

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

Resolution Number 23-

**FRIEDLEY MINOR SUBDIVISION and COASTAL DEVELOPMENT PERMIT
PROJECT NUMBER PLN-2022-17910
ASSESSOR PARCEL NUMBER 015-081-008**

MAKING THE REQUIRED FINDINGS FOR CERTIFYING COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND CONDITIONALLY APPROVING THE FRIEDLEY MINOR SUBDIVISION AND COASTAL DEVELOPMENT PERMIT

WHEREAS, the owner submitted an application and evidence in support of approving the Minor Subdivision and Coastal Development Permit for a subdivision of one parcel into two; 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 Planning Division as the Lead Agency has determined that the project qualifies for a categorical exemption found in Section 15315 (Minor Land Divisions) of the CEQA Guidelines; and

WHEREAS, a public notice was sent via mail to all owners and occupants of property within 300 feet of the boundaries of the project; and

WHEREAS, on January 19, 2023, a public hearing was held before the Humboldt County Planning Commission during which the Planning Commission reviewed, considered, and discussed the application and reviewed and considered all evidence and testimony presented at the hearing; and

NOW, THEREFORE, be it resolved, determined, and ordered that the Planning Commission makes the following findings:

PROJECT DESCRIPTION

- 1. FINDING:** A minor subdivision of an approximately 12,600 sf parcel into two parcels of 7,346 sf (Parcel One) and 5,266 sf (Parcel Two). The existing parcel is developed with a single-family residence and garage, which will remain on proposed Parcel One. The existing parcel is served with community water and sewer by Humboldt Community Services District. The parcel is located in the Coastal Zone and a Coastal Development Permit is required.

EVIDENCE: a) Project File: PLN-2022-17910

CEQA

2. FINDING:

CEQA. The requirements of the California Environmental Quality Act have been met. The Humboldt County Planning Commission has considered the project and finds the proposed minor subdivision and coastal development permit, which will allow for construction of a Single-Family Residence is exempt from environmental review pursuant to Sections §15315 (Minor Land Divisions) of the State CEQA Guidelines.

- EVIDENCE:**
- a) The Class 15 CEQA exemption (Section 15315) covers the project as it is the division of an existing legal lot in an urbanized, residentially-zoned area into two parcels consistent with the General Plan and zoning, no exceptions are required, and urban services are in place, and the site can be developed to local standards; the parcel has not been involved in a larger division in the last two years, and the parcel does not have an average slope greater than 20%.
 - b) A project can be disqualified from using a Categorical Exemption if any of the exceptions listed in 15300.2 apply. However, none of these exceptions apply to the proposed project.

SUBDIVISION FINDINGS (Section 66474 of the State Subdivision Map Act and Title III Division 2 of the Humboldt County Code)

3. FINDING:

The creation of two parcels from an existing 12,600 sf parcel conforms with the requirements and standards of the County's subdivision regulations.

- EVIDENCE:**
- a) The staff site inspections, referral comments and recommendations all indicate that the proposed subdivision creates lots suitable for their intended uses.
 - b) The existing residence on the parcel is served water by the Humboldt Community Services District and water and sewer will continue to be served to the same residence and the new residence on Proposed Parcel Two.

FINDINGS APPLICABLE TO ALL PERMITS

4. FINDING:

The proposed development is in conformance with the certified Local Coastal Plan.

- EVIDENCE:**
- a) §5.3 3.11 Urban Limit – Humboldt Bay Area Plan (HBAP)

30250. New development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.

The site is zone Mixed Residential (R-2) with a minimum parcel size of 5,000 sf. The minor subdivision into two lots is consistent with the R-2 (Mixed Residential) Zone District, and single-family residential use is a principally permitted use (Humboldt County Zoning Regs Inside the Coastal Zone §163.1.9.7). The area is extensively developed into single- and multi-family units with existing public services.

b) §3.16 Housing – HBAP

30213. Housing opportunities for persons of low and moderate income shall be protected, encouraged, and provided, where feasible. New housing in the Coastal Zone shall be developed in conformity with the goals, policies, standards, and programs of the Humboldt County Housing Element.

The minor subdivision provides an additional residential parcel that allows for additional housing and which may be more accessible to persons of low and moderate income than is currently available.

c) §4.10 Standards for Plan Designations – HBAP

RM: Residential/Medium Density. Purpose: to make effective use of limited urban land and provide areas for residential use of mobile homes in urban area (as well as duplexes and multiple units), consistent with availability of public services.

The site is designated RM by the Humboldt County General Plan, and the project will create a residential lot that may accommodate a residential unit or units.

d) §3.18 Archeological and Paleontological Resources – development that would impact archeological or paleontological resources shall require reasonable mitigation.

Where new development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

Local tribes of historic affiliation with the project area were notified of the proposed subdivision, and the three tribes indicated no concern with the project; the Bear River Band requested that the standard inadvertent protocol be included, and this is a condition of approval.

5. FINDING: The proposed project will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

EVIDENCE: a) The surrounding area is developed with small lots with residential uses similar to the proposed project. The property is located on a County-maintained road and has existing infrastructure to support the proposed project. The County Department of Public Works has reviewed the minor subdivision and found it to be approvable with conditions. As conditioned, the proposal to divide one parcel into two and develop housing consistent with the R-2 Zone will not result in detrimental impacts to public health, safety, and welfare, or materially injurious to properties or improvements in the vicinity.

6. FINDING: The project 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.

EVIDENCE: a) The parcel's General Plan land use designation and zoning allow residential development. The proposed residential development on the property is consistent with the density permitted on the parcel. The project will be consistent with Housing Element law.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Humboldt County Planning Commission does hereby:

1. Adopt the findings set forth in this resolution; and
2. Approves the Coastal Development Permit (Record Number; PLN-2022-17910) based on the evidence referenced, described, and provided herein and as well as those materials found within the project record, subject to the attached conditions of approval.

Adopted after review and consideration of all of the evidence on **January 19, 2023.**

The motion was made by Commissioner _____
and Seconded by Commissioner _____

AYES:

NOES:

ABSTAIN:

ABSENT:

DECISION:

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

John H. Ford
Director, Planning and Building
Department