

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

Resolution Number 24-

**PARCEL MAP SUBDIVISION APPROVAL
CASE NUMBER PLN-2023-18104
ASSESSOR PARCEL NUMBER 204-152-041**

MAKING THE REQUIRED FINDINGS FOR CERTIFYING COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND CONDITIONALLY APPROVING THE BUSH TENTATIVE MAP SUBDIVISION

WHEREAS, Ronny and Nancy Bush submitted an application and evidence in support of approving the proposed Minor Subdivision of a 6.3 acre parcel into two parcels of approximately 3.8 acres and 2.5 acres in size; 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 Environmental Impact Reports (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 3 in the Planning Division staff report includes evidence in support of making all of the required findings for approving the proposed Parcel Map Subdivision (Case Number PLN-2023-18104); and

WHEREAS, a public hearing was held on the matter before the Humboldt County Planning Commission on January 18, 2024.

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

PROJECT DESCRIPTION

FINDING: A Parcel Map Subdivision of an approximately 6.3-acre parcel into two parcels of approximately 3.8 acres and 2.5 acres in size. The parcel is currently developed with a primary residence and an Accessory Dwelling Unit (ADU), accessory structures.. The primary residence will remain on proposed Parcel 1 and the ADU will remain on proposed Parcel 2. The parcel is currently served by the Hydesville Community Water District and wastewater is provided by existing individual On-site Wastewater Treatment Systems. An exception request for the length of dead-end road and to road width has been submitted and approved by CALFIRE.

EVIDENCE: a) Project File: PLN-2023-18104

CEQA

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 the provisions of CEQA per Section 15183 (Projects Consistent with a Community Plan or Zoning) 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, 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) Potential Impacts such as those common to the project were analyzed and addressed during preparation of the Programmatic Environmental Impact Report (SCH #2007012089) certified during adoption of the 2017 General Plan.
- d) There are no potentially significant environmental effects which were not analyzed in the above referenced EIR's. The proposed subdivision would enable future build-out to the currently planned density for the area, which was confirmed during adoption of the 2017 General Plan. The project is also consistent with the applicable policies and standards of the General 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 most 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 one additional parcel, and both parcels can

accommodate future residential development consistent with the assortment of uses and structures on surrounding parcels. The project will result in a less than significant impact to aesthetics, as development has already occurred and no future development is proposed.

- i) The parcel is currently developed with a single-family residence and a detached secondary dwelling unit and garage. The second unit was permitted with a Special Permit (PLN-2020-16639) in 2021.
- j) To date no cultural resources have been documented on the project site or its vicinity. Project referrals were sent to both the Northwest Information Center and the Tribal Historic Preservation Officers (THPO's) for the Wiyot Tribe and Bear River Band of the Rohnerville Rancheria. The Northwest Information Center recommended preparation of a Cultural Resources Survey for the property, however as no development is proposed as part of this subdivision, a Cultural Resources Survey was not required but has been conditioned for any future development.
- 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. Rohnerville Airport is the closest airport and is located approximately 1.25 miles west-southwest of the project site.
- l) According to the Humboldt County Fire Hazard Severity map, the parcel is located in the moderate to high fire hazard severity areas. The site is within the Fortuna Fire Protection District. Future 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 receive water service provided by the Hydesville Community Water District and are served by private sewer.
- n) A Drainage Report and access road improvement plans are required to be prepared by a Civil Engineer registered within the State of California, and will be submitted for review and approval prior to filing of the Parcel Map. This is noted in the current Department of Public Works memo dated 03/23/2023.
- 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. Department finds there is no evidence that the proposed subdivision and future residential development will result in significant changes in vehicle miles traveled not already contemplated in the EIR prepared during adoption of the 2017 General Plan. The proposed project will not result in a change in air traffic patterns, will not result in vehicle miles traveled beyond that anticipated, and has adequate on-site circulation and parking

capacity.

The project is consistent with the development density of 1-5 units per acre of the Residential Estates (RE) land use designation established during adoption of the Eureka Community Plan (ECP) and upheld in 2017 following adoption of the General Plan update (GPU). The development of one (1) additional parcel is consistent with mitigations for induced population growth as described in Impact 3.1.3.4. of the 2017 Environmental Impact Report (EIR) to reasonably obtain the projected goals of the Regional Housing Needs Allocation (RHNA) through the use of alternative subdivision standards and the facilitation of opportunities for second residential units.

The growth impacts of this project are not anticipated to create peculiar, specific, or more severe impacts effects which the GPU EIR failed to analyze as significant effects or failed to evaluate.

SUBDIVISION FINDINGS

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

- FINDING:** All lots shall be suitable for their intended uses.
- EVIDENCE:** a) The project will result in a total of two (2) parcels. Parcel 1 will be 3.8 acres (net) in size and parcel 2 will be 2.5 acres (net) in size. Both parcels comply with the minimum parcel size of the zone (2.5 acres) and will be suitable for single-family residential use as both proposed parcels already currently host a residence.
- FINDING:** Improvements shall be required for the safe and orderly movement of people and vehicles.
- EVIDENCE:** a) The access road currently utilizes a single, twelve-foot traffic lane. After a site inspection and considering specific site conditions, CAL FIRE recommended approval of a road width exception request.
- 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.
- 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 Hydesville Community Water District and are currently by existing private sewer.
- 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:** a) The size and configuration of the proposed parcels complies with width, depth, and minimum lot size requirements of the AG zone.

GOVT. CODE §66474.02 STRUCTURAL FIRE PROTECTION

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 located in a State Responsibility Area for Fire Protection and is located in an area of Moderate to High Fire Hazard Severity and is within the boundaries of Fortuna Fire Protection District, who provide structural fire protection. The project was referred to the district for review and did not result in any comments or issues being raised with the proposal.

Community Plan Findings –Hydesville-Carlotta Community Plan

FINDING: The proposed development is consistent with the Hydesville-Carlotta Community Plan (HCCP).

- EVIDENCE:** a) Existing residential development is served by the Hydesville Community Water District and sewer is provided by existing on-site sewage disposal systems. No additional development is proposed as part of this project.
- b) The project parcel is not within the identified drainage review area, but is required to submit a drainage plan to the satisfaction of the Department of Public Works and correct any drainage issues.

FINDINGS APPLICABLE TO ALL PERMITS

FINDING: The proposed development is in conformance with the County General Plan, open Space Plan and open Space Action Program.

- EVIDENCE:** a) As identified above in the Community Plan findings, the proposed development is consistent with the Residential Estates (RE) land use designation. The project maintains existing residential development. The RE designation (Chapter 4.8, Land Use Designations) is used for land adjacent to urban areas or rural communities with limited public services but suitable for single-family residential use. It is also intended as a transition from urban development to rural lands. The Density Range is 2.5 acres per unit. The proposed subdivision will increase the number of parcels that allow single-family residences and accessory dwelling units in the area. Therefore, the project is in conformance with the County General Plan (Chapter 4, Land Use Element).

FINDING: The proposed development is consistent with the purposes of the existing Residential Single-Family (R-1) zone in which the site is located.

EVIDENCE: a) The property zoning designation of Agricultural General (AG) includes single-family residential and accessory dwelling units as a principally permitted use. The proposed lot sizes are consistent with the required minimum lot size of 2.5 acres as well as the minimum width requirements. No maximum lot depth is specified in the AG zone. (HCC 314-6.2)

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 6.3-acre parcel into two (2) parcels, each hosting existing residential development. The proposed parcel sizes and resulting density is consistent with that planned for the area.

b) The parcel being divided is currently developed with two residences. All development is served by public water provided by Hydesville Community Water District and private sewer service. Therefore, the proposed subdivision should have little impact on the current conditions. It is not anticipated to have negative impacts on the public health, safety and welfare, and will not be materially injurious to properties or improvements in the vicinity.

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.

EVIDENCE: a) The parcel was not included in the 2019 Adopted Housing Element Inventory

FINDING: The subject parcel was created in compliance with all applicable state and local subdivision regulations.

EVIDENCE: a) The subject parcel has been determined to be one legal parcel (lot 1) as shown on Parcel Map recorded in Book 10 of Parcel Maps page 20.

FINDING Proposed development will not be detrimental to public health, safety and welfare or materially injurious to properties or improvements in the vicinity.

a) No development is proposed for this project. The project is not anticipated to be detrimental to public health, safety, or welfare. There is no evidence that the project will be materially injurious to property or improvements in the area.

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 (Record Number: PLN-2023-18104) based on the tentative map on file for the project dated February 2023 and dated as received by the Humboldt County Planning Division on February 17, 2023, subject to the conditions of approval.

Adopted after review and consideration of all the evidence on **January 18, 2024**.

The motion was made by Commissioner _____ and seconded by Commissioner _____ and the following ROLL CALL vote:

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