

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT
Resolution Number 23-**

**KARUK HOUSING AUTHORITY PLANNED DEVELOPMENT PERMIT
PROJECT NUMBER PLN-2022-17806
ASSESSOR PARCEL NUMBER 529-111-007**

MAKING THE REQUIRED FINDINGS FOR CERTIFYING COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND CONDITIONALLY APPROVING THE KARUK HOUSING AUTHORITY PLANNED DEVELOPMENT PERMIT.

WHEREAS, the owners submitted an application and evidence in support of approving the Planned Development Permit, 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, 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 February 16, 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:** The Project is a Planned Development Permit to allow the development of eight, small, for-rent single-family units on a single parcel. 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.

EVIDENCE: a) Project File: PLN-2022-17806

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 the provisions of CEQA per Section 15061(b)(3) of the CEQA Guidelines.

EVIDENCE: a) Section 15061 of the CEQA Guidelines, Review for Exemption, allows under part (b)(3) that a project is exempt if the activity is covered by the common sense exemption that CEQA applies only to a project that has the potential for causing a significant effect on the environment.

b) Adjacent lands in the vicinity are host to development on similarly sized parcels to the project. The proposal is consistent with the planned density with a slight bonus permitted with a Planned Development Permit to increase overall density and allow clustering of development.

c) Potential Impacts such as those common to projects of size were analyzed and addressed by the U.S. Department of Housing and Urban Development in association with the federal grant supporting the project, and that National Environmental Policy Act environmental assessment concluded with a Finding of No Significant Impact with mitigation incorporated prior to application submittal to the County.

Out of prudence a botanical and biological resources assessment in addition to the NEPA environmental assessment was requested by the County which recommended additional steps for protection of biological resources; these do not reach a level of significance in the opinion of the County but are attached to the planned development as conditions of approval.

e) The proposed project would enable future build-out to the currently planned density for the area with a minor increase permitted by the

Zoning Code, Section 314-31. The project is also consistent with the applicable policies and standards of the General Plan, which are further discussed below.

- 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 and conditioned.
- h) The project site is not located within a scenic vista area and will not impact visual resources within the County. The proposed planned development will allow for a total of eight (8) future residential units 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 parcel is currently vacant and disturbed due to the prior existing mobile home/RV park.
- j) Project referrals were sent to both the Hoopa and Karuk Tribal Historic Preservation Officers (THPO's) and no response was received. Compliance with standard protocols for handling inadvertent discovery of cultural resources encountered during future ground disturbance have been incorporated into the project via the NEPA environmental assessment and that agency is responsible for monitoring.
- 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.
- l) The site is within the CalFire State Responsibility Area (SRA). 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. Future residential development of the parcels being created will receive

water service provided by the Orleans Community Services District, and a single, conventional septic system under the design approval and regulatory authority of the Humboldt County Department of Environmental Health.

- n) The project will not conflict with any adopted program, ordinance, or policy addressing transportation systems within the County or result in inadequate emergency access. 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.

FINDINGS APPLICABLE TO ALL PERMITS

3. FINDING: The proposed development is in conformance with the County General Plan.

EVIDENCE: a) The proposed development is consistent with the Village Center (VC) land use designation of up to four (4) dwelling units per acre with a package treatment plant, as a Planned Development. Under HCC Section 314-31.1.5.1, with the Planned Development Permit the project may exceed this density, which is also allowed and encouraged by California Government Code Sections 65915-65918, density bonuses for low-income housing. The proposed development will allow a total of eight (8) dwelling units on 1.9 acres, for an average density of 4.2 dwelling units per acres.

b) The project restores improved quality residential use, and clusters the units in an attractive setting with landscaped open space, to a site that is vacant but previously had mobile homes and recreational vehicles. Clustering policies are explicitly encouraged to assist in buffering adjacent resource production or open space uses. This is in keeping with the policies of the General Plan.

c) Stormwater

The project will be required to detain stormwater such that no additional water will leave the site at a rate greater than the pre-development 2-year (Q_2) storm flows. This will be achieved by developing the on-site detention bio-swale depicted on the Planned Development Site Plan.

4. FINDING: The proposed development is consistent with the existing Unclassified (U) zone in which the site is located.

EVIDENCE: a) The property zoning designation of Unclassified (U) includes single-family residential and accessory dwelling units as a principally permitted use.

While the development brings a total of eight (8) dwelling units to the parcel, this is permissible and the flexibility for density increase encouraged with the Planned Development Permit. The project is further conditioned to incorporate a landscaped open space area that is approximately 40% of the total parcel, that will have an irrigated and maintained lawn for use of the occupants, with a children's playground.

b) The applicant has provided a Development Plan showing that the project has sufficient area to accommodate residential development and open space area.

c) *Planned Developments - §314-31.1 – Eligibility Criteria*

Planned developments are intended to allow flexibility in the administration of the development standard of the principal zone: 1) to cope with topographic and other natural or manmade features; or 2) provide for clustered development with the provision of residential amenities such as open space; or 3) where the modification to development standards will better provide for protection and enhancement of sensitive habitats and cultural resources.

Planned Development may only be permitted on lots 20,000 square feet or larger and must be tied to one or more of the following scenarios:

- a site where four (4) or more dwelling units, commercial buildings, industrial buildings are proposed
- the development proposal is within a residential zone and includes residential and non-residential development
- a site or proposal where use of the PUD provisions provide a better means of carrying out the General Plan

The project parcel is over 20,000 square feet in size and seeks to invoke the Planned Development provisions of the code to enable an increased density for quality, conventionally-built, single family, affordable, for-rent dwellings.

d) *Design Guidelines for Planned Developments - §314-31.1*

(1) Maintain prominent natural features by:

- retaining major trees and shrubs
- concentrate development on level areas
- retaining ridgeline silhouettes, and leaving slopes greater than 25% undisturbed revegetating disturbed areas
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The development will retain several large existing trees; the site is level, approximately 40% of the parcel will be maintained as open space. The development helps better achieve the goals of the Housing Element by increasing the housing inventory through the density incentives provided by the County and the State.

e) (2) Circulation Considerations:

- residences to take access from local roads, limiting frontage on collector streets
- divide road where possible to preserve natural features
- limit width of roadways, including paved shoulders
- utilize alley development for secondary vehicle access

The south end of the parcel abuts State Highway 96 and will have a single access that will have a commercial driveway approach per Caltrans. All eight units will share the interior 22-foot wide private road and cul-de-sac. The eight units will front on the interior road, with paved parking off the road and adjacent to the houses.

f) (3) Parking Considerations:

- develop shared parking areas and limit visual impact of rows of cars
- place parking along side and rear of buildings
- for parking areas of 5 or more vehicles, use landscaping, berms and screening to minimize visual impacts, unwanted light/glare and noise

Parking will be accommodated off-street and adjacent to each house.

g) (4) Architectural Considerations:

- buildings to be of compatible design and style with nearby development
- living areas should face toward gardens and open areas

The building layout is as shown on the PDP site plan, with front doors, porches, and living room windows facing lawn areas. House elevations included with the proposed development plan are attractive bungalow cottages and compatible with surrounding development.

h) (5) Other Considerations:

- landscaping should be used to enhance privacy and give visual order to the development
- multifamily developments of 4 or more units should have laundry facilities
- areas should be set aside within the development for trash collection and recycling
- utilities should be underground; retention swales should be used to collect runoff

Landscaping proposed at this time is limited to irrigated and maintained turf and retention of some existing trees. Each unit will have its own washer and dryer, and each unit will have its own waste disposal container. A runoff detention bioswale is shown on the development plan.

i) Roads & Driveways for Planned Unit Developments (PUDs)

(1) Access

- Locate appropriate to streets and transportation facilities; exits/entrances should encourage smooth traffic flow; merging and turnout lanes shall be provided where necessary

Access will be from State Route 96 and then to the shared private interior road. The access transition and driveway apron from Hwy 96 will be designed per Caltrans standards.

j) 2) Internal Circulation

- Integrated system of roads, pedestrian and bike paths
- Developments designed to limit length of roads, control turning movements and minimize hazards

The proposed interior private road will be 22-feet, allow for two-way traffic, with a 40-foot diameter cul-de-sac at the north end.

k) (3) Siting of Roads and Driveways

- Roads and driveways shall be consistent with terrain, minimizing excessive cuts and fills

A minimum amount of cut and fill is projected to accommodate site development.

l) (4) Parking Standards

- Number of spaces shall conform to off-street parking regulations

- Parking to be designed and located as per regulations, except that spaces may be clustered in parking pods in proximity to dwelling units they serve, and parking for guests may be required up to a maximum of 1 space per 2 dwelling units

Parking will be accommodated off-street for all units.

m) (5) Recreational Vehicle Parking

- Parking for recreational vehicles may be required based on anticipated needs of the particular development;
- if developed, RV parking shall be on the fringe of the development and appropriately screened from adjacent properties

Given the limited area, there will be no reserved RV parking dedicated.

n) Owner's Association for PUDs

A nonprofit incorporated owners association or alternative acceptable to County Counsel shall be required for improving, operating and maintaining common facilities, including open space, streets, drives, service and parking areas, and recreation areas.

The property will continue to be owned and managed by the Karuk Tribal Housing Authority.

5. FINDING: The proposed development 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 project will develop a property that is presently in a condition that is visually detracting for the community, with a vacant home, vacant mobile home pads, and unused and aging infrastructure. The project will create eight new, attractive cottages with a shared turf open space area maintained by a single local agency. The prior land use, a mobile home/RV park, has been retired from the site and the site has been vacant since 2017 and prior entitlements associated with that use are expired and void.

b) The project 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.

6. FINDING: The proposed 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's General Plan land use designation (VC) and zoning (U) allow residential development. The project will positively impact compliance with Housing Element law. The project will increase the available housing. The proposed development is consistent with the Humboldt County General Plan.

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 Planned Development Permit (Record Number; PLN-2022-17806) 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 **February 16, 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