# COUNTY OF HUMBOLDT

**For the meeting of:** 10/3/2024

**File #:** 24-1373

**To:** Planning Commission

**From:** Planning and Building Department

**Agenda Section:** Consent

SUBJECT:
Holgersen - Minor Subdivision and Coastal Development Permit Extension
Assessor Parcel Numbers (APN) 015-152-028
Record No.: PLN-2024-19001
Myrtletown area

A two-year extension to a previously approved Minor Subdivision and Coastal Development Permit (PLN-2018-15039) to create four parcels and a Remainder, as well as develop the four new parcels with two dwelling units each and demolish four existing structures. The parcel is developed with a single-family residence which will remain on the proposed Remainder. Exceptions for the following requirements were approved as part of the project approval: concrete sidewalk, curb, and gutter along the proposed access road, and the minimum easement dedication width of 40 feet to be reduced to 26 feet for the access road, a pedestrian walkway, drainage, and utilities to serve the project. If approved the new expiration date for the Minor Subdivision and Coastal Development Permit will be July 18, 2026.

RECOMMENDATION(S):
That the Planning Commission:

1. Adopt the resolution (Resolution 24-__), (Attachment 1) which does the following:
    a. Finds an Initial Study & Mitigated Negative Declaration (IS/MND) for the project was adopted on June 2, 2022, and further environmental review is unnecessary as no changes to the project are proposed; and
    b. Finds that the development has not changed from that for which the permit was granted and the findings made when the permit was granted can still be made;
    c. Approves the Minor Subdivision and Coastal Development Permit Extension subject to the original conditions of approval.

DISCUSSION:

**Project Location:**
This project is located in the Myrtletown area, on the north side of Edgewood Road, approximately 370 feet west from the intersection of Edgewood Road and Quaker Street, on the property known as 3409 Edgewood Road.

**Present General Plan Land Use Designation:**
Residential Low Density (RL), Density: Range is 3 to 7 units per acre, Humboldt Bay Area Plan (HBAP), 2017 General Plan, Slope Stability: Relatively Stable (0)

**Present Zoning:**
Residential Single Family: 5,000 square feet (RS-5)

**Environmental Review/CEQA:**
An Initial Study & Mitigated Negative Declaration (IS/MND) for the project was adopted on June 2, 2022. Further environmental review is unnecessary as no changes to the project are proposed.

**State Appeal:**
The project is within the Coastal Zone and is appealable to the California Coastal Commission.

**Major Concerns:**
None

**Executive Summary:**
A two-year extension to a previously approved Minor Subdivision and Coastal Development Permit (PLN-2018-15039) to create four parcels and a Remainder, as well as develop the four new parcels with two dwelling units each and demolish four existing structures. The parcel is developed with a single-family residence which will remain on the proposed Remainder. Exceptions for the following requirements were approved as part of the project approval: concrete sidewalk, curb, and gutter along the proposed access road, and the minimum easement dedication width of 40 feet to be reduced to 26 feet for the access road, a pedestrian walkway, drainage, and utilities to serve the project.

The approved project proposed subdivision of a ±1.10-acre developed parcel into four lots with a remainder lot as described below:

| | | |
|---|---|---|
| Parcel 1: | 7,192 | square feet (0.17 acres) |
| Parcel 2: | 7,192 | square feet (0.17 acres) |
| Parcel 3: | 8,468 | square feet (0.19 acres) |
| Parcel 4: | 8,468 | square feet (0.19 acres) |
| Remainder: | 14,600 | square feet (0.34 acres) |

The four proposed dwelling units on Parcels 1 and 2 were each approved to be 1,080 square feet, with an attached 240 square foot one-car garage, and 22 feet and 5 inches in height. The four proposed dwelling units on Parcels 3 and 4 were each approved to be 1,200 square feet, with an attached 276 square foot one-car garage, and 23 feet and 5 inches in height.

Access to the proposed parcels would be provided by a 26-foot-wide improved private road within an existing 30-foot-wide easement for access, drainage, and utilities, accessed from Edgewood Road, and terminating at the driveway for Parcel 1, near the northwestern property boundary. The maximum grade of the roadway would be less than 5%. The tentative map includes a fire truck turnaround area between Parcel #3 and #4. The on-site roadway will be privately maintained through a private maintenance agreement, such as a homeowner's association (HOA).

As part of analysis in the approved permit, the feasibility of a retention system to accommodate drainage onsite was assessed with a percolation test by simulating rainfall conditions. The simulation testing did not meet the typical requirements of the Division of Environmental Health, but helped address the concerns raised from the public by demonstrating that the tentative design of the stormwater retention system would be feasible given the soils in the area. Typically, percolation testing would only be required prior to filing the subdivision map of record, rather than prior to approval of the tentative map. **No changes to the original project are proposed**.

The permits were previously approved by the Planning Commission June 2, 2022 with adequate resolutions to concerns that had been raised by the public before and during that meeting, and became effective on July 18, 2022, following the end of the local and Coastal appeal periods. The applicant is requesting that the permit be extended for two years. This is the first extension requested by the applicant and, if approved, it will extend the term of the Minor Subdivision and Coastal Development Permit until July 18, 2026.

**Referral Responses:**
The extension was re-referred to seven of the previous referral agencies. Public Works approved of the extension without comment. PG&E approved of the proposal with standard comments. Humboldt Community Services District (HCSD) provided response describing conditions for any subsequent construction or demolition projects associated with the project. HCSD provided these conditions with a request to ensure the applicant is aware that they would apply. The conditions and the associated referral are attached to the staff report as Attachment 4 to comply with this request. Conditions cannot be modified or added as part of an Extension, so if the Planning Commission determines that these conditions recommended by HCSD would be required for approval, then denial of the extension would be necessary, and the applicant would need to re-apply for the Minor Subdivision and Coastal Development Permit. Planning staff does not recommend this course of action because it is likely that the conditions from HCSD would be implemented at time of issuance of the building permits.

**Public Comment:**

On September 23, 2024, public comment was received that requested reconsideration of the impact that the road width exception may cause to trash collection and to emergency vehicles. This comment matches one of the comments received for the Planning Commission Meeting dated June 2, 2022. The comment is concerned that the space required for the waste bins on each trash collection day will occupy important parking spaces on Edgewood Road and that the proposed access road's width would be unable to accommodate emergency vehicles. The approved tentative map includes a four foot wide gravel strip on the access road, near the intersection with Edgewood Road, specifically designated for trash pickup, and the 26' road with the proposed turnaround meets California Fire Code requirements, so this comment's concerns have already been addressed. The comment reiterates comments that were made to the Planning Commission during the original review of the project and does not identify changes to the project or the regulations, so the findings for extension can still be made.

**Findings for Extension of a Permit:**
Section 312-11.3 of the Humboldt County Code provides that the findings required for the hearing officer to make in order to grant an extension are as follows:

1. The development has not changed from that for which the permit or variance was granted; and
2. The findings made when the permit or variance was granted can still be made.

As discussed above, no changes to the project are proposed and no requirements or regulations have changed that would alter the ability to make the required findings for approval. The findings that were made for approval are found in Attachment 1A to this staff report.

OTHER AGENCY INVOLVEMENT:
The project was referred to responsible agencies and all responding agencies have either responded with no comment or recommended approval or conditional approval. (Attachment 4)

ALTERNATIVES TO STAFF RECOMMENDATIONS:

1. The Planning Commission could elect not to approve the project. This alternative should be implemented if your Commission is unable to make all of the required findings per H.C.C. Sections 312-11.3 and 312-17. Planning Division staff has found that the required findings can be made. Consequently, planning staff does not recommend further consideration of this alternative.

ATTACHMENTS:

1. Draft Resolution
    A. Resolution previously Approved by Planning Commission (Resolution #22-68)
    B. Conditions of Approval

C. Site Plan

2. Location Maps
3. Applicant's Evidence in Support of the Required Findings
4. Referral Agency Comments and Recommendations
5. Public Comments

APPLICANT AND OWNER INFORMATION:

**Applicant:**
Niels Holgersen
2315 H St
Eureka, CA 95501

**Owner:**
Niels and Charlotte Holgersen
2315 H St
Eureka, CA 95501

**Agent:**
N/A

Please contact Augustus Grochau, Associate Planner, at agrochau@co.humboldt.ca.us or 707-268-3749 if you have questions about this item.