



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: July 1, 2021

To: John Ford, Humboldt County Zoning Administrator

From: Cliff Johnson, Supervising Planner

Subject: **Lucas Coastal Development Permit and Notice of Merger**
Record Number PLN-2018-15076
Assessor's Parcel Number (APN) 506-071-020
92 Young Ln. Manila area

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Please contact Alyssa Suárez, Planner I, at 707-268-3703 or by email at asuarez@co.humboldt.ca.us, if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
July 1, 2021	Coastal Development Permit and Notice of Merger	Alyssa Suarez

Project Description: A Coastal Development Permit to facilitate a voluntary Notice of Merger to cure a violation of the Subdivision Map Act (Document number 2019-017194 on file with the Humboldt County Recorder's Office). The subject Assessor Parcel Number 506-071-020 contains two separate parcels, one of which was created in violation of the Subdivision Map Act (Section 66410 of the Government Code) and Section 321-1 of the Humboldt County Code circa 1972. No development is proposed as part of this project.

Project Location: This project is located in the Manila area, on the southwest side of Young Lane, approximately 145 feet southeast of the intersection of Vera Linda Lane and Young Lane. It is on the parcel known as 506-071-020.

Present Plan Land Use Designations: Residential/Low Density (RL) Density range is 3 to 7 units per acre, Humboldt Bay Area Plan

Present Zoning: (RS-5-M) (Residential Single Family (minimum lot size 5,000 sq. ft., minimum lot width 50 ft. (RS-5), Manufactured Home (M)

Record Number: PLN-2018-15076

Assessor's Parcel Number: 506-071-020

Applicant

John Lucas
11855 32nd Street NE
Lake Stephens, WA 98258

Owner

Same as applicant and
Cynthia Lucas
P.O. Box 5161
Arcata, CA 95518

Agent

None

Environmental Review: Project is categorically exempt from environmental review per Class 5, Section 15305(a) of the California Environmental Quality Act (CEQA) Guidelines.

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

Major Issues: None

Lucas Coastal Development Permit and Notice of Merger

Record Number: PLN-2018-15076
Assessor's Parcel Number: 506-071-020

Recommended Zoning Administrator 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:

Find the project exempt from environmental review pursuant to Section 15305(a) of the State CEQA Guidelines, make all of the required findings for approval of the Coastal Development Permit and Notice of Merger based on evidence in the staff report, and adopt the Resolution approving the Lucas project subject to the recommended conditions.

Executive Summary: A Coastal Development Permit to facilitate a voluntary Notice of Merger to cure a violation of the Subdivision Map Act (Document number 2019-017194 on file with the Humboldt County Recorder's Office). The subject Assessor Parcel Number 506-071-020 contains two separate parcels, one of which was created in violation of the Subdivision Map Act (Section 66410 of the Government Code) and Section 321-1 of the Humboldt County Code circa 1972. No development is proposed as part of this project.

The subject parcel (Parcel 2) was conveyed from its original configuration by Grant Deed from Robert D. Young and Vondal R. Young, to Frankie D. Forrester and Kathleen E. Forrester, executed June 3, 1972. The voluntary merger would merge Parcel 2 with Parcel 1 (as described in Document number 2018-006939).

This project is located in the Manila area, on the southwest side of Young Lane, approximately 145 feet southeast of the intersection of Vera Linda Lane and Young Lane. It is on the parcel known as 506-071-020. The parcel is zoned Residential Single Family, minimum parcel size 5,000 square feet (RS-5). The parcel has a Manufactured Home (M) Combing Zone. The parcel is currently vacant.

The project is consistent with the Humboldt Bay Area Plan (HBAP) for the following reasons: 1) the proposed merger will rectify a subdivision violation and reconfigure the lots in compliance with the Subdivision Map Act and ; 2) the proposed merger complies with applicable development standards of the zone, 3) all responding referral agencies have recommended approval of the project, and 4) there is no evidence that the proposed merger will negatively impact the environment. The Department believes that the project may be found Categorically Exempt from environmental review pursuant to 15305(c) of the CEQA Guidelines, because the project will merge one unlawfully created parcel with a lawfully created parcel to comprise one parcel in accordance with the Subdivision Map Act.

Staff Recommendation: Following an on-site inspection, a review of Planning Division reference sources, and a review of 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 and Notice of Merger.

Alternatives: Three (3) alternatives may be considered: 1) The Zoning Administrator could elect not to hear this item and refer the application to the Planning Commission. Any decision to place this matter before the Planning Commission must be done before opening the public hearing on this project; 2) The Zoning Administrator could elect to add or delete conditions of approval or; 3) the Zoning Administrator could deny approval of the requested permits if unable to make all of the required findings. Planning Division staff is confident that the required findings can be made based on the submitted evidence and subject to the recommended conditions of approval. Consequently, planning staff does not recommend further consideration of these alternatives.

**RESOLUTION OF THE ZONING ADMINISTRATOR
OF THE COUNTY OF HUMBOLDT
Resolution Number 21-
Record Number PLN-2018-15076
Assessor's Parcel Number: 506-071-020**

Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Lucas Coastal Development Permit and Notice of Merger.

WHEREAS, John Lucas, submitted an application requesting approval of a Coastal Development Permit for a voluntary Notice of Merger to cure a violation of the Subdivision Map Act; and

WHEREAS, pursuant to Section 15305(c), Humboldt County Planning and Building Department, makes a CEQA determination that the project is Categorically Exempt; and

WHEREAS, the Humboldt County Zoning Administrator held a duly noticed public hearing on July 1, 2021, and reviewed, considered, and discussed the application for a Coastal Development Permit and Notice of Merger; and reviewed and considered all evidence and testimony presented at the hearing.

Now, THEREFORE BE IT RESOLVED, that the Zoning Administrator makes all the following findings:

- 1. FINDING:** **Project Description:** The applicant is seeking a Coastal Development Permit to facilitate a voluntary Notice of Merger to cure a violation of the Subdivision Map Act (Document number 2019-017194 on file with the Humboldt County Recorder's Office). The subject Assessor Parcel Number 506-071-020 contains two separate parcels, one of which was created in violation of the Subdivision Map Act (Section 66410 of the Government Code) and Section 321-1 of the Humboldt County Code circa 1972. No development is proposed as part of this project.

EVIDENCE: a) Project File: PLN-2018-15076

- 2. FINDING:** **CEQA.** The proposed project is statutorily exempt from the provisions of the California Environmental Quality Act (CEQA).

EVIDENCE: a) The project is Categorically Exempt from environmental review pursuant to 15305(c) of the CEQA Guidelines, because the project will merge one unlawfully created parcel with a lawfully created parcel to comprise one parcel in accordance with the Subdivision Map Act.

FINDINGS FOR COASTAL DEVELOPMENT PERMIT

- 3. FINDING:** The project, as conditioned, is consistent with the development policies of the Humboldt Bay Area Plan and the County General Plan.

EVIDENCE: a) The project involves the merger of an unlawfully created parcel with a separate, legal parcel. Merging the parcels would create one parcel in accordance with the Subdivision Map Act. The project is consistent with the RL land use designation.

- b) The project is within a relatively stable geologic area. It is not located within a flood hazard zone. However, the project site is within a mapped tsunami run-up area. Future development would be required to meet the policies of the HBAP as they relate to tsunami hazards. The parcels are within a moderate hazard severity rating area. As no development is proposed, the project would not increase risks to hazards.
- c) The project was referred to the Northwest Information Center, Blue Lake Rancheria, Wiyot Tribe, and Bear River Rancheria. The Blue Lake Rancheria requested the project be conditioned with the standard inadvertent discovery protocol. Given no development is proposed, the project will not impact archaeological or paleontological resources.
- d) The project is adjacent to dune habitat. Given the proposal does not include physical development, no impacts to natural resources are anticipated. The project is consistent with the Resource Protection policies of the HBAP.
- e) The project is not within a designated coastal view or scenic area. The project involves the merger of two parcels. The merger will not have an impact on coastal views, as no development is proposed.

4. FINDING: The project, as conditioned, is consistent with the development policies of the existing zone in which it is located; and conforms to all applicable standards and requirements of these regulations.

- EVIDENCE:**
- a) The subject parcels were not created in compliance with all applicable state and local subdivision regulations, therefore, the project is necessary to bring the parcels into compliance and correct the Notice of Subdivision Map Act Violation recorded against the property.
 - b) The merger would create one parcel with an average lot width of 186 feet and average lot depth of 91 feet. The project is consistent with the development standards of the RS-5 Zone.
 - c) The parcel is currently vacant, and no development is proposed. Future development on the lot would be required to adhere to the development standards of the RS-5 Zone and M combining zone, including ground overage, structure height, and yard setbacks.

5. FINDING: 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.

- EVIDENCE:**
- a) The merger will not preclude the ability to build a residence on the lot.

6. FINDING: 327.5-18: A merger pursuant to the provisions of this section shall not be approved unless the Advisory Agency determines that the parcel resulting from the merger meets applicable health, building, and zoning requirements and that approving the merger would create health and safety problems.

- EVIDENCE:**
- a) There is no evidence that the merger will create any health or safety problems. No development is proposed as part of this merger. The merger is categorically exempt from environmental review per Class 5, Section 15305(a) of the CEQA Guidelines.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Humboldt County Zoning Administrator does hereby:

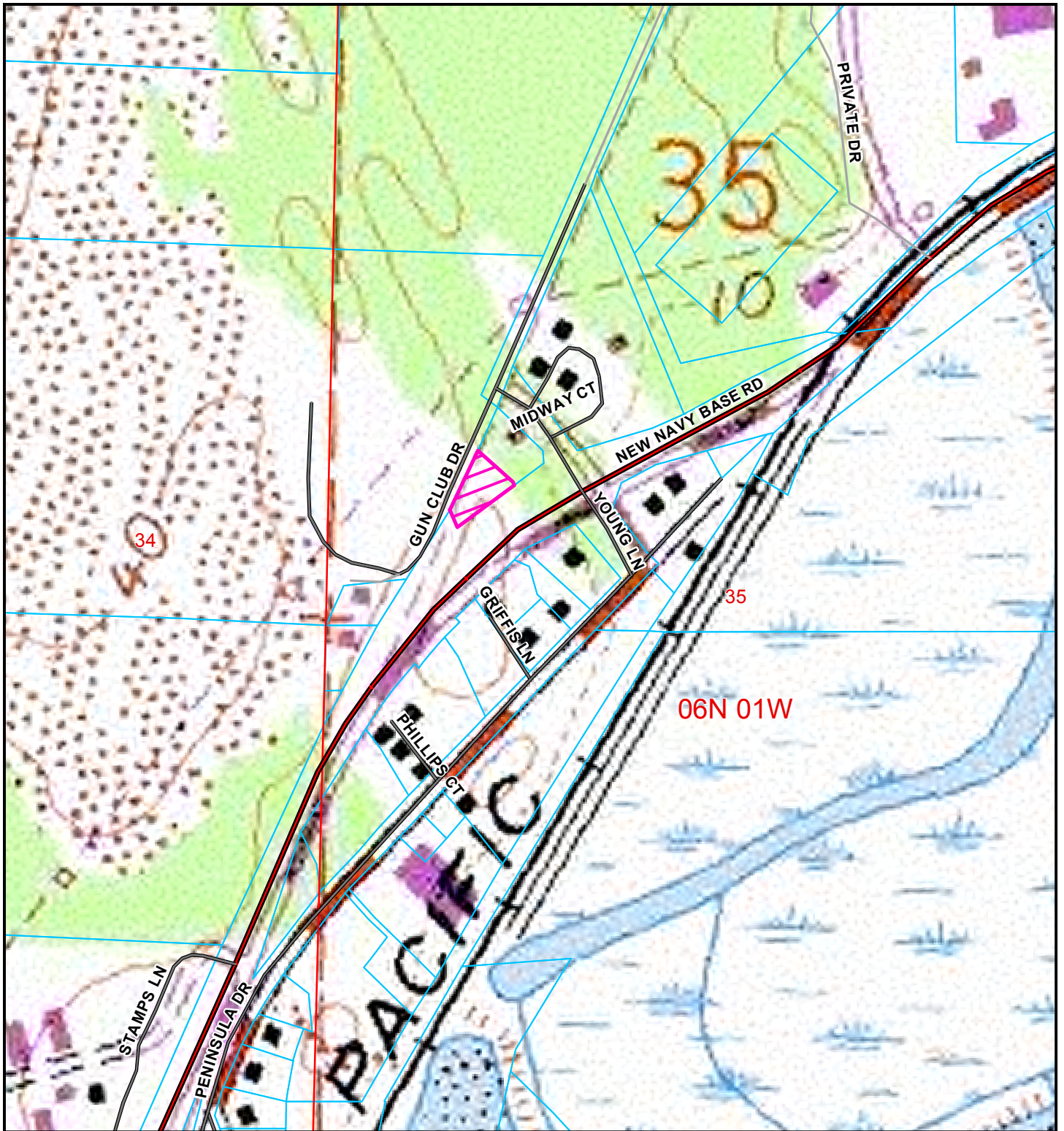
- Adopt the findings set forth in this resolution; and
- Conditionally approves the Lucas Coastal Development Permit and Notice of Merger based upon the Findings and Evidence and subject to the conditions of approval attached hereto as Attachment 1 and incorporated herein by reference; and

Adopted after review and consideration of all the evidence on July 1, 2021

DECISION:

I, John Ford, Zoning Administrator 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



TOPO MAP

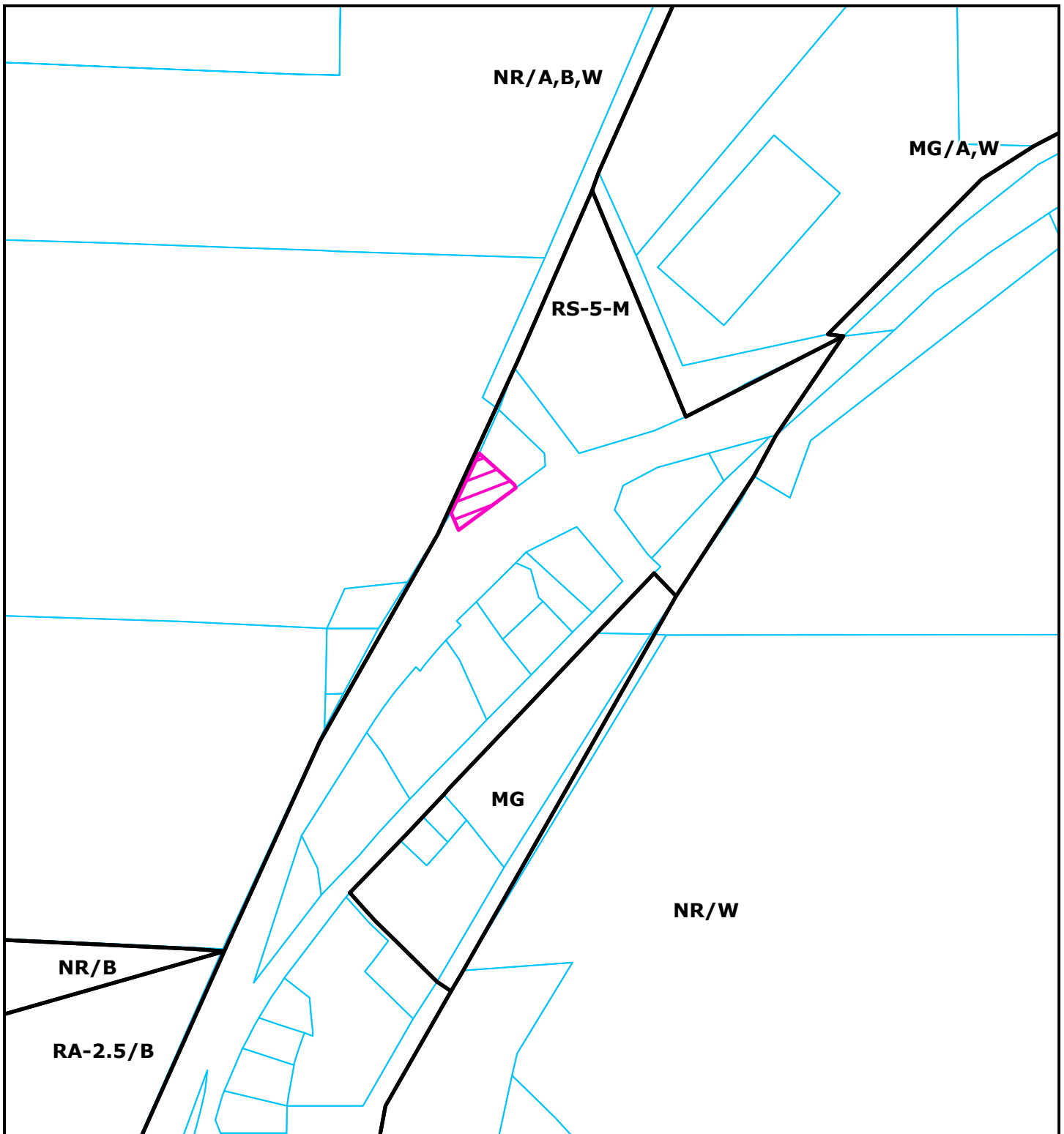
**PROPOSED LUCAS
COASTAL DEVELOPMENT PERMIT
MANILA AREA
PLN-2018-15076-CDP
APN: 506-071-020
T06N R01W S35 HB&M (Eureka)**

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.



0 100 200 300 400
Feet



ZONING MAP

**PROPOSED LUCAS
COASTAL DEVELOPMENT PERMIT
MANILA AREA
PLN-2018-15076-CDP
APN: 506-071-020
T06N R01W S35 HB&M (Eureka)**

Project Area = 

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Feet



AERIAL MAP

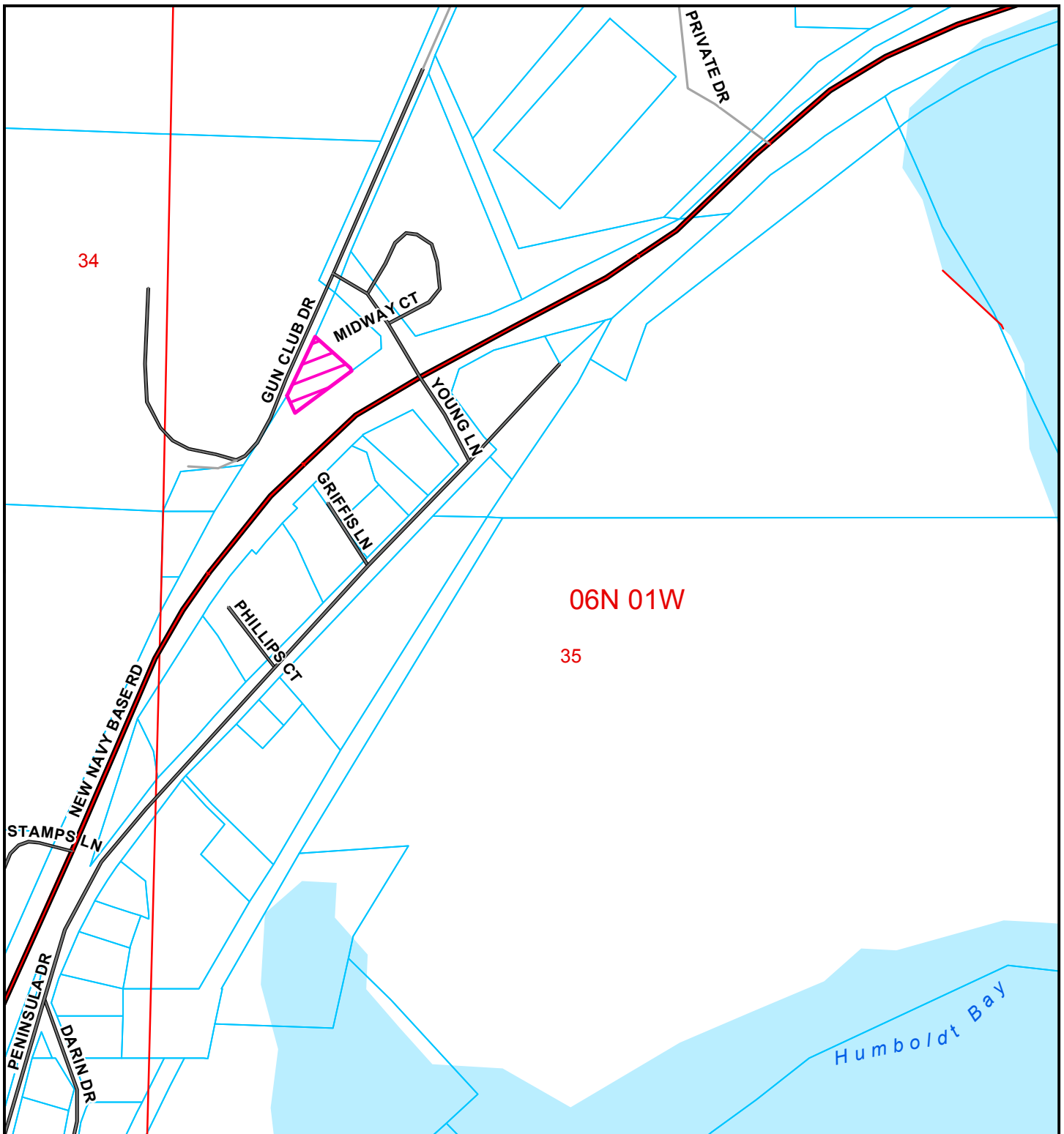
PROPOSED LUCAS
COASTAL DEVELOPMENT PERMIT
MANILA AREA
PLN-2018-15076-CDP
APN: 506-071-020
T06N R01W S35 HB&M (Eureka)

Project Area = 

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LOCATION MAP

PROPOSED LUCAS
COASTAL DEVELOPMENT PERMIT
MANILA AREA
PLN-2018-15076-CDP
APN: 506-071-020
T06N R01W S35 HB&M (Eureka)

Project Area = 

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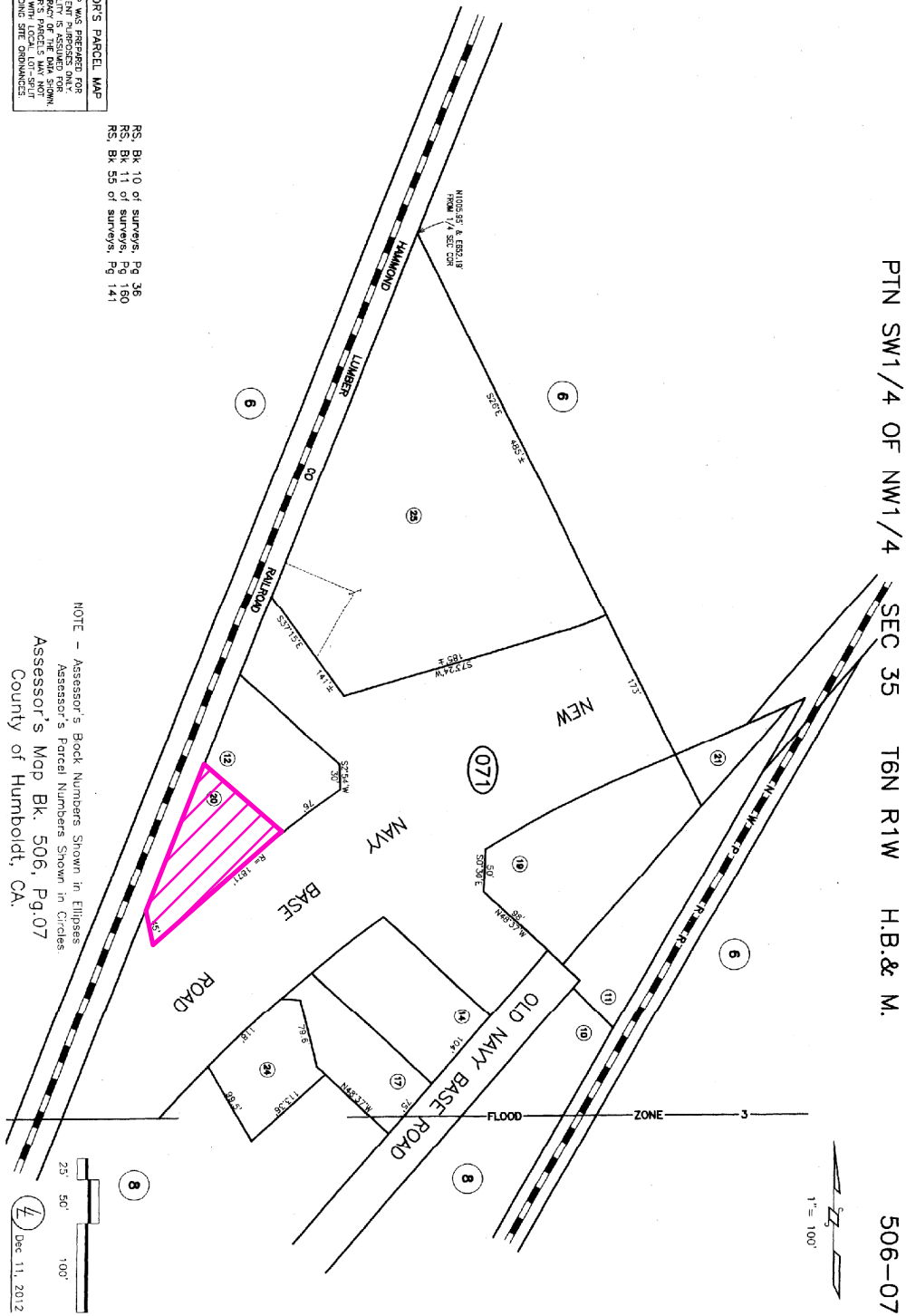
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ASSESSOR'S PARCEL MAP

1. THIS MAP WAS PREPARED FOR THE COUNTY OF HUMBOLDT, CALIFORNIA, BY THE ASSESSOR'S OFFICE, HUMBOLDT COUNTY, CALIFORNIA, ON DECEMBER 11, 2012.
2. THE ACCURACY OF THE DATA SHOWN ON THIS MAP IS ASSURED FOR THE COUNTY WITH LOCAL LOT-SPLIT OR BUILDING SITE ORDINANCES.

RS, Bk. 10 of surveys, Pg. 36
RS, Bk. 11 of surveys, Pg. 160
RS, Bk. 55 of surveys, Pg. 141

NOTE - Assessor's Block Numbers Shown in Ellipses
Assessor's Map Bk. 506, Pg. 07
County of Humboldt, CA.

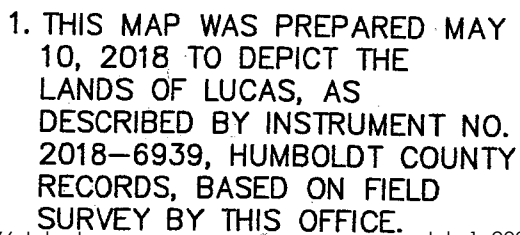
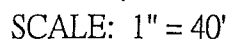


ASSESSOR PARCEL MAP
PROPOSED LUCAS
COASTAL DEVELOPMENT PERMIT
MANILA AREA
PLN-2018-15076-CDP
APN: 506-071-020
T06N R01W S35 HB&M (Eureka)

Project Area =

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MAP NOT TO SCALE



SHEET 1 OF 1

PO BOX 594
BAYSIDE, CA

VOICE (707) 822-2718
FAX (707) 822-5636

ATTACHMENT 1
RECOMMENDED CONDITIONS OF APPROVAL

Approval of the Notice of Merger is conditioned upon the following terms and requirements which must be satisfied before a Notice of Merger may be recorded.

1. The applicant shall submit an updated Preliminary Title Report with the current vesting interests in the property.
2. The applicant shall submit a completed Notice of Merger and Certificate of Subdivision Compliance document along with legal document review fees, notary fees and recording fees, as applicable.
3. **Applicant shall provide documentation from the County of Humboldt Tax Collector that all property taxes for the parcels involved in the Merger have been paid in full if payable, or secured if not yet payable, to the satisfaction of the County Tax Collector's Office. Please contact the Tax Collector's Office approximately three to four weeks prior to filing the Notice of Merger 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 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 merger 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.

Informational Notes

1. This merger does not guarantee that developable lots will result. Issuance of a building permit will require demonstration of all applicable development standards at the time a permit is requested.
2. The applicant shall comply with the provisions of Section 321-14 of the Humboldt County Code concerning reapportionment or payment of special assessments, if applicable.
3. The term of this approval shall be thirty-six (36) months from the date of the Planning Director's action on this request.
4. 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 Tribal Historic Preservation Officers at the Bear River Band of the Rohnerville Rancheria, Blue lake Rancheria, and Wiyot Tribe are to 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

ATTACHMENT 2
Applicant's Evidence in Support of the Required Findings

- Application Form (in file)
- Plot Plan (attached)
- Preliminary Title Report (in file)
- Current Deed (in file)

ATTACHMENT 3
REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

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

Referral Agency	Response	Recommendation
Public Works, Land Use Division		
Building Department	✓	Approval
Environmental Health		
California Coastal Commission		
Northwest Information Center	✓	Consult Tribes
Wiyot Tribe		
Bear River Band of the Rohnerville Rancheria		
Blue Lake Rancheria	✓	Conditional Approval