

ATTACHMENT 1

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

Resolution Number: 23-

Record Number: PLN-14126-PMS

Assessor's Parcel Number: 100-311-019 and 101-031-013

Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approves the Ozanian Parcel Map Subdivision and Special Permit.

WHEREAS, Charles and Elaine Ozanian, submitted an application and evidence in support of approving a Parcel Map Subdivision and Special Permit for Record No. PLN-14126-PMS. Permits requested are a Parcel Map Subdivision of an approximately 46.5-acre parcel into three parcels of 6.7 acres, 18.2 acres and 21.6 acres and a Special Permit for minor road improvements within the Streamside Management Area (SMA) of an unnamed watercourse.

WHEREAS, a Mitigated Negative Declaration was prepared for the proposed Parcel Map Subdivision and Special Permit and circulated for public review pursuant to Section 15074 of the CEQA Guidelines; and

WHEREAS, the Humboldt County Planning Commission held a duly-noticed public hearing on April 20, 2023, and reviewed, considered, and discussed the application for the Parcel Map Subdivision and Special Permit, and reviewed and considered all evidence and testimony presented at the hearing.

Now, THEREFORE BE IT RESOLVED, that the Planning Commission makes all the following findings:

- 1. FINDING:** A Parcel Map Subdivision of an approximately 46.5-acre parcel into three parcels of 6.7 acres, 18.2 acres and 21.6 acres. The parcel is currently vacant. A Special Permit is required for minor road improvements within the SMA of an unnamed watercourse. Water will be provided by an existing well and onsite wastewater treatment systems are proposed.

EVIDENCE: a) Record Number: PLN-14126-PMS

- 2. FINDING:** **CEQA:** As required by the California Environmental Quality Act, the project was found subject to CEQA and a Mitigated Negative Declaration was prepared by the Planning and Building Department, Planning Division (Attachment 3), which evaluated the project for any adverse effects on the environment.

EVIDENCE: a) The CEQA document includes an analysis of the subject Parcel Map Subdivision and Special Permit. The Initial Study and Draft Mitigated

Negative Declaration (IS/MND) was circulated from February 22, 2023 to March 23, 2023.

- b) No public or agency comments were received during the circulation period.
- c) The IS/MND included four mitigation measures which have been incorporated into a Mitigation Monitoring and Reporting Program which is being adopted as part of the project.

3. FINDING

ENVIRONMENTAL IMPACTS FOUND NOT TO BE SIGNIFICANT- NO MITIGATION REQUIRED. The following impacts have been found to be less than significant and mitigation is not required to reduce project related impacts: Aesthetics, Agriculture and Forestry Resources, Air Quality, Energy, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Noise, Population and Housing, Public Services, Recreation, Transportation, Utilities and Service Systems, and Wildfire.

EVIDENCE

- a) There is no evidence of an impact to any of the above reference potential impact areas based on the project as proposed at this proposed location.
- b) Initial Study/Mitigated Negative Declaration circulated for public review February 22, 2023 to March 23, 2023.

4. FINDING

ENVIRONMENTAL IMPACTS MITIGATED TO LESS THAN SIGNIFICANT – The Initial Study identified potentially significant impacts to Biological Resources, Cultural Resources, Geology and Soils, and Tribal Cultural Resources, which could result from the project as originally submitted. Mitigation Measures have been required to ensure potential impacts are limited to a less than significant level.

- a) **Biological Resources:** Potentially significant impacts will be mitigated to a less than significant level with the implementation of the following mitigation measures for biological resources:
 - i. The Development Plan shall map the Streamside Management Area (SMA) and label it “unbuildable”.
 - ii. The Development Plan shall include the following language: “Tree removal and vegetation clearing associated with the Project should be conducted outside of the bird breeding season (the nesting season for raptors is generally January 1 to July 15 and the nesting season for migratory birds is generally February 1 to September 15) in order to avoid ‘take’ as defined and prohibited by Fish and Game Code (FGC) §3503, 3503.5, 3513, and by the Federal Migratory Bird Treaty Act (16 U.S. Code 703 et seq.). If work must be conducted during the bird nesting season, a qualified ornithologist (someone who is able to identify Northern California birds, and who has experience in nest-searching for passerines and raptors) should thoroughly survey the area

no more than seven days prior to tree/vegetation removal to determine whether active nests (nests containing eggs or nestlings) are present. The survey area shall include the area of disturbance and a 300-foot buffer. If active nests are found, appropriate buffers should be developed in consultation with CDFW to avoid take.”

- b) **Cultural Resources/Tribal Cultural Resources:** Potentially significant impacts will be mitigated to a less than significant level with the implementation of the following mitigation measures for cultural resources:

- i. The following note shall be placed on the Development Plan and carried out through project implementation: “If suspected archaeological resources are encountered during the project: 1. Stop work within 100 feet of the find; 2. Call the project representative, a professional archaeologist and representatives from the Bear River Band of the Rohnerville Rancheria and the Wiyot Tribe; 3. The professional historic resource consultant and Tribes will coordinate and provide an assessment of the find and determine the significance and recommend next steps.

“If human remains are encountered: 1. All work shall stop and per CA Health and Safety Code Section 7050.5: 2. Call the Humboldt County Coroner at (707) 445-7242; 3. The Coroner will determine if the remains are of prehistoric/historic Native American origin. If the remains are Native American Heritage Commission within 24 hours. 5. The NAHC is responsible under CA PRC 5097.98. (a) for identifying the most likely descendent (MLD) immediately and providing contact information. The MLD may, with the permission of the owner of the land, or his or her authorized representative, inspect the site of the discovery of the Native American human remains and may recommend to the owner or the person responsible for the excavation work means for treatment or disposition, with appropriate dignity, of the human remains and any associated grave goods. The descendants shall complete their inspection and make recommendations or preferences for treatment within 48 hours of being granted access to the site.”

- d) **Geology and Soils:** Potentially significant impacts will be mitigated to a less than significant level with the implementation of the following mitigation measures for geology and soils:

- i. The following note shall be placed on the Development Plan and carried out through project implementation: “In the event that paleontological resources are discovered, work shall be stopped within 100 feet of the discovery and a qualified paleontologist shall be notified. The paleontologist shall document the discovery as needed, evaluate the potential resource, and assess the significance of the find under the criteria set forth in State CEQA Guidelines Section 15064.5. If fossilized materials are discovered during construction, excavations within 100 feet of the find shall be temporarily halted or diverted until the discovery is examined by a qualified paleontologist. The

paleontologist shall notify the appropriate agency to determine procedures that would be followed before construction is allowed to resume at the location of the find.”

FINDINGS FOR PARCEL MAP SUBDIVISION AND SPECIAL PERMIT

5. FINDING

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

EVIDENCE

- a) The project consists of a subdivision of the approximately 46.5-acre parcel into three parcels of 21.6 acres (Parcel 1), 18.2 acres (Parcel 2) and 6.7 acres (Parcel 3). The parcel is currently vacant. The parcels will be served with on-site water and on-site wastewater treatment systems. Single-family residential development is principally permitted under the RA land use designation.
- b) The use of a residential agricultural parcel for single-family residential development is consistent with the Open Space Plan and Open Space Action Program.
- c) The applicant has submitted a Well Connection Study Report and a subsequent addendum that discusses a nearby spring that was not addressed in the initial report. The Well Connection Study Report included volumetric testing results for the well proposed to serve all three parcels. The Division of Environmental Health reviewed this information and found that each parcel will have adequate water availability. In addition, on-site sewage disposal designs for all resultant parcels were submitted. This information was also reviewed by the Division of Environmental Health they recommended approval of the on-site sewage disposal plans.

An R-2 Geologic Soils Report was prepared by A.M. Baird Engineering and Surveying. The report was reviewed by the Building Division and found to adequately demonstrate suitable building sites on all three parcels. All parcels will have frontage along Centerville Road, a County maintained road, however, the parcels will share existing roads that serve other parcels. Easements are already in place for these roads.
- d) The southern property line of Parcel 3 borders lands zoned Timberland Production Zone (TPZ) and identified as timberlands. The southerly portion of Parcel 3 is currently utilized as grazing lands and provides an adequate fire break. This border between proposed Parcel 3 and the TPZ lands will be required to maintain an adequate fire break consistent with recommendations from Calfire. This will be included in the Development Plan such that future owners are aware of the requirement to provide this feature and maintain it.
- e) The subject property is located within an area of moderate geologic instability and is not within the Alquist-Priolo Fault Hazard Zone. An R-2 Geologic Soils Report was prepared by A.M. Baird Engineering and Surveying. The report was reviewed and approved by the Building

Division.

- f) The property is outside of the 100-year flood zone, is not subject to tsunami run-up hazards, or levee or dam inundation.
- g) The subject property is located within the State Fire Responsibility Area where the State of California has the primary responsibility for the prevention and suppression of wildland fires. The property is also within the Ferndale Fire Protection District, who provides structural fire protection as well as responding to medical emergencies.
- h) The project was referred to the Northwest Information Center (NWIC), the Bear River Band of the Rohnerville Rancheria and the Wiyot Tribe. The NWIC recommended a cultural resource study and consultation with the local Tribes. Upon further consultation with the Bear River Band of the Rohnerville Rancheria and the Wiyot Tribe, it was recommended that the project be approved with no further study provided a note regarding inadvertent discovery is included in the recorded Development Plan. This is included in the Conditions of Approval.
- i) An unnamed watercourse flows through the subject property. The watercourse carries with it a 50-foot buffer which will be identified on the Development Plan as the Streamside Management Area (SMA) and unbuildable. An existing road provides access adjacent to this watercourse to proposed Parcel 3. The subdivision will require minor widening of this road, which in some locations is within the SMA. These improvements require a Special Permit pursuant to Section 314-61.1 of the Humboldt County Code. Provided standard Best Management Practices (BMPs) are utilized and any widening is done on the west side of the road, no impacts to the creek will occur. The California Natural Diversity Database does not identify any species of special concern on the subject property.

6. FINDING

The proposed subdivision is in conformance with all applicable policies and standards in Section 66474 of the State Subdivision Map Act and Title III Division 2 of the Humboldt County Code (H.C.C.).

- a) The subdivision will divide the parcel, creating three parcels suitable for residential development. Adequate building sites have been demonstrated for all parcels. Evidence submitted by the applicant, staff site inspections and referral agency comments indicate that the proposed lots will be suitable for residential use.
- b) The parcel is accessed by Centerville Road, a County maintained road. Although all parcels will have frontage on Centerville Road, they will take access over existing private roads off of Centerville Road. Easements are already in place for these private roads.

Due to the size of the parcel, a preliminary drainage study was not required as the parcels are large enough to accommodate stormwater runoff on-site. The Department of Public Works has provided Subdivision Requirements that require a complete hydraulic and drainage report.

- c) All parcels will be served by an existing well located on Proposed Parcel 3. The parcels will be served by on-site wastewater treatment systems. The County Division of Environmental Health (DEH) has reviewed the well volumetric testing results and sewage disposal plans and recommended approval of the project (Attachment 5).
- d) Section 2.13 of the Public Works Subdivision Requirements (Attachment 1D). provides options for the subdivider should they enter into a Subdivision Agreement or not.
- e) The site of the proposed subdivision is in the State Responsibility Area (SRA) for fire protection, within an area of moderate fire hazard severity. The site is also within the Ferndale Fire Protection District, who provide structural fire protection and suppression services to the area, consistent with the standards for eligibility entities found in §66474.02(a)(2)(A) of the Government Code. The project complies with the standards found within the State Fire Safe Regulations.
- f) The project will divide the parcel to create three parcels suitable for residential development. The parcel was not utilized by the Department of Housing and Community Development in determining compliance with housing element law, therefore, the project is consistent with the goals and policies of the County Housing Element

7. FINDING

The proposed development is consistent with the purposes of the existing Unclassified (U) zone in which the site is located.

EVIDENCE

- a) The project consists of a subdivision of the approximately 46.5-acre parcel into three parcels. The parcel is currently vacant. The parcels will be served with on-site water and on-site wastewater treatment systems. Single-family residential development is principally permitted under the U zone classification.
- b) The parcel was created in compliance with all applicable state and local subdivision regulations by a Lot Line Adjustment in 2007 (LLA-04-23).
- c) The resulting parcels will exceed the minimum parcel size for the U zone (6,000 feet).
- d) The resulting parcels will exceed the minimum lot width and minimum lot depth for parcels in the U zone (50 feet and 100 feet, respectively).
- e) The resulting parcels will not exceed the maximum lot depth for parcels in the U zone (three times the width).
- f) Minimum yard setbacks, maximum lot coverage, and maximum building height for future development will be required to meet standards at time of Building Permit.

8. FINDING

The Project and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare

or materially injurious to properties or improvements in the vicinity.

- EVIDENCE**
- a) The site is located off a paved publicly maintained road that can safely accommodate the amount of traffic generated for the future development of three single-family residences.
 - b) Water will be sourced from a permitted groundwater well on site.

9. FINDING The proposed development does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.

- EVIDENCE**
- a) The parcel was not included in the housing inventory of Humboldt County's 2019 Housing Element. The project will divide the parcel to create three parcels suitable for residential development. The project will increase the County housing inventory and is consistent with the goals and policies of the County Housing Element.

DECISION

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

- Adopts the Mitigated Negative Declaration for the Ozanian Parcel Map Subdivision and Special Permit; and
- Adopts the Mitigation Monitoring and Reporting Program for the Ozanian Parcel Map Subdivision; and
- Adopt the findings set forth in this resolution; and
- Conditionally approves the Ozanian Parcel Map Subdivision and Special Permit based upon the Findings and Evidence and subject to the conditions of approval attached hereto as Attachment 1A and incorporated herein by reference; and

Adopted after review and consideration of all the evidence on April 20, 2023.

The motion was made by COMMISSIONER _____ and second by COMMISSIONER _____ and the following ROLL CALL vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

DECISION:

I, John 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 Ford, Director
Planning and Building Department