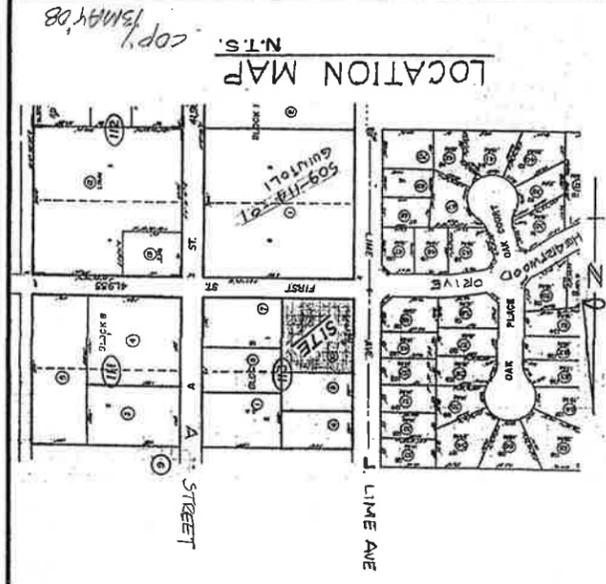
**Project Area =** 

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.



DRAWING NUMBER AR 509-113-10	
TENTATIVE MAP for: DWAYNE JOHNSTON	
APPROVED BY: L.M.S.	SCALE: 1" = 20'
DATE: 6/05	REVISED
NE 1/4 SECTION 5, T6N, R1E, H.M.	

APPLICANT:  
DWAYNE JOHNSTON  
1865 LIME AVE.  
MCKINLEYVILLE, CA.  
840-9604  
95519



SUBDIVISION NOTES:  
1. WATER & SEWER FACILITIES PROVIDED BY MCSD.  
2. EXISTING & PROPOSED LAND USE IS RESIDENTIAL.  
3. ALL EASEMENTS OF RECORD ARE SHOWN ON THE TENTATIVE MAP AND WILL BE SHOWN ON THE FINAL MAP.  
4. SITE CONTOURS ARE FROM FIELD TOPOGRAPHIC SURVEY.  
5. PROPOSED ACCESS TO PARCEL 2 FROM LIME AVE.

## **ATTACHMENT 1**

### **Conditions of Approval**

**The conditions of approval effective May 31, 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 for Johnston Parcel Map Subdivision

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

#### Conditions of Approval:

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 **March 9, 2006** included herein as Exhibit A 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. Gross and net lot area shall be shown for each parcel.
4. Prior to recordation of the Parcel Map, the applicant shall submit a letter from the McKinleyville Community Services District stating that the project meets their requirements. This condition shall be administered by the Department of Public Works.
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. This condition shall be administered by the Department of Public Works.
6. 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 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.
7. 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 reduce the cost for this review.
8. Parkland dedication fees of \$4,601.88 shall be paid to the Humboldt County Planning and Building Department, 3015 "H" Street, Eureka. Alternately, a parkland dedication fee of \$2,300.94 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 1 - 3. Release from the Conveyance and Agreement may be pursued upon payment of the \$2,300.94 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 Department 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) will be required.

9. The applicant shall submit at least three (3) copies of a Development Plan 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 5(a) through 5(f) of the Public Works Memorandum dated March 9, 2006, included herein as Exhibit A of Attachment 1, and the following site development details:

A. Mapping

- (1) Topography of the land in 2-foot contour intervals;
- (2) Proposed access, parking lanes and pedestrian ways;
- (3) Building envelopes and easements;
- (4) The location of all drainage improvements and related easements;
- (5) Two (2) off-street parking spaces on Lots 1 - 3 consistent with Section 314-109.1 Humboldt County Code;

B. Notes to be Placed on the Development Plan:

- (1) "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 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."
- (2) "The project is located in a designated non-attainment area for the state's health-based particulate matter (PM10) air quality standard. As such, additional emission from the project (construction potential of six (6) single family residences) could exacerbate air quality problems, including non-attainment of ambient air quality standards. In order to address potential effects to air quality the District recommends:
  - Prohibition of open fireplaces.
  - Heating should be provided using clean fuels (electricity or natural gas), when feasible.
  - If wood heating must be used, only US Environmental Protection Agency (EPA) certified heating appliances should be permitted in new construction."
- (3) Construction activities shall be restricted to hours between 7:00 a.m. and 6:00 p.m. Monday through Friday. All proposed uses must comply with the noise standards identified in Figure 3-2 of the General Plan.

(4) "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."

10. The applicant shall cause to be recorded a "Notice of Development Plan" for all parcels 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.

**Informational Notes:**

1. To reduce 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 (Namely: Condition(s) 3-10). The applicant should submit the listed item(s) for review as a package as soon as possible before the desired date for final map checking and recordation. Post application assistance by the Planner on Duty, or by the Assigned Planner, with prior appointment, will be subject to a review fee for Conformance with Conditions billed at the County's current burdened hourly rate with an initial deposit as set forth in the Planning Division's schedule of fees and charges (currently \$95.00). Copies of all required forms and written instructions are included in the final approval packet.

\* Each item evidencing compliance should note in the upper right hand corner:

Assessor's Parcel No. \_\_\_\_\_, Exhibit "A", 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."