

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

Resolution Number 23-

**PARCEL MAP SUBDIVISION APPROVAL
CASE NUMBER PLN-2022-17660
ASSESSOR PARCEL NUMBER 511-191-003**

MAKING THE REQUIRED FINDINGS FOR CERTIFYING COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND CONDITIONALLY APPROVING THE BLAIR TENTATIVE MAP SUBDIVISION

WHEREAS, the owner submitted an application and evidence in support of approving a proposed Minor Subdivision of one parcel into four parcels; 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 Planning Division, the lead Department pursuant to Section 202 of Resolution No. 77-29 of the Humboldt County Board of Supervisors, has determined that impacts of the project were analyzed and addressed during preparation of Environmental Impact Reports (EIR) for the 2017 Humboldt County General Plan (SCH#2007012089), in keeping with the criteria outlined within section 15183 of the Guidelines; and

WHEREAS, Attachment 2 in the Planning Division staff report includes evidence in support of making all of the required findings for re-approving the proposed Tentative Parcel Map Subdivision (Case Number PLN-2022-17660); and

WHEREAS, a public hearing was held on the matter before the Humboldt County Planning Commission on August 17, 2023.

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

PROJECT DESCRIPTION

FINDING: A Minor Subdivision of an approximately 10-acre parcel into two 5-acre parcels. The parcel is currently developed with a residence, garage/shop, and on-site wastewater treatment system that will remain on proposed Parcel 1. Proposed Parcel 2 will be vacant. There is an existing groundwater well on the developed parcel that both parcels will use for domestic purposes and an on-site wastewater treatment system will serve the vacant parcel. CALFIRE has approved an exception request for the road width and length of the dead-end road. An exception to the minimum required road easement width is also requested, to allow for the existing 20-foot wide road access easement to be utilized.

EVIDENCE: Project File: PLN-2022-17660

FINDING: **CEQA.** The requirements of the California Environmental Quality Act have been met. The Humboldt County Planning Commission has considered the project and finds the proposed subdivision is exempt from the

provisions of CEQA per Section 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 notes CEQA's mandate that projects be exempt from 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. 15183 notes that subsequent environmental review is only necessary where the Lead Agency determines any of the following applies:
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) There are no environmental effects that are peculiar to the project or the parcel on which the project is located. The parcel being divided is already host to residential development, adjacent lands in the vicinity are similarly planned and zoned and are also developed and sized consistent with the applicable planned density and minimum lot size.
 - c) Potential Impacts such as those common to the project were analyzed and addressed during preparation of the Programmatic Environmental Impact Report (SCH #2007012089) certified during adoption of the 2017 General Plan.
 - d) There are no potentially significant environmental effects which were not analyzed in the above referenced EIR's. The proposed subdivision would enable future build-out to the currently planned density for the area, which was confirmed during adoption of the 2017 General Plan. The project is also consistent with the applicable policies and standards of the General Plan, which are further discussed below.
 - e) There are no potentially significant off-site impacts and cumulative impacts which were not discussed in the above referenced EIR (SCH #2007012089). The proposed subdivision will facilitate build-out consistent with planned densities and applicable policies and standards found in the recently adopted General Plan.
 - f) There is no substantial new information that would cause the project to result in a more severe adverse impact than what was known and disclosed at the time the General Plan EIR was certified.
 - g) There is no substantial evidence, given the whole record before the agency, that the project may have a significant effect on the environment, as proposed.
 - h) The project site is not located within a scenic vista area and will not impact visual resources within the County. The proposed minor subdivision will create three additional parcels that can accommodate future residential development consistent with the assortment of uses and structures on surrounding parcels. The project will result in a less than

significant impact to aesthetics.

- i) Native American Tribes with ancestral territory that includes the parcel were consulted and determined that it was unlikely the site would contain important cultural resources.
- j) A biological assessment was prepared by Cynthia LeDoux Bloom, PhD, which identifies no sensitive species or habitats on the site. A site visit conducted on July 31, 2023 with the California Department of Fish and Wildlife who determined that the proposed development site of the future parcel would be unlikely to impact sensitive plant and animal species.
- k) The project site is not included on a list of hazardous material sites, nor does the proposed project involve routine transport, use or disposal of hazardous materials. The project site is located in an Airport Review Area and is consistent with all airport safety requirements with the exception of building height, for which the project is consistent with the terms of a blanket variance approved by the Humboldt County Board of Supervisors.
- l) The site is located in a high fire hazard severity zone and will be required to maintain 30-foot minimum setbacks from all property lines to provide for defensible space pursuant to the State Fire Safe requirements. The site is also within the district boundaries of the Arcata Fire Protection District which provides fire response service. Future development of the site will require compliance with the Uniform Fire Code and Uniform Building Code. The Department finds no evidence that the project will create, or expose people or property to, hazardous materials, or impair implementation of or physically interfere with, an adopted emergency response plan.
- m) The project will not violate any water quality standards or waste discharge requirements or substantially degrade surface or groundwater quality or degrade groundwater supplies. The parcels will be served by an existing, permitted groundwater well that appears to be isolated from any adjacent surface water features
- n) A Drainage Report is required to be prepared by a Civil Engineer registered within the State of California, and will be submitted for review and approval prior to commencement of the project.
- o) The project will not conflict with any adopted program, ordinance, or policy addressing transportation systems within the County or result in inadequate emergency access. While the length of the access road exceeds the dead-end road length under the State Fire Safe requirements, Cal-FIRE has approved an exception request and the parcel and proposed parcels will have fire protection services by Humboldt #1 Fire Protection District.

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 parcels, each of which will be 5 acres in size.

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

EVIDENCE: a) The majority of the access to the parcel is a private road that is developed with a 14-foot wide to 18-foot wide traveled lane with good visibility and the applicant will be required to add turnouts as specified in the Fire Safe standards so that vehicles can pass as necessary. Given the low volume of traffic on the roadway this is the functional equivalent of a Road Category 4 Standard and both CALFIRE and the Department of Public Works has recommended approval of the proposed subdivision.

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

EVIDENCE: a) Satisfaction of the requirements found in the Memo from the Land Use Division of Public Works (DPW) is required by the project Conditions of Approval. Section 3.0 of their memo informs the applicant of their responsibility to correct any drainage problems associated with subdivision to the satisfaction of DPW and requires that a hydraulic report and drainage plan for the subdivision be submitted to DPW for review and approval.

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

EVIDENCE: a) Water is provided by a permitted groundwater well and septic systems shall be developed consistent with county and state health standards.

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 AG zone.

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

Community Plan Findings - McKinleyville Community Plan

FINDING The proposed development is consistent with the McKinleyville Community Planning (MCCP).

- EVIDENCE**
- a) The subdivision is consistent with Section 3310.5 of the McKinleyville Community Plan which states that "Development shall only be allowed in such a manner that the downstream peak flows will not be increased" because it is conditioned to require a drainage plan that demonstrates this requirement can be met, prior to filing the map.
 - b) The subdivision is consistent with Section 4320 of the McKinleyville Community Plan which requires the establishment of recreational facilities to meet the needs of McKinleyville residents because parkland dedication in-lieu fees will be required prior to filing of the map. Parkland dedication fees are required based on the requirement for 130 square feet of parkland dedication per person multiplied by the average number of persons per household (2.54 per 2020 Census). There is an existing residence on the parcel and after approval of the subdivision there will be the potential for three additional households, meaning that there is a requirement for 990.6 square feet of parkland dedication $[(3 \times 2.54) \times 130]$. At an assessed value of approximately \$160,000 per acre, this results in parkland in-lieu fees of \$3,652.89. A condition of approval requires payment of the in-lieu fee, with the allowance that the applicant can record a conveyance of development rights for second or accessory dwelling units on each parcel and provide only a \$1,217.63 in-lieu fee.
 - c) The subdivision is consistent with Section 3422 of the McKinleyville Community Plan which requires setbacks from streams and wetlands, and which identifies a wetland as an area having at least one of the three wetland parameters. There are no streams or other watercourses within 200 feet of the proposed development footprint. A potential single parameter wetland is located along the northern property line but was measured by County Planning and CDFW staff to be more than the 50 foot required setback away from the proposed building envelope.

FINDINGS APPLICABLE TO ALL PERMITS

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

- EVIDENCE**
- a) The proposed development is consistent with the Residential Agriculture land use designation. The project maintains existing residential development. The RA designation (Chapter 4.8, Land Use Designations) is used for areas suitable for large lot residential uses where urban services may not be available. Per the General Plan a density of RA5-20 is appropriate for areas with slopes generally less than 30% and with good road access. The subject property is generally 30% slopes or less and has good road access to serve lower density development such as the proposed project. Therefore, the project is in conformance with the County General Plan (Chapter 4, Land Use Element).

FINDING The proposed development is consistent with the purposes of the existing Agriculture General (AG) zone in which the site is located.

EVIDENCE a) The property zoning designation of AG includes single-family residential as a principally permitted use. The proposed lot sizes are consistent with the required minimum lot size of 5 acres established in the B5 combining zone as well as the minimum width and depth requirements for the zone. All parcels are over 100 feet in width which exceed the 60-foot minimum found in the AG zone. No maximum lot depth is specified in the AG zone.

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 will divide a 10-acre parcel into 2 parcels, each suitable for residential development. The proposed parcel sizes and resulting density is consistent with that planned for the area.

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) The parcel's General Plan land use designation (RA) and zoning (AG) allow residential development. The project will positively impact compliance with Housing Element law by dividing the property to its maximum density allowable under the land use designation and zoning restrictions.

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 Minor Subdivision (Record Number: PLN-2022-17660) based on the approved tentative map on file, subject to the conditions of approval.

Adopted after review and consideration of all the evidence on **August 17, 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

