



COUNTY OF HUMBOLDT

For the meeting of: 2/16/2023

File #: 23-214

To: Planning Commission
From: Planning and Building Department
Agenda Section: Consent

SUBJECT:

Moser Properties Extension of Parcel Map Subdivision

Application Number: PLN-2022-17983

Prior Application Number: PLN-14262-FMS, PLN-2020-16784

Assessor Parcel Number (APN): 511-461-015 & 511-461-016

3235 Boeing Av, Mckinleyville, CA 95519

Project Description: A two-year extension to an approved Final Map Subdivision for the creation of 12 commercial lots within the Airport Business Park. The lots will be created from the two Remainder Parcels from the original subdivision and range in size between 30,310 and 61,230 square feet. The parcels will be served by community water and sewer.

RECOMMENDATION(S):

That the Planning Commission:

Adopt the resolution (Attachment 1) which does the following:

- a. Finds that the Planning Commission considered and adopted a Mitigated Negative Declaration on June 7, 2007 (SCH# 200705216), and subsequent addendum on January 24, 2019, for the Moser Properties Subdivision. As no new changes to the project are proposed, further environmental review is unnecessary; and
- b. Finds that the proposed project complies with the General Plan and Zoning Ordinance; and
- c. Approves the Parcel Map Subdivision extension subject to the:
 - Original Conditions of approval (Exhibit 1A)
 - Public Works Department Conditions of Approval (Exhibit 1B)
 - Tentative Map/Site Plan (Exhibit 1C)

DISCUSSION:

Executive Summary: A two-year extension to an approved Final Map Subdivision for the creation of 12 commercial lots within the Airport Business Park. The lots will be created from the two Remainder Parcels from the original subdivision and range in size between 30,310 and 61,230 square feet. The parcels will be served by community water and sewer.

This Final Map Subdivision and Mitigated Negative Declaration (MND) were previously approved and adopted by the Planning Commission on June 7, 2007 under FMS-05-10, SCH# 2007052016. Subsequently the tentative map expired, prompting a reapplication of the same map in July 2018 (PLN-14262-FMS). On January

24, 2019, the Planning Commission considered the MND and an addendum to the MND. An addendum to the MND was necessary due to a change in regulations. On April 15, 2021 the planning Commission approved the first two year extension. This is the second extension requested and if approved, the extension will expire on February 5, 2025. No further extensions are currently allowed pursuant to the Subdivision Map Act.

Summary of Originally Approved Subdivision: An Engineering Geologic Soil R-1 Report and a Fault Evaluation Report were prepared for the original subdivision, and were subject to review and approval by the County Building Inspections Division and the County’s third party reviewing geologist (Giblin Associates). The Report concluded that the site is suitable for commercial development, and the project is conditioned upon incorporation of the recommendations of the Report. The subdivision is served by community water and sewer provided by the McKinleyville Community Services District.

The subdivision is accessed from Boeing Avenue via Airport Road and will be served by internal roads with a proposed 25-foot right of way. Pursuant to County Code Section 325-9, an exception request was submitted to allow this reduced right of way width. The Department of Public Works reviewed the exception and supported the request. The County Land Use Division of Public Works provided Subdivision Requirements that include dedications, access requirements, and improvements. Project approval is conditioned upon satisfaction of these requirements.

The project includes a storm water detention basin that was sized to accommodate build-out of the entire Airport Business Park subdivision. The Department of Public Works recommended that the applicant submit a complete hydraulic report if needed. With the detention facility, the net increase in site runoff is reduced to pre-development flow levels.

The only change in regulations since the original approval is the “MS4 Permit” which applies to stormwater discharges from small municipal separate storm sewer systems (MS4s) and can require Low Impact Development (LID) techniques. Due to the size of the project, it falls under a “regulated project” and requires mitigation to address all impervious surfaces associated with the subdivision. The applicant had submitted a Stormwater Control Plan prepared by Stephen Davidson, P.E., to address these issues. The MS4 requirements will be incorporated into the Improvement Plans prepared for the subdivision and will also be noted on the Development Plan. This change in regulation prompted an addendum to the originally adopted Mitigated Negative Declaration when the project was approved in January of 2021.

Analysis of Evidence Supporting the Required Findings: Sections 66452.6(e) and 66463.5(c) of the California Government Code (Subdivision Map Act) and Sections 326-21 and 326-31 (Filing of Final and Parcel Maps) of the Humboldt County Code establishes the authority to grant time extensions for approved or conditionally approved tentative maps when it can be found that the findings and conditions of the original project have not changed significantly.

Recommendation:

The findings and conditions of the original project have not changed significantly based on the following analysis.

Staff Analysis:

A two-year extension of a Final Map Subdivision (FMS-18-003) approved by the Planning Commission on January 24, 2019, followed by the appeal period resulting in an effective date for the map of February 5, 2019.

The project consisted of a Final Map Subdivision for the creation of 12 commercial lots within the Airport Business Park. The lots will be created from the two Remainder Parcels from the original subdivision and range in size between 30,310 and 61,230 square feet. The parcels will be served by community water and sewer. Note: This Final Map Subdivision and Mitigated Negative Declaration were previously approved and certified by the Planning Commission on June 7, 2007 under FMS-05-10, SCH# 2007052016. Subsequently, the tentative map expired, prompting a reapplication of the same map to which there have been no changes in the design of the map or any conditions of approval for this project. **No change to the original project is proposed.**

The applicant states that the conditions of the property have not changed since the original application/approval of FMS-18-003 (PLN-14262-FMS). This is the second applicant requested extension and, if approved, the tentative map will expire on February 5, 2025.

The Planning Department has circulated requests for input relative to the extension petition and has received no comments against the petition being granted. It is staff's opinion that the findings and conditions of the original project, effective February 5, 2019, have not changed significantly based on the following staff analysis, and are applicable to the proposed extension because:

1. The parcel's zoning, Business Park in addition to Qualified, Landscape/Design Control, Airport Safety Review, and Noise Impact combining zones for which conformance findings were made, has not changed.
2. The General Plan Land Use designation, Commercial Services/Industrial General, for which a consistency finding was made, has not changed.
3. The applicable development standards, for which the original project was evaluated, have not changed.
4. The applicable design standards, for which the project was evaluated, have not changed.
5. All other standards and requirements to which the project is subject and as administered by other departments or agencies have not changed.
6. This Final Map Subdivision and Mitigated Negative Declaration were previously approved and certified by the Planning Commission on June 7, 2007 under FMS-05-10, SCH# 2007052016 as required by Section 15074 (b) of the CEQA Guidelines. Subsequently, the tentative map expired, which prompted a subsequent reapplication of the same map to which there have been no changes in the design of the map or any conditions of approval for this project. An addendum to the MND prepared for the Moser Properties Subdivision was considered and adopted on January 24, 2019. The County has received no evidence indicating that additional review under CEQA is necessary.

Project Location: The project site is located in the McKinleyville area, on either side of Boeing Avenue and on the west side of Airport Road, on the properties known as 3235 and 3240 Boeing Avenue.

Present General Plan Land Use Designation: Commercial Services/Industrial General (CS/IG). Humboldt County General Plan, McKinleyville Community Plan. Density: n/a. Slope Stability: Relatively Stable.

Present Zoning: Business Park in addition to Qualified, Landscape/Design Control, Airport Safety Review, and Noise Impact combining zones (MB-Q-L-AP-N).

Environmental Review: On on June 7, 2007, during original approval of the project, the Humboldt County Planning Commission considered and adopted a Mitigated Negative Declaration (SCH# 2007052016). On January 24, 2019, the Planning Commission approved an Addendum to the MND. Further environmental review is not required as no changes to the previously approved project are proposed.

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

Major concerns: None

Agency Input on Extension Request: The Planning Department has circulated requests for input relative to the extension petition. Public Works and the Division of Environmental Health responded to the referral, both recommending approval of the extension. No other responses were received. No comments opposing granting of the extension have been received.

ALTERNATIVES TO STAFF RECOMMENDATIONS:

1. The Planning Commission could elect not to approve the extensions. 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.

Note: If the extension is denied, a fifteen-calendar day appeal begins the next business day. Appeals must be filed with both the Planning Division and the Clerk of the Board of Supervisors. There is no appeal period for approved map extensions.

ATTACHMENTS:

1. Draft Resolution
 - A. Original Conditions of Approval
 - B. Public Works Department Conditions of Approval
 - C. Tentative Map/Site Plan
2. Location Map
3. Mitigated Negative Declaration SCH# 2007052016
4. Addendum to the MND
5. PC Resolution 19-10 Approving the Final Map Subdivision
6. PC Resolution 21-51 Approving the First FMS Extension

Owner

Moser Stephen A Tr
3101 Concorde Drive, Suite E
McKinleyville, CA 95519

Applicant

Moser Properties
Steve Moser
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McKinleyville, CA 95519

File #: 23-214

Agent
None