

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

Resolution Number 23-013

**PROJECT NUMBER PLN-2022-17910
ASSESSOR PARCEL NUMBER 015-081-008**

**MAKING THE REQUIRED FINDINGS FOR CERTIFYING COMPLIANCE WITH
THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND CONDITIONALLY
APPROVING THE FRIEDLEY MINOR SUBDIVISION AND COASTAL
DEVELOPMENT PERMIT**

WHEREAS, the owner submitted an application and evidence in support of approving the Minor Subdivision and Coastal Development Permit for a subdivision of one parcel into two; 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 as the Lead Agency has determined that the project qualifies for a categorical exemption found in Section 15315 (Minor Land Divisions) of the CEQA Guidelines; and

WHEREAS, a public notice was sent via mail to all owners and occupants of property within 300 feet of the boundaries of the project; and

WHEREAS, on January 19, 2023, a public hearing was held before the Humboldt County Planning Commission during which the Planning Commission reviewed, considered, and discussed the application and reviewed and considered all evidence and testimony presented at the hearing; and

NOW, THEREFORE, be it resolved, determined, and ordered that the Planning Commission makes the following findings:

PROJECT DESCRIPTION

- 1. FINDING:** A minor subdivision of an approximately 12,600 sf parcel into two parcels of 7,346 sf (Parcel One) and 5,266 sf (Parcel Two). The existing parcel is developed with a single-family residence and garage, which will remain on proposed Parcel One. The existing parcel is served with community water and sewer by Humboldt Community Services District. The parcel is located in the Coastal Zone and a Coastal Development Permit is required.

EVIDENCE: a) Project File: PLN-2022-17910

CEQA

- 2. 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 minor subdivision and coastal development permit, which will allow for construction of a Single-Family Residence is exempt from environmental review pursuant to Sections §15315 (Minor Land Divisions) of the State CEQA Guidelines.

- EVIDENCE:** a) The Class 15 CEQA exemption (Section 15315) covers the project as it is the division of an existing legal lot in an urbanized, residentially-zoned area into two parcels consistent with the General Plan and zoning, no exceptions are required, and urban services are in place, and the site can be developed to local standards; the parcel has not been involved in a larger division in the last two years, and the parcel does not have an average slope greater than 20%.
- b) A project can be disqualified from using a Categorical Exemption if any of the exceptions listed in 15300.2 apply. However, none of these exceptions apply to the proposed project.

SUBDIVISION FINDINGS (Section 66474 of the State Subdivision Map Act and Title III Division 2 of the Humboldt County Code)

- 3. FINDING:** The creation of two parcels from an existing 12,600 sf parcel conforms with the requirements and standards of the County's subdivision regulations.

- EVIDENCE:** a) The staff site inspections, referral comments and recommendations all indicate that the proposed subdivision creates lots suitable for their intended uses.
- b) The existing residence on the parcel is served water by the Humboldt Community Services District and water and sewer will continue to be served to the same residence and the new residence on Proposed Parcel Two.

FINDINGS APPLICABLE TO ALL PERMITS

- 4. FINDING:** The proposed development is in conformance with the certified Local Coastal Plan.

- EVIDENCE:** a) §5.3 3.11 Urban Limit – Humboldt Bay Area Plan (HBAP)
30250. New development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with

adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.

The site is zone Mixed Residential (R-2) with a minimum parcel size of 5,000 sf. The minor subdivision into two lots is consistent with the R-2 (Mixed Residential) Zone District, and single-family residential use is a principally permitted use (Humboldt County Zoning Regs Inside the Coastal Zone §163.1.9.7). The area is extensively developed into single- and multi-family units with existing public services.

b) §3.16 Housing – HBAP

30213. Housing opportunities for persons of low and moderate income shall be protected, encouraged, and provided, where feasible. New

housing in the Coastal Zone shall be developed in conformity with the goals, policies, standards, and programs of the Humboldt County Housing Element.

The minor subdivision provides an additional residential parcel that allows for additional housing and which may be more accessible to persons of low and moderate income than is currently available.

c) §4.10 Standards for Plan Designations – HBAP

RM: Residential/Medium Density. Purpose: to make effective use of limited urban land and provide areas for residential use of mobile homes in urban area (as well as duplexes and multiple units), consistent with availability of public services.

The site is designated RM by the Humboldt County General Plan, and the project will create a residential lot that may accommodate a residential unit or units.

5. FINDING:

The proposed project will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

EVIDENCE: a)

The surrounding area is developed with small lots with residential uses similar to the proposed project. The property is located on a County-maintained road and has existing infrastructure to support the proposed project. The County Department of Public Works has reviewed the minor subdivision and found it to be approvable with conditions. As conditioned, the proposal to divide one parcel into two and develop housing consistent with the R-2 Zone will not result in detrimental impacts to public health, safety, and welfare, or materially injurious to properties or improvements in the vicinity.

6. FINDING: The project 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's General Plan land use designation and zoning allow residential development. The proposed residential development on the property is consistent with the density permitted on the parcel. The project will be consistent with Housing Element law.

DECISION

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

- Adopt the findings set forth in this resolution; and
- Approves the Coastal Development Permit (Record Number; PLN-2022-17910) based on the evidence referenced, described, and provided herein and as well as those materials found within the project record, subject to the attached conditions of approval.

Adopted after review and consideration of all the evidence on **January 19, 2023**

The motion was made by COMMISSIONER Brian Mitchell and second by COMMISSIONER Iver Skavdal and the following ROLL CALL vote:

AYES: COMMISSIONERS: Brian Mitchell, Iver Skavdal, Noah Levy, Peggy, O'Neill,
Thomas Mulder, Melanie McCavour

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS: Lonyx Landry

ABSTAIN: COMMISSIONERS:

DECISION: Motion Carries 6-1

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

ATTACHMENT 1

Conditions of Approval

APPROVAL OF THE MINOR SUBDIVISION AND COASTAL DEVELOPMENT PERMIT ARE CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS WHICH MUST BE FULFILLED BEFORE A BUILDING PERMIT MAY BE ISSUED OR USE INITIATED:

A. Conditions of Approval:

1. All development shall be in accordance with the approved plot plan and project description. Changes to the approved design not in conformance with Section 312-11, Minor Deviations will require a modification to the terms of this permit.
2. The owner(s) is/are responsible for demonstrating that the proposed development complies with applicable provisions of the Fire Safe Regulations, including but not limited to, setbacks for defensible space, driveway width and turnaround areas, siding & roofing materials, and required design features.
3. All taxes to which the property is subject shall be paid in full if payable, or secured if not yet payable, to the satisfaction of the County Tax Collector's Office and all special assessments on the property must be paid or reapportioned to the satisfaction of the affected assessment district. Please contact the Tax Collector's Office approximately three to four weeks prior to filing the parcel or final map to satisfy this condition. This requirement will be administered by the Department of Public Works.
4. The Planning Division requires that two (2) copies of the Parcel Map be submitted for review and approval. Gross and net lot area shall be shown for each parcel.
5. A map revision fee as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$116.00 per parcel) as required by the County Assessor shall be paid to the Planning and Building Department, 3015 "H" Street, Eureka. The check shall be made payable to the "Humboldt County Planning Division". The fee is required to cover the Assessor's cost in updating the parcel boundaries.
6. The recommended conditions in the Department of Public Works memo dated October 17, 2022, included herein as Attachment 1C, shall be completed or secured to the satisfaction of that department. Prior to performing any work on the improvements, contact the Land Use Division of the Department of Public Works. Satisfaction of this condition should be provided in writing from the Land Use Division of the Department of Public Works.

B. On-going Requirements/Development Restrictions Which Must be Satisfied for the Life of the Project:

1. Changes to the project, except for Minor Deviations per Section 312-11.1 of the Humboldt County Zoning Regulations, shall require modification of this permit.
2. No development is authorized except which has been approved strictly within the bounds of the Costal Development Permit (PLN-2022-17910).

C. Informational Notes

1. If cultural resources are encountered during construction activities, the contractor on site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist as well as the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

The Native American Heritage Commission (NAHC) can provide information regarding the appropriate Tribal point(s) of contact for a specific area; the NAHC can be reached at (916) 653-4082. Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, shellfish or faunal remains, and human burials. If human remains are found, California Health and Safety Code 7050.5 requires that the County Coroner be contacted immediately at (707) 445-7242. If the Coroner determines the remains to be Native American, the NAHC will then be contacted by the Coroner to determine appropriate treatment of the remains pursuant to PRC 5097.98. Violators shall be prosecuted in accordance with PRC Section 5097.99.

2. To minimize costs the applicant is encouraged to bring in written evidence of compliance with all of the items listed as conditions of approval in this Exhibit that are administered by the Planning Division. The applicant should submit the listed item(s) for review **as a package** as early as possible before the desired date for final map checking and recordation. Post application assistance by the Assigned Planner, with prior appointment, will be subject to a Special Services Fee for planning services billed at the County's current burdened hourly rate. Copies of all required forms and written instructions are included in the final approval packet. Each item evidencing compliance except legal documents to be recorded should note in the upper right hand corner:

- a. Assessor's Parcel No . _____. Condition _____.
- b. (Specify) _____ (Specify)

The term of the approved Tentative Map shall be 24 months from the effective date of the action except where otherwise provided by law. An extension may be requested prior to the date in accordance with Section 326-21 and 326-31 of the Humboldt County Code.

The applicant is ultimately responsible for ensuring compliance with this condition.

3. The applicant is responsible for receiving all necessary permits and/or approvals from other state and local agencies.
4. This permit shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date") except if temporary events have occurred before such anniversary date. The period within which the temporary use must commence may be extended, as provided by Section 312-11.3 of the Humboldt County Code.