

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

Resolution Number 23-

SUBDIVISION APPROVAL

**CASE NUMBERS PLN-2022-17840, FMS-04-06M/CDP-04-17M/SP-11-20
ASSESSOR PARCEL NUMBER 508-391-045**

**MAKING THE REQUIRED FINDINGS FOR CERTIFYING COMPLIANCE WITH THE
CALIFORNIA ENVIRONMENTAL QUALITY ACT AND CONDITIONALLY
APPROVING THE SANTOS FINAL MAP SUBDIVISION**

WHEREAS, the owner submitted an application and evidence in support of approving the Major Subdivision; and

WHEREAS, the County Planning Division has reviewed the submitted application and evidence and has referred the application and evidence to involved reviewing agencies for site inspections, comments and recommendations; and

WHEREAS, the project is subject to environmental review pursuant to the California Environmental Quality Act (CEQA); and

WHEREAS, pursuant to Section 15074 of the Public Resources Code, the County Planning Division prepared a Mitigated Negative Declaration for the project, which was adopted by the Planning Commission on March 6, 2008 during original approval of the project; and

WHEREAS, pursuant to Section 15164 of the Public Resources Code, the County Planning Division prepared an Addendum to the previously adopted Mitigated Negative Declaration, which was approved by the Planning Commission on September 1, 2011 during approval of a modification to the project; and

WHEREAS, the Commission's approval of the subdivision expired before the applicant could completed the remaining phases; and

WHEREAS, the proposed subdivision is identical to the design and configuration previously approved by the Planning Commission in 2008 and 2011; and

WHEREAS, a public hearing was held on the matter before the Humboldt County Planning Commission on Ferbruary 16, 2023.

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

PROJECT DESCRIPTION

FINDING: A Final Map Subdivision of an approximately 10.51-acre parcel into 45 residential lots ranging in size between approximately 5,000 square feet to 7,800 square feet in size, including a proposed 11,850 square foot parcel (Lot "B") for park purposes. An exception to the solar shading requirements has been requested for Lots 36 and 40. The project will be served with community water and sewer provided by the McKinleyville Community Services District. This project proposes re-approval of the remaining phases of a major subdivision that expired (FMS-04-06M/CDP-04-17M/SP-11-20). The subdivision was first approved by the Planning Commission in 2004 and authorized the creation of 88 residential lots. In 2011 the project was modified and re-approved by the Planning Commission to allow buildout in five (5) phases. The first two phases have since been completed resulting in the creation of 43 residential parcels, however the map expired before the remaining three phases were completed. The owner is now seeking re-approval of the map to enable creation of the 45 additional lots that were planned for and previously approved under these phases. Re-approval of the Coastal Development Permit is also being sought.

EVIDENCE: Project File: PLN-2022-17846

CEQA

FINDING: **CEQA.** The requirements of the California Environmental Quality Act have been met. The Humboldt County Planning Commission has considered the project and finds that approval of the proposed subdivision does not require further environmental review.

EVIDENCE:

- a) On March 6, 2008, during original approval of the project, the Humboldt County Planning Commission adopted a Mitigated Negative Declaration (SCH# 2008012016).
- b) On September 1, 2011, the Planning Commission approved an Addendum to the MND and modification of the project.
- c) The previously adopted Mitigated Negative Declaration and approved Addendum evaluates the potential for environmental effects from the project. No changes to the previously approved project are proposed. Therefore, further environmental review is not warranted.

SUBDIVISION FINDINGS

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

FINDING All lots shall be suitable for their intended uses.

EVIDENCE: a) The project will result in a total of two (2) parcels. Parcel 1 will be

11,322 square feet (net) in size and parcel 2 will be 15,373 square feet (net) in size. Both parcels comply with the minimum parcel size of the zone (6,000 ft.²) and will be suitable for single-family residential development as both proposed parcels already currently host a residence.

The subdivision creates 45 residential lots. Staff site inspections and referral agency comments indicate that the proposed parcels are suitable for residential purposes. An R-1 Geologic Hazards and Soils Engineering Report and a Fault Evaluation Report have been prepared. Project approval is conditioned upon incorporation of recommendations, including a zone of building exclusion, as set forth in the reports.

FINDING

Improvements shall be required for the safe and orderly movement of people and vehicles.

EVIDENCE: a)

The subdivision is accessed from Windsor Avenue, the westerly extension of Duchess Road and the southerly extension of McKinleyville Avenue to School Road. A Traffic Impact Study was prepared by Spencer Engineering. The Arcata Fire Protection District (AFPD) has recommended conditional approval. The Land Use Division of Public Works (LUD) has provided Subdivision Requirements (see Exhibit A of Attachment 1) that address access, including improvements to School Road. Project approval is conditioned upon satisfaction of the requirements set forth by LUD and AFPD. A Preliminary Drainage Report was prepared by in 2007 by Spencer Engineering. In July of 2022, a subsequent preliminary hydraulic / drainage study was prepared by Jake Schillinger for the remaining subdivision phases. Parcel K will be used for the stormwater detention basin for the subdivision. Stormwater runoff will be handled by the basin as well as the proposed School Ridge Subdivision to the east. The applicant will utilize a portion of Windsor Avenue for stormwater detention basin purposes. LUD has provided Subdivision Requirements that address drainage and grading, and project approval is conditioned upon satisfaction of the requirements set by LUD and the McKinleyville Community Services District.

FINDING

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

EVIDENCE: a)

A Preliminary Drainage Report was prepared by in 2007 by Spencer Engineering. In July of 2022, a subsequent preliminary hydraulic / drainage study was prepared by Jake Schillinger for the remaining subdivision phases. Parcel O will be used for the stormwater detention basin for the subdivision. Stormwater runoff will be handled by the basin as well as the proposed School Ridge Subdivision to the east. The applicant will utilize a portion of Windsor Avenue for stormwater

detention basin purposes. the Land Use Division of Public Works (LUD) has provided Subdivision Requirements that address drainage and grading, and project approval is conditioned upon satisfaction of the requirements set by LUD and MCSD. Satisfaction of the requirements found in the LUD Memo is required by the project Conditions of Approval. Section 3.1 of their memo informs the applicant of their responsibility to correct any drainage problems associated with subdivision to the satisfaction of LUD and requires that a hydraulic report and drainage plan for the subdivision be submitted to them for review and approval.

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

EVIDENCE: a) The parcels will be served by community water and sewer provided by the McKinleyville Community Services District. Project approval is conditioned upon satisfaction of the requirements of MCSD.

FINDING The size and shape of lots shall be such as is proper for the locality in which the subdivision is situated, and in conformance with the requirements of the current zoning regulations and the Humboldt County General Plan.

EVIDENCE: The size and configuration of the proposed parcels complies with width, depth, and minimum lot size requirements of the R-1 zone. Lot 20 utilizes a Flag Lot design, consistent with the exception provided in Section 7-2 of the County subdivision regulations.

§322.5-8 & 5-9 Solar Shading Exemption

FINDING It is appropriate to grant an exemption to the solar access requirements for lots 36 and 40, as compliance is not feasible without reducing density. Reductions in density are sufficient grounds for approval of the requested exemption.

EVIDENCE: a) A Solar Shading Plan has been prepared by Spencer Engineering that shows solar access for one- and two-story residences. The Plan indicates the majority of the lots can meet solar access requirements, and an exception request has been submitted for two lots that cannot meet the standards based on: *“The configuration, size and minimum lot area of this subdivision makes the adequate solar access requirement difficult to obtain without reducing the number of lots within the subdivision. Solar access for all other lots within this project meets or exceeds adequate solar access.”* The applicant has demonstrated that it will be difficult to provide adequate solar access to all proposed lots at the current density. As the first two phases of subdivision have already been completed, it becomes increasingly difficult to reconfigure the design to better provide for solar access. The requested

exemption has twice been previously granted.

Govt. Code §66474.02 Structural Fire Protection

FINDING Where approving subdivision of land (not for open space purposes) within a State Responsibility Area (SRA) or Very High Fire Hazard Severity Zone, the project must be consistent with state or local Fire Safe Regulations and be located within an area where structural fire protection and suppression services will be available from a qualified entity (County, City, Special District, or other political subdivision or entity) that is monitored and funded by a County or other public entity, and organized solely to provide fire protection services, or through contract with the Department of Forestry and Fire Protection pursuant to Section 4133, 4142, or 4144 of the Public Resources Code.

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

Applicable General Plan and Community Plan Findings

Humboldt County General Plan - McKinleyville Community Plan (MCCP) - McK Area Plan (MCAP)

FINDING The proposed development is consistent with Urban Land Use policies for the McKinleyville Community Planning Area which require that development be served by urban services and adequate circulation systems (MCCP 2600).

EVIDENCE a) The subdivision creates 45 residential lots. The subdivision is served by community water and sewer provided by the McKinleyville Community Services District (MCSD). The subdivision will be accessible from Windsor Avenue, a westerly extension of Duchess Road and a southerly extension of McKinleyville Avenue to School Road.

FINDING The proposed development is consistent with the residential planned land use designations applied to this parcel by the General Plan, Community Plan, and Area Plan; which include Residential Low Density (RL) and Residential Estates (RE) (GP 4.8, MCCP 2732, MCAP 5.20).

EVIDENCE a) The project subdivides 10.5 acres into 45 residential lots. The subdivision is consistent with the planned density of the area and the residential development of the area.

FINDING The proposed development will not pose a hazard to proposed structures and their occupants (MCCP 3211)

EVIDENCE a) The project site is in an area rated relative stability. An R-1 Geologic Hazards and Soils Engineering Report was prepared by SHN Consulting Engineers. The parcel is located within the Alquist-Priolo Special Studies Fault Zone. A Fault Evaluation Report was prepared by SHN Consulting Engineers and reviewed by Giblin Associates, the County's reviewing geologist. Project approval is conditioned upon incorporation of recommendations, including a zone of building exclusion, as set forth in the reports.

FINDING The proposed development will conform with the County Flood Insurance Program (MCCP 3220).

EVIDENCE a) The project site is not located in an area of flooding. The Building Inspection Division did not identify any site concerns relating to site suitability for residential development. Future development must meet County Building regulations.

FINDING The proposed development will be consistent with the Land Use/Noise Compatibility Standards, including those applicable to those specific noise impact areas identified in Figure 8 of the plan (MCCP 3240).

EVIDENCE a) Portions of the site are expected to exceed the 60 CNEL noise standard for residential land uses by year 2020 per Figure 8 of the MCCP due to the site proximity to School Road. The project includes a noise barrier (i.e., a 6-foot high fencing/sound wall and berm) to be constructed along the School Road frontage to mitigate for noise.

FINDING The proposed development will be developed so that downstream peak flows will not be increased (GP 5.4, MCCP 3301).

EVIDENCE a) A Preliminary Drainage Report was prepared by in 2007 by Spencer Engineering. In July of 2022, a subsequent preliminary hydraulic / drainage study was prepared by Jake Schillinger for the remaining subdivision phases. Parcel K will be used for the stormwater detention basin for the subdivision. Stormwater runoff will be handled by the basin as well as the proposed School Ridge Subdivision to the east. The applicant will utilize a portion of Windsor Avenue for stormwater detention basin purposes. LUD has provided Subdivision Requirements that address drainage and grading, and project approval is conditioned upon satisfaction of the requirements set by LUD and MCSD.

FINDING The proposed development is designed to protect sensitive and critical habitats, including migratory deer winter range, Roosevelt elk range, sensitive avian species rookery and nest sites, streams and streamside

areas, wetlands, and habitat necessary for the protection of rare, threatened, and endangered species (GP 10.3, M CCP 3420).

EVIDENCE a) Review of County resource maps indicate there are no watercourses or other biological resources within or adjacent to the project site. The California Department of Fish and Game made no comments on the project.

FINDING The proposed development is consistent with the goals and policies relating to public services and facilities, including the requirement that subdivisions provide road access to County maintained roads (M CCP 4100).

EVIDENCE a) The subdivision will be served by community water and sewer provided by MCSD. The subdivision is accessed from McKinleyville Avenue, Duchess Road and Windsor Avenue. Project approval is conditioned upon satisfaction of the requirements set by LUD, AFD, MCSD and other utility companies.

FINDING The proposed development is consistent with the goals and policies designed to focus, time, and facilitate growth in the urban development areas with public service capacity, including connection to public water and wastewater systems (GP 5.4, M CCP 2630).

EVIDENCE a) The parcels will be served by community water and sewer provided by the McKinleyville Community Services District. Project approval includes Conditions requiring that the subdivision improvements and lot development be performed to the satisfaction of MCSD.

FINDING The proposed development is consistent with the goals and policies of relating to Airport Safety, including applicable density restrictions, and noise and land use criteria (M CCP 3250, ALUCP)

EVIDENCE a) The parcel being divided is located nearly $\frac{3}{4}$ of a mile southwest of the nearest safety zone of the Arcata-Eureka Airport (ACV). Therefore, there are no specialized density restrictions applicable to residential development nor restrictions on the range of uses permitted. The parcel is located over 1.5 miles from the nearest Airport Noise Impact Combining Zone area. The parcel is located within a Noise Impact Area for highway related noise and the project includes conditions requiring development of a noise barrier along the project's southern boundary.

FINDINGS APPLICABLE TO ALL PERMITS			
	FINDING		The proposed development is in conformance with the County General Plan.
	EVIDENCE	a)	The proposal divides a 10.51-acre parcel into 45 residential lots. The subdivision is served by community water and sewer provided by the McKinleyville Community Services District (MCSD). The subdivision is accessed from Windsor Avenue, the northerly extension of Duchess Road and the westerly extension of McKinleyville Avenue off School Road. Staff site inspections and referral agency comments indicate that the proposed parcels are suitable for residential purposes. The Density Range is 1-7 units per acre and the proposal is consistent with the planned density of the area and the residential development of the area.
	FINDING		The proposed development is consistent with the purposes of the existing Residential Single-Family (R-1) and Residential Single Family (RS-5) zone in which the site is located.
	EVIDENCE	a)	The property zoning designation of Residential Single-Family (R-1) and (RS-5) includes single-family residential and accessory dwelling units as a principally permitted use. The proposed lot sizes are consistent with the required minimum lot size of 5,000 square feet as well as the minimum width and depth requirements for the zone. The proposal includes one flag-shaped parcel (lot 20) that complies with Section 7-1 of the Appendix to the Subdivision Regulations, which includes provisions for parcels of this sort.
	FINDING		The proposed development complies with the Parkland Dedication requirements of the zoning regulations.
	EVIDENCE	a)	<p>Parkland dedication in-lieu fees shall be paid in accordance with the provisions of the parkland dedication ordinance. Parkland dedication in-lieu fees shall be paid: $(45)(2)(1)(130 \times 2.6/43,560) \times \\$100,000 = \\$69,834.71$ or $\\$34,917.35$ with the conveyance of second dwelling units on the 45 residential lots.</p> <p>Alternatively, if Lots A and B are created for park use and are dedicated to, and maintained by the McKinleyville Community Services District, parkland in-lieu fees are not required. Lot A will be developed with picnic benches and an 8' wide trail. Lot B will be improved with a fenced tot lot and an 4' wide trail. These parks fulfill the requirement for useable open space for public use. A minimum of 1.4 acres of parkland is required for all phases of the subdivision, and the creation of a total of 1.4 acres is proposed. Windsor Avenue is identified as Trail No.38 and Public Works Subdivision Requirements specifies construction details for a Caltrans Class 1 trail.</p>

	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)	All development will be served by public water and sewer service provided by the McKinleyville Community Services District. All reviewing referral agencies have approved or conditionally approved the proposed project design. The project as proposed and conditioned is consistent with the general plan, community plan, and zoning ordinance; and the proposed project is designed to avoid causing significant environmental damage.
	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.
		a)	Though the parcel is not included in the most recent housing inventory from 2019, the residential low-density (RL) plan designation sets a density of 1-7 dwelling units per acre; the residential estates (RE) plan designation sets a density of 3-7 dwelling units per acre. The proposal would result in the creation of 45 lots for residential development from a parcel that is currently 10.51 acres in size. This would result in a density of 4.28 dwelling units per acre, exceeding the median density requirement under the Housing Element. Additionally, the parcels could be developed with secondary dwelling units, thereby achieving even greater overall density.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Humboldt County Planning Commission does hereby:

1. Adopts the findings set forth in this resolution; and
2. Conditionally approves the Final Map Subdivision (Record Number: PLN-2022-17846) based on the approved tentative map on file for the project dated July 8, 2022 and dated as received by the Humboldt County Planning Division on July 13, 2022, subject to the conditions of approval.

Adopted after review and consideration of all the evidence on **February 16, 2023**.

The motion was made by Commissioner _____ and seconded by Commissioner _____

AYES: Commissioners:

NOES: Commissioners:

ABSTAIN: Commissioners:

ABSENT: Commissioners:

DECISION:

I, John H. Ford, Secretary to the Planning Commission of the County of Humboldt, do hereby certify the foregoing to be a true and correct record of the action taken on the above-entitled matter by said Commission at a meeting held on the date noted above.

John H. Ford,
 Director, Planning and Building Department