

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

Resolution Number 23-

**PARCEL MAP SUBDIVISION APPROVAL
CASE NUMBERS PLN-2022-17900
ASSESSOR PARCEL NUMBER 403-081-023**

MAKING THE REQUIRED FINDINGS FOR CERTIFYING COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND CONDITIONALLY APPROVING THE FENNEL TENTATIVE MAP SUBDIVISION AND COASTAL DEVELOPMENT PERMIT

WHEREAS, the owner submitted an application and evidence in support of approving a proposed Minor Subdivision of one parcel into two parcels; 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, the lead Department pursuant to Section 202 of Resolution No. 77-29 of the Humboldt County Board of Supervisors, has determined that impacts of the project were analyzed and addressed during preparation of the Environmental Impact Report (EIR) for the 2017 Humboldt County General Plan (SCH#2007012089), in keeping with the criteria outlined within section 15183 of the Guidelines; 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 Tentative Parcel Map Subdivision (Case Number PLN-2022-17900); and

WHEREAS, a public hearing was held on the matter before the Humboldt County Planning Commission on September 21, 2023.

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

PROJECT DESCRIPTION

- 1. FINDING:** A Minor Subdivision of a 16,566 square foot parcel into two parcels of approximately 6,336 square feet and 10,230 square feet. The parcel is currently developed with a single-family residence and detached Accessory Dwelling Unit. The property is served with community water provided by the Manila Community Services District. Each dwelling unit will be sited on a separate parcel with no further development proposed. A Coastal Development Permit (CDP) is required as the property being divided is located within the Coastal Zone. An exception to certain road frontage improvements is being requested pursuant to Section 325-9 of Humboldt County Code.

EVIDENCE: a) Project File: PLN-2022-17900

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 subdivision is exempt from further environmental review pursuant to Section 15183 (Projects Consistent with a Community Plan or Zoning) of Article 12 (Special Situations) of the CEQA Guidelines.

EVIDENCE:

- a) Section 15183 of the CEQA Guidelines notes CEQA's mandate that projects be exempt from additional environmental review when consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified. 15183 notes that subsequent environmental review is only necessary where the Lead Agency determines any of the following applies:
- project-specific environmental effects:
- are peculiar to the project or the parcel on which it is located
 - are significant and were not analyzed as such in a prior EIR
 - are off-site and/or cumulative and were not discussed in the prior EIR
 - were identified in a prior EIR as significant but due to substantial new information (not known at the time the EIR was certified) are determined to have a more severe adverse impact than what was disclosed.
- b) There are no environmental effects that are peculiar to the project or the parcel on which the project is located. The parcel being divided is already host to residential development and no further development potential will result from the proposal as the applicant is agreeing to convey rights to future residential development. Adjacent lands in the vicinity are similarly planned and zoned and are also developed and sized consistent with the applicable planned density and minimum lot size.
- c) The subdivision is consistent with the residential density established under the Humboldt Bay Area Plan (HBAP). A Local Coastal Plan (LCP) covering this community planning area, the HBAP was last updated and certified by the Coastal Commission in 2014. The residential density specified in the HBAP was utilized for analysis conducted during development of the Environmental Impact Report (EIR) prepared for the current Humboldt County General Plan, which includes all of the required elements specified in Section 65302 of the Government Code. The EIR for the General Plan (SCH #2007012089) was certified during adoption of the plan in 2017.
- d) There are no potentially significant environmental effects which were not analyzed in the above referenced EIR. The proposed subdivision would enable future build-out to the currently planned density for the area, which was re-confirmed during adoption of the 2017 General Plan. The project is also consistent with the applicable policies and standards of the General Plan and Coastal Plan, which are further discussed below.
- e) There are no potentially significant off-site impacts and cumulative impacts which were not discussed in the above referenced EIR (SCH #2007012089). The proposed subdivision will facilitate build-out consistent with planned densities and applicable policies and standards found in the recently adopted General Plan.
- f) There is no substantial new information that would cause the project to

result in a more severe adverse impact than what was known and disclosed at the time the General Plan EIR was certified.

- g) There is no substantial evidence, given the whole record before the agency, that the project may have a significant effect on the environment, as proposed.
- h) The project site is not located within a scenic vista area and will not impact visual resources within the County. The proposed minor subdivision will create two parcels where one currently exists. The parcel being divided currently hosts two separate residences. The proposed subdivision is designed to separate each residence onto their own individual parcel. No new residential will result from the division as the owner is agreeing to convey rights to future residential development until such time that a site-specific Tsunami vulnerability report and Safety Plan have been prepared by a California licensed professional civil engineer. Any future residential development will also be subject to first securing a Coastal Development Permit, which will provide an opportunity to help ensure a proposal is consistent with the assortment of uses and structures on surrounding parcels. The project will result in a less than significant impact to aesthetics.
- i) The Tribal Historic Preservation officer (THPO) for the Bear Band of the Rohnerville Rancheria has requested that a restriction be placed on future ground disturbance due to the sensitivity of the area and possibility for discovery of tribal cultural resources. Conditions of Approval have been included requiring that the property file a Development Plan with the Planning & Building Department and that the owner execute a Notice of Development Plan. The Development plan will include notations prohibiting new ground disturbance on the property without prior authorization by county staff following consultation with the representatives from the Wiyot Tribe, Blue Lake Rancheria, and Bear River Band of the Rohnerville Rancheria. The notations will include an advisory that during consultation, tribal representatives may request to conduct a site visit and/or that a survey for cultural resources be performed by a qualified consultant.
- j) Potential impacts to biological and cultural resources are largely avoided since the property being divided is already developed and future development is not being authorized at this time and would be subject to further discretionary review under a subsequent Coastal Development Permit.
- k) The project site is not included on a list of hazardous material sites, nor does the proposed project involve routine transport, use or disposal of hazardous materials. The project site is not located in an Airport Review Area. The closest airport is almost 5 miles away.
- l) According to the Humboldt County Fire Hazard Severity map, the parcel is located in a moderate fire hazard severity areas. The property is located within the Community of Manila which is served by the Arcata Fire Protection District. Though not currently contemplated, future residential development of the site will require compliance with the Uniform Fire Code and Uniform Building Code. The Department finds no evidence that the project will create, or expose people or property to, hazardous materials, or impair implementation of or physically interfere with, an adopted

- emergency response plan.
- m) The project will not violate any water quality standards or waste discharge requirements or substantially degrade surface or groundwater quality or degrade groundwater supplies. Residential development located on the parcels being created already receives water service provided by the Manila Community Services District (MCSD). MCSD also provides sewer service to the residents of Manila using a septic tank effluent pump (STEP) system.
 - n) A Drainage Report is required to be prepared by a Civil Engineer registered within the State of California, and will be submitted for review and approval prior to commencement of the project.
 - o) The project will not conflict with any adopted program, ordinance, or policy addressing transportation systems within the County or result in inadequate emergency access. Access to existing residential development on the proposed parcels being created is currently provided by Peninsula Drive and two private roads.

SUBDIVISION FINDINGS

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

- 3. **FINDING** All lots shall be suitable for their intended uses.
EVIDENCE: a) The project will result in a total of two parcels 6,336 square feet and 10,230 square feet in size.
- 4. **FINDING** Improvements shall be required for the safe and orderly movement of people and vehicles.
EVIDENCE: a) Access to the parcel is primarily via a publicly maintained road that is developed to a Road Category 4 standard. The remaining portion of the access is via two private roads. Both of the private roads are required to be improved as a condition of approval of the map. The applicant is requesting an exception to the frontage improvements requirements specified for Peninsula Drive. The Planning Commission has the authority to waive this requirement upon making the required findings.
- 5. **FINDING** Flood control and drainage facilities affording positive storm water disposal shall be designed and provided by the subdivider.
EVIDENCE: a) Satisfaction of the requirements found in the Memo from the Land Use Division of Public Works (DPW) is required by the project Conditions of Approval. Section 3.0 of their memo informs the applicant of their responsibility to correct any drainage problems associated with subdivision to the satisfaction of DPW and requires that a hydraulic report and drainage plan for the subdivision be submitted to DPW for review and approval.
- 6. **FINDING** Sewer and water systems shall be constructed to appropriate standards.
EVIDENCE: a) Residential development located on the parcels being created already receives water service provided by the Manila Community Services District (MCSD). MCSD also provides sewer service to the residents of Manila using a septic tank effluent pump (STEP) system.

7. FINDING The size and shape of lots shall be such as is proper for the locality in which the subdivision is situated, and in conformance with the requirements of the current zoning regulations and the Humboldt County General Plan.

EVIDENCE: The size and configuration of the proposed parcels complies with width, depth, and minimum lot size requirements of the RS zone.

Govt. Code §66474.02 Structural Fire Protection

8. FINDING Where approving subdivision of land (not for open space purposes) within a State Responsibility Area (SRA) or Very High Fire Hazard Severity Zone, the project must be consistent with state or local Fire Safe Regulations and be located within an area where structural fire protection and suppression services will be available from a qualified entity (County, City, Special District, or other political subdivision or entity) that is monitored and funded by a County or other public entity, and organized solely to provide fire protection services, or through contract with the Department of Forestry and Fire Protection pursuant to Section 4133, 4142, or 4144 of the Public Resources Code.

EVIDENCE: a) The property is not located in a State Responsibility Area for Fire Protection and is located in an area of Moderate Fire Hazard Severity and is within an area served by the Arcata Fire Protection District, who provide structural fire protection. The project was referred to the district for review and received their support for the proposal.

Community Plan Findings – Humboldt Bay Area Plan (HBAP)

Section 3.17 Hazards

9. FINDING The proposed development is consistent with the provisions of the Humboldt Bay Area Plan (HBAP) governing Hazards.

EVIDENCE a) The project is located on the Samoa Peninsula or North Spit. Much of the area on the peninsula is vulnerable to inundation from a tsunami run-up following a local great Cascadia Subduction Zone earthquake event. Policies found in section 3.17 of the Humboldt Bay Area Plan (HBAP) was added in 2014 and requiring that a tsunami vulnerability report with a site-specific prediction of tsunami run-up elevation be provided for all new subdivisions and development projects resulting in additional dwelling units. Because the primary purpose of the proposed subdivision is to enable sale of one of the dwellings to the current occupants, the applicant is agreeable to conveying rights to future residential development of the property until such time that a Tsunami vulnerability report and Safety Plan have been prepared by a California licensed professional civil engineer determining that additional residential development on the site will be safe from catastrophic failure or inundation caused by a local great Cascadia Subduction Zone earthquake event and accompanying tsunami.

b) With regards to the tsunami run-up risk faced by existing residential development on the property, the closest refuge / evacuation point is accessible via an established trail through a private undeveloped parcel situated immediately across the street from the parcel being divided. This 9-acre parcel hosts a tall dune feature approximately 46 feet in elevation

above sea level approximately 450 feet from the two residences on the property.

Section 3.18 Archaeological and Paleontological Resources

The proposed development is consistent with the provisions of the Humboldt Bay Area Plan (HBAP) governing protection of Archaeological and Paleontological Resources.

- c) Potential impacts to cultural resources are largely avoided since the property being divided is already developed at this time. The Tribal Historic Preservation officer (THPO) for the Bear Band of the Rohnerville Rancheria has requested that a restriction be placed on future ground disturbance due to the sensitivity of the area and possibility for discovery of tribal cultural resources. Conditions of Approval have been included requiring that the property file a Development Plan with the Planning & Building Department and that the owner execute a Notice of Development Plan. The Development plan will include notations prohibiting new ground disturbance on the property without prior authorization by county staff following consultation with the representatives from the Wiyot Tribe, Blue Lake Rancheria, and Bear River Band of the Rohnerville Rancheria. The notations will include an advisory that during consultation, tribal representatives may request to conduct a site visit and/or that a survey for cultural resources be performed by a qualified consultant.

Section 3.16 Housing

- d) The proposed development is consistent with the provisions of the Humboldt Bay Area Plan (HBAP) concerning Housing.

The proposed project would separate two existing homes onto separate parcels, facilitating sale and home ownership by existing tenants. This is consistent with section 30213 of the Coastal Act and section 3.16 of the Area Plan which encourage development of housing opportunities for persons of low and moderate income.

Section 3.30 Natural Resources Protection Policies and Standards

- e) Potential impacts to natural resources are largely avoided since the property being divided is already developed at this time. Development of additional residential units will be subject to first securing a Coastal Development Permit.

Section 3.40 Visual Resource Protection Policies and Standards

- f) Potential visual impacts are largely avoided since the property being divided is already fully developed at this time. Development of additional residential units will be subject to first securing a Coastal Development Permit.

Section 3.50 Access Policies and Standards

A vertical access point crossing through private property lies immediate across the street from the proposed subdivision. The subdivision does not interfere with ongoing use of this coastal access point.

FINDINGS APPLICABLE TO ALL PERMITS

- 10. FINDING** The proposed development is in conformance with the County General Plan.
- EVIDENCE** a) The proposed development is consistent with the Residential Low Density (RL) land use designation. The project maintains existing residential development. The RL designation (HBAP Chapter 4A, Urban Land Use Designations) development of homeowner residential uses making conservative use of urban land where adequate services are available. The subject property is already served by public water & sewer service provided by the Manila Community Services District (MCSD) and is accessible from Peninsula Drive, a publicly maintained road.
- 11. FINDING** The proposed development is consistent with the purposes of the existing Residential Single-family (RS-5) zone in which the site is located.
- EVIDENCE** a) The property zoning designation of RS includes single-family residential as a principally permitted use. The proposed lot sizes are consistent with the required minimum lot size of 5,000 square feet established as well as the minimum width and depth requirements for the zone. Both parcels meet or exceed the 50 feet width minimum found in the RS zone and neither exceed the prescribed maximum lot depth ratio.
- 12. FINDING** The proposed development is consistent with the Archaeological Resource Area Combining (A) zone in which the site is located.
- a) Potential impacts to cultural resources are largely avoided since the property being divided is already developed at this time. The Tribal Historic Preservation officer (THPO) for the Bear Band of the Rohnerville Rancheria has requested that a restriction be placed on future ground disturbance due to the sensitivity of the area and possibility for discovery of tribal cultural resources. Conditions of Approval have been included requiring that the property file a Development Plan with the Planning & Building Department and that the owner execute a Notice of Development Plan. The Development plan will include notations prohibiting new ground disturbance on the property without prior authorization by county staff following consultation with the representatives from the Wiyot Tribe, Blue Lake Rancheria, and Bear River Band of the Rohnerville Rancheria. The notations will include an advisory that during consultation, tribal representatives may request to conduct a site visit and/or that a survey for cultural resources be performed by a qualified consultant.
- 13. FINDING** The proposed subdivision will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.
- EVIDENCE** a) The proposed subdivision will divide a 16,566 ft.² parcel into two (2) parcels of approximately 6,336 ft.² and 10,230 ft.² in size. Each parcel will include one of the existing single-family residences that occur on the property. The proposed parcel sizes and resulting density is consistent with that planned for the area.
- 14. FINDING** The proposed subdivision with possible future 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.

- a) The parcel's General Plan land use designation (RL) and zoning (RS-5) allow residential development. The project will positively impact compliance with Housing Element law by dividing the property to its maximum density allowable under the land use designation and zoning restrictions.

DECISION

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

1. Adopts the findings set forth in this resolution; and
2. Conditionally approves the Minor Subdivision and Coastal Development Permit (Record Number: PLN-2022-17900 based on the approved tentative map on file, subject to the conditions of approval.

Adopted after review and consideration of all the evidence on **September 21, 2023**

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

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

Exhibit 1A

Recommended Conditions of Approval

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

Conditions of Approval:

1. All taxes to which the property is subject shall be paid in full if payable, or secured if not yet payable, to the satisfaction of the County Tax Collector's Office, and all special assessments on the property must be paid or reapportioned to the satisfaction of the affected assessment district. Please contact the Tax Collector's Office approximately three to four weeks prior to filing the parcel or final map to satisfy this condition. This requirement will be administered by the Department of Public Works.
2. Unless otherwise modified by the Planning Commission, all the conditions on the enclosed Department of Public Works referral dated **November 28, 2022**, shall be completed or secured to the satisfaction of that department. Prior to performing any work on the improvements, contact the Land Use Division of the Department of Public Works.
3. The Planning Division requires that two (2) copies of the Parcel Map be submitted for review and approval, said map to identify net and gross acreage for each parcel.
4. Prior to recordation of the Parcel Map, the applicant shall submit a letter from the Manila Community Services District indicating that the project conforms to its requirements. This condition shall be administered by the Department of Public Works.
5. Prior to recordation of the Parcel Map, the applicant shall submit a letter from the Arcata Fire Protection District stating that the project meets their requirements. This condition shall be administered by the Department of Public Works.
6. Prior to recordation of the Parcel Map, the applicant shall submit a letter from Pacific Gas and Electric Company stating that the project meets their requirements. This condition shall be administered by the Department of Public Works.
7. The applicant shall submit at least three (3) copies of a Development Plan to the Planning Division for review and approval. The map shall be drawn to scale and give detailed specifications as to the development and improvement of the site, and shall include the following site development details:
 - A. Mapping
 - (1) Topography of the land in 1-foot contours.
 - (2) Proposed access, parking lanes and pedestrian ways
 - (3) Two (2) off-street parking spaces on both lots consistent with Section 314-109.1 Humboldt County Code.
 - (4) Building locations and easements

B. Notes to be Placed on the Development Plan:

Prohibition on New Ground Disturbance

- (1) "These parcels are located within an area that is sensitive for tribal cultural resources. Prior to conducting any new ground disturbance, the owner must first contact the Humboldt County Planning & Building Department. An authorized representative from the Department will then engage in consultation with representatives from the Wiyot Tribe, Blue Lake Rancheria, and Bear River Band of the Rohnerville Rancheria.

During consultation, tribal representatives may request to conduct a site visit and/or that a survey for cultural resources be performed by a qualified consultant. Other mitigation may include use of a tribal cultural monitor during future ground disturbing activities and avoidance of specific areas refined during survey.

These provisions are binding on the property owner(s) and tenant(s), as well as their successors and assigns. The property owner is responsible for providing payment to cover county staff time accrued during consultation and facilitation with the local tribes."

Inadvertent Discovery Protocol

- (2) "Should the parcel(s) be cleared for ground disturbance without requiring use of a cultural monitor, there always exists the possibility that undiscovered cultural resources may be encountered during construction activities. The following mitigation measures are required under state and federal law:

If archaeological 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) 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 and successors are ultimately responsible for ensuring compliance with this condition."

- (3) "The project is located in a designated non-attainment area for the state's health-based particulate matter (PM10) air quality standard. As such, additional emission from the project (construction potential single family residences) could exacerbate air quality problems, including non-attainment of ambient air quality standards. In order to address potential effects to air quality the District recommends:

- Prohibition of open fireplaces.
- Heating should be provided using clean fuels (electricity or natural gas), when

feasible.

- If wood heating must be used, only US Environmental Protection Agency (EPA) certified heating appliances should be permitted in new construction."
- (4) "Construction activities shall be restricted to hours between 7:00 a.m. and 6:00 p.m. Monday through Friday. All proposed uses must comply with the noise standards identified in Figure 3-2 of the General Plan."
 - (5) "Rights to future residential development of the property have been conveyed to the County of Humboldt until such time that a Tsunami vulnerability report and Safety Plan has been prepared by a California licensed professional civil engineer determining that additional residential development on the site will be safe from catastrophic failure or inundation caused by a local great Cascadia Subduction Zone earthquake event and accompanying tsunami.
 - (6) "The parcel is located within the Coastal Zone. Development of additional residential units is subject to first securing a Coastal Development Permit."
 - (7) "Please note that the information and requirements described and/or depicted on this Development Plan are current at the time of preparation but may be superseded or modified by changes to the laws and regulations governing development activities. Before commencing a development project, please contact the Planning Division to verify if any standards or requirements have changed."
10. The applicant shall cause to be recorded a "Notice of Development Plan" on forms provided by the Humboldt County Community Development Services—Planning Division. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently **\$445.00** plus applicable recordation fees) will be required. The Development Plan shall also be noticed on the Final Map.
 11. A review fee for Conformance with Conditions as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors shall be paid to the Humboldt County Community Development Services—Planning Division, 3015 "H" Street, Eureka. This fee is a deposit, and if actual review costs exceed this amount, additional fees will be billed at the County's current burdened hourly rate. Please see Informational Note 1 below for suggestions to minimize the cost for this review.
 13. The applicant shall reimburse the Planning Division for any processing costs that exceed the application deposit.

Informational Notes:

1. To minimize 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. The applicant should submit the listed item(s) for review as a package as early as possible before the desired date for final map checking and recordation. Post application assistance 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. Copies of all required forms and written instructions are included in the final approval packet.

- Each item evidencing compliance except legal documents to be recorded should note in the upper right-hand corner:

Assessor's Parcel No. _____ Condition _____
(Specify) (Specify)

2. Under state planning and zoning law (CGC §66000 *et seq.*), a development project applicant who believes that a fee or other exaction imposed as a condition of project approval is excessive or inappropriately assessed may, within 90 days of the applicable date of the project's approval, file a written statement with the local agency stating the factual basis of their payment dispute. The applicant may then, within 180 days of the effective date of the fee's imposition, file an action against the local agency to set aside or adjust the challenged fee or exaction.

3. The PMS and Coastal Development Permit shall expire and become null and void at the expiration of two (2) years after all appeal periods have lapsed (see Effective Date). This approval may be extended in accordance with the Humboldt County Code.