

RESOLUTION OF THE BOARD OF SUPERVISORS,  
COUNTY OF HUMBOLDT,  
STATE OF CALIFORNIA

Meeting on \_January 23, 2024

Resolution No. 24-\_\_\_Resolution of the Board of Supervisors of the County of Humboldt  
MAKING THE REQUIRED FINDINGS TO DENY THE APPEAL, CERTIFY  
COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AND  
CONDITIONALLY APPROVE THE VALADAO SUBDIVISION, CONDITIONAL  
USE PERMIT, PLANNED DEVELOPMENT PERMIT, PARKING EXCEPTION  
PETITION, SOLAR SHADING EXCEPTION REQUEST, AND DESIGN REVIEW  
RECORD NO. PLN-2021-17560; APN 510-381-021

**WHEREAS**, an application for a proposed 19-lot major subdivision, 62-unit multi-family Planned Unit Development, Conditional Use Permit for single family residences in the R-3 zoning, Parking Exception Petition, and Design Review Permit was submitted by the owner of the property together with evidence in support of approving the proposal; and

**WHEREAS**, the County Planning Division 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 of property within 300 feet of the boundaries of the project; and

**WHEREAS**, the project was originally scheduled to be heard by the Humboldt County Planning Commission at their November 2, 2023, but it was continued to their next meeting; and

**WHEREAS**, on November 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

**WHEREAS**, on November 29, 2023, the Coalition for Responsible Housing (“Appellant”) filed a timely appeal in accordance with the Appeal Procedures specified in Humboldt County Code Section 312-13 et seq.; and

**WHEREAS**, Humboldt County Code section 312-13.5 protects an applicant’s right by requiring a hearing within 30 working days; and

**WHEREAS**, the Board of Supervisors opened a duly-noticed public hearing, *de-novo*, on January 9, 2024, and due to the absence of two Board of Supervisors, the applicant and appellant asked for a continuance to allow the full Board to be present and the Board of Supervisors continued the public hearing to their meeting of January 23, 2024; and

**WHEREAS**, the Board of Supervisors, held a continued public hearing, *de-novo*, at their meeting of January 23, 2024 and reviewed, considered, and discussed the application and appeal of the project; and reviewed and considered all public testimony and evidence presented at the hearing; and

**NOW, THEREFORE BE IT RESOLVED**, that the Board of Supervisors makes all the following findings:

### **PROJECT DESCRIPTION**

1. **FINDING:** A Major Subdivision of an approximately 2.47-acre parcel into 19 parcels. A Planned Development Permit is also being requested to allow approximately 62 residential units, shared parking facilities, reduced setbacks from interior lot lines, reduced lot size, and a reduced road right-of-way width. The parcel is currently developed with a single-family residence which will be retained on its own parcel along with shared parking facilities, a laundry building, and a storage building and accessory dwelling unit. An existing detached garage and two other outbuildings are proposed to be removed. The proposed development includes three different housing types: thirty-two (32) one-bedroom units, twenty-four (24) two-bedroom townhouse units configured in a four-plex fashion, and four (4) single-family dwelling units. A Conditional Use Permit is requested to allow four (4) of the proposed parcels to host single-family dwelling units. The applicant is also requesting that Design Review be approved for the proposal.

**EVIDENCE:** a) Project File: PLN-2021-17560 & PLN-2021-17560-APPEAL

### **CALIFORNIA ENVIRONMENTAL QUALITY ACT**

2. **FINDING:** **CEQA.** The requirements of the California Environmental Quality Act have been met. The Humboldt County Board of Supervisors has considered the project and finds the proposed project is not subject to 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 acknowledges CEQA's mandate that projects are not subject to 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, noting that subsequent environmental review is only necessary where the Lead Agency determines any of the following circumstances apply:

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) The McKinleyville Community Plan and the Humboldt County General Plan were each adopted after certification of an EIR in 2002 for the McKinleyville Community Plan and 2017 for the General Plan. The Environmental Impact Report prepared for the current Humboldt County General Plan includes all of the required elements specified in Section 65302 of the Government Code.
- c) The Residential Density for the property is the same (Medium Density Residential) for both the Community Plan and the General Plan allowing up to 30 units per acre. For this 2.47-acre parcel this would allow 74 units. The 62 units proposed are consistent with the allowed density.
- d) There are no environmental effects peculiar to the project or the parcel on which the project is located. The property is not host to any sensitive habitat and is currently developed with a mixture of agricultural and low-density residential uses. Traffic generated from the site has been addressed cumulatively in the General Plan EIR and there is evidence that no wetlands exist on the site.
- e) The proposal is seeking a Planned Development Permit to allow reduction of the minimum lot size to enable more accessible financing of the project. The Planned Development Permit does not allow development above that envisioned by the General Plan, Community Plan or Zoning and does not raise

issues not otherwise addressed as part of the General Plan or Community Plan EIRs.

- f) Potential Impacts such as those common to projects of this sort were analyzed and addressed during preparation of Environmental Impact Reports (EIR's) for the McKinleyville Community Plan (SCH# 1998082024) and 2017 Humboldt County General Plan (SCH#2007012089).
- g) No potentially significant off-site impacts and cumulative impacts have been identified which were not discussed in the above referenced EIR's (SCH# 1998082024 & SCH#2007012089). The appeal by the applicant and public testimony have raised CEQA concerns related to traffic, housing density, hydrology, and public safety. The General Plan EIR analyzed traffic and found the build-out of all allocated land uses within the General Plan time horizon would not result in degradation of any intersections or street segments. The Community Plan and General Plan call for this level of housing density on this site. The Community Plan include requirements to address drainage that all projects must address as part of the construction plan review, and public safety is not adversely affected because the applicant has agreed to off site improvements which will serve to slow traffic and provide complete sidewalk connections to Central Avenue.
- h) There is not 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.
- i) There is not substantial evidence, given the whole record before the agency, that the project may have a significant effect on the environment, as proposed.
- j) The project site is not located within a scenic vista area and will not impact visual resources within the County. thus there is no impact to designated scenic resources.
- k) Project referrals were sent to both the Northwest Information Center and the Tribal Historic Preservation Officers (THPO's) for the Wiyot Tribe, Blue Lake Rancheria, and Bear River Band of the Rohnerville Rancheria. Two of the THPO's declined to comment on the proposal. The "Inadvertent Archaeological Discovery Protocol" condition has been placed on the project, as requested by the THPO for the Bear River Band of the Rohnerville Rancheria.
- l) 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 California Redwood Coast-Humboldt County Airport is located approximately 1.3 miles north of the project site and the northern portion of the property is located within Safety Zone 6. This safety zone carries no restrictions on residential density, lot coverage, or height. Single-family and multi-family residential uses are listed as compatible uses under the Airport Land Use Compatibility Plan. A Condition of approval has been included requiring the applicant to grant an aviation/overflight easement to the County Department of Aviation.

- m) According to the Humboldt County Fire Hazard Severity map, the parcel is not located in a moderate, high or very high fire hazard severity zone. The site is within the Arcata Fire Protection District. Future development of the site will require compliance with the Uniform Fire Code and Uniform Building Code.
- n) 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 and sewer service provided by the McKinleyville Community Services District. Bioretention facilities and subsurface detention systems will be created to handle the increase in stormwater runoff that will result from the introduction of new impervious surfaces.
- o) A Drainage Report and access road improvement plans are required to be prepared by a Civil Engineer registered within the State of California and must be submitted for review and approval prior to commencement of the project. This is noted in section 3.2 of the current Department of Public Works memo dated 12/01/2022. To comply with drainage policy of the McKinleyville Community Plan, the project is required to detain stormwater in such a manner so that there will be no increase in downstream peak flows. Additionally, in their latest memo the Department of Public Works note that they are aware of local concerns regarding seasonal flooding in the project vicinity and will be requiring the developer to include measures to ensure the project will not contribute to or worsen seasonal flooding conditions on neighboring parcels.
- p) 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 during the analysis conducted during preparation of the EIR prepared for the 2017 General Plan. The proposed design has adequate on-site circulation and parking capacity to accommodate the degree of development proposed.

- q) The parcel has been planned and zoned for multi-family residential development for over twenty years. The property's zoning designation of Residential Multiple-Family (R-3) allows multi-family development of four or fewer units per building and Accessory Dwelling Units as principally permitted uses. The Use Permit and Planned Development Permit are primarily being processed to allow zero lot line attached single-family dwellings to be constructed on the four parcels fronting on Pickett Rd, in order to serve as a buffer between the lower density along Pickett Rd. and the higher density proposed within the southern portion of the parcel. At buildout, cumulative density would be approximately 25 units per acre, below the maximum density (30 units/acre) set by the RM land use designation. Adding subdivision and development of four (4) attached one-family dwellings does not introduce new potential impacts or result in a greater density of development than what could already be achieved without subdividing or securing approval of a Use Permit.

### **312-1.1.2 Legal Lot Requirement**

- 3. **FINDING:** The lot that was created in compliance with all applicable state and local subdivision regulations.

- EVIDENCE:**
  - a) A review of past and current Assessor Parcel Mapping reveals that the parcel being divided was lawfully created prior to the advent of local review of subdivision.
  - b) The parcel has remained in the same configuration since prior to 1964.
  - c) The Department has issued several building permits re-roofing and electrical work associated with existing residential development on the parcel.

**SUBDIVISION FINDINGS - Section 66474 of the State Subdivision Map Act and Title III Division 2 of the Humboldt County Code**

**4. FINDING:** All lots shall be suitable for their intended uses.

- EVIDENCE:**
- a) The project will result in a total of nineteen (19) parcels ranging in size from 2,096 square feet to 15,571 square feet. Though twelve (12) of the proposed parcels sizes are less than the 5,000 square foot minimum size ordinarily required in the R-3 zone reduction of lot size, this is permissible under the Planned Development Permit being requested. The proposed smaller parcel sizes will help ensure a greater chance of affordability amongst the parcels being created. The property is of sufficient size (2.5 acres) to accommodate the number of parcels being requested. The applicant has submitted development plans showing the future building footprints and access road, as well as elevations and floorplans for the different building types.
  - b) The subdivision is intended to allow financing of the individual buildings on the property so that the entire development does not need to be financed at one time.
  - c) There are four lots ranging in size from 2,096 to 2,800 square feet for attached single family residences of sufficient size to accommodate the unit type.
  - d) There are 14 lots ranging in size from 2,627 to 5,735 square feet to accommodate apartment buildings and parking.
  - e) There is one 15,050 square foot lot to accommodate the existing single-family residence on site, along with proposed laundry facilities and common parking.
  - f) There are two parcels for parking, open space and storm water detention.
  - g) The combination of individual development lots and common open space work to meet the needs of the development.

**5. FINDING:** Improvements shall be required for the safe and orderly movement of people and vehicles.

- EVIDENCE:**
- a) Access to the parcel is currently provided by Pickett Road (County Road No. 4M030) and Gwin Road, a private road.
  - b) The conditions of approval include a request that easements for public road and sidewalk purposes be granted as part of the filing of the map.
  - c) The conditions require the applicant to form a Road Maintenance Association for the proposed access road “Jack

Way” as well as attempt to form a Road Maintenance Association for Gwin Road, or join one should it exist.

- d) The applicant has agreed to install speed bumps on Gwin and Picket to address the speed at which vehicles currently travel on those roads.
- e) The project includes sidewalks separate from the primary road so that people walking within the development are not forced to walk in the travel way of the proposed street (Jack Way).

**6. FINDING:** Flood control and drainage facilities affording positive storm water disposal shall be designed and provided by the subdivider.

- EVIDENCE:**
- a) McKinleyville Community Plan Policy 3310(5) requires “Development shall only be allowed in such a manner that downstream peak flows will not be increased.” This is verified at the time the improvement plans are reviewed prior to issuance of any construction permit.
  - b) The revised tentative map and LID plan submitted by the applicant show that the project will include several bioretention facilities for detention and treatment. Should additional detention be needed, it will likely be achieved through development of underground on-site detention facilities below some of the paved parking areas.

**7. FINDING:** Sewer and water systems shall be constructed to appropriate standards.

- EVIDENCE:**
- a) The McKinleyville Community Services District supports approval of the project and is prepared to provide water and sewer service to future development of the parcels.
  - b) Residential development located on the parcels being created already receives water and sewer service provided by the McKinleyville Community Services District.
  - c) The water and sewer infrastructure will be designed to meet the standards of the McKinleyville Community Services District.

**8. FINDING:** The size and shape of lots are appropriate 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 parcel being divided is zoned R-3, which specifies a 5,000 square foot minimum parcel size. As noted in Finding 4 above



there are lots less than 5,000 square feet in area, but this is balanced with common area lots providing parking, laundry and outdoor amenities to the individual lots.

- b) Section 325-10(a) of the County Subdivision Regulations allow granting exceptions to certain development standards relating to lot size, width and shape when an open space, recreational area or residual parcel for resource protection and maintenance is provided for the use and benefit of all the dwelling units in the development.
- c) Section 314-99.1.2 of the Zoning Regulations includes provisions for authorizing exceptions to the Development Standards for lot size, lot width, and lot depth, provided certain parameters are met.
- d) The Planned Unit Development “P” provisions of the code allow deviations beyond the lot size and lot width/depth parameters otherwise provided for under the code.
- e) With the exception of lots 1-4, all of the proposed parcels comply with the minimum width and maximum depth requirements for the zone.
- f) In order to better integrate into the area and maintain the density called for in the McKinleyville Community Plan and General Plan, the project design includes small lot attached single family residences facing Picket Road to better fit with the single family residences in the neighborhood.
- g) Deviation from the development standards including width and depth is permitted under the Planned Development provisions of the code. Lots 1-4 range from 29.95 to 40.00 feet in width, and are the only proposed parcels that fall below the 50-foot minimum width standard of the R-3 zone. Lots 1-4 are also seeking authorization under the PUD provisions to reduce the interior lot line setback to zero to accommodate development featuring one-family dwellings with a common wall situated along the shared property line.
- h) All development planned for the remaining lots (5-17) will comply with the standard minimum setback requirements of the R-3 zone.
- i) Deviations from setback requirements and standards for lot size and lot width is appropriate and consistent with the purpose of the Planned Development provisions of the code which may be used on lots 20,000 square feet or larger where waiver of development standards allows a more creative approach to land development and provides for clustering in concert with the

provision of residential amenities. This is further discussed in Finding #37.

**9. FINDING:** The proposal complies with the Solar Shading requirements of the Subdivision Ordinance, which allows exemptions from the requirements under certain circumstances. There are sufficient grounds for granting an exemption from these requirements.

- EVIDENCE:**
- a) Exemptions from the Solar Shading requirements may be granted where compliance is not feasible or would reduce densities below those allowed by the zoning at the time the application is submitted, or where compliance would preclude orienting a primary building to the best available view.
  - b) The narrow nature of the parcel and location and design of development on neighboring properties make it ineffective and challenging to design the site differently than proposed. The applicant is proposing to develop a new access road (Jack Way) and orient development in a north-south orientation, providing equal connection to both Gwin and Pickett roads. The south facing walls on 10 of the 13 the proposed new buildings will be shaded between 10am and 2pm on the shortest day of the year. The exhibit also details the shading of south walls of the existing single-family residence on the property.
  - c) The linear north south orientation of the property, and the density desired in the General Plan make it impossible to achieve the solar shading requirements and meet the desired density. An exception to the solar shading requirements of the code is needed and warranted.
  - d) The updated solar shading exhibit (dated 1/5/2024) shows that shading of the south walls of neighboring development will not result from the proposal. This includes neighboring properties to the north, west, and east of the parcel being developed.
  - e) The development located east of the parcel is composed of one home fronting on Gwin Road, three homes on G Lane, and one home on Pickett Road. The exhibit provided by the applicant shows that none of these homes are shaded by the proposed development, with the exception of the home on Gwin Road which may receive some shading of the northwest corner of the structure –approximately 4 square feet.
  - f) Development abutting the west side of the parcel is composed of fifteen (15) one-story mobile homes located along the east side of Deborah Drive within an existing Mobile Home Park (“Thunderbird Mobile Estates”). Review of the updated solar

shading exhibit reveals that the eastern yards of the four (4) northernmost homes would be partially shaded as a result of the proposal. However, no shading of the south walls of these homes will result from the proposal.

Development to the north of the parcel is composed of a series of one-story homes along the north side of Pickett Road. The shading exhibit shows that none of the homes would be shaded by any of the new buildings proposed.

- g) The narrowness of the parcel makes it impractical to orient development in an east-west fashion and limiting the proposal to single-story development would reduce the density of development by 50% or more. As proposed, the development falls shy of the maximum permissible density (75 units for a parcel of this size) by 13 units.
- h) Supporting proposals to develop housing is consistent with Guiding Principle #3 of the General Plan which supports promoting and facilitating the creation of affordable housing opportunities to meet current and future demands for all income levels”.
- i) The developer has worked to keep building heights as modest as possible while providing enough attic space within the gables to house necessary heating and cooling and solar infrastructure to comply with requirements of the current building code.
- j) The proposed development would not be governed by the solar shading requirements of the subdivision regulations if a proposal to subdivide and invoke the PUD provisions of the code were not being sought. The proposed development footprint could be principally permitted and only subject to Design Review if subdivision or use of the PUD code provisions were omitted.

- 10. FINDING:** There are special circumstances affecting the property
- EVIDENCE:** a) The proposed project will be served by a 24 foot wide street which will have perpendicular parking off the street. There are also separate sidewalks detached from the street. The 24 feet will be clear and unencumbered. No bicycle lanes are proposed through the development. There is not a need to have a full street width at this site.

- 11. FINDING:** The exception is necessary for the preservation and enjoyment of a substantial property right

**EVIDENCE:** a) The property is a long and narrow lot between two east/west orienting street. A full size street through this lot would encourage higher speed traffic. In addition a full width right of way would reduce the developable area of the property.

**12. FINDING:** Granting of the exception will not be detrimental to the public or injurious to other property in the area where the project is situated.

**EVIDENCE:** a) The proposed design is adequate for safe and functional circulation.

***Govt. Code §66474.02 Structural Fire Protection***

**13. FINDING:** Approval of the subdivision is not subject to making the findings specified in Section 66474.02 of the Government Code, which only apply where subdivision of land is proposed on a parcel(s) located within a State Responsibility Area for Fire Protection (SRA) or Very High Fire Hazard Severity Zone.

**EVIDENCE:** a) Review of fire hazard severity mapping and State Responsibility Area (SRA) mapping hosted in the County GIS shows that the property is not located in a State Responsibility Area for Fire Protection and is located outside of any mapped Fire Hazard Severity areas.

**FINDINGS APPLICABLE TO ALL PERMITS**

**14. FINDING:** The proposed development is in conformance with the County General Plan, Open Space and Open Space action program.

**EVIDENCE:** a) The proposed development is consistent with the Residential Medium Density (RM) land use designation. The Density Range is 7-30 units per acre. At buildout, cumulative density would be approximately 25 units per acre, below the maximum density (30 units/acre) set by the RM land use designation.

b) The project will allow for the creation of a total of a total of nineteen (19) parcels in support of a 62-unit multi-family residential development.

c) The RM designation (Chapter 4.8.1 Land Use Designations) is used in areas with full urban services and where common-walled units and apartments are appropriate. The site already receives electrical service from PG&E and water and sewer from McKinleyville Community Services District.

- d) The Use Permit and Planned Development Permit are primarily being requested to allow zero lot line attached single-family dwellings to be constructed on the four parcels fronting on Pickett Rd, which are designed to serve as a buffer between the existing lower density homes along Pickett Rd. and the higher density proposed within the southern portion of the parcel.
- e) This is not a Zoning District that implements open space requirements or the open space action program.

**General Plan Vol. II - McKinleyville Community Plan**

*Drainage §3301 (MCCP) - Stormwater*

**15. FINDING:**

The project will include sufficient infrastructure to ensure downstream peak flows will not be increased.

**EVIDENCE:**

- a) The drainage policies of the McKinleyville Community Plan require projects include sufficient retention or detention facilities to ensure that future stormwater runoff from the site does not exceed the volume of water leaving the site post-development and does not exceed that which ordinarily occurred during a 2-year storm ( $Q_2$ ) event prior to development. The applicant has provided a Drainage Report prepared by Trinity Valley Engineers which includes an analysis of pre and post-development stormwater runoff. The 100-year storm ( $Q_{100}$ ) event is used to calculate the design capacity for estimating stormwater detention/retention volumes. The report calculates that a minimum of 36,452 gallons of retention volume are needed to offset the increase in stormwater runoff that will result from the project following buildout of the site.
- b) The Drainage Report concludes that stormwater flows from the proposed development can be accommodated within the property boundary through the use of retention/detention areas, landscaping, and strategically placed bioretention facilities. The revised tentative map design includes bioretention facilities within two proposed greenspace/common areas located near the center of the parcel. The Drainage Report reflects use of permeable asphalt in the parking stalls to lower the volume of runoff from these areas. Should additional measures be needed to provide sufficient retention to prevent increases in downstream peak flows, they will likely include development of underground infiltration galleries below some of the paved parking areas. The stormwater runoff calculations are preliminary and subject to review and approval by the Land

Use Division of Public Works. It is customary to do the precise engineering for drainage facilities and improvements following approval of the tentative map.

**16. FINDING:**

*Resources §3400 (MCCP) - 3422 (7) Wetland Areas*

There is no evidence that wetlands exist on site. The project is consistent with the policies for protection of Wetlands and Streamside Management Areas found within the McKinleyville Community Plan and Streamside Management Areas and Wetland Ordinance.

**EVIDENCE:**

- a) Section 3422 (7) of the McKinleyville Community Plan (MCCP) defines “Wetland Areas” according to criteria utilized by the California Department of Fish & Wildlife and defines a wetland as having at least one of the following criteria:
  - The presence of at least periodic predominance of hydrophytic vegetation; or
  - Predominately hydric soils; or
  - Periodic inundation for seven (7) consecutive days
- b) The project site is located within an upland area of McKinleyville.
- c) The latest wetland mapping from the National Wetland Inventory (NWI) and McKinleyville Community Plan do not indicate the subject site as a likely place to find wetlands. The closest mapped wetlands are located 0.33 and 0.45 miles north and west of the project parcel, respectively.
- d) A Botanical Survey of the property was conducted on April 22<sup>nd</sup> and June 11<sup>th</sup>, 2022 and is summarized in a report prepared by Sarah Mason, dated August 23, 2022. The report concludes no special-status vegetation communities or habitats were observed during the survey and that the site is typical of a disturbed coastal prairie, dominated by several invasive grasses.
- e) Katie Rian from the California Department of Fish and Wildlife performed a site visit in December 2022 during review of the project referral. In her summary/comments she notes: “*The parcel is a regularly mowed grassland dominated by non-native grasses and forbs, with very little in the way of habitat. Botanical surveys did not report any special status plant species, and I saw no indication of wetlands or other environmentally sensitive areas.*”
- f) An evaluation of the sites potential for hosting wetlands was performed by James Regan in December 2023 and is

summarized in a report titled “Initial Wetlands and Water Delineation – Pickett Road 2023”. The report eliminates two of the three wetland parameters from consideration based on the results of recent fieldwork performed in December of 2023. This work included digging ten (10) soil pits at various locations throughout the property as well as survey of plant species for potential wetland vegetation.

- g) Public comments at the Planning Commission meeting included anecdotal information concerning localized flooding conditions occurring within southern portions of the property during the wet season.
- h) The parcel targeted for development under the project is one of the last underdeveloped parcels in this area and receives runoff from development on neighboring parcels at higher and higher volumes, due to the expansion of impervious surfaces on nearby parcels and roads, and driveways along Gwin Road.
- i) The criteria for “periodic inundation” specified under the McKinleyville Community Plan one parameter Wetland definition is not intended to apply to flooding conditions tied to increases in local stormwater runoff following development of nearby lands.
- j) The fieldwork and reports prepared by the two biologists document and conclusively confirm that two of the standard wetland parameters are not present, as the parcel contains little to no hydrophytic vegetation and hydric soil characteristics do not appear in the soils at the site. The absence of wetland plants and soil characteristics is predictive of past drainage conditions on the property and reveals that any periodic inundation of the soils is not of sufficient duration to attract wetland vegetation or result in redoximorphic features developing within the soil profile such as: iron reduction, oxidation around plant root channels, or mottling. Studies have shown that these features can begin developing in upper soil horizons after ponding lasting as little as 7 days. Further review and monitoring of site hydrology is therefore unnecessary to eliminate this parameter from consideration.

Vepraskas, M.J., Richardson, J.L. & Tandarich, J.P. Dynamics of redoximorphic feature formation under controlled ponding in a created riverine wetland. *Wetlands* 26, 486–496 (2006).

[https://doi.org/10.1672/0277-5212\(2006\)26\[486:DORFFU\]2.0.CO;2](https://doi.org/10.1672/0277-5212(2006)26[486:DORFFU]2.0.CO;2)

**17. FINDING:** The proposed development is consistent with the purposes of the existing Residential Multiple-Family (R-3) zone in which the site is located and meets all of the applicable development standards.

- EVIDENCE:**
- a) The property's zoning designation of Residential Multiple-Family (R-3) allows multi-family development of four or fewer units per building and Accessory Dwelling Units as principally permitted uses.
  - b) One-family dwellings may be permitted with a Use Permit in R-3 and R-4 zones where it can be shown that they wouldn't prevent the property from being developed with multifamily dwellings in the future. Nearly 92% of the proposed dwelling units are located within the fourteen (14) fourplexes proposed to be developed consistent with the purpose of the R-3 Zone
  - c) The Planned Development concept provided for the project shows a future buildout of fourteen (14) four-plexes spread across 14 separate parcels, retention of the one (1) legal non-conforming residence on a single parcel, and construction of four (4) zero lot line attached single-family dwellings to be constructed across four parcels (lots 1-4).
  - d) The R-3 zone specifies a 5,000 square foot minimum parcel size. The Planned Unit Development provisions of the Zoning Ordinance allow a reduction in the minimum lot sizes to carry out the intent of the Planned Unit Development Regulations.
  - e) The intent of the Planned Development is to *allow flexibility in the administration of the development standards in this Division for the purpose of permitting more flexibility to cope with difficulties due to topography and other natural or man-made features*. In this case the difficulty is the ability to obtain financing. Financing is more available on smaller lots, allowing development in a phased fashion, than financing the entire development at one time.
  - f) Deviation from the development standards including lot width and depth is permitted under the Planned Development provisions of the code.
    - Lots 1-4 range from 29.95 to 40.00 feet, are the only ones that fall below the 50-foot minimum width requirement of the R-3 zone.
    - Lots 1-4 are also seeking authorization under the PUD provisions to reduce the interior lot line setback to zero to



accommodate development featuring one-family dwellings with a common wall situated along the shared property line.

- All development planned for the remaining lots (5-17) will comply with the standard minimum setback requirements of the R-3 zone.
- g) Deviations from setback requirements and standards for lot size and lot width is appropriate and consistent with the purpose of the Planned Development provisions of the code which may be used on lots 20,000 square feet or larger where waiver of development standards allows a more creative approach to land development and provides for clustering in concert with the provision of residential amenities. .
- h) The applicant has provided a Planned Development Concept showing that each parcel from the subdivision has sufficient area to accommodate residential development.

#### **FINDINGS APPLICABLE TO PLANNED DEVELOPMENTS**

- 18. FINDING:** It is appropriate to apply the Planned Development Provisions - §314-31.1 to this project as this is a development with 62 residential units proposed and it is in the public interest to allow flexibility in the zoning standards to enhance the viability of this residential project. The Planned Development provides for more orderly development than if the project were pursued under the R-3 Zone without the Planned Development.

**EVIDENCE:** a) Section 31.1.2.2 of the Humboldt County Code allows application of the Planned Development Guidelines allows application of the Planned Development where any of the following conditions prevail, provided the Director and the applicant agree that to do so would be in the public interest and best interests of the applicant:

- Any site where more than four (4) dwelling units, commercial buildings, or industrial buildings or combination thereof are proposed;
  - The development proposal is within a residential zone and includes residential and nonresidential development;
  - Any site or development proposal where application of these regulations would provide a better means of carrying out the intent of the County General Plan.
- b) Section 31.1.3 of the Humboldt County Code allows application of the Planned Development Guidelines allows

Planned Unit Developments to be permitted on lots of 20,000 square feet or larger.

- c) The project parcel is 2½ acres in size and seeks to utilize the Planned Development provisions of the code to allow for clustered development of approximately 62 units, and to allow for shared parking facilities, reduced setbacks from interior lot lines, deviations from standard lot size requirements, reduced lot width and a reduced road right-of-way width. This results in a better overall design and helps maximize the residential density achieved while also resulting in the creation of a greater number of potentially affordable units. This is in keeping with the purpose of the PUD provisions of the code.
- d) The R-3 Zone would allow this development without a subdivision or Planned Development. Buildings could be constructed through the issuance of a building permit. The Planned Development approach allows a comprehensive analysis of the circulation, drainage, parking, landscaping and overall design which would not be available through construction of individual buildings.

#### **Design Guidelines for Planned Developments - §314-31.1.6**

**19. FINDING:** The project design addresses the Design Guidelines for Planned Developments contained in Section 314-31.1.6. (

- a) The Guidelines call for the retention of natural features. Some of the existing mature trees and vegetation currently found on the property will be sited on proposed Lot 8. Others will be removed to accommodate the planned new residential development. Slopes on the parcel are fairly flat and minimal alteration of natural landforms and grading are expected to be necessary
- a) The project is consistent with the circulation provisions by proposing a twenty-four foot wide access road (Jack Road) running through the center of the parcel and providing connectivity between Pickett Road and Gwin Road. The road jogs to the west to allow for retention of an existing single-family residence on proposed Lot 8. Retention of this existing residence provides multiple benefits. The change in the road alignment will help the project preserve existing housing stock and provide for a mixture of different housing types while also having a traffic calming effect on local traffic patterns.

**EVIDENCE:** a) The amount of parking provided, and the design of the parking has been adequately addressed. On-site parking is being accommodated using perpendicular street parking along the

frontage of most parcels, with the exception of Lots 15 and 16. Ten (10) shared spaces will be provided on Lot 8 which will be available for use by occupants of Lots 14-16, and Lot 8. Landscaping will be provided (see below). The curve in Jack way avoids a long linear strip of parking. The narrow configuration of the parcel does not allow a different design without resulting in a loss of density. Placing parking at the side of back of buildings would result in placing the primary entrance closer to the streets to the east and west. The proposed location maximizes safe turning movements. The parking is not located immediately adjacent to either Gwin Ave or Pickett Road, and is internal to the site.

**EVIDENCE:** a) The proposed new multi-family dwellings address the Architectural Guidelines being consistent with similar multi-family developments in the McKinleyville area, such as those that can be found south of Sutter Road. Neighboring development to the west consists of several existing mobile home parks. The materials used on the buildings is higher quality and durable material with variety in the material and color palette.

**20. FINDING:**

*The Project is consistent with the Planned Development Guidelines call for consideration of other factors including:*

- 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

**EVIDENCE:** a) A landscaping plan has been provided for the project showing a variety of native landscaping proposed to be placed throughout the development.

b) All of the townhomes and one-family dwellings will have individual laundry facilities within each unit. The eight (8) fourplexes proposed on Lots 9-16 will each have common laundry facilities on the upper floor units. Additionally, a shared laundry building is proposed to be constructed on Lot 8 and will have enough room to host 7 washing machines, 6 dryers, and an area for folding clothes. This amounts to a ratio of almost 1 washer/dryer for every two units, nearly double the

number recommended under the Planned Development provisions.

- c) The tentative map shows that Lot 8 will host an area for trash and recycling storage serving the majority of the units. The trash & recycling area is approximately 9 feet deep and 16 feet wide, with sufficient space to accommodate two 3-yard dumpsters for trash and an addition 3-yard dumpster for recycling. Should capacity issues arise, they can be overcome by changing the frequency of collection from weekly to twice per week.
- d) The revised tentative map design includes bioretention facilities within two proposed greenspace/common areas located near the center of the parcel. The Drainage Report reflects use of permeable asphalt in the parking stalls to lower the volume of runoff from these areas. Should additional measures be needed to provide sufficient retention to prevent increases in downstream peak flows, they will likely include development of underground infiltration galleries below some of the paved parking areas.

#### **Roads and Driveways for Planned Developments - §314-31.1.7**

**21. FINDING:** The project is consistent with the Planned Development Guidelines being appropriately located with respect to Gwin and Pickett providing direct access, and the entrances and exits are designed to encourage smooth traffic flow with controlled turning movements and minimum hazards to pedestrians, passing traffic, or to traffic entering and leaving the development,

- EVIDENCE:**
- a) Access will be from Jack Road which will connect between Pickett and Gwin Roads. The access road encroachment and driveways will be designed to County standards.
  - a) The internal circulation includes a new 24-foot wide private road and an internal system of sidewalks providing for pedestrian connectivity to neighboring public streets. The road extends between Pickett and Gwin to maximize efficiency of travel and provide secondary emergency access. With the configuration of the parcel there is no alternative design that equally meets these objectives.
  - a) A minimum amount of cut and fill is projected to accommodate site development.

- a) A total of 86 parking spaces are being provided across the parcels being created/developed. This accounts to an overall ratio of roughly 1.45 spaces per unit, without giving credit for additional off-site parking along Pickett and Gwin Roads.
- a) The tenants living in these units are not likely to possess Recreational Vehicles and storage of RV's is not expected to be a need associated with this development. Given the limited size of the parcels and density of development proposed, reservation of land for RV parking is neither possible nor practical.

**Owner's Association for PUDs - §314-31.1.8**

**22. FINDING:** The project complies with section 314-31.1.8 of the Humboldt County Code through the required condition to form “*a nonprofit incorporated owners association or alternative acceptable to County Counsel to provide for improving, operating and maintaining common facilities, including open space, streets, drives, service and parking areas, and recreation areas.*”

- EVIDENCE:**
- a) Condition of approval 23 requires formation of a homeowner's association prior to issuance of the first Building Permit.
  - b) Condition 23 requires the HOA address rules and guidelines for owners and tenants of the development and establish and collect monthly or annual fees to pay for common area maintenance, repair, and upkeep of common areas and facilities such as:
    - o landscaping
    - o roadways & parking areas
    - o stormwater management infrastructure
    - o shared sewer, water, and electrical infrastructure
    - o shared garbage and laundry facilities
  - c) The Conditions also include a requirement that the applicant form a Road Maintenance Association for the proposed access road “Jack Way” as well as attempt to form a Road Maintenance Association for Gwin Road or join one should it exist.

**FINDINGS FOR DESIGN REVIEW**

**23. FINDING:** The appearance and design of the development (including: buildings, landscaping, roads, parking areas, and related infrastructure) will form a substantial contribution to the

desirability of the subject site as a desirable location to live, and maintain appropriate design elements for a residential area.

**EVIDENCE:** a) Section 314-19.1.1 of the Zoning Ordinance specifies findings for the D Zone as follows:

*To qualify as a D Zone, the areas within the County should meet one (1) or more of the following categories:*

*19.1.1.1 Areas of special or unique natural beauty and aesthetic interest forming a basic resource in the economy of the County, the preservation of which would enhance the tourism industry.*

*19.1.1.2 Sites, buildings, structures, or uses which have special historical interest.*

*19.1.1.3 Maintenance of architectural and recreational aspects of designated areas.*

The D Zone on this property is interesting in that the site does not have the characteristic identified above. Approval of a Design Review is based on finding grounded in this criteria but since these are not directly applicable to the site, the focus of the findings are based on compliance with the other procedural provisions of the Design Review section.

b)

c) The proposed buildings range from 22 to 24 feet in height and would cover approximately 22% of the gross lot area. The resulting Floor Area Ratio of the proposal is 0.42, 58 percent below the maximum allowed. The project includes a fairly modest development footprint and massing when considering that the R-3 zone permits structures up to 45 feet in height and up to 60% ground coverage.

d) The development meets all setbacks from perimeter property lines. Zero setbacks are being sought under the PUD request to enable the division to allow for subdivision of the common-roof four-plexes and halfplex units. This is a design element consistent with the higher density residential development contemplated by the R-3 Zone.

e) The applicant is proposing to use colors centered around a natural cedar with different hues and trim colors of off white and grey on the exterior walls. Each building will feature two different types of siding alternating between different siding styles on gable ends and differing elevations. Siding styles include hardi-plank and board & batten. The design also

includes variations in massing through use of bays, cantilevered floors, and similar features. This is appropriate for the setting and location of the project. The colors and materials are consistent with the residential surroundings.

- f) The proposed roofing will be composition shingle using a 4:12 roof pitch. This is consistent with the style and pitch of roofs in the vicinity and helps improve visual interest.
- g) The proposal includes a landscape plan using trees, shrubs and groundcover to enhance the developed environment. The proposal places parking conveniently in the middle of the development incorporating perpendicular parking along a new right of way (“Jack Road”). The design and location of the new roadway and parking areas helps ensure that the visual signature of the development from neighboring properties will be the homes and landscaping areas. Placing the proposed buildings along the parcel’s perimeter and majority of the parking areas within the interior will also help block sound from parking areas (engine noise, tenants entering/exiting vehicles) from being noticeable by residential development on neighboring parcels.
- h) The site is in an area of McKinleyville composed of a mixture of development types. Development north, south, and east of the property is composed of single-family homes at an average density of approximately 3 units per acre (not including accessory dwelling units or similar structures) and an average parcel size of 0.46 acres. Immediately west of the parcel is an existing mobile home park (“Thunderbird Mobile Estates”) hosting development at a density of approximately 10 units per acre. The park caters to senior citizens and holds approximately 100 spaces and appears to be fully occupied at this time. The mobile home park properties are characterized by the same zoning and land use designation (R-3/RM) as the project parcel and host a density of development consistent with the range of the RM land use designation (7-30 units per acre). Further to the west is Pierson Park (approximately 9 acres in size) and beyond that lies the McKinleyville Fire Station and the commercial corridor along Central Avenue, which hosts a mixture of different retail commercial uses. The proposed development is designed to transition from lower density development along the northern boundary / Pickett Rd. frontage to medium density development within the interior of the parcel and south to Gwin Road. By orienting the multi-family fourplex units in a north south fashion, the development

signature of the two fourplexes abutting Gwin will be comparable or smaller than the width of development on neighboring parcels.

- i) The project proposes to retain the existing residence and garage on the property which will help preserve parts of the existing development pattern and historical setting consistent with the assortment of uses and structures on surrounding parcels.
- j) The property is fairly level so minimal grading, cut, and fill are anticipated. Existing mature vegetation and landscaping on the east side of the Gwin residence will be retained and new landscaping is proposed to be installed in green spaces throughout the development.

### **FINDINGS APPLICABLE TO ALL PERMITS**

**24. 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 and planned development will divide a 2.5-acre parcel into nineteen (19) parcels and build out with a total of 62 units. The proposed parcel sizes are permitted with the proposed Planned Development Permit and the resulting density is consistent with that planned for the subject parcel.
  - b) The parcel being divided is currently developed with an existing residence and garage. The residence is proposed to be retained and the garage will be removed as part of the proposed development of the parcel. Removal of several trees will likely be required although some will be preserved and retained within the boundaries of proposed lot 8.
  - c) Public water and sewer service is available through the McKinleyville Community Services District. None of the referral agencies oppose the project and there is no information to suggest that approval of the project would potentially be detrimental to the public health, safety, and welfare or materially injurious to properties or improvements in the vicinity.
  - d) The parcel has been planned and zoned for multi-family residential development for over 30 years and is bordered to the south by mobile home parks
  - e) Multi-family residential development of the sort proposed is principally permitted under the parcel's current zoning.



Adding subdivision and development of four (4) attached one-family dwellings does not introduce new potential impacts or result in a greater density of development than what could already be achieved without subdividing or securing approval of a Use Permit.

- f) The proposed project does not include any design features which would put residents or the public at risk.

**25. 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's General Plan land use designation (RM) and zoning (R-3) allow multi-family residential development. The proposed development is consistent with the Humboldt County General Plan (Section 4.8.1, Residential Multi-Family (RM)). The parcel is not included within the latest (2019) Housing Element inventory so there is no risk of the density falling short of a target required by HCD. The project will positively impact compliance with Housing Element law. The project will increase the available supply of housing in the McKinleyville Community Plan area and will result in new opportunities for home ownership. The project complies with the density range of the RM land use designation, which includes a maximum density of 30 units per acre.

**SPECIAL FINDING CONCERNING ACCESSORY DWELLING UNITS ON LOTS 1-4**

**26. FINDING:**

The four halfplexes on Pickett do not include adequate space to accommodate Accessory Dwelling Units. In order to maintain the integrity of the design being approved it is necessary to include a condition to prohibit an Accessory Dwelling Unit on these parcels.

- EVIDENCE:**
- a) There is insufficient space to allow for additional development on Lots 1 thru 4. After accounting for setbacks, less than 500 square feet of area remains available for further development on these lots.
  - b) There is insufficient space to accommodate off-street parking for additional units and on-street parking is limited.

**FINDINGS FOR APPEAL**

NON-COMPLIANCE WITH REQUIREMENTS  
OF THE HUMBOLDT COUNTY ZONING REGULATIONS

**27. FINDING:** The appellant is incorrect in their assertion that proposed Lots 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15 & 16 all fail to comply with the minimum lot size requirements of the zoning regulations. The appellant also incorrectly contends that proposed Lot 8 exceeds the maximum lot size, proposed Lots 1-4 don't meet the 50-foot minimum width requirement of the R-3 zone, and proposed Lots 9, 10, 11, 12, 13, 14, 15 and 16 do not comply with the standard minimum setback requirements of the R-3 zone.

- EVIDENCE:**
- a) The property being divided is located within the Residential Multiple-Family Zone (R-3) which specifies a 5,000 square foot minimum parcel size.
  - b) As noted by the appellant, the exceptions to the Development Standards found in 314-99.2 allow minimum lot size to be modified down to a minimum of 1,500 feet within mapped Housing Opportunity Zones, to help create housing affordable to lower income households. The property being divided is located within the Housing Opportunity Zone mapped for the McKinleyville area.
  - c) Lots 5, 6, 7, 8, 17, 18 & 19 all meet or exceed the R-3 minimum parcel size.
  - d) Lots 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15 & 16 range from 2,096.5 to 4,714 square feet in size above the 1,500 square foot threshold in Housing Opportunity Zones.
  - e) Section 314-31.1.5.2 of the Planned Development provisions of the Code authorize modification of applicable lot size standards when carrying out the intent of the Planned Unit Development Regulations and General Plan. Promoting and facilitating *the creation of affordable housing opportunities to meet current and future demands for all income levels* is included as Guiding Principle #3 of the Humboldt County General Plan.
  - f) The proposed reductions below the standard minimum parcel size of the R-3 zone will enable the development of affordable units on lots 1-4, consistent with the provisions of the code authorizing exceptions to the Development Standards. Reduction of lot size amidst the remaining parcels will help better enable phased development and financing of the Planned Unit Development.
  - g) Section 325-10(a) of the County Subdivision Regulations allow the Advisory Agency on the Tentative Subdivision Map

to grant exceptions to certain development standards relating to lot size, width and shape when an open space, recreational area or residual parcel for resource protection and maintenance is provided for the use and benefit of all the dwelling units in the development.

- h) The common interest parts of the development include all open space, access (ingress/egress), parking areas, utilities, parks, and laundry facilities. These areas will all be encapsulated within a common area lot (Lot A). Each of the numbered lots from the subdivision will have a fractional interest in the common area lot. This is consistent with the provisions of 325-10 which permit exceptions to Lot width and Lot Size.

**28. FINDING:**

The appellant is incorrect in their contention that the proposed “fourplexes” on Lots 9, 10, 11, 12, 13, 14, 15 and 16 do not comply with the minimum setback requirements of the zone, having a zero setback on one side. Further, the appellant incorrectly asserts that development on these lots should really be considered 8-plexes. Similarly, the appellant incorrectly views the proposed single-family residences proposed on Lot 1-4 as duplexes because of their shared wall.

**EVIDENCE:** a) The property being developed is located within the Residential Multiple-Family Zone (R-3). The R-3 zone allows two-family dwellings and dwelling groups and multiple dwellings containing four or fewer units per *building*. The R-3 zone also allows one family dwellings where it can be shown that the property could be developed in the future with multifamily dwellings. Most of the property is developed with multifamily dwellings, the exceptions being the small lot single family residential on Pickett Road and retaining the existing residence.

**EVIDENCE:** b) The definition of “building” found in the section 314-137 of the Zoning Regulations provides language for differentiating between buildings where “a structure is divided into separate parts by one (1) or more unpierced walls extending from the ground or foundation up”. In this type of scenario, “each part is deemed a separate building”. These buildings meet this criteria.

- c) In the case of the buildings proposed on lots 9, 10, 11, 12, 13, 14, 15 and 16, while the structures share a common roof, they are separated into two (2) detached buildings containing 4 units (2 on the first floor, 2 on the second floor) separated by a covered breezeway forming a stairwell between the two fourplex units.

- d) The buildings will be split by a shared property line which will further reinforce the separation between these structures.
- e) The project includes a request to reduce these interior setbacks to zero utilizing the Planned Unit Development provisions found in section 314-31.1.5.4 of the code, which permit reductions of this sort provided all setbacks along the perimeter of the development conform to the minimum yard requirements for the zone.
- f) The tentative map shows that all perimeter setbacks of the proposed development meet or exceed the minimum yard requirements of the R-3 zone.
- g) The code also distinguishes between attached and detached buildings based on whether they share at least ten feet of a common wall with another building.
- h) In the case of the buildings proposed on lots 1 through 4, while the structures share a common roof, they are separated into two separate parts (one-family dwellings) because they are divided by an unpierced wall extending from the ground/foundation up.
- i) The buildings on lots 1-4 will be split by a shared property line which will further reinforce the separation between these structures.
- j) The project includes a request to reduce these interior setbacks to zero utilizing the Planned Unit Development provisions found in section 314-31.1.5.4 of the code, which permit reductions of this sort provided all setbacks along the perimeter of the development conform to the minimum yard requirements for the zone.
- k) The tentative map shows that all perimeter setbacks of the proposed development meet or exceed the minimum yard requirements of the R-3 zone.

**29. FINDING:**

The appellant is incorrect in their assertion that the one-family dwellings proposed on Lots 1 through 4 do not comply with the requirements of Section 314-6.4 which govern permitting of one family dwellings on parcels in the R-3 zone.

**EVIDENCE:**

- a) The property being developed is located within the Residential Multiple-Family Zone (R-3). The R-3 zone also allows one family dwellings “*where it can be shown that the property could be developed in the future with multifamily dwellings.*” This provision was added to the R-3 and R-4 zones to implement policies outlined in the 1998 Housing Element.
- b) The overarching goal of these policies is to protect multi-family zoned properties from lower density residential development

that could frustrate or prevent a parcel from later being developed with multi-family housing to the density contemplated under the housing element.

- c) The requirement is not intended to be applied prospectively to lots resulting from a subdivision but instead to those conditions in effect at the time that a one-family dwelling is proposed to be developed on a parcel with R-3 or R-4 zoning. Only at that time is the developer required to show that the parcel can be developed with multifamily dwellings.
- d) The project parcel was already planned and zoned for multifamily development when this policy was applied during adoption of the 1998 Housing Element update.
- e) The applicant has submitted a plan proposing to develop 56 units in a multifamily fashion, along with 4 one-family dwellings. The project also proposes to retain the existing single-family residence on the property and construct one (1) accessory dwelling unit. This would result in the development of sixty-two (62) units at a density of approximately 25 units per acre.
- f) The proposed density is within the targeted density range of the parcels Residential Medium Density Land Use Designation, which specifies a density range of 7 to 30 dwelling units per acre.
- g) Nearly 92% of the proposed dwelling units are located within the fourteen (14) fourplexes proposed to be developed. The proposal therefore fulfills the intent of the provisions for protecting multifamily development found in sections 314-6.4 and 314-6.5 of the code.

**30. FINDING:**

The appellant contends that it is inappropriate to approve of the applicant's request to provide less off-street parking spaces than the minimum prescribed by the code. This assertion is unjustified.

**EVIDENCE:** a)

For the 58 single bedroom multi-family units a minimum of 88 off-street parking spaces are required. The site plan shows off-street parking for a total of 82 vehicles. The existing single family residence will meet its parking requirement. The four half-plex units are proposing to have 4 of 8 parking spaces provided in the front setback, but provide a total of 8 parking spaces with 4 being in the garage. These multifamily units are single bedroom units which will be occupied by 1 or two individuals. The parking reduction is a seven percent (7%)

reduction in the required parking which is appropriate for small units that will not be inhabited by large families.

- b) Section 314-109.1.2.12 of the Zoning Code allows for exceptions to the minimum off-street parking requirements based on factors such as: the Geographic location of site (109.1.2.12.1), Historically designated structures (109.1.2.12.4), proximity to urban built-up areas (109.1.2.12.5), and levels of anticipated use (109.1.2.12.6)
- c) The project parcel is situated 0.25 miles from the nearest bus stop and several shopping grocery stores. Sidewalks along Gwin and Pickett roads provide pedestrian access to Central Avenue. The Gwin home is being retained –though not historically designated, it serves as a landmark providing historical context in relation to nearby existing and proposed development. The applicant has agreed to install new sidewalks on the north side of Gwin Road to complete a break in the sidewalk network and provide for a continuous sidewalk between Central Avenue and the property’s southern boundary.
- d) While the prescriptive parking requirements of the code are viewed as representing the minimum number of spaces necessary for development, calculating and projecting actual future parking demand is subjective. It is common that increases in demand for off-street parking often correlate with larger parcel sizes and lower densities. Conversely, the smaller the size of the parcel being developed and higher the density, the lower the expected demand for parking. For this reason, section 314-109.1.3.1.2.1 of the code requires a lower number of spaces for multi-family development featuring three or more units. Given the average parcel sizes (median 4,174 square feet) and dwelling unit sizes (median 592 square feet), it is fitting to anticipate a potential reduction in demand for off-street parking spaces. Although located within a portion of the front yard setback, four additional parking spaces are available within the driveway in front of each garage proposed on Lots 1-4. If the four one-family dwellings were slightly smaller in size (1000 square feet or less instead of 1,462 ft.<sup>2</sup> proposed), only 2 spaces would be required per dwelling unit. The off-street parking regulations of the code prohibit requiring additional parking for one-family dwellings and duplexes with units that are 1,000 square feet or less in gross floor area.
- e) The property lies approximately 400 feet from the western boundary of Pierson Park, which serves as one of the boundaries of the McKinleyville Town Center. A Master Plan

and specialized Zoning Regulations for the McKinleyville Town Center have been developed following a series of public meetings and workshops held beginning in 2019. The latest draft of special Qualified “Q” Combining Zone regulations designed for the Town Center area was published on September 27, 2023. The regulations are tailored to incorporate input received from both residents and the McKinleyville Municipal Advisory Committee (MMAC). Section 5.2 of the plan includes parking requirements for residential development and imposes a parking maximum at a ratio of “one parking space for each residential unit”. The proposed project would provide approximately 1½ spaces per unit, in excess of this draft maximum. In addition to being reflective of public input, the policy direction in the draft regulations is consistent with trends throughout the county, state, and nation, which seek to deprioritize infrastructure for conventional automobiles and plan development in locations served by improved public transit and bicycle and pedestrian infrastructure.

- f) The property lies within 1.3 miles of the Hammond Trail, which provides a Class I bikeway through McKinleyville connecting to a network of bicycle routes entering Arcata from the north and continuing on to Eureka via the Humboldt Bay Trail, which is anticipated to be completed in less than a year. Average travel time from the property to downtown Eureka is 1 hour 15 minutes via bicycle. Commute times drop to less than an hour when using an electric bicycle.
- g) The appellant incorrectly asserts that commuting to a job in Eureka via the local bus service is not viable because the earliest bus from McKinleyville would not arrive in downtown Eureka until 7:57am, not leaving sufficient time to arrive at a workplace by 8am. There are options to this. The first bus service south stops at Redwood Regional Airport at 6:00 am. There is also the Arcata Transit Center. These are both within cycling distance and there is micro transit coming to McKinleyville which will make commuting via bus more feasible. Some employers also allow a modified schedule to accommodate alternative forms of commuting.
- h) The Humboldt County Transit Development Plan (TDP) was adopted by the Humboldt County Association of Governments Board of Directors on October 19, 2023. The objective of the plan is to assess current transit operations and identify potential changes that could improve public transit over the next five years. The plan includes recommended service improvements

and an implementation strategy for the upcoming five-year cycle (2023-2028). Noteworthy planned improvements identified in the plan include development of a Transit Hub in McKinleyville Town Center (also supported in the Draft McKinleyville Town Center Q-Zone Plan) and the development of Express Bus Service between Eureka and Cal Poly Humboldt and between McKinleyville and College of the Redwoods (CR). The Eureka – Cal Poly Humboldt Express service is targeted to begin in 2024 and the McKinleyville-CR Express service is targeted to begin in 2026. Given the timeframe for the remaining permitting, financing, and development of the site would likely require a minimum of 2 years to complete, it is quite possible that improved bus service will be in place prior to units in the development being occupied.

**31. FINDING:**

The appellant contends that the Planning Department failed to perform Design Review for the project, which is necessary where development is proposed on property located within a Design Control District. This assertion is correct.

- EVIDENCE:**
- a) The project parcel is located within an area zoned R-3/D, with a base zoning of Residential Multi-Family (R-3) as well as the Design Control Combining Zone (D).
  - b) The D Combining Zone includes guidance for determining the “Reviewing Authority” for consideration and approval of plans for projects within a Design Control zone. This includes a procedure for selecting up to five (5) local representatives to serve as the Reviewing Authority with representatives being chosen by the member of the Board of Supervisors in whose district the D zone is located. Where no local representatives have been chosen, the Director of the Planning & Building Department is required to act as the Reviewing Authority.
  - c) At this time, no local representatives have been selected to act as the Reviewing Authority for McKinleyville and the community has lacked a designated local review authority for over twenty (20) years.
  - d) For projects in locations lacking a designated local reviewing authority, it is customary that Design Review be performed administratively by planning staff subject to review and approval of the Director of Planning & Building Department, especially where a project is otherwise ministerial in nature



- e) The Reviewing Authority is empowered to approve and conditionally approve projects. Where the initial decision of the Reviewing Authority is not satisfactory to the applicant, they can request that their application be referred to the Planning Commission for consideration. The decision of the Planning Commission may be appealed to the Board of Supervisors.
- f) Given the Board of Supervisors is already considering an appeal of the Planning Commission's decision to approve the Subdivision, Use Permit, and Planned Development Permit, it is appropriate that they also take action on Design Review at this time. Finding #28 includes evidence in support of approving Design Review for the project.

NON-COMPLIANCE WITH PLANNED DEVELOPMENT  
PROVISIONS OF THE ZONING REGULATIONS (SECTION 314-31.1)

**32. FINDING**

The appellant contends that the proposed development fails to meet the purpose and intent of the P provisions of the Zoning Regulations, because the proposal includes a request to cluster development without providing any residential amenities. This assertion is incorrect.

**EVIDENCE**

- a) The project seeks to subdivide and construct multi-family housing on an underdeveloped parcel. In response to the appeal, an updated tentative map has been provided by the applicant featuring a revised design which now includes several open areas (shown as "Parcel A" on the map). These areas are intended to be developed and used as common park areas with picnic tables available for use by future residents of the development. The areas will be landscaped and will also host bioretention facilities. All of the townhomes and one-family dwellings will have individual laundry facilities within each unit. The eight (8) fourplexes proposed on Lots 9-16 will each have common laundry facilities on the upper floor units and covered lockable bicycle storage at the rear of the ground floor stairwells. Additionally, a shared laundry building is proposed to be constructed on Lot 8 and will have enough room to host 7 washing machines, 6 dryers, and an area for folding clothes. This amounts to a ratio of almost 1 washer/dryer for every two units, nearly double the number recommended under the Planned Development provisions. Providing in-unit or on-site shared laundry facilities is not a requirement of the zoning or building code and is commonly absent from rental housing throughout the county. It is therefore fitting to view them as

amenities for tenants. Additionally, the developer has agreed to construct off-site road improvements as part of the proposal which include installation of speed humps on Pickett and Gwin Roads, development of a crosswalk on Pickett Road, and developing new sidewalk along the north side of Gwin Road near the Teen Center to complete the break in the network.

**33. FINDING:**

The appellant contends that the design and location of the parking areas for the proposed development fail to comply with the parking considerations of the Design Guidelines found in the P provisions of the Zoning Regulations. The appellant also maintains that the proposed parking spaces fail to meet the size requirements of the zoning code. These assertions are incorrect.

**EVIDENCE**

- a) The Design Guidelines of the Planned Development regulations are not prescriptive requirements of the code but instead are intended to be viewed as guidelines to be “*considered by architects, engineers, and other persons involved in designing Planned Unit developments, and by the decision-makers reviewing them.*” The guidelines for parking encourage shared parking areas such as parking courtyards. They also recommend placing parking areas at the side or rear of buildings when possible, limiting the size of carports and garages, installing landscaping or screening devices under certain circumstances, and avoiding the siting of parking lots with five more cars within fifteen feet of the front of a living unit.
- b) The design of the proposed development situates most of the parking areas in a perpendicular fashion immediately adjacent to the proposed new access road (Jack Way). This helps maximize available parking while retaining density. The new access road will provide a connection between Pickett and Gwin Roads resulting in improved circulation by future tenants and emergency services. The design and location of the new roadway and parking areas helps ensure that the visual signature of the development from neighboring properties will be the homes and landscaping areas. Placing the proposed buildings along the parcel’s perimeter and majority of the parking areas within the interior will also help block sound from parking areas (engine noise, tenants entering/exiting vehicles) from being noticeable by residential development on neighboring parcels.

- c) The narrowness of the parcel makes it impractical to orient development in an east-west fashion or situate parking at the rear of the structures. Doing so would have a dramatic effect on the density of development achieved and would result in a greater amount of paved surfaces. The design for siting of the access road and circulation is nearly identical to that used by the Thunderbird mobile home park immediately west of the property which features two north-south access roads (Deborah Drive and Hummingbird Drive) connecting between Pickett Road and Gwin Road, and residential units situated east and west of each road.
- d) Section 314-109.1.2.2.1 of the zoning code defines each normal size parking space as being *not less than eight feet (8') wide, eighteen feet (18') long and contain(ing) seven feet (7') of vertical clearance.*
  - All proposed parking spaces are nine feet (9') wide and eighteen feet (18') deep, and there are no vertical obstructions
  - This has been confirmed by the applicants surveyor, who prepared the tentative subdivision map

**34. FINDING:**

The appellant contends that the proposed development fails to comply with the landscaping considerations of the Design Guidelines found in the P provisions of the Zoning Regulations. This assertion is incorrect.

**EVIDENCE:**

- a) The design guidelines for “natural considerations” encourage retaining major trees and shrubs to the maximum extent possible and using them as the basis of the design of the lots, roads, and other open spaces in the PUD, noting that new landscaping often takes many years to provide the same benefits that mature existing vegetation will provide immediately.
- b) The project proposes to retain mature vegetation surrounding the former Gwin home that will be located on Lot 8. Some of this vegetation lies in proximity to the easterly open space parcel (Parcel A) and can be integrated within that open space. Review of the runoff calculations in the draft Drainage Report reveals that the project proposes to include approximately 25,163 square feet of area as pervious landscaping and nearly another 7,000 square feet as self-retaining area. Combined

with the bioretention areas, this represents nearly 30% of the site will remain as landscaping or retention areas.

- c) A landscaping plan has been provided for the project showing a variety of native landscaping proposed to be placed throughout the development.

**35. FINDING:** The appellant contends that the proposed development fails to comply with the laundry considerations of the Design Guidelines found in the P provisions of the Zoning Regulations. This assertion is incorrect.

- EVIDENCE:**
- a) The P provisions recommend providing laundry facilities for all multifamily units with four or more dwellings at a rate of one washer/dryer per four-plex and one additional washer/dryer for each additional 6 units.
  - b) All of the townhomes and one-family dwellings will have individual laundry facilities within each unit. The eight (8) fourplexes proposed on Lots 9-16 will each have two common laundry facilities on the upper floor units. Additionally, a shared laundry building is proposed to be constructed on Lot 8 and will have enough room to host 7 washing machines, 6 dryers, and an area for folding clothes. This amounts to a ratio of almost 1 washer/dryer for every two units, nearly double the number recommended under the Planned Development provisions.

**36. FINDING:** The appellant contends that the proposed development fails to comply with the trash & recycling collection considerations of the Design Guidelines found in the P provisions of the Zoning Regulations. This assertion is incorrect.

- EVIDENCE:**
- a) The site plan shows that Lot 8 will host an area for trash and recycling storage serving the majority of the units. The trash & recycling area is approximately 9 feet deep and 16 feet wide, with sufficient space to accommodate two 3-yard dumpsters for trash and an addition 3-yard dumpster for recycling. Should capacity issues arise, they can be overcome by changing the frequency of collection from weekly to twice per week.

**37. FINDING:** The appellant contends that the proposed development fails to comply with the architectural considerations of the Design Guidelines found in the P provisions of the Zoning Regulations. This assertion is incorrect.

- EVIDENCE:**
- a) The Design Guidelines for architectural considerations recommend that buildings be compatible in design to nearby development through use of similar roof types, siding materials, color schemes, architectural details, and landscaping design. The guidelines go on to note that size of is not necessarily a major concern in design and that the size of large buildings can be visually reduced by providing changes in the vertical and horizontal depth of the façade.
  - b) With the exception of the mobile home park abutting the parcels west side, the neighborhood is primarily composed of single-story residences and accessory buildings. The average home in the neighborhood is over 40 years old (constructed in 1982). Of approximately 300 homes in the vicinity of the project, approximately 21 homes in the vicinity include 2-story features: nine (9) in the Grace Park subdivision, one (1) on G Lane, one (1) in the Parkview subdivision, seven (7) in the Pillor Estates subdivision, and four (4) homes along South Gwin Road. Architectural styles are a mixture of contemporary and ranch.
  - c) The applicant has supplied elevations, floor plans, and color samples for the proposal. Three different building types are proposed: the halfplexes featuring one family dwellings in a townhouse style, the one-bedroom attached fourplex style, and the townhome style fourplex. Additionally, the project proposes development of an Accessory Dwelling unit above a proposed storage building. Siding styles include hardi-plank and board & batten. The design also includes variations in massing through use of bays, cantilevered floors, and similar features. Siding and roofing materials are comparable to those used on neighboring development in the vicinity. The architecture, materials and colors are compatible in a residential setting.

**38. FINDING:** The appellant contends that the proposed development fails to comply with the circulation considerations of the Design Guidelines found in the P provisions of the Zoning Regulations. This assertion is incorrect.

- EVIDENCE:**
- a) The Design Guidelines for internal circulation recommend that developments be designed to minimize the length of road and encourage smooth traffic flow with controlled turning movements and minimum hazards to pedestrians and traffic.
  - b) The proposed new access road features a jog where it passes by the existing (Loberta Gwin) residence that is being retained.

The road will be improved to a width of 24 feet and will provide access through the parcel to both Pickett and Gwin roads. This will result in improved circulation and will help divide traffic volumes by future residents and other traffic leaving the site. The general straightness of the road will help facilitate good visibility and the design minimizes the total length of road. Sidewalks are provided on both sides of the proposed new road Jack Way as well as along the parcels frontage on Pickett and Gwin roads.

**39. FINDING:** The appellant contends that the design of the proposed development fails to incorporate the design recommendations for Roads and Driveways found in the P provisions of the Zoning Regulations. This assertion is incorrect.

**EVIDENCE:** a) The Design Guidelines for roads and driveways recommend that streets of planned unit developments be appropriately located so as to direct access with entrances and exits for automobiles designed to encourage smooth traffic flow and controlled turning movements minimizing hazards to pedestrians and traffic.

: b) The road will be improved to a width of 24 feet and will provide access through the parcel to both Pickett and Gwin roads. The general straightness of the road will help facilitate good visibility and the design minimizes the total length of road. Sidewalks are provided on both sides of the proposed new road as well as along the parcels frontage on Pickett and Gwin roads. A crosswalk on Pickett Road is also proposed and will help future residents and other pedestrians negotiate the crossing.

**40. FINDING:** The appellant contends that the proposed development fails to comply with the Owners Association requirement of the P provisions of the Zoning Regulations. This assertion is incorrect.

**EVIDENCE:** a) Public Works recommended conditions include a requirement that a maintenance association be formed and maintenance plan developed for all shared facilities as well as the proposed new private access road (Jake Way). The Conditions also include a requirement that the applicant form a Road Maintenance Association for the proposed access road “Jack Way” as well as attempt to form a Road Maintenance Association for Gwin Road, or join one should it exist. add COA explicitly requiring formation of HOA?

**41. FINDING:**

The appellant contends that the proposed development does not comply with the Solar Access design requirements found in section 322.5 of the Humboldt County Subdivision Regulations. This assertion is correct.

**EVIDENCE:** a)

The solar shading requirements of the subdivision regulations are applicable to all planned unit developments or subdivisions proposing to create five (5) or more new parcels. The requirements seek to ensure that sunlight will reach at least 80 percent of the south side (measured from the roof to the ground) of all proposed primary buildings between 10am and 2pm on the shortest day of the year (December 21<sup>st</sup>). Similarly, the code requires that no additional shadows be cast on the south side of an existing building between 10am and 2pm on the shortest day of the year. To help achieve this, the regulations require that the design and layout of future development occur in such a way so that the long side of buildings face in a southerly direction and to the extent feasible streets are oriented within 15 degrees of east – west.

b)

The revised solar shading exhibit provided by the applicant shows that the south walls of 10 of the 13 proposed new buildings will be shaded during the shortest day of the year. The exhibit also details the shading of south walls of the existing single-family residence on the property. The updated solar shading exhibit (dated 1/5/2024) shows that shading of the south walls of neighboring development will not result from the proposal. This includes neighboring properties to the north, west, and east of the parcel being developed.

**EAST SIDE:** Development on the east side of the parcel is composed of one home fronting on Gwin Road, three homes on G Lane, and one home on Pickett Road. The exhibit provided by the applicant shows that none of these homes are shaded by the proposed development, with the exception of the home on Gwin Road which may receive some shading of the northwest corner of the structure –approximately 4 square feet.

**WEST SIDE:** Development abutting the west side of the parcel is composed of fifteen (15) one-story mobile homes located along the east side of Deborah Drive within an existing Mobile Home Park (“Thunderbird Mobile Estates”). Review of the updated solar shading exhibit reveals that the eastern yards of the four (4) northernmost homes would be partially shaded as

a result of the proposal. However, no shading of the south walls of these homes will result from the proposal.

**NORTH SIDE:** Development abutting the north side of the parcel is composed of a series of one-story homes along the north side of Pickett Road. The shading exhibit shows that none of the homes would be shaded by any of the new buildings proposed.

- c) The narrow nature of the parcel and location and design of development on neighboring properties make it challenging to site streets in an east-west fashion. Instead, the applicant is proposing to develop a new access road (Jack Way) and orient development in a north-south fashion, providing equal connection to both Gwin and Pickett roads. The south facing walls on the majority of the proposed new buildings will be shaded between 10am and 2pm on the shortest day of the year, as a consequence of this design approach and site constraints. To approve the proposed subdivision and development footprint proposed, an exception to the solar shading requirements of the code is needed. As noted in the findings above for the solar exception there is no alternative given the parcel configuration and the General Plan Density to achieve this requirement.
- d) Section 322.5-9 of the Solar Shading Regulations provides a pathway for requesting a proposed development be found exempt from the solar shading requirements of the code. Exemptions from the Solar Shading requirements may be granted where compliance is not feasible or would reduce densities below those allowed by the zoning at the time the application is submitted, or where compliance would preclude orienting a primary building to the best available view. Finding #9 includes evidence in support of approving an exception to the Solar Shading requirements of the code.

**42. FINDING:**

The appellant contends that project fails to qualify for use of the Planned Unit Development Exception provisions of the Subdivision Regulations because the proposal does not set aside any open-space, recreational area or residual parcel for resource protection and maintenance as required by 325-10(a)(1) of the regulations. This assertion is incorrect.

**EVIDENCE:** a)

The objective of the applicant in using the Planned Development provisions is not to set aside open space and cluster development but to overcome financing limitations and



being able to obtain construction loans on individual parcels. This is a common construction practice. The revised tentative map and development exhibits supplied by the applicant now show the inclusion of several park spaces in the interior of the property. Both of these small park areas will feature picnic tables available for use by tenants and will feature bioretention stormwater areas that will dual as landscaping areas and help to soften the development footprint. These park areas will be managed as common areas available to all parcels and tenants of the development. Additionally, existing mature vegetation and landscaping on the east side of the Gwin residence will be retained. The inclusion of these features is consistent with the intent of the PUD provisions of the code and satisfies the requirements of section 325-10(a)(1) of the subdivision regulations.

**43. FINDING:**

The appellant contends that the project fails to follow the General Plan in determining the appropriate density of development. This assertion is incorrect.

**EVIDENCE**

- a) Maximum and minimum development densities are established and controlled under the General Plan. The principal means by which it is controlled is through the choice of land use designation applied to properties within a given planning area. Land Use Designations are discussed within section 4.8 of the Land Use Element. Table 4-B summarizes the allowable use types, density ranges, and maximum Floor Area Ratio for the four inland residential land use designations. The 2.47-acre property has a land use designation of Residential Medium Density (RM) which has been in effect since at least 1985. The RM designation is used in areas with full urban services and where common-walled units and apartments are appropriate, including duplexes, townhouses, and apartments and manufactured home park developments. The RM designation specifies a range of 7-30 units per acre and a Maximum Floor Area Ratio of 1.0. The project is consistent with this objective.
- b) The proposal would result in a total of 62 units across 2.47 acres for a gross density of 25 units per acre. This is 5 units per acre below the maximum allowed density or 13 units below the maximum number of units that could be allowed. The resulting Floor Area Ratio of the proposal is 0.42, well below the allowed FAR of 1.. To put it in perspective, the maximum Floor Area Ratio of the Residential Low Density land use designation is 0.4. This serves to illustrate why the proposal is

moderate in terms of development density being sought, especially when considering that the R-3 zone permits structures up to 45 feet in height and up to 60% ground coverage. The proposed buildings range from 22 to 24 feet in height and would cover approximately 22% of the gross lot area. The maximum lot coverage of the single-family residential (R-1) zone is 35%.

**44. FINDING:** The appellant argues that the proposed development will result in an increase in traffic hazards to pedestrians due to increased traffic on Pickett Road. This assertion is incorrect and is not supported by evidence.

**EVIDENCE:**

- a) The applicant has worked closely with public works on the design of the proposed access road and parking areas. The design of the proposed access road enables use of either Gwin Road or Pickett Road for access to and from the development. This will help divide traffic volumes by tenants and visitors.
- b) The project includes the development of sidewalks throughout the interior of the parcel and along both street frontages.
- c) Additionally, the developer has agreed to construct off-site road improvements as part of the proposal which include installation of speed humps on Pickett and Gwin Roads, development of a crosswalk on Pickett Road, and development of new sidewalk along the north side of Gwin Road near the Teen Center to complete the break in the network. All of these measures will facilitate and improve the safety of pedestrian access to the project and surrounding areas.
- d) The design of the proposed intersections along Gwin and Pickett Roads has been reviewed and approved by the Land Use Division of Public Works.

**45. FINDING:** The appellant argues that the proposed project will result in a series of public safety issues for tenants of the development due to:

- insufficient trash, laundry, and playground areas
- lack of responsibility for maintenance of roads and common areas; no maintenance personnel
- excessive speeding on Jack Way
- Risk of accident on Pickett Road
- Risk of accident on Gwin Road due to overflow parking by tenants on the street

- risk of accident on Jack Way by vehicles backing up

These assertions are incorrect and are not supported by evidence.

- EVIDENCE:**
- a) As discussed findings above, the development includes a dedicated enclosed area for the storage of trash and recycling. The area is capable of hosting three (3) 3-yard dumpsters (two for trash, one for recycling). The developer manages other multi-family developments in the vicinity with similar infrastructure for trash & recycling collection. Should capacity issues arise, they can be overcome by changing the frequency of collection from weekly to twice per week.
  - b) As discussed in findings above, all of the townhomes and one-family dwellings will have individual laundry facilities within each unit. The eight (8) fourplexes proposed on Lots 9-16 will each have two common laundry facilities on the upper floor units. Additionally, a shared laundry building is proposed to be constructed on Lot 8 and will have enough room to host 7 washing machines, 6 dryers, and an area for folding clothes. This amounts to a ratio of almost 1 washer/dryer for every two units, nearly double the number recommended under the Planned Development provisions.
  - c) The property lies less than ½ of a block east of Pierson Park, a regional park managed by the McKinleyville Community Services District. The park includes a variety of amenities including play equipment, skateboard park, pavilion area, and teen center.
  - d) The applicant has agreed to construct speed humps on both Pickett and Gwin roads as well as a crosswalk along Pickett Road. The design of Jack Way and the interior sidewalk network provides sufficient room for the safe and separate travel of vehicles and persons to and through the development. The design was developed in concert with the Land Use Division of Public Works.

**FINDING:** The appellant contends that an exception to the minimum right-of-way width requirements may not be granted using the Planned Development provisions of the zoning code and subdivision regulations. This assertion is correct.

- EVIDENCE:**
- a) Planned Development Provisions can be found in both the zoning code and the subdivision regulations. Both include a list specific of development standards of the code where deviations may be sought. They include: standards for

residential density, lot size, lot coverage, lot shape, lot width, and right-of-way frontage.

- b) Technically, the list of development and subdivision standards that may be modified does not explicitly include deviation from minimum right-of-way width requirements. For this reason, the Board finds that the appellant is correct in their assertion and reading of the code.
- c) Minimum right of way width requirements are established under the Subdivision Design and Improvement Standards found in Section 5 of the Appendix to the Subdivision Regulations. The minimum width for roads serving two-way traffic (Road Category 4) is fifty (50) feet.
- d) Section 325-9 of the Subdivision Regulations authorizes the Advisory Agency to grant conditional exceptions to any requirements found in the subdivision regulations. Petitions may be filed with the tentative subdivision map or within fifteen (15) days of the action on the subdivision by the Advisory Agency.
- e) Given the Board of Supervisors is already considering an appeal of the Planning Commission's decision to approve the Subdivision, Use Permit, and Planned Development Permit, it is appropriate that action on this exception occur at this time.
- f) Findings are included providing evidence in support of approving an Exception to the Minimum Right-of-Way width requirements pursuant to 325-9 of the subdivision regulations. Public Works supports granting an exception request.

**FINDING:**

The appellant contends that an exception to the minimum right-of-way width requirements may not be granted using the Planned Development provisions of the zoning code and subdivision regulations. This assertion is correct.

**EVIDENCE**

- a) Planned Development Provisions can be found in both the zoning code and the subdivision regulations. Both include a list specific of development standards of the code where deviations may be sought. They include: standards for residential density, lot size, lot coverage, lot shape, lot width, and right-of-way frontage.

**DECISION**

**NOW, THEREFORE,** be it resolved that the Board of Supervisors hereby:

1. Adopt the findings set forth in this resolution; and
2. Denies the Appeal submitted by the Coalition for Responsible Housing
3. Approves the Final Map Subdivision, Conditional Use Permit, Planned Development Permit, Parking Exception Petition, Solar Shading Exception, and Design Review (Record Number; PLN-2021-17560) based on the revised tentative map on file for the project dated December 29, 2023, as well as evidence referenced, described, and provided herein and all those materials found within the project record, subject to the attached conditions of approval.

The foregoing Resolution is hereby passed and adopted by the Board of Supervisors on January 23, 2024, by the following vote:

Adopted on motion by Supervisor \_\_\_\_\_  
 and Seconded by Supervisor \_\_\_\_\_  
 and the following vote:

AYES: Supervisors:  
 NOES: Supervisors:  
 ABSENT: Supervisors:  
 ABSTAIN: Supervisors:

Rex Bohn

\_\_\_\_\_, Chair  
 Humboldt County Board of Supervisors

STATE OF CALIFORNIA)) SS. County of Humboldt

I, Kathy Hayes, Clerk of the Board of Supervisors of the County of Humboldt, State of California do hereby certify the foregoing to be a full, true, and correct copy of the original made in the above-titled matter by said Board of Supervisors at a meeting held in Eureka, California as the same now appears of record in my office.

In Witness Whereof, I have hereunto set my hand and affixed the Seal of said Board of Supervisors.

KATHY HAYES Clerk of the Board of Supervisors of the County of Humboldt, State  
of California

By: KATHY HAYES

Date: \_\_\_\_\_, 2024

By \_\_\_\_\_ Deputy