



COUNTY OF HUMBOLDT

For the meeting of: 4/3/2025

File #: 25-438

To: Planning Commission

From: Planning and Building Department

Agenda Section: Consent

SUBJECT:

Kooy Parcel Map Subdivision
Record No.: PLN-2023-18193
APN: 306-102-001
Humboldt Hill area

A Parcel Map Subdivision of an approximately 21,868 square foot parcel into two parcels of approximately 13,795 square feet (Parcel 1) and approximately 8,073 square feet (Parcel 2). The parcel is currently developed with a single-family residence to be sited on proposed Parcel 1 and an Accessory Dwelling Unit (ADU) to be sited on Proposed Parcel 2. Both dwellings are served with community water and sewer services provided by Humboldt Community Services District. The property lies within the Alquist-Priolo Earthquake Fault Hazard Zone. To address seismic concerns, development rights for accessory dwelling units on both parcels will be conveyed to the County of Humboldt as part of the project.

RECOMMENDATION(S):

That the Planning Commission:

1. Adopt the resolution, (Attachment 1) which does the following:
 - a. Finds the project is consistent with the development density and policies established by an existing community plan and General Plan for which an EIR was certified, and that no additional environmental review is required per section 15183 of the State CEQA Guidelines; and
 - b. Makes all of the required findings for approval of the Parcel Map Subdivision and Exception Request; and
 - c. Approves the Kooy Minor Subdivision and Exception Request to frontage improvements as recommended by staff subject to the conditions of approval (Attachment 1A).

DISCUSSION:

Project Location: The project site is located in the Humboldt Hill area, on the east side of Humboldt Hill Road and its intersection with Skyline Drive, on the property known as 2819 Skyline Drive.

Present General Plan Land Use Designation: Residential Low Density (RL). Eureka Community Plan (ECP). Density: 1 to 7 dwelling units per acre. Slope Stability: Relatively Stable.

Present Zoning: Residential One-Family - 6,000 ft.² min parcel size (R-1*).

State Appeal: The project NOT is not located within the Coastal Zone.

Major Issues: None.

Monitoring Required:

None.

Executive Summary

The project involves subdivision of a ½-acre property in the Humboldt Hill area that is currently developed with two single-family homes which will be divided onto two parcels proposed to be created by the division. The parcel qualifies to be approved ministerially pursuant to the “urban lot split” provisions found in section 66411.7 of the Government Code, which allow subdivision under certain conditions. These provisions were added in 2021 under Senate Bill 9 (Chapter 162 of Statutes). However, to be approved ministerially a subdivider must agree to complete all required road improvements. The application is being brought to the Planning Commission because the property owner is choosing to forgo ministerial approval as an SB9 urban lot split and is instead seeking approval by the proposed minor subdivision by the Planning Commission via the conventional process together with a request that the Commission grant an exception to certain frontage improvements (construction of sidewalks) ordinarily required of subdivisions in urban or urbanizing settings.

Seismic Hazards: The project site is located within the Alquist-Priolo Special Studies Zone. The Special Studies Zone encompasses approximately two square miles in the Humboldt Hill area. The AP Act requires a Fault Evaluation Report for subdivisions when future development is contemplated. In this case, the residential development has already occurred within the Special Studies Zone as it was exempt from the “Act”. Therefore, a Fault Evaluation Report was not required because there is no area contemplated for future development. The Conditions of Approval include the requirement that a Development Plan be prepared for the subdivision, which will include notations stating that a Fault Evaluation Report will be required before any future residential development can be entertained on either parcel from the subdivision.

Agency Input: The Planning Department has circulated requests for input relative to the request for approval of the tentative map and has received responses recommending approval or conditional

approval from the Division of Public Works, Building Division, the Environmental Health Division, Arcata Fire Protection District, and the Bear River Band of Rohnerville Rancheria THPO.

Access/Drainage: The property has frontage along the east side of Humboldt Hill Road and south side of Skyline Drive. Both are public county-maintained roads. Access to both proposed parcels will occur via two existing driveways on Skyline Drive.

Subdivision improvement requirements are described in a memo (Attachment 1, Exhibit B) from the Land Use Division of Public Works and include the request that a 5-foot wide sidewalks be constructed along both road frontages. The Humboldt Hill frontage is already developed with a concrete curb and asphalt gutter. Construction of sidewalks along the Skyline Drive frontage will also require development of a curb and gutter.

325-9 Exception Request

The applicant has submitted an exception request (attachment 3A) pursuant to section 325-9 of the subdivision regulations and is requesting that the Commission waive the sidewalk requirements. In their petition they note that almost every portion of sidewalk on Humboldt Hill Road is on the westerly side of the road, with the exception of approximately 50 feet of sidewalk along the frontage of 7241 Humboldt Hill Road, over 900 feet south of the Kooy property.

Planning staff performed an informal inventory of sidewalk infrastructure in the Humboldt Hill area and have determined that relatively few parcels in the upper area of Humboldt Hill are developed with sidewalk frontage improvements, which are generally confined to a small number of locations throughout the subdivision. On the west side of Humboldt Hill road exists a limited network of sidewalks. This is likely due to the timing of when subdivisions occurred in Humboldt Hill, with much of the east side being subdivided in 1952 and 1953 and the west side from 1957 onward. The Kooy parcel was created as part of the Country Club Estates subdivision which was filed in March of 1952.

Planning staff recommend that the Commission approve the exception and waive requiring that the applicant complete sidewalk improvements along the parcel's street frontage. In order to grant an exception, the following findings must be made: 1. There are special circumstances or conditions affecting the property; 2. The exception is necessary for the preservation and enjoyment of a substantial property right; and 3. Granting of the exception will not be detrimental to the public or injurious to other property in the area where the project is situated.

With regard to Finding #1, special circumstances affecting the property include that it is part of the earliest phase of development in the Humboldt Hill area and is situated on the east side of Humboldt Hill Road within a neighborhood where nearly zero sidewalks exist. Construction of a sidewalk along either frontage would not connect with any existing sidewalks in the area and it is highly unlikely that sidewalks will be developed on neighboring parcels in the future as part of private development or redevelopment efforts. The potential for further subdivision of parcels in this area is very low since

the majority of properties are of insufficient size to meet minimum lot size requirements (6,000 square feet / per parcel) and current state and local laws prevent local agencies from requiring frontage improvements during permitting of Accessory Dwelling Units.

With regard to Finding #2, granting of the exception will further facilitate division of the property which might otherwise not occur due to the high cost associated with sidewalk construction. While the ability to subdivide has historically been viewed as a privilege and not as a right, following passage of Senate Bill 9 in 2021, ministerial approval of lot splits is now required throughout California under certain circumstances, eliminating the exercise of discretion under these types of land use approvals. A conservative estimate of costs for constructing sidewalks together with curb and gutter is \$78 dollars per linear foot. Being a corner lot, the parcel has a relatively large amount of street frontage (288 feet) further raising the cost of improvements, which could total over \$23,000. It has also been pointed out by the applicant's surveyor that construction of sidewalks along the Humboldt Hill frontage may require removal and replacement of an existing retaining wall, which can also be expensive and involved process.

With regard to Finding #3, the proposed subdivision would not result in an increase in the density of residential development in the area as the applicant is being required to convey rights to develop additional housing on either lot until a fault evaluation report has been completed. Additionally, the proposed subdivision would not preclude the construction of sidewalks in the future should an effort be initiated by the county through public financing or a specialized assessment district or similar means.

The Land Use Division of Public Works have reviewed the exception request petition and do not support waiving the requirement to develop sidewalks on either street frontage. This is consistent with their position on similar exception requests seeking relief from constructing sidewalks in urban or urbanizing settings. In their response they note that Humboldt Hill Road is the main collector road for the area and is already developed with existing curb and gutter. They also point out that construction of curb and gutter along Skyline Drive will benefit the property by allowing road drainage to be diverted away from the residence. Public Works note that if the Commission grants the exception that the future owners be required to maintain the right-of-way frontage free of trees, shrubs, or structures so that the public remains able to walk within the public right-of-way without obstruction. This has been included in the language of Ongoing Condition of Approval #1.

Planning staff are recommending the Commission authorize the exception even though it is not supported by the Land Use Division of Public Works. Staff believe that the findings can be made to grant the exception request.

Under current conditions, it is unrealistic to expect that a network of sidewalks will be developed on the east side of Humboldt Hill Road using private financing tied to development projects. The most likely new development to emerge in this area during the coming years will be construction of

Accessory Dwelling Units, which are exempt from being required to complete frontage improvements under current state and local laws.

Staff do not anticipate that there will be increases in density in the upper Humboldt Hill area beyond what is already possible through ministerial development. This is primarily due to the area being located within an Alquist-Priolo Special Studies Zone associated with the Little Salmon Earthquake Fault. Within Special Studies zones, conventional (non-SB9) subdivisions are required to include an evaluation of fault hazard if they would result in the potential for residential development of more than 4 units. These fault evaluation reports must be prepared by a registered geologist and can be rather costly and time-consuming to obtain. Conventional (non-SB9) subdivisions may only be exempted from this requirement if the parcels being created are already developed with a primary and accessory dwelling unit, as is the case here. The last several subdivisions in Humboldt Hill considered by the Planning Commission were approved under these same circumstances, and involved properties on Dauber Lane (Alves, 2022) and Summit Ridge Drive (Williamson, 2017). In both cases the parcels were already developed with two existing residences being divided onto separate parcels, and approval was conditioned to require conveyance of ADU development rights on the resulting parcels, recoverable upon future completion of a geologic evaluation of fault hazard.

Environmental Review: The project is consistent with the development density established by the General Plan. A determination that *no further environmental review is required* can be made pursuant to section 15183 of the State CEQA Guidelines. Further environmental review is not needed as the project is consistent with the development density established under the 1995 Eureka Community Plan and the 2017 Humboldt County General Plan for which EIR's were certified. Section 15083 of the CEQA Guidelines discourages lead agencies from performing additional environmental review where an earlier EIR was prepared, unless there are environmental effects peculiar to the project or the parcel on which it is located, or in situations where the earlier EIR(s) did not include analysis of significant effects or where previously identified significant effects could become more severe. None of these circumstances are applicable. Further discussion of the basis for this determination can be found in Section 2 of the Draft Resolution.

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 3)

RECOMMENDATIONS:

Based on a review of information provided by the applicant, Planning Division reference sources and comments from all involved referral agencies, Planning staff concludes that the applicant has submitted evidence in support of making all of the required findings for approval of the Minor Subdivision and Exception Request. Staff recommends that the Planning Commission approved the project and find that no additional environmental review is required per section 15183 the State CEQA Guidelines.

ALTERNATIVES TO STAFF RECOMMENDATIONS:

1. The Planning Commission could elect to **approve** the proposed minor subdivision and **deny** the exception requesting waiver of the sidewalk frontage improvements. This alternative should be implemented if your Commission is **not** able to make the required findings found in Section 325-9 of Humboldt County Code. These findings include: 1. There are special circumstances or conditions affecting the property; 2. The exception is necessary for the preservation and enjoyment of a substantial property right; and 3. Granting of the exception will not be detrimental to the public or injurious to other property in the area where the project is situated. Should the Commission choose not to approve the exception request, staff recommends any motion include rationale as to why the required findings for granting the exception cannot be made.

2. The Planning Commission could elect **not** to approve the proposed minor subdivision. This alternative should be implemented if your Commission is unable to make all of the required findings per H.C.C. Sections 326-21 or 326-31. 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. Recommended Conditions of Approval
 - B. Public Works Department Recommended Conditions of Approval
 - C. Tentative Map (received May 10, 2023)
2. Mapping
 - A. Location Map
 - B. Existing Sidewalk improvements in Upper Humboldt Hill
3. Applicant's Evidence in Support of the Required Findings
 - A. Exception Request Petition
4. Referral Agency Comments and Recommendations
 - B. Public Works Response to Exception Request

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