

RESOLUTION NO. 2021-27

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF EUREKA
CONDITIONALLY APPROVING A ONE YEAR EXTENSION (ER1-21-0001) OF THE
EXPIRATION DATE OF A CONDITIONALLY APPROVED VESTING TENTATIVE
SUBDIVISION MAP FOR LUNDBAR HILLS SUBDIVISION UNIT NO. 6.**

WHEREAS, on January 8, 2007, following a public hearing, the Planning Commission adopted a Mitigated Negative Declaration, Mitigation Monitoring and Reporting Program and Findings of Fact conditionally approving a vesting tentative map for the Lundbar Hills Subdivision, Unit No. 6 for subdivision of approximately 19 acres into 56 single-family residential lots located adjacent to and east of the existing Lundbar Hills and Lundbar Hills Southwood Subdivisions; and

WHEREAS, on February 20, 2007, the City Council of the City of Eureka held a public hearing and endorsed the action of the Planning Commission to conditionally approve the Lundbar Hills Southwood Subdivision Unit No. 6; and

WHEREAS, pursuant to the Subdivision Map Act §66452.6 and Eureka Municipal Code §154.042, a tentative parcel map expires 24 months from the date of adoption; and

WHEREAS, prior to the expiration of the life of the tentative parcel map, the map was extended by the State of California pursuant to California Government Code §§66452.21, 66452.22, 66452.23, and 66452.24 (under these legislative extensions, the original expiration date of February 20, 2009 was extended 7 years to February 20, 2016); and

WHEREAS, pursuant to California Government Code §66452.6(e) which provides that the life of the tentative parcel map may be extended for a period of up to six years, in addition to any extensions provided in §§66452.21 through 66452.24; the Planning Commission held a public hearing on March 14, 2016 and conditionally approved a six-year extension (MOD-15-0012); extending the expiration date until February 20, 2022); and

WHEREAS, the Subdivider has requested one more 12-month statutory extension pursuant to Eureka Municipal Code §154.042(B)(3); and

WHEREAS, in addition to Unit No. 6 Subdivision, three additional projects were approved in 2007 and continue to run with subdivision extensions: (1) a variance (V-03-013) to allow a reduced lot depth for Lot 170 (from 100' to 80'); (2) a conditional use permit (C-06-008) to allow timber harvesting of about 12 acres of previously logged land for roadway construction and building site preparation; and (3) a lot line adjustment (LLA-03-003) to transfer approximately 4,650 sf from Unit No. 6 (APN 301-031-039) to 4829 Dickson Drive (APN 301-281-038); and

WHEREAS, if approved, the new expiration date of the tentative parcel map for Unit

No. 6 and the associated variance, conditional use permit, and lot line adjustment (V-03-013, C-06-008, LLA-03-003) will be February 20, 2023; and

WHEREAS, the Planning Commission of the City of Eureka did hold a duly noticed public hearing at City Hall in the City of Eureka on December 13 at 5:30 p.m., both in-person in the Council Chamber and via Zoom to consider the subject extension; and

WHEREAS, the Planning Commission of the City of Eureka has reviewed the subject application in accordance with Eureka Municipal Code (EMC) Chapter 154, and after due consideration of all testimony, evidence, and reports offered at the public hearing, does hereby find and determine the following facts:

1. Consistent with EMC §154.042(B)(1), the extension request was received over 45 days before the map was to expire and stated the reasons for requesting the extension.
2. The currently proposed one-year extension is the final extension for which the project is eligible, unless the applicant enters into a Development Agreement with the City of Eureka wherein the applicant will be required to meet the conditions of agreement within an established and enforceable timeline. The applicant is requesting the final one-year extension in order to allow enough time to negotiate a Development Agreement with the City.
3. A Mitigated Negative Declaration (MND) was adopted by the Planning Commission on January 8, 2007, and concluded that, with mitigation, no substantial adverse environmental impact would result from the proposed project. The current condition modification requires further environmental protection beyond what is required by the adopted Mitigation Monitoring and Reporting Program and will thus not result in the project having any new or more severe significant effects on the environment compared with those evaluated in the original MND. For this reason, no further environmental review is required at this time.

WHEREAS, in the opinion of the Planning Commission of the City of Eureka, the proposed application should be approved subject to the original conditions of approval and mitigation measures as approved by the City Council on February 20, 2007 (see Exhibit B of Attachment 2 of the staff report for the full text of the conditions and mitigation measures), except that Condition 22 is modified and reimposed as follows (new language appears as **bold underlined font**):

- a. The applicant shall comply with the Mitigation Measures, Monitoring, and Reporting Program (MMRP). **In addition to the requirements of Mitigation Measure No. 5, the project must adhere to the following inadvertent discovery protocol:**

If any archaeological deposit is discovered during project development, such as scatters of chert and obsidian flaked-stone tools and debitage, ground or battered stone mortars or pestles, features such as ashy midden or housepit depressions, or concentrations of ca. 1850-1870 historic artifacts (e.g., glass,

ceramics) or features (e.g., foundations, privy pits or wells), work will be halted at the discovery locale plus a 50-ft buffer, the Tribal Historic Preservation Officers (THPOs) of the Blue Lake Rancheria, Wiyot Tribe, and Bear River Band of the Rohnerville Rancheria, plus the City of Eureka and Project Applicant will be immediately contacted, a locally experienced professional archaeologist will be retained to confer with the THPOs, City and Applicant about the potential significance of the find and if deemed significant (e.g., eligible as a Tribal Cultural Resource or meeting criteria for the California Register of Historical Resources), measures to avoid, minimize or mitigate impacts will be negotiated and carried out in a reasonable and respectful manner. If human remains are encountered, all work must be halted, THPOs and the County Coroner contacted, and measures of CA Health & Safety Code Sec. 7050.5 carried out.

NOW THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Eureka does hereby approve the application, subject to the mitigation and conditions described above, extending the expiration date of the Lundbar Hills Subdivision, Unit No. 6 tentative parcel map and associated approvals (Permit Nos. V-03-013, C-06-008, and LLA-03-003) until February 20, 2023.

PASSED, APPROVED AND ADOPTED by the Planning Commission of the City of Eureka in the County of Humboldt, State of California, on the 13th day of December, 2021 by the following vote:

AYES: COMMISSIONERS BENSON, ARRIAGA, LAZAR, FREITAS
NOES: NONE
ABSENT: COMMISSIONER MAIER
ABSTAIN: NONE



Craig Benson, Temporary Chair
Planning Commission

Attest:



Cristin Kenyon, Acting Executive Secretary