



PLANNING AND BUILDING DEPARTMENT

CURRENT PLANNING DIVISION

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www.humboldt.gov.org

Hearing Date: May 5, 2016

To: Humboldt County Planning Commission

From: Robert S. Wall, Interim Director of Planning and Building Department

Subject: **Fritz and Hedrick Lot Line Adjustment, Coastal Development Permit and Special Permit**
Application Number 9055
Case Numbers LLA 13-020, CDP 13-078, SP 13-056
Assessor Parcel Numbers 515-041-004-000 and 515-331-009
105 Quail Trail Lane and 906 Kay Avenue, Westhaven

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Please contact Karen Meynell, Planner II, at 707-268-3731 or via email at kmeynell@co.humboldt.ca.us if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

| | | |
|------------------------------------|--|---------------------------------|
| Hearing Date May 5, 2016 | Subject Coastal Development Permit, Special Permit and Lot Line Adjustment | Contact Karen Meynell |
|------------------------------------|--|---------------------------------|

Project: A Lot Line Adjustment between two parcels to facilitate the exchange of approximately 5,262 square feet of land. The adjustment will align a portion of the southerly Parcel B with the edge of Kay Avenue. A Special Permit for Design Review is also being requested to permit the after-the-fact placement of two (2) approximately 320 square foot shipping containers which were sited on an approximately 1,800 square foot concrete pad without the benefit of county review. The lot line adjustment and placement of the shipping containers constitutes new development and a Coastal Development Permit is being processed as required by the Coastal Act. This project does not include permits for a guest house and RV carport on Parcel B which were previously approved by the Planning Commission on May 1, 2008 (CDP-07-40, CUP-07-16, SP-07-36) and have since expired. Water service to the properties is provided by the Westhaven Community Services District and both parcels are developed with on-site septic systems.

| Parcel | Creation Document | Area Before LLA | Area After LLA |
|-------------|---|-----------------|----------------|
| 515-041-004 | Document#2001-6102-3 Notice of Merger and CC | 81,692 sq. ft. | 76,700 sq. ft. |
| 515-331-009 | Deed, Vol. 440 O.R. pg. 251, Deed from William A. Hawley to Floyd J. Battey & Robbie J. Battey, husband and wife. | 88,992 sq. ft. | 94,254 sq. ft. |

Project Location: The project is located in Humboldt County, in the Westhaven area, between Kay Avenue and Quail Trail Lane approximately 450 feet west of the intersection of Kay Avenue and Quail Trail Lane on the properties known as 105 Quail Trail Lane and 906 Kay Avenue.

Present Plan Designations: Rural Residential (RR(e)), Trinidad Area Plan (TAP). Density: 0-1 dwelling units per acre. Slope Stability: Low Instability (1) to Moderate Instability (2)

Present Zoning: (RA-SM/D) Rural Residential Agricultural (RA), Modified Building Standards Including Provision for Manufactured Homes (SM), Design Review (D).

Case Numbers: LLA 13-020, CDP 13-078, SP 13-056

Application Number: 9055

Assessor Parcel Numbers: 515-041-004, 515-331-009

Applicant

Julia Fritz and John Hedrick
P.O. Box 710
Trinidad, CA 95570

Owner

John Hedrick
P.O. Box 710
Trinidad, CA 95570

Owner

Anne B Nash, Executor
1999 Harrison St, Ste 1400
Oakland, CA 94612

Environmental Review: Categorically exempt per Sections 15305(a) Minor Alterations in Land Use Limitations and 15303 New Construction or Conversion of Small Structures of the State CEQA Guidelines.

Major Issues: None

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

FRITZ AND HENDRICK LOT LINE ADJUSTMENT, COASTAL DEVELOPMENT PERMIT AND SPECIAL PERMIT

Case Numbers LLA-13-020, CDP-13-078, SP-13-056
Assessor's Parcel Numbers 515-041-004, 515-331-009

Recommended Commission Action

1. Open the public hearing.
2. Request that staff present the project.
3. Take public testimony.
4. Take the following action:

Find the project exempt from environmental review pursuant to Sections 15303 and 15305(a) of the State CEQA Guidelines, make all of the required findings based on evidence in the staff report and public testimony, and approve the Fritz and Hedrick project subject to the recommended conditions of approval.

Executive Summary: This project is for a Lot Line Adjustment between two parcels to facilitate the exchange of approximately 5,262 square feet of land. In addition to the Lot Line Adjustment (LLA), a Coastal Development Permit and Special Permit for Design Review are being processed concurrently to assist in permitting two (2) approximately 320 square foot shipping containers which were placed on an approximately 1,800 square foot concrete pad without the benefit of county review. Permits for a guest house and RV carport built without County review were approved by the Planning Commission on May 1, 2008 (CDP-07-40, CUP-07-16, SP-07-36) have since expired and will require subsequent re-approval. There is no nexus between those structures and the proposed project. Therefore, the proposed project can proceed. Water service to the properties is provided by the Westhaven Community Services District and both parcels are developed with on-site septic systems.

The project was initially processed as an Administrative Coastal Development Permit. However, when the notice of intent to administratively approve the project was published, a nearby property owner requested a public hearing (letter attached).

The request for hearing (see Attachment 4) questioned the compatibility of the shipping containers as permanent accessory structures in a residential setting and whether it was the party's intent to begin using Kay Avenue/Tepona Lane as a new ingress/egress for the property. The LLA will reconfigure a portion of the southerly parcel such that it will touch the south edge of the Kay Avenue right of way. This is a private lane and the neighbor has observed that the owners have erected a fence with a gate along the line where the property line would be if the LLA were to be granted. The southerly parcel currently uses Quail Trail Lane for property access. The nature of the existing easement is unknown. The ability to use this road for access is a civil matter. However, a change in the intensity of use of the roadway may be evaluated by the Planning Commission with regard to the review of the Coastal Development Permit and conditions applied, if warranted.

The project is consistent with the Humboldt County Framework Plan, the Trinidad Area Plan and the H.C.C. for the following reasons: 1) the proposed use is similar and compatible with Rural Residential uses allowed in the Rural Residential (RR) land use designation and supports the principally permitted uses in the Rural Residential Agriculture (RA) Zone; 2) the proposed

development complies with applicable development standards of the zone, except for setbacks which is remedied by this permit and 3) the proposed development, as conditioned, will not have any adverse impacts on the neighborhood or the environment. The Department believes that the project may be found Categorically Exempt from environmental review pursuant to Section 15303 [New Construction] and 15305(a) of the California Environmental Quality Act (CEQA).

Based upon the on-site inspection, a review of Planning Division reference sources, and comments from all involved referral agencies, Planning staff believes that the applicant has submitted evidence in support of making all of the required findings for approving the Coastal Development Permit.

Alternatives

1. The Planning Commission could elect not to approve the project. This alternative should be implemented if the Commission is unable to make all of the required findings. Planning Division staff is confident that the required findings can be made. Consequently, planning staff does not recommend further consideration of this alternative.

RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY OF HUMBOLDT
Resolution Number 16-

Case Numbers LLA-13-020, CDP-13-078 and SP-13-056,
Assessor Parcel Numbers 515-041-004 and 515-331-009

Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Fritz and Hedrick Lot Line Adjustment, Coastal Development Permit and Special Permit.

WHEREAS, Julia Fritz and John Hedrick submitted an application and evidence in support of approving a Lot Line Adjustment, Coastal Development Permit and Special Permit to facilitate the placement of shipping containers without County review; 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 subject to environmental review pursuant to the California Environmental Quality Act (CEQA); and

WHEREAS, Attachment 2 in the Planning Division staff report includes evidence in support of making all of the required findings for approving the proposed Lot Line Adjustment, Coastal Development Permit and Special Permit (Case Numbers LLA-13-020, CDP 13-078, SP 13-056; and

WHEREAS, a public hearing was held on the matter before the Humboldt County Planning Commission on May 5, 2016;

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

1. The project is categorically exempt from environmental review pursuant to Section 15303, and 15303(a) of the State CEQA Guidelines; and
2. The Planning Commission further makes the findings in Attachment 2 of the Planning Division staff report for Case Numbers LLA-13-020, CDP-13-078, SP-13-056 based on the submitted evidence; and
3. The Planning Commission approves the Lot Line Adjustment, Coastal Development Permit and Special Permit applied for as recommended and conditioned in Attachment 1 for Case Numbers LLA-13-021, CDP 13-078 and SP 13-056.

Adopted after review and consideration of all the evidence on May 5, 2016

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

AYES: Commissioners:

NOES: Commissioners:

ABSTAIN: Commissioners:

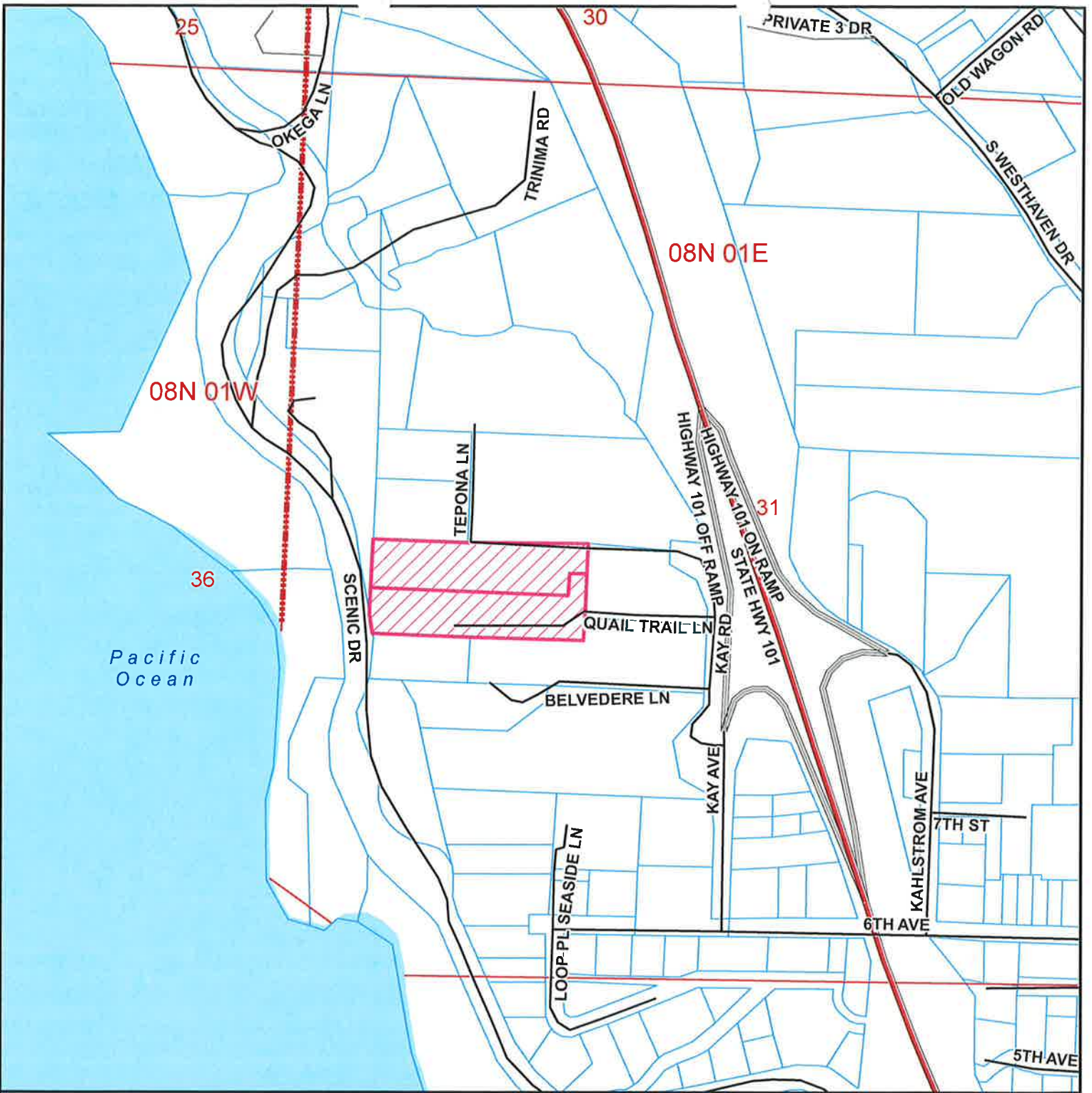
ABSENT: Commissioners:

DECISION: Motion carries

Robert Morris, Chair

I, Suzanne Hegler, 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 Hegler, Clerk



LOCATION MAP

**PROPOSED FRITZ & HEDRICK
 LOT LINE ADJUSTMENT,
 COASTAL DEVELOPMENT PERMIT &
 SPECIAL PERMIT
 SAMOA AREA**

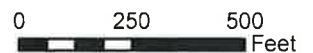
LLA-13-020/CDP-13-078/SP-13-056

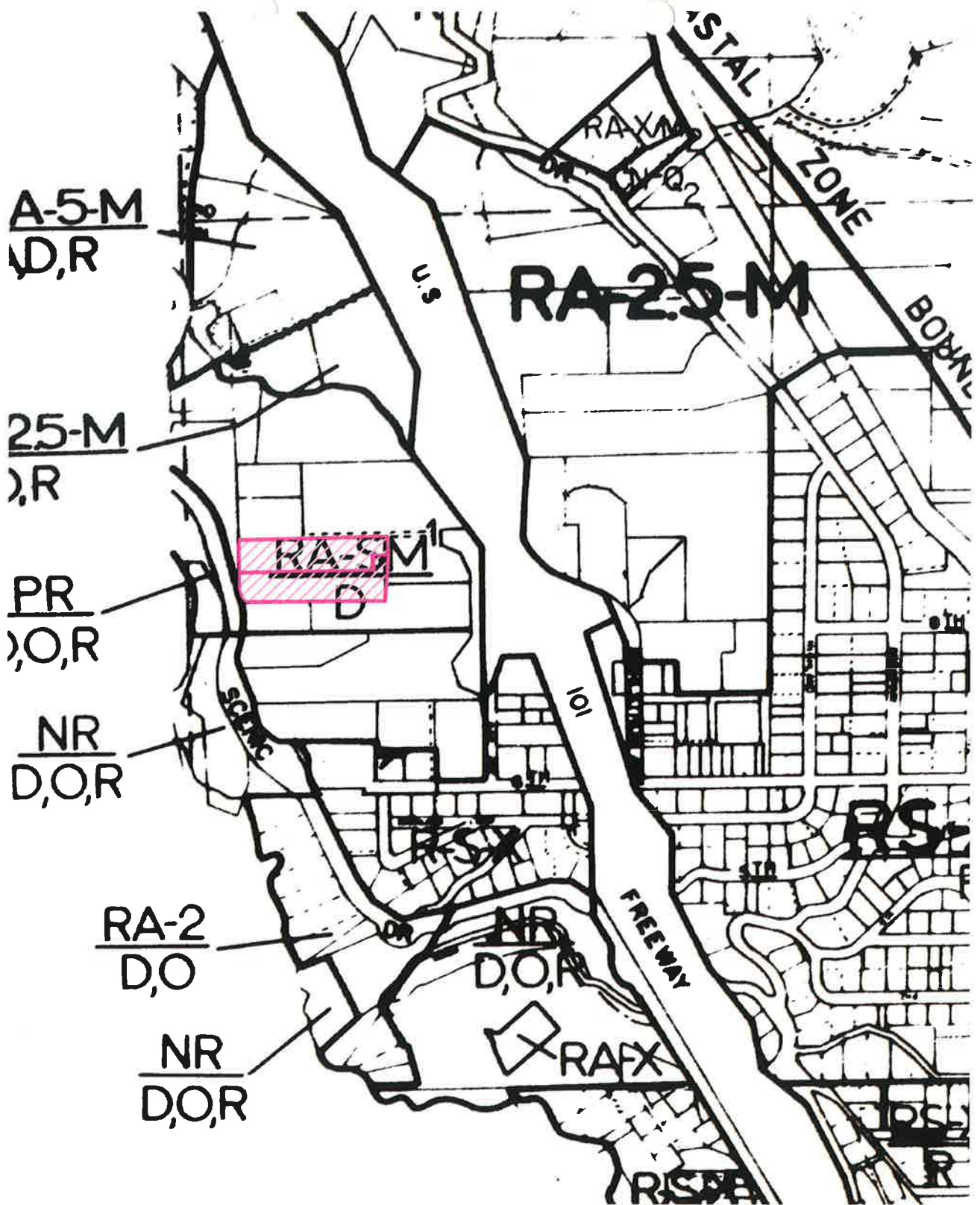
APN: 515-041-004 & 006

T08N R01W S31 HB&M (Crannell)

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 FRITZ & HEDRICK
 LOT LINE ADJUSTMENT,
 COASTAL DEVELOPMENT PERMIT &
 SPECIAL PERMIT
 SAMOA AREA
 LLA-13-020/CDP-13-078/SP-13-056
 APN: 515-041-004 & 006
 T08N R01W S31 HB&M (Crannell)**

PROJECT SITE = 



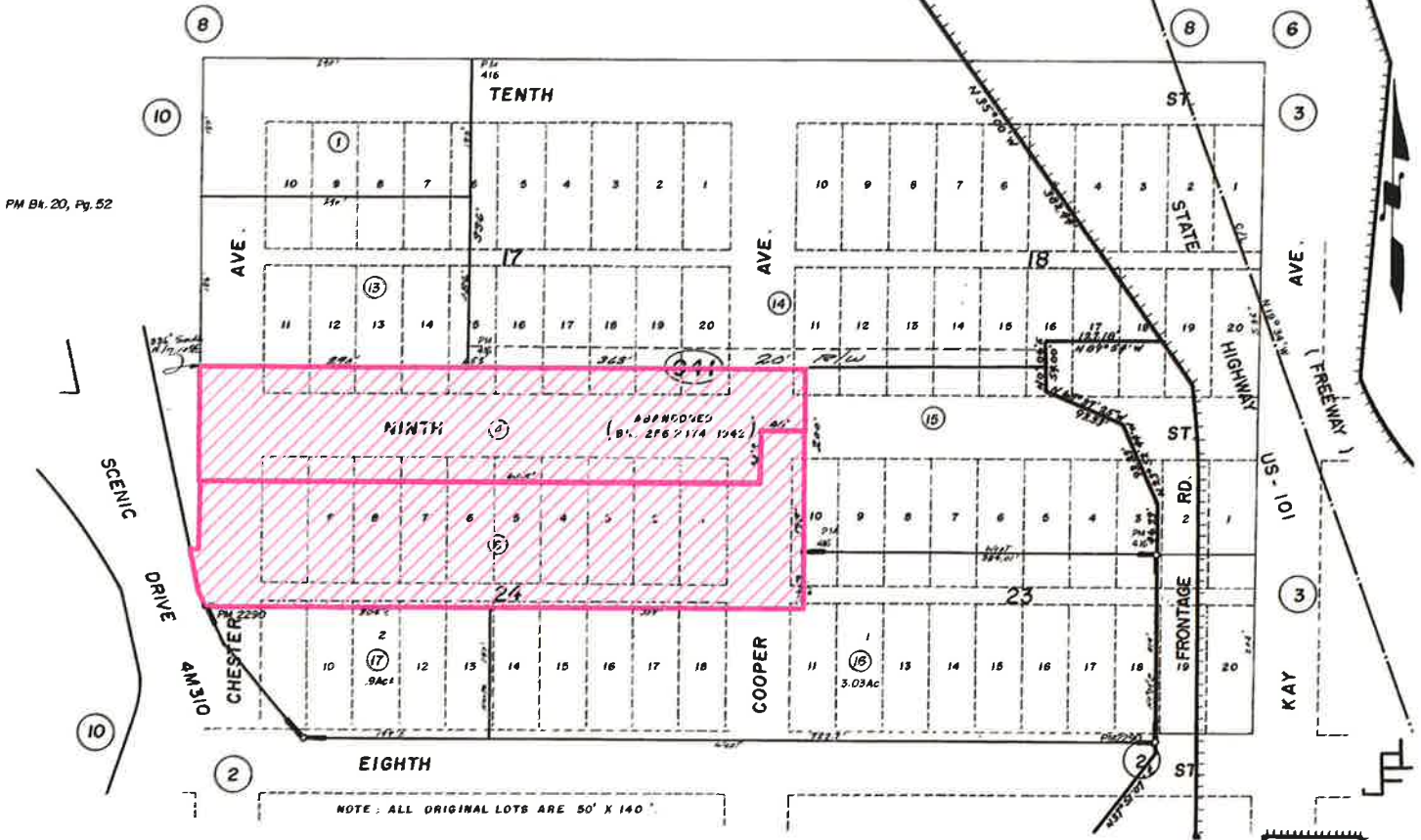
MAP NOT TO SCALE

SOUTH TRINIDAD
(PTN NW 1/4 SEC 31 8N 1E)

515-04

SOUTH TRINIDAD : MAPS 11 P 29
PM 4 P 26 - PM 416

1" = 100'



ASSESSOR PARCEL MAP
PROPOSED FRITZ & HEDRICK
LOT LINE ADJUSTMENT,
COASTAL DEVELOPMENT PERMIT &
SPECIAL PERMIT
SAMOA AREA
LLA-13-020/CDP-13-078/SP-13-056
APN: 515-041-004 & 006
T08N R01W S31 HB&M (Crannell)

MAP NOT TO SCALE




AERIAL MAP

**PROPOSED FRITZ & HEDRICK
LOT LINE ADJUSTMENT,
COASTAL DEVELOPMENT PERMIT &
SPECIAL PERMIT
SAMOA AREA**

LLA-13-020/CDP-13-078/SP-13-056

APN: 515-041-004 & 006

T08N R01W S31 HB&M (Crannell)

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.



0 250
Feet

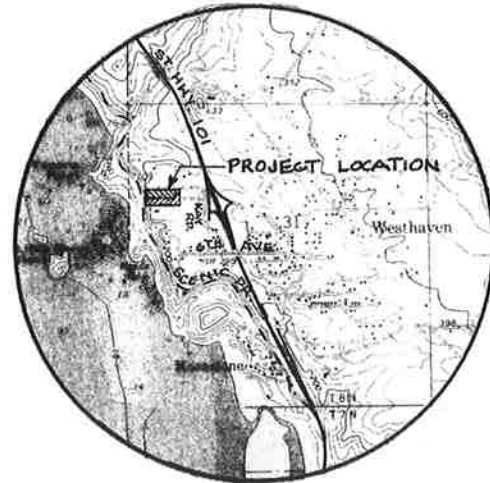


GENERAL NOTES

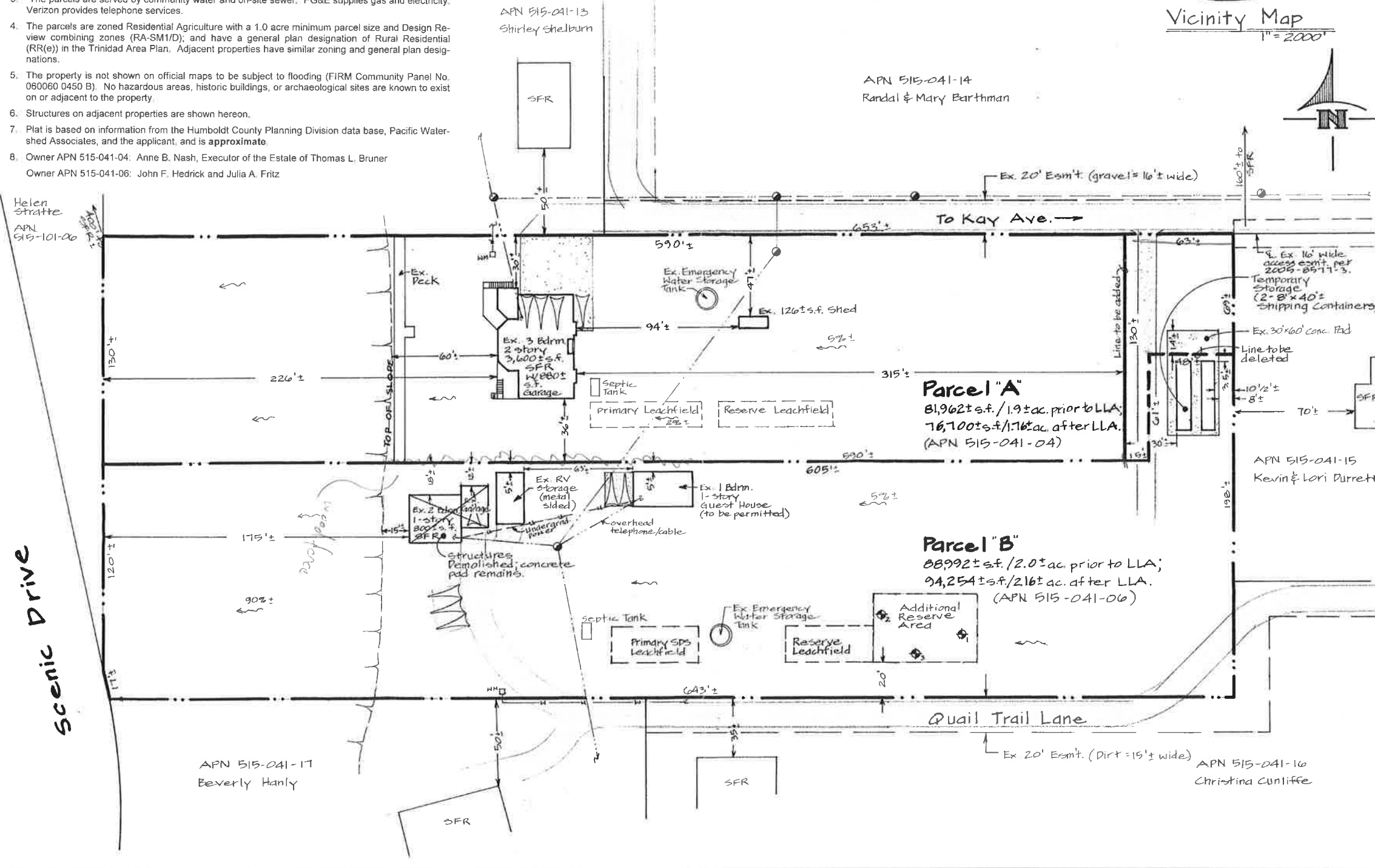
- This plat illustrates a lot line adjustment between two legal parcels (consisting of APN 515-041-04 [Parcel "A"] and APN 515-041-06 [Parcel "B"]); to result in two reconfigured parcels. Parcel "B" will acquire 5,262± s.f. from Parcel "A" to result in Parcel "A" of 76,700± s.f./1.76± acres; and Parcel "B" of 94,254± s.f./2.16± acres. Proposed Parcel "A" is developed with a County permitted 3,600± s.f., 3 bedroom, single family residence, a 880± s.f. attached garage, and a shed. Proposed Parcel "B" was developed with a 800± s.f., 2 bedroom, single family residence with 352± s.f. attached garage (constructed before 1953) that has been demolished leaving only the concrete foundation, an RV carport (permit status unknown); and a 700± s.f. garage/workshop which was converted to a 1 bedroom guest house without the benefit of County permitting. Two unpermitted approximately 8' x 40' shipping containers used for storage by APN 515-041-06 are located on a 30' x 60' concrete pad in the area of the line to be removed by this proposed lot line adjustment. A coastal development permit is required to permit the storage containers because the parcel is in an area identified as a "Coastal Scenic Area" in the Trinidad Area Plan, and a special permit for Design Review is requested with this application to legitimize the containers. No new development is proposed at this time. A conditional use permit, special permit, and coastal development permit for the guest house and the RV carport had previously been conditionally approved under CDP-07-40 however the conditions were not completed and the approval has expired. Since no nexus exists the applicant is requesting that this current application only address the lot line adjustment and permitting of the cargo containers. (No trees to be removed.)
- Parcel Creation: APN 515-041-04 was created by Notice of Merger and Certificate of Subdivision Compliance recorded March 13, 2001 as Document # 2001-6102-3. APN 515-041-06 was created by Deed recorded April 16, 1957 in Volume 440 of Official Records, page 251.
- The parcels are served by community water and on-site sewer. PG&E supplies gas and electricity. Verizon provides telephone services.
- The parcels are zoned Residential Agriculture with a 1.0 acre minimum parcel size and Design Review combining zones (RA-SM1/D); and have a general plan designation of Rural Residential (RR(e)) in the Trinidad Area Plan. Adjacent properties have similar zoning and general plan designations.
- The property is not shown on official maps to be subject to flooding (FIRM Community Panel No. 060060 0450 B). No hazardous areas, historic buildings, or archaeological sites are known to exist on or adjacent to the property.
- Structures on adjacent properties are shown hereon.
- Plat is based on information from the Humboldt County Planning Division data base, Pacific Watershed Associates, and the applicant, and is approximate.
- Owner APN 515-041-04: Anne B. Nash, Executor of the Estate of Thomas L. Bruner
Owner APN 515-041-06: John F. Hedrick and Julia A. Fritz

LEGEND

- Proposed parcel line to be added
- Proposed parcel line to be deleted
- Existing parcel lines to remain
- Direction of surface water runoff
- Existing structure
- Parking space
- Ex. unpaved driveway/roadway
- Sewage disposal system (SDS)
- Additional reserve area soils test hole (by Pacific Watershed Associates)
- Access easement
- Joint power pole/line
- Water meter



Vicinity Map
1" = 2000'



| REVISIONS | BY |
|-----------|----|
| | |
| | |
| | |
| | |

Owner/Applicant: John F. Hedrick and Julia Fritz
P.O. Box 710
Trinidad, CA 95570
(707) 845-4235

Owner: Anne B. Nash, Executor of the Estate of Thomas L. Bruner
% Roismart Henel L.L.P.
1999 Harrison St, Ste 140
Oakland, CA 94612

LOT LINE ADJUSTMENT PLAT

for
APN 515-041-04 & -06

Situs Address: 125 Quail Trail Ln. & 906 Kay Ave., Trinidad, CA 95570
Location: Ptn. NW ¼ Sec. 31, T8N, R1E, HB&M

| | |
|-------|-------------------------------------|
| DATE | Nov. 2013 |
| SCALE | 1" = 40' |
| DRAWN | M. J. Ashton-Hum. Ca. Planning Div. |
| JOB | PF-13-004 |
| SHEET | 1 |
| OF | SHEETS |

ATTACHMENT 1

CONDITIONS OF APPROVAL

Approval of the Coastal Development Permit, Special Permit and Lot Line Adjustment is conditioned on the following terms and requirements which must be satisfied before completion of the Lot Line Adjustment and issuance of a building permit.

Conditions of Approval

1. A Notice of Lot Line Adjustment shall be recorded for each resultant parcel. The following information must be submitted to the Planning Department for review prior to recordation:
 - a. A copy of the existing deeds and the deeds to be recorded for the adjusted parcels. If the property is not changing ownership, only the existing deeds are required.
 - b. A Preliminary Title Report regarding ownership of parcels involved. The title report documents must be current at time of submittal. Depending on the date of the report preparation, updating may be necessary.
 - c. A completed "Notice of Lot Line Adjustment and Certificate of Subdivision Compliance" form for each parcel.
 - d. 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 \$295.00 per notice plus \$209.00 for each additional legal description plus applicable recordation fees).
2. When the parcels being adjusted are not held in common ownership, copies of the executed deeds (signed but not recorded) prepared by a qualified individual must be submitted for review by the Planning and Public Works Departments.
3. 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 \$74.00) as required by the County Assessor 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.
4. The applicant shall comply with the provisions of Section 321-14 of the Humboldt County Code concerning reapportionment or payment of special assessments.
5. **Applicant shall provide documentation from the County of Humboldt Tax Collector that all property taxes for the parcels involved in the Lot Line Adjustment have been 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.** *Note: The purpose of this condition is to avoid possible title consequences in the event of a tax default and sale affecting the owner's real property*

interest. If property is acquired as a result of a Lot Line Adjustment and said property has delinquent taxes, the property cannot be combined for tax purposes. This means, that the owner will receive two or more tax bills, and penalties and interest will continue to accrue against the land which has delinquent taxes. If five or more years have elapsed since the taxes on the subject property were declared in default, such property will be sold by the County Tax Collector for non-payment of delinquent taxes unless the amount required to redeem the property is paid before sale. Property combined by lot line adjustment but "divided" by tax sale will require separate demonstration of subdivision compliance of all resultant parcels prior to the County's issuance of a building permit or other grant of authority to develop the subject properties.

6. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant after the decision. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.

On-going Requirements/Development Restrictions which Must be Satisfied for the Life of the Project:

1. The project shall be conducted in accordance with the project description and approved project site plan.
2. All new and existing outdoor lighting shall be directed within the property boundaries.
3. New utilities shall be installed underground, when feasible.
4. Alteration to natural landforms shall be minimized
5. **At the initiation of the permit**, and periodically thereafter, the storage containers shall be painted using an earth-tone color palette. **A photograph shall be submitted to the Planning Division to confirm the initial paint treatment under this permit condition.**
6. To help insure that container visibility from nearby private properties will be minimized, a vegetative screen of landscaping shall be established and maintained for the life of the project.

Informational Notes

1. A Record of Survey as outlined in the Business and Professions Code of the State of California may be required pursuant to Section 8762 of the Land Surveyors Act which states in part, a Record of Survey shall be filed upon "...the establishment of one or more points or lines not shown on any subdivision map, official map, or record of survey..."
2. Approval of this Lot Line Adjustment does not guarantee that developable parcels will result. Final approval for any development will depend on demonstration of conformance with site suitability requirements in effect at the time development is proposed.
3. 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: items 1-5) as a package at least four (4) weeks before the desired date for recordation. Post application assistance by the Planner on Duty, or 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. There is no charge for the first post project approval meeting. Please contact the Planning Division at (707) 445-7541 for copies of all required forms and written instructions.

4. The January 1, 2004 document, "Project Review Input Basic to All Development Projects" is considered part of any input from the California Department of Forestry and Fire Protection (CDF) regarding this project. CDF suggests that the applicant have access to that document's input at the earliest contact possible. Handouts that describe that document are available from the Planning and Building Department.
5. If cultural resources are encountered during construction activities the contractor on site shall cease all work in the immediate area and within a 50 foot buffer of the discovery location. A qualified archaeologist as well as the appropriate Tribal Historic Preservation Officer(s) will be contacted to evaluate the discovery and, in consultation with the applicant and lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided. The Native American Heritage Commission (NAHC) can provide information regarding the appropriate Tribal point(s) of contact for a specific area; the NAHC can be reached at 916-653-4082. Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, shellfish or faunal remains, and human burials. If human remains are found, California Health and Safety Code 7050.5 requires that the County Coroner be contacted immediately at 707-445-7242. If the Coroner determines the remains to be Native American, the NAHC will then be contacted by the Coroner to determine appropriate treatment of the remains pursuant to PRC 5097.98. Violators shall be prosecuted in accordance with PRC Section 5097.99

The applicant is ultimately responsible for ensuring compliance with this condition.

6. The Coastal Development Permit shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"); except where construction under a valid building permit or use in reliance on the permit has commenced prior to such anniversary date. The period within which construction or use must be commenced may be extended as provided by Section 312-11.3 of the Humboldt County Code.
7. The applicant is responsible for receiving all necessary permits and/or approvals from other state and local agencies.
8. New Development Requires a Permit. Any new development as defined by Section 313-139.6 of the Humboldt County Code (H.C.C.) shall require a Coastal Development Permit and Special Permit or permit modification, except for Minor Deviations from the Plot Plan as provided under Section 312-11.1 of the Zoning Regulations.
9. Permits for a guest house and RV carport built without County review were approved by the Planning Commission on May 1, 2008 (CDP-07-40 / CUP-07-16 / SP-07-36) have since expired and will require subsequent re-approval. This development remains noncompliant until all required permits have been secured and conditions of approval satisfied.

ATTACHMENT 2

Staff Analysis of the Evidence Supporting the Required Findings

Required Findings: To approve this project, the Hearing Officer must determine that the applicants have submitted evidence in support of making **all** of the following required findings. The Zoning Ordinance, Section 312-17.1 of the Humboldt County Code (Required Findings for All Discretionary Permits) specifies the findings that are required to grant a Lot Line Adjustment, Coastal Development and Special Permits:

1. The proposed development is in conformance with the County General Plan;
2. The proposed development is consistent with the purposes of the existing zone in which the site is located;
3. The proposed development conforms with all applicable standards and requirements of these regulations; and
4. The proposed development and conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare; or materially injurious to property or improvements in the vicinity.
5. The proposed development does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law (the mid point of the density range specified in the plan designation) unless the following written findings are made supported by substantial evidence: 1) the reduction is consistent with the adopted general plan including the housing element; and 2) the remaining sites identified in the housing element are adequate to accommodate the County share of the regional housing need; and 3) the property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions of the site has been maximized.
6. In addition, the California Environmental Quality Act (CEQA) states that one of the following findings must be made prior to approval of any development which is subject to the regulations of CEQA. The project either:
 - a) is categorically or statutorily exempt; or
 - b) has no substantial evidence that the project will have a significant effect on the environment and a negative declaration has been prepared; or
 - c) has had an environmental impact report (EIR) prepared and all significant environmental effects have been eliminated or substantially lessened, or the required findings in Section 15091 of the CEQA Guidelines have been made.

Staff Analysis of the Evidence Supporting the Required Findings

1. The application is complete: The following table identifies the evidence which supports the finding that the applicant has submitted the information which is required by Section 325.5-6(a) of the Humboldt County Code.

| Application Requirements | Submitted | Not Submitted |
|---|-----------|---------------|
| Completed and Signed Application Form | ✓ | |
| Copies of Present Owners Deeds | ✓ | |
| Preliminary Title Report | ✓ | |
| Copy of the Creation Documents for the parcels | ✓ | |
| 6 Copies of a Lot Line Adjustment Plot Plan | ✓ | |
| Required County Fees | ✓ | |
| A Written Statement Explaining the Reasons For the Adjustment | ✓ | |

2. Consistency with the Subdivision Map Act: The following table identifies the evidence which supports the finding that the parcels to be adjusted are found to be in compliance with the Subdivision Map Act which is required by Section 325.5-6(b) of the Humboldt County Code (See also Sections 4 and 5, General Plan Conformance per SB 497).

| Parcel | Creation Document | Legal Status |
|-------------|--|-----------------------------|
| 515-041-004 | Document#2001-6102-3 Notice of Merger and CC | One separate, legal parcel. |
| 515-331-009 | Deed, Vol. 440 O.R. pg. 251, Deed from William A. Hawley to Floyd J. Battey & Robbie J. Battey, husband and wife, recorded April 16, 1957. | One separate, legal parcel. |

3. General Plan Consistency: The following table identifies the evidence which supports finding that the proposed development is in conformance with all applicable policies and standards in the Framework Plan (FP) and the Trinidad Area Plan (TAP).

| Plan Section(s) | Summary of Applicable Goal, Policy or Standard | Evidence which Supports Making the General Plan Conformance Finding |
|---|---|---|
| Land Use: §2700 (FP); §5.30 (TAP) | Residential Rural (RR - e): Detached single family residences and accessory structures are a principal use. Density: 1 unit per acre. | The lot line adjustment is intended to amend boundary lines to enable siting of two shipping containers onto Parcel 'B'. A Coastal Development Permit and Special Permit are concurrently being processed to enable after-the-fact permitting of the two structures, which were inadvertently placed across the existing boundary between Parcel A and B, without the benefit of County Review. Both parcels are host to existing residential development. Detached Accessory structures are principally permitted. |

| | | |
|---|--|--|
| <p>Urban Limits: §2600 (FP) §3.10 (TAP)</p> | <p>New development shall be located within existing developed areas or in areas with adequate public services.</p> | <p>Both Parcel A and Parcel B are served by private roads (Kay Road and Quail Trail Lane, respectively). Both parcels are served by on-site septic systems and receive water from the Westhaven Community Services District. Both Westhaven CSD and Humboldt County Environmental Health Division support the project.</p> |
| <p>Housing: §2400 (FP) §3.26 (TAP)</p> | <p>Housing shall be developed in conformity with the goals, policies and standards of the Humboldt County Housing Element.</p> | <p>The proposal meets the goals and policies of the Housing Element because it neither adds nor removes a dwelling unit.</p> |
| <p>Hazards: §3100-§3300(FP) §3.28 (TAP)</p> | <p>New development shall minimize risks to life and property in areas of high geologic, flood, and fire hazard.</p> | <p>Both parcels are located outside the 100 year flood hazard zone (Flood Zone C) per FIRM map 060060 450B. The Building Division did not identify any issues with regard to flood hazards.</p> <p>Pursuant to the provisions of the Coastal Plan, the Area of Demonstration was determined using an angle of 20° projected eastward from the toe of the slope at the western Bluff Face. The edge of the Area of Demonstration is approximately 385 feet east of the bluff face. The two storage containers are located an additional 200 feet east of this. Therefore, geologic hazards do not appear to be a concern.</p> <p>The parcel is rated as a high wildland fire area within the State Responsibility Area, and has moderate Fire Hazard Severity Rating. The parcel is approximately 2.2 acres in size. The proposed project does not create a hazard to life or property. The storage containers are constructed of fire resistant materials (steel) and therefore should not result in an increase in fire risk.</p> |
| <p>Biological Resource §3400 - §3604 (FP) §3.30 (TAP)</p> | <p>Protect designated sensitive and critical resource habitats.</p> | <p>The project site is situated in an area comprised of residential development amongst stands of second and third growth timber. The California Natural Diversity Database shows that the western edge of the project parcel is within an area where Pacific Gilia is presumed extant. No development is proposed in this area and no creeks or streams are known to occur on or within the vicinity of the project site.</p> |

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| <p>Cultural Resource §3500 (FP) §3.17 (TAP)</p> | <p>Protect cultural, archeological and paleontological resources.</p> | <p>This project was referred to the Northwest Information Center who stated they did not have any record of previous cultural resource studies for the proposed project area and recommended a study be done and local tribes be consulted. The Yurok tribe was referred and did not respond to the referral. As no groundbreaking activity is proposed in association with the project and the prior unpermitted activity involved minimal ground disturbance (for the installation of a concrete slab), it is anticipated that impacts to cultural resources should be minimal. Future permitting may require further investigation before additional ground disturbance may be authorized. An Informational Note has been included with the Conditions of Approval listing the legal requirements should ground-breaking activities reveal presence of archaeological resources or human remains.</p> |
| <p>Visual Resource §3540 (FP) §3.40 (TAP) and Coastal Access §3.50 (TAP)</p> | <p>Protect and conserve scenic and visual qualities of coastal areas. Protect coastal access</p> | <p>This project site is located within a coastal scenic area. See discussion below. Design committee (possible) findings: alteration of natural landforms will be minimized given that development will occur on an existing building footprint. Setbacks from roads and property lines are appropriate for protection of the scenic and visual qualities of this site given the surrounding development, vegetation, and building height. The storage buildings are approximately 9 feet tall, and are setback approximately 154.5 feet from the front property line, and are not located between the closest public road and the sea. The area that the parcel is located within is densely vegetated and will be screened from visual impacts.</p> |

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| <p>§3.40(B)(1) of Trinidad Area Plan states "No development shall be approved that is not compatible with the physical scale of development as designated in the zoning for the subject parcel".</p> | |
| <p>The parcel is zoned RA which has a maximum building (structure) height of 35'. The containers are approximately 9 feet in height. The project is located within the urban limit and may be considered as accessory to established residential use of the property. The proposed development can be found compatible with the physical scale of the existing development in the "neighborhood". The majority of the parcels host single-family residential development and associated accessory structures.</p> | |
| <p>§3.40(B)(3)c states "All permitted development shall be subject to the following standards for siting design except for structures integral to agricultural land use and timberland management subject to CDF requirements for special treatment areas."</p> | |
| <p>1. Siding and roofing materials shall not be of reflective materials, excepting glass and</p> | <p>The storage buildings are comprised of steel construction. To insure they remain as inconspicuous as possible, a condition of</p> |

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| <p>corrugated roofing.</p> | <p>approval has been included requiring that the containers be painted at the initiation of the permit, and periodically thereafter, using an earth-tone color palette. No reflective siding or roofing materials are proposed.</p> |
| <p>2. The highest point of a structure shall not exceed 30 feet vertically measured from the highest point of the foundation, nor 40 feet from the lowest point of the foundation.</p> | <p>The containers are approximately 9 feet in height.</p> |
| <p>3. Setbacks from property lines and public roads shall be no less than 50 feet from a public road, nor 30 feet from a property line. In areas significantly developed, 50% or greater, where setbacks shall be the average of the setbacks of existing structures.</p> | <p>The two metal storage containers are located on an existing concrete pad within a relatively level portion of the property. Consequently, their prior unpermitted installation involved minimal disturbance to natural resources. The positioning of both containers is such that they are situated in a narrow portion of the parcel near its northwest corner, and currently cross over a shared property line. The proposed lot line adjustment will change the location of the shared boundary line so that both containers will be sited completely within the boundaries of Parcel B, maintaining setbacks of 154.5 feet, 10.5 feet, and 635 feet from the resulting front, side, and rear property lines, respectively.</p> <p>The area is significantly developed; the front setback exceeds the average setbacks of development in the project's vicinity (average 51 feet) by more than 3 times, a setback of over 635 feet from the rear property line is nearly 6 times larger than the average of parcels in the vicinity (114 feet). The containers maintain a setback of 10.5 feet from the interior side and 72.5 feet from the exterior side, less than the average (50 feet) of parcels in the vicinity.</p> <p>The average setbacks were determined using the County's GIS measurement tool to measure the setbacks for all the parcels within the contiguous RA-SM/D zone.</p> <p>Side Setbacks Using aerial photography and Humboldt County GIS information, side yard setbacks of development within the project's vicinity ranged from 5 feet to 130 feet, averaging 50 feet. 12 of the 17 properties surveyed enjoyed setbacks that were less than the 50 foot average that was calculated.</p> <p>Except for conforming to the average side yard setback of existing development, the proposed project is in conformance and is compatible with the goals and objectives of</p> |

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| | the Coastal Scenic and other applicable plan policies. |
| 4. Exterior lighting shall be shielded so that it is not directed beyond the boundaries of the property. | All exterior lighting will be shielded so that it is not directed beyond the boundaries of the property. This has been included as On-going Requirement #2. |
| 5. New homesites shall be sited and designed to concentrate development on level areas so that disturbance of steeper hillsides is minimized. Where the size and location of existing parcels requires development on hillsides sites, new construction or grading shall follow the natural contours of the landscape, fitting the site rather than altering the landform to accommodate buildings designed for level sites and concentrating development near existing major vegetation. | The project does not involve development of a homesite. The containers are located within a level portion of the property, taking maximum advantage of the natural slope of the parcel and reducing the amount of grading required. No trees will be removed. |
| 6. New development on ridgelines shall be sited adjacent to existing major vegetation, prohibiting removal of tree masses which destroy the ridgeline silhouette, and limiting the height of structures so that they maintain present ridgeline silhouettes. | The proposed development is not located on a ridgeline, nor will it be visible from Scenic Drive or the beaches or waters of the Pacific Ocean. |
| 7. Timber harvest and activities related to timber management exempt from CDF regulation shall conform to timber harvesting visual standards for Special Treatment Areas. | No trees will be removed as part of this project. |
| §3.40(B)(5) states "Proposed development which cannot satisfy these prescriptive standards but is in conformance and compatible with the goals and objectives of this section and the Area Plan, may be submitted to the Design Assistance Committee for review and approval. | |
| The proposed development meets all of the above criteria except the setback requirement. When combined with other factors including slope, septic location, lot size and building footprint, and lack of tree removal, the lot configuration and location of development is appropriate. The proposed development will be outside of view from the closest publicly traveled road (Scenic Drive) and will not be visible from the coast. A Condition of Approval has been included requiring that a screen of landscaping be established and maintained for the life of the project. This should help insure that visibility from nearby private property will be minimized. Staff believes the finding can be made that the proposed project is in conformance and compatible with the goals and objectives of this section and the Area Plan. | |



Zoning Map

Developed Parcels within RA-SM/D Zoning

| Humboldt County GIS Setback Analysis | | | | | | |
|--------------------------------------|-------------------------|-----------|-----------|------------|--|--------------------|
| APN | ADDRESS | SETBACKS | | | DESCRIPTION | ZONING |
| | | Front | Side | Rear | | |
| 51504116 | 150 QUAIL TRAIL LN | 30 | 30 | 5 | Taxable MH on fee parcel | RA-SM/D |
| 51510107 | 37 LUFFENHOLTZ LN | 75 | 35 | 155 | Rural - Improved | RA-SM/D |
| 51508114 | 10 TEPONA LN | 25 | 125 | 240 | Rural - Improved | RA-SM/D |
| 51504101 | 940 KAY AV | 50 | 20 | 140 | Licensed MH on fee parcel | RA-SM/D |
| 51504114 | 900 KAY AV | 140 | 130 | 210 | Rural - Improved | RA-SM/D |
| 51504113 | 910 KAY AV | 35 | 55 | 200 | Rural - Improved | RA-SM/D |
| 51504104 | 906 KAY AV | 55 | 20 | 180 | Improved, Rural Residential, 1 to 5 ac | RA-SM/D |
| 51504115 | 878 KAY AV | 70 | 20 | 90 | Improved, Rural Residential, 1 to 5 ac | RA-SM/D |
| 51504106 | 105 QUAIL TRAIL LN | 50 | 100 | 80 | Improved, Rural Residential, 1 to 5 ac | RA-SM/D |
| 51504117 | 100 QUAIL TRAIL LN | 50 | 40 | 130 | Improved Single Family Residential | RA-SM/D |
| 51502237 | 207 BELVEDERE LN | 30 | 80 | 50 | Improved Single Family Residential | RA-SM/D |
| 51502230 | 693 SEASIDE LN | 30 | 5 | 110 | Improved Single Family Residential | RA-SM/D |
| 51510102 | 1639 TRINIDAD SCENIC DR | 15 | 35 | 15 | Rural - Improved | RA-SM/D |
| 51510106 | 1705 TRINIDAD SCENIC DR | 50 | 100 | 80 | Improved, Rural Residential, 1 to 5 ac | RA-SM/D |
| 51502238 | 694 KAY AV | 60 | 30 | 75 | Improved Single Family Residential | RA-SM/D |
| 51502239 | 654 KAY AV | 25 | 15 | 40 | Improved Single Family Residential | RA-SM/D |
| 51502235 | 700 SEASIDE LN | 85 | 5 | 140 | Improved Single Family Residential | RA-SM/D |
| | AVERAGE | 51 | 50 | 114 | | |
| 51508113 | | | | | Rural - Vacant | RA-SM/D |
| 51502236 | | | | | Vacant Single Family Residential | RA-SM/D |
| 51502101 | 1908 TRINIDAD SCENIC DR | | | | Rural - Vacant | RA-SM/D & NR/D,O,R |

4. ZONING COMPLIANCE and DEVELOPMENT STANDARDS: The following table identifies the evidence which supports finding that the proposed development is in conformance with all applicable policies and standards in the Humboldt County Zoning Regulations and that the lot line adjustment and proposed development neither causes non-conformance nor increases the severity of pre-existing nonconformity with zoning and building ordinances.

| Zoning Section | Summary of Applicable Requirement | Evidence that Supports the Zoning Finding | |
|--|--|--|---|
| | | PARCEL A | PARCEL B |
| § 313-6.4 (HCC) Rural Residential Agricultural | Single Family Residential, second residential Unit, General Agriculture, and cottage industries are principally permitted. | The project involves Lot Line Adjustment to help correct a violation that resulted from several storage containers being placed on the property without permits. The adjustment will enable these structures to meet the required setbacks of the RA zone. Detached accessory structures are principally permitted. Correction of violations on Parcel B associated with prior unpermitted demolition of a residence and residential conversion of a detached garage remain in need of correction, and will be the focus of subsequent follow-up permitting. | |
| § 313-5.2 (HCC) | Development Standards | | |
| Minimum Parcel Size and | 1 acre | AFTER LLA Approximately 1.76 acres. Approximately 130 feet | AFTER LLA Approximately 2.16 acres. Approximately 120 feet |
| Lot Width | 150 feet | Per HCC §313-107.2.2, a substandard lot can be developed or sold if the substandard lot was lawfully created; and the substandard lot has not been merged with adjoining property Based on County records, this parcel was lawfully created. | |
| Maximum Density | 1 dwelling unit per lot or two dwelling units per lot if a Special Permit is secured for a second residential unit. | The project proposes to remedy two unpermitted storage units which were placed on the property. A subsequent Coastal Development Permit and Special Permit for Design Review will be needed to authorize the prior demolition and garage to guest house conversion on Parcel B, as these matters are not being addressed under the current Lot Line Adjustment and Coastal Permit request. Parcel A is currently host to an existing 3,600 square foot single-family residence. | |
| Maximum Lot Depth | 4 x lot width = 480 feet | 643 feet, on average | 621.5 feet, on average |
| Minimum Yard Setbacks per Zoning: | Front: 20 feet (51 per §3.40c3 TAP) Rear: 10 feet (50 feet per §3.40c3 TAP) Side: 5 feet (50 feet per §3.40c3 TAP) | Front: 30 feet Side: 315 & 36 feet Rear: 226 feet | Front: 154.5 feet Rear: 635 feet Ext. Side: 10.5 feet and 72.5 feet |
| | | See setback analysis in the preceding section. | |

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| Maximum Ground Coverage | Thirty-five Percent (35%) | ± 5.8% | ± 2% |
| 313-109.1 Parking | One (1) parking space for each dwelling unit containing not more than one (1) bedroom; two (2) parking spaces for each dwelling unit containing more than one (1) bedroom. The required parking shall be sited outside the front yard setback. | Four (4) parking spaces are located on the property. Three (3) within an attached garage, and one (1) adjacent. All are located outside the front yard setback. | No increase in parking demand is expected to occur as a result of the installation of the two storage containers. Two (2) parking spaces, located adjacent to the unpermitted garage to guest house conversion, outside the front yard setback, are shown on the plot plan submitted by the applicant. |
| Maximum Structure Height | 35 feet | The existing residence is 2-story and complies with the height limit. | The storage containers are approximately 9 feet in height. |

| Combining Zones (No development is proposed for Parcel A) | | |
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| § 313-34.2 SM: Modified Bldg. Stds for Manufactured Homes | To allow development standards in addition to the Manufactured Homes Building Type to be modified. | Permitting of the storage containers as residential accessory structures is in keeping with the provisions of the 'SM' zone. |
| § 313-19.1 D: Design Review Combining Zone | The purpose of these regulations is to provide design review for conformance of new development with the policies and standards of the General Plan, and to provide for a design review process where neighborhoods within the same zone district desire to preserve or enhance the area's historical, cultural or scenic values. | The proposed construction is consistent and compatible with the General Plan. Evidence of adherence to the Design Review findings is discussed below. |
| Protection of Natural Landforms | To minimize alterations due to cutting, grading filling and clearing, except to comply with fire hazard regulations. | The installation of the storage containers did not require the removal of any trees and involved very minimal grading, thereby minimizing alterations to natural landforms. |
| Exterior Lighting | All new outdoor lighting shall be compatible with the existing setting and directed within the property boundaries. | This has been included in the Conditions of Approval as an on-going development restriction. |

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| Landscaping | Screening or softening the visual impact of new structures through landscaping; preferably with native vegetation. | A Condition of Approval has been included requiring that a screen of landscaping be established and maintained for the life of the project. This should help insure that visibility from nearby private property will be minimized. |
| Underground Utilities | Where feasible, new utilities shall be underground or sited unobtrusively if aboveground. | New utilities shall be placed underground, when feasible. This has been included in the on-going requirements section of the Conditions of Approval. |
| Setbacks | Setbacks from roads and property lines are appropriate to protect the scenic and visual qualities of the site and area. | The storage buildings are approximately 9 feet tall, and are setback approximately 154.5 feet from the front property line, in an area of level terrain, installation therefore did not cause significant grading or removal of native vegetation. The buildings are not located between the closest public road and the coast, and should be subordinate to the character of the area and to the scenic use and enjoyment of the private residential lands. The area that the parcel is located within is densely vegetated and will be screened from visual impacts. According to the Setback Analysis, It appears that many other parcels developed within the same zone are closer to property lines. Lastly, the project includes a Condition of Approval requiring that the containers be painted at the initiation of the permit, and periodically thereafter, using an earth-tone color palette. |
| Off-Premise Signs | Off-premise signs shall be designed attractively and in a style compatible with the neighborhood setting. | No off-premises signs are proposed. |

4. Public Health, Safety and Welfare, and 6. Environmental Impact: The following table identifies the evidence which supports finding that the proposed development will not be detrimental to the public health, safety and welfare or materially injurious to properties or improvements in the vicinity, and will not adversely impact the environment.

| Code Section | Summary of Applicable Requirement | Evidence that Supports the Required Finding |
|--------------|--|--|
| §312-17.1.4 | Proposed development will not be detrimental to the public health, safety and welfare or materially injurious to properties or improvements in the vicinity. | The majority of the reviewing referral agencies have approved or conditionally approved the proposed development. Concerns raised by the Coastal Commission primarily surround the phasing chosen for correction of the remaining violations on the property. No detrimental effects to public health, safety and welfare were identified. The proposed development is not expected be |

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| | | detrimental to property values in the vicinity nor pose any kind of public health hazard. |
| CEQA Guidelines | Categorically exempt from State environmental review. | Pursuant to the CEQA Guidelines, the project is categorically exempt from environmental review per Section 15303 and 15305 – New Construction or Conversion of Small structures and Minor Alterations in Land Use Limitations. Per the submitted evidence and agency responses, none of the exceptions to the Categorical Exemption per Section 15300.2 of the State CEQA Guidelines apply to this project. |

5. Residential Density Target: The following table identifies the evidence which supports finding that the proposed project will not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.

| Code Section | Summary of Applicable Requirement | Evidence that Supports the Required Finding |
|---|--|--|
| 312-17.1.5 Housing Element Densities | The proposed development does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law (the midpoint of the density range specified in the plan designation), except where: 1) the reduction is consistent with the adopted general plan including the housing element; and 2) the remaining sites identified in the housing element are adequate to accommodate the County share of the regional housing need; and 3) the property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions of the site has been maximized. | The proposed project is to permit the installation of several storage containers which were placed on the property without the benefit of county review. The parcel is currently host to an unpermitted residence which is planned to be permitted through a follow-up application. The project does not reduce the residential density for any parcel utilized by State HCD in determining compliance with Housing Element law. |

ATTACHMENT 3

APPLICANT'S EVIDENCE IN SUPPORT OF THE REQUIRED FINDINGS

Attachment 3 includes a listing of all written evidence which has been submitted by the applicant in support of making the required findings. The following materials are on file with the Planning Division:

- Application Form [in file]
- Plot Plan / Lot Line Adjustment Map [attached]
- Photographs of the Storage Containers and Neighborhood

ATTACHMENT 4
CORRESPONDENCE

June 4, 2015

To: Planning Division Staff

Humboldt County Planning and Building Dept.

Regarding Case Nos: LLA-13-020, CDP-13-078, SP-13-056

From: Nancy Flynn

10 Tepona Lane

Trinidad, CA 95570

707-616-4557



I oppose the approval of the shipping/storage containers that are in question and the granting of a coastal development permit. The land is in the coastal zone and also among family residences. They are unsightly and inappropriate in the area.

I oppose granting the lot line adjustment extending the line to Kay Avenue. I am not sure of the owner's reason for this request. As it stands now they have erected a fence w/ a sliding gate along the approximate line where the lot line would exist if the adjustment is granted. That makes me think that the next step will be to start using Kay/Tepona to go in and out of the property. Kay/Tepona is a narrow fragile gravel road maintained by the people who now have a deeded right of way. The Hedrick parcel now has a way in and out of their parcel via Quail Trail Lane.

May 9, 1015

To: Planning Division Staff

From: Nancy Flynn



167 Berrellesa St.

Martinez, CA. 94553

707-616-4557

Regarding: Request for a Public Hearing

Case Nos. LLA-13-020, CDP-13-078, SP-13-056



I request a Public Hearing for this project

ATTACHMENT 5

REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

The project was referred to the following agencies for review and comment. Those agencies that provided written comments are checked off.

| Referral Agency | Response | Recommendation | Attached | On File |
|-------------------------------------|-----------------|-----------------------|-----------------|----------------|
| County Building Inspection Division | ✓ | Approval | | ✓ |
| Department of Environmental Health | | | | |
| Westhaven CSD | ✓ | Approval | | ✓ |
| Public Works Land Use Division | ✓ | Comments | | ✓ |
| California Coastal Commission | ✓ | Comments | | ✓ |
| NWIC | ✓ | Comments | | ✓ |
| CalFire | ✓ | Standard response | | ✓ |
| Department of Fish and Wildlife | ✓ | Conditional Approval | | ✓ |
| Yurok Tribe | | No response | | |