



COUNTY OF HUMBOLDT

For the meeting of: 2/16/2023

File #: 23-211

To: Planning Commission
From: Planning and Building Department
Agenda Section: Consent

SUBJECT:

Karuk Housing Authority Planned Development Permit

Application Number PLN-2022-17806

Assessor Parcel Number (APN) 529-111-007

38030 State Hwy 96, Orleans, CA 95556

A Planned Development Permit (PDP) for the construction of eight individual two-bedroom housing units on a single in-fill parcel for the Karuk Tribal Housing Authority that will be served with onsite sewer and community water. The PDP is requested to facilitate the development of multiple single-family units on one legal lot. The units will be affordable, for-rent housing, subsidized by the U.S. Department of Housing and Urban Development, available to tribe members.

RECOMMENDATION(S):

That the Planning Commission:

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

- a. Find the project exempt from further environmental review pursuant to Section 15061(b)(3) of the State CEQA Guidelines); and
- b. Make all of the required findings for approval of the Planned Development Permit, and
- c. Approve the Karuk Housing Authority Planned Development Permit subject to the recommended conditions.

DISCUSSION:

Project Location: The project is located in Humboldt County, in the Orleans area, on the North side of State Highway 96, approximately 0.27 miles East from the intersection of Big Rock Road and State Highway 96, on the property known as 38030 State Highway 96.

Present General Plan Land Use Designation: Village Center (VC) Orleans Community Planning Area;
Density: The maximum residential density is 1 dwelling unit per acre, or 2 to 4 dwelling units per acre with a package treatment plant. **Slope Stability:** Low Instability (1)

Present Zoning: Unclassified.

State Appeal: Project is not located within the Coastal Zone.

Major concerns: None

Executive Summary: The Planned Development Permit is requested to allow the development of eight, small, for-rent single-family units on a single parcel. The proposed project includes building eight new single-

family homes. Each home is to be approximately 780 to 812 square feet and consist of two bedrooms and one bathroom. Development of the site will include demolition of the existing improvements which include an aging 1,320 square foot single family home, a 26-space mobile home/RV, a public bathroom and laundry facility, and aging utility infrastructure. The mobile home/RV park has been retired and only the pads remain and the property was vacant when it was acquired in 2017. The property owner and applicant, Karuk Tribal Housing Authority (KTHA), seeks to provide an improved quality of needed low-income, rental housing which can be met with the proposed conventional single-family residences rather than with mobile homes.

A new onsite, package wastewater treatment system (WWTS) is proposed to be built as part of the development. The new system will include a collection main, tankage, and leachate field per the Onsite Wastewater Treatment System Design and Cumulative Impact Study Report (OWTS Cumulative Report, Attachment 7).

Access: The site is accessed directly from State Route 96, aka Klamath River Highway. Caltrans comments that driveway improvements must meet Caltrans standards for a commercial driveway; that a Caltrans encroachment permit be obtained; and that the project provide accommodating width of 12 feet across the frontage to allow for the pending pedestrian path, which is an approved Caltrans project that is to be constructed. These are included in the recommended conditions of approval (COA No. 1).

Water and Sewer: Domestic water service will be provided by Orleans Community Services District (CSD) which has indicated capacity to serve the project. The CSD commented that there is one existing water meter related to the prior use, and requests a condition of approval that there be a separate water meter be installed for each home at a cost of \$5,000 each plus labor and fees. However, the KTHA states that individual meters are not needed because KTHA will be paying for water service monthly for all the units as a whole. Planning staff has included the CSD's requested condition among the recommended conditions of approval (COA No. 2), with the caveat that this requirement may be waived if the CSD so agrees.

Orleans does not have a community sewer system, and the project will develop its own conventional septic system, a single system serving all eight single-family units.

The proposed project's septic loading was calculated using the regulatory and industry standard rate of one-hundred fifty gallons per day (GPD) per bedroom, which resulted in a rate of 300 GPD per house for a total project loading of 2,400 GPD. Based on the requirements of the NCRWQCB as well as the criteria in the Humboldt County Onsite Wastewater Treatment System Regulations, the potential cumulative effects on ground and surface water must be taken into consideration for sites with proposed total loading rates above 1,500 GPD.

The previously existing onsite mobile home/RV park's WWTS had been operating at a higher daily flow rate than the proposed project given: a three-bedroom house at 450 GPD, 26 RV spaces x 100 GPD = 2,600 GPD, and central comfort station at 910 GPD, for a potential total loading of 3,960 GPD. The proposed project will potentially represent a loading reduction of approximately forty percent based on these numbers. The OWTS Cumulative Report concludes that the site is acceptable for development of the single, conventional onsite WWTS for the project. The Humboldt County Division of Environmental Health has accepted the sufficiency

of the OWTS Cumulative Report.

CalFire: CalFire commented that the project may be subject to a Less-Than-3 Acre Conversion Exemption and that a Professional Forester will need to review the project site. Although the KTHA disagrees that there will be a loss of trees as suggested by CalFire, the KTHA accepts the requirement to enter the CalFire application process. The requirement to hire a Professional Forester to start the CalFire permit process is included as a proposed condition (COA No. 3).

General Plan and Zoning: The project site is designated “Village Center (VC) Orleans Community Planning Area; Density: The maximum residential density is 1 dwelling unit per acre, or 2 to 4 dwelling units per acre with a package treatment plant. Slope Stability: Low Instability (1)” by the County General Plan. The site is zoned “Unclassified.”

The Community of Orleans has a mapped community planning area but does not have a plan document nor policies unique to it. Section 4.8 of the General Plan states that the VC designation allows for up to four dwelling units per acre with a package treatment plant. Table 4-D also shows that residential uses and planned developments are appropriate and allowable in this designation. The project site including up to the centerline of the adjacent road is 1.9 acres. Under HCC Section 314-31.1.5.1, Planned Development, the residential density standards may be increased by as much as 25% if the development incorporates extraordinary public benefits such as reserving at least 40% of the total lot area as common open space available to occupants with a lawn and landscaped area provided with permanent watering system maintained in a healthy condition. The KTHA agrees to meet this requirement and intends to provide an irrigated and mowed lawn in the open area on the west half of the project site, will retain existing trees where possible, and will include a combination slide and swing set playground. This is included in the recommended conditions (COA No. 4). The Unclassified zoning district allows one single family unit and an additional dwelling unit as principal permitted uses. However, with a Planned Development, flexibility in density is permitted, particularly where development can be clustered in concert with the provision of residential amenities such as open space and recreational areas (HCC Section 314-31.1). Additionally, the proposed project may be allowed a density bonus for providing low-income housing under California’s Density Bonus Law beyond what is provided for in the County Zoning Code. California Government Code Sections 65915 - 65918 allows for a 50% to 80% density increase, and other incentives, although the proposed project does not approach those densities. The proposed rental homes will be required to be restricted to low-income households for 20 years, which is governed by the U.S. Department of Housing and Urban Development (HUD) and the Native American Housing Assistance and Self Determination Act of 1996.

The proposed Planned Development addresses all other requirements of Section 314-31.1, Planned Development, as enumerated in the proposed findings in the attached draft resolution.

Environmental Review: Prior to an application being submitted to the Humboldt County Planning & Building Department, the proposed project was reviewed under the National Environmental Policy Act (NEPA) as a project federally funded by HUD, as required prior to commitment of grant funding. The NEPA Environmental Assessment (EA) (Attachment 4) assessed a range of potential environmental impact areas and concluded with a Finding of No Significant Impact. The EA identified six mitigation measures relating to geotechnical investigation, construction dust and noise control, and protection of potential cultural resources and tribal cultural resources. These measures are the monitoring responsibility of the NEPA lead agency, HUD, were incorporated into the project, and are part of the project as it was presented to the County. The NEPA EA further states:

The site has been previously developed. The parcel is surrounded by developed properties and is in close proximity to existing Karuk Tribe Housing Authority land and development projects. The site has been historically impacted by human use through construction activities and infrastructure development. The parcel is level and usable, the parcel is mostly open with mature fir and oak trees scattered throughout. No wetland soils or vegetation occur at the site (Page 3).

Prior to receiving a copy of the NEPA EA, staff had requested that the applicant have prepared a botanical resources report. This was provided in November 2022 as part of a biological resources assessment report. The report recommends several measures related to protection of amphibians, reptiles, raptors, migratory birds, and bats. These measures are included in the recommended conditions of approval (COA No. 5). The biological assessment report concluded that the study area is in a disturbed condition and supports no sensitive terrestrial biological habitats.

The proposed Planned Development is an in-fill project on a site that was until recently fully developed as a mobile home/RV park. The project proposes 8 small single-family units on 1.9 acres rather than the 7 units (potentially larger units) density that would be allowed in the VC land use category, but can be permitted as a Planned Development. The development of eight conventional family dwellings at this location is consistent with the goals of the Regional Housing Needs Allocation (RHNA) through the use of flexible standards and the facilitation of opportunities for affordable residential units. Commenting agencies were CalFire, CalTrans, Orleans CSD, and Humboldt County DEH. The project may be found exempt from CEQA under Section 15061(b)(3), the General Rule.

OTHER AGENCY INVOLVEMENT:

The project was referred to responsible agencies and all responding agencies have either recommended approval or conditional approval (Attachment 3).

ALTERNATIVE TO STAFF RECOMMENDATIONS:

The Planning Commission could elect not to approve the Planned Development Permit. This alternative should be implemented if your Commission is unable to make all of the required findings per H.C.C. Section 314-31, Planned Development. 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. Conditions of Approval
 - B. Planned Development Site Plan
 - C. Elevations
 - D. Floor Plans
2. Applicant's Evidence in Support of the Required Findings
3. Referral Agency Comments
4. HUD NEPA EA
5. Biological Resources Assessment Report
6. OWTS Design - Single Unit
7. OWTS Design Report Cumulative

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Owner/Applicant

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