



COUNTY OF HUMBOLDT

For the meeting of: 11/16/2023

File #: 23-1533

To: Planning Commission
From: Planning and Building Department
Agenda Section: Public Hearing

SUBJECT:

Ruffino - Final Map Subdivision and Coastal Development Permit

Application Number: PLN-2023-18066
Assessor Parcel Number (APN) 508-091-039
McKinleyville area

A Major Subdivision of an approximately 3.87-acre parcel into six (6) parcels ranging in size from approximately 18,123 square feet (net) to 35,737 square feet (net) in size. The parcel is located in the Coastal Zone and a Coastal Development Permit (CDP) is being sought in connection with the proposed subdivision. The site is currently vacant and will be served with community water and sewer provided by the McKinleyville Community Service District.

RECOMMENDATION(S):

That the Planning Commission:

Adopt the resolution (Attachment 1) which does the following:

- a. Find that the project is consistent with the development density and policies established by an existing community plan and General Plan for which an EIR was certified, and that no additional environmental review is required per section 15183 of the State CEQA Guidelines; and
- b. make all of the required findings for approval of the Final Map Subdivision and Coastal Development Permit; and
- c. approve the Ruffino Major Subdivision and Coastal Development Permit subject to the recommended conditions.

DISCUSSION:

Executive Summary: This project seeks approval of a major subdivision together with a Coastal Development Permit to allow for the division of a 3.87-acre parcel into 6 lots.

The site is in an area composed of low-density residential development. Of 100 parcels in the project vicinity, 81 are less than ½-acre in size and nearly 100% of the parcels are developed with at least one single-family dwelling. The eastern portion of the property abuts highway 101. The neighborhood sits atop a coastal terrace landform 50 feet higher than the nearby bottom lands, which are vulnerable to flooding and tsunami run-up. The geologic hazards map for this area shows that the soils have a

relatively stable rating.

Site Suitability

Access: Access to the subdivision will be provided by Anderson Avenue and a future private road proposed to be developed along the northern boundary of the proposed parcels. The proposed new road would be developed within a 40.5-foot right-of-way that will include a two-lane road terminating in a cul de sac serving parcels 3 through 6. The right-of-way improvements will include sidewalks separated from the access road and parking areas by a landscape strip buffer.

Drainage: A preliminary drainage study was prepared for the project. A detention basin is planned to be constructed along the northern boundary of Parcel 6. In addition, Low Impact Development (LID) techniques will be utilized to convey and improve stormwater quality before reaching the detention area. The Department of Public Works is requiring that a complete hydraulic report and drainage plan be prepared by a Civil Engineer for the proposed detention basin and other drainage improvements.

Tribal Cultural Resources: A cultural resources Investigation of the property was performed by “Archaeological Research and Supply Company”. A confidential report summarizing the results and recommendations from the investigation is on file with the Planning & Building Department. The project was referred to Tribal Historic Preservation Officers from the Wiyot Tribe, Blue Lake Rancheria, and Bear River Band of the Rohnerville Rancheria. The THPO’s were also engaged during preparation for the cultural resources survey and a tribal monitor participated in the survey of the property. Potential impacts to cultural resources have been avoided through adjustments to the lot configuration and inclusion of a restriction on ground disturbance within portions of Parcels 3 and 4 which were determined to be sensitive for cultural resources. Conditions of Approval have been included requiring that the property owner file a Development Plan with the Planning & Building Department. The Development Plan will include notations concerning protections for cultural resources and restrictions on ground disturbance within the defined area. The Conditions of Approval also require that the owner execute a Notice of Development Plan and allow the Department to file this document with the County Recorder. A conceptual grading plan prepared for the project shows that future residential development on parcels 3 and 4 can be accommodated outside of the proposed cultural resources buffer. The Tribal Historic Preservation Officers support the project moving forward with this approach to avoiding and controlling future ground disturbance.

Topography, Geologic Hazards, Biological Resources: The site is generally flat, sloping gradually to the northeast. Though there were no sensitive plants found on the site during the botanical survey, a Condition of Approval has been included requiring survey for nesting birds if removal of certain vegetation is proposed to occur during the nesting season. This was included at the request of the California Department of Fish & Wildlife (CDFW) who visited the project site on February 20, 2023. CDFW had no further concerns regarding the development planned for the project site.

The applicant has prepared a Solar Shading Study and found that all new parcels will comply with the County’s Solar Shading Ordinance of the Subdivision Regulations. The average hourly shading between 10:00 am and 2:00 pm on December 21st of all proposed structures will not exceed 20% of wall area on the south side of the structures.

CEQA

The project is consistent with the development density established by an existing general plan for which an EIR was certified, and a determination that no further environmental review is required is being made pursuant to section 15183 of the State CEQA Guidelines. The Department has determined that further environmental review is not required as the project is consistent with a development density established under the 2002 McKinleyville Area Plan and the 2017 Humboldt County General Plan for which an EIR was certified. The residential density specified in the McKinleyville Area Plan was utilized for analysis conducted during development of the Environmental Impact Report 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 was certified during adoption of the plan in 2017. Section 15083 of the CEQA Guidelines discourages lead agencies from performing additional environmental review where an earlier EIR was prepared, unless there are environmental effects peculiar to the project or the parcel on which it is located, or in situations where the earlier EIR(s) did not include analysis of significant effects or where previously identified significant effects could become more severe. Neither of these circumstances apply to the proposal. Further discussion of the basis for this determination can be found in Section 2 of the Draft Resolution.

Project Location: The property is located on the east side of Anderson Avenue in the McKinleyville area, west of Highway 101 and approximately 0.2 miles south of School Road.

Present General Plan Land Use Designation: Residential Estates (RE). McKinleyville Area Plan (MCAP). Density: 0 to 2 dwelling units per acre. Slope Stability: Relatively Stable.

Present Zoning: Residential Single-Family - 20,000 ft.² min parcel size / Manufactured Homes Combining Zone (RS-20/M).

State Appeal: The project is located within the Appeals Jurisdiction of the Coastal Zone.

Major concerns: None

OTHER AGENCY INVOLVEMENT:

The Planning Department has circulated requests for input relative to the tentative map and has received approval from the Division of Public Works, the Environmental Health Division, and Tribal Historic Preservation Officers from the Wiyot Tribe, Blue Lake Rancheria, and Bear River Band of the Rohnerville Rancheria. All responding agencies have either recommended approval or conditional approval (Attachment 4)

ALTERNATIVES TO STAFF RECOMMENDATIONS:

The Planning Commission could elect not to approve the project. This alternative should be implemented if your Commission is unable to make all of the required findings per H.C.C. Sections 326-21 or 326-31. Planning Division staff has found that the required findings can be made. Consequently, planning staff does not recommend further consideration of this alternative.

ATTACHMENTS:

1. Draft Resolution

- A. Recommended Conditions of Approval
- B. Public Works Department Recommended Conditions of Approval
- C. Tentative Map Package
2. Location Map
3. Applicant's Evidence in Support of the Required Findings
 - A. Right of Way Exception Request
 - B. Hydrology Report
 - C. Low Impact Development Stormwater Control Plan
4. Referral Agency Comments and Recommendations
 - A. Caltrans Comments

Applicant/Owner

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Please contact Steven Lazar, Senior Planner, at slazar@co.humboldt.ca.us or (707)268-3741, if you have any questions about the scheduled item.