

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

**Resolution Number 23-**

**SUBDIVISION APPROVAL  
CASE NUMBER PLN-2020-16281  
ASSESSOR PARCEL NUMBER 511-141-017**

**MAKING THE REQUIRED FINDINGS FOR CERTIFYING COMPLIANCE WITH THE  
CALIFORNIA ENVIRONMENTAL QUALITY ACT AND CONDITIONALLY  
APPROVING THE MITCHELL MINOR SUBDIVISION**

**WHEREAS**, LACO Associates, on behalf of the owners, submitted an application and evidence in support of approving a Parcel Map Subdivision; 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 project is subject to environmental review pursuant to the California Environmental Quality Act (CEQA); and

**WHEREAS**, the Planning Division, the Lead Department pursuant to Section 202 of Resolution No. 77-29, has determined that impacts of the project were analyzed and addressed during preparation of Environmental Impact Reports (EIR's) for the McKinleyville Community Plan (SCH# 1998082024) and 2017 Humboldt County General Plan (SCH#2007012089), in keeping with the criteria outlined within section 15183 of the Guidelines; and

**WHEREAS**, as lead agency, the Planning Division completed an initial study checklist for the project and has determined that:

1. there are no environmental effects that are peculiar to the project or the parcel on which the project is located;
2. there are no potential environmental effects which were not analyzed in the above referenced EIR's;
3. there are no potentially significant off-site impacts and cumulative impacts which were not discussed in the above reference EIR's;
4. there are no previously identified significant effects which are determined to have a more severe adverse impact than discussed in the above EIR's, due to new information not known at the time the EIR's were certified; and

**WHEREAS**, a public hearing was held on the matter before the Humboldt County Planning Commission on July 6, 2023; and

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

## PROJECT DESCRIPTION

**FINDING:** A Minor Subdivision of an approximately 8.12-acre parcel into 3 parcels ranging from 2.5 to 3.12 acres in size. The property to be divided is predominantly vacant except for perimeter fencing and was created through an earlier 4-parcel subdivision which included a Development Plan (PMS-57-88) reserving 40% of the land as open space. This restriction currently affects the northern portion of the property to be divided. The applicant is seeking to retain 40% of the property as open space while reconfiguring the location and distribution of the reserved area. Modification of Parcel 1 of the Development Plan is included with this request. The modification proposes reconfiguration of the reserved open space to ensure greater retention of Sitka Spruce trees and larger wildlife corridors while facilitating further subdivision and residential development meeting required setbacks. No further changes to reserved open space are proposed and all of the remaining parcels (2, 3, and 4) are already residentially developed at this time. Access to all three parcels will be provided by Olivier Road, a private road approximately 0.25 miles in length within a 50-foot-wide right-of-way. The proposed parcels would receive community water service from the McKinleyville Community Services District and utilize individual onsite wastewater treatment systems.

**EVIDENCE:** Project File: PLN-2020-16281

## CEQA

**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 potentially significant off-site impacts and cumulative impacts which were not discussed in the above reference 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.
- c) 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.
- d) 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.
- e) 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 two 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.
- f) The parcel being divided is composed of grassland mixed with scattered trees (Shore pine, and Douglas fir, and Red alder). The parcel was created through an earlier 4-parcel subdivision (PMS-57-88) which included provisions for retention of 40% of the land as open space. This restriction currently affects the northern portion of the property to be divided. The applicant is committed to retaining 40% of the property as open space while reconfiguring the location and distribution of the reserved area. Modification of Parcel 1 of the Development Plan is included with this request. The modification proposes reconfiguration of the reserved open space to ensure greater retention of shore pine trees and larger wildlife corridors while facilitating further subdivision and residential development meeting required setbacks.
- g) Project referrals were sent to both the Northwest Information Center and the Tribal Historic Preservation Officers (THPO's) of all three Wiyot ancestral tribes. The Blue Lake THPO requested that a survey of the property be performed. In October 2021, an archaeological survey was completed by Nick Angeleoff of Archaeological Research and Supply Company. No archaeological resources were discovered during the survey. Following this, all three THPO's supported approval of the project and subject to compliance with standard protocols for handling inadvertent discovery should cultural resources be discovered during future ground disturbance. This notation will be included on the modified Development Plan.

- h) 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. The California Redwood Coast-Humboldt County Airport in McKinleyville is the closest airport and is located approximately 2,000 feet west of the project site. The property is located in Safety Zone 6, which does not include any residential density restrictions.
- i) According to the Humboldt County Fire Hazard Severity map, the parcel is located in the high fire hazard severity areas. The site is within the Arcata Fire Protection District for fire protection in the State Responsibility Area. 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.
- j) The project will not violate any water quality standards or waste discharge requirements or substantially degrade surface or groundwater quality or degrade groundwater supplies. Future development of the proposed parcels will receive water service from the McKinleyville Community Services district. The siting and design of future septic systems is subject to compliance with the Basin Plan.
- k) A Drainage Report and access road improvement plans are 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. This is noted in the Department of Public Works Memo dated 07/19/2021. There is no evidence that the project will be inconsistent with the planned build-out of the area nor will it result in a significant effects to utilities and service systems.
- l) The project will not conflict with any adopted program, ordinance, or policy addressing transportation systems within the County or result in inadequate emergency access. Department finds there is no evidence that the proposed subdivision and future residential development will result in significant changes in vehicle miles traveled not already contemplated in the EIR prepared during adoption of the 2017 General Plan. The proposed project will not result in a change in air traffic patterns, will not result in vehicle miles traveled beyond that anticipated, and has adequate on-site circulation and parking capacity.

The project is consistent with the development density of 1 unit per acre of the Residential Estates (RL1) land use designation established during adoption of the 2017 General Plan. The division of one parcel into three parcels is consistent with mitigations for induced population growth as described in Impact 3.1.3.4. of the 2017 Environmental Impact Report (EIR) to reasonably obtain the projected goals of the

Regional Housing Needs Allocation (RHNA) through the use of alternative subdivision standards and the facilitation of opportunities for second residential units.

The growth impacts of this project are not anticipated to create peculiar, specific, or more severe impacts effects which the GPU EIR failed to analyze as significant effects or failed to evaluate.

### **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 three (3) parcels.

Lot 1 will be 3.19 acres in size (gross), Lot 2 will be 2.37 acres in size (gross), and Lot 3 will be 2.56 acres in size (gross). All parcels comply exceed the minimum parcel size of the zone (1 acre) and will be suitable for single-family residential development. The subdivision creates 2 new residential lots. Staff site inspections and referral agency comments indicate that the proposed parcels are suitable for residential purposes.

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

**EVIDENCE:** a) Access to all three parcels will be provided by Ollivier Road, a private gravel road approximately 0.25 miles in length within a 50-foot-wide right-of-way. Conditions of Approval from the Land Use Division of Public Works include a requirement that the first fifty (50) feet of Ollivier Rd. be paved from the edge of the County Road (Dows Prairie Road). Public Works is also requiring that a stop sign and limit line striping be installed at its intersection, and that pruning of encroaching vegetation be performed to return the roads functional width to at least 20 feet. A Road Maintenance Association (RMA) has been established for parcels utilizing Ollivier Road for access, including the property being divided. A Condition of Approval has been included requiring that the new parcels being created be annexed into the existing RMA or form a new one if annexation proves impossible.

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

**EVIDENCE:** a) A Drainage Report and access road improvement plans are required to 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. This is noted in the Department of Public Works Memo dated 07/19/2021. There is no evidence that the project will be inconsistent with the planned build-out of the area nor will it result in a significant effects to utilities and service systems.

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

**EVIDENCE:** a) The parcels will receive community water provided by the McKinleyville Community Services District. Project approval is conditioned upon satisfaction of the requirements of MCSD.

b) The parcels will be served by on-site waste treatment systems. On-site septic suitability evaluation and testing performed by LACO Associates in February 2008 and February 2020 indicates each lot proposed is suitable for a Class A disposal system consisting of a gravity fed dual disposal field with a 100 percent reserve area.

**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 the Arcata Fire Protection District, who provide structural fire protection. The project was referred to the district for review and did not result in any comments or issues being raised with the proposal.

## Applicable General Plan and Community Plan Findings

### Humboldt County General Plan - McKinleyville Community Plan (MCCP)

- FINDING** The proposed development is consistent with Urban Land Use policies for the McKinleyville Community Planning Area which require that development be served by urban services and adequate circulation systems (MCCP 2600).
- EVIDENCE** a) The subdivision creates 45 residential lots. The subdivision is served by community water provided by the McKinleyville Community Services District (MCSD). Individual sewage disposal systems will be developed on each of the parcels. All three parcels will have access onto Ollivier Rd, a 20-foot wide private road located within a 50 foot easement.
- FINDING** The proposed development is consistent with the residential planned land use designations applied to this parcel by the General Plan and Community Plan; which include Residential Low Density (RL1) GP 4.8, MCCP 2732).
- EVIDENCE** a) The project subdivides 8.12 acres into three (3) residential lots. The subdivision is consistent with the planned density of the area and the residential development of the area.
- FINDING** The proposed development will not pose a hazard to proposed structures and their occupants (MCCP 3211)
- EVIDENCE** a) According to the Humboldt County Fire Hazard Severity map, the parcel is located in the high fire hazard severity areas. The site is within the Arcata Fire Protection District for fire protection in the State Responsibility Area. Future development of the site will require compliance with the Uniform Fire Code and Uniform Building Code. The parcel is located within Safety Zone 6 under the Airport Plan. A Condition of Approval has been included requiring that the property owner execute an avigation easement.
- FINDING** The proposed development will conform with the County Flood Insurance Program (MCCP 3220).
- EVIDENCE** a) The project site is not located in an area of flooding. The Building Inspection Division did not identify any site concerns relating to site suitability for residential development. Future development must meet County Building regulations.
- FINDING** The proposed development will be consistent with the Land Use/Noise Compatibility Standards, including those applicable to those specific noise impact areas identified in Figure 8 of the plan (MCCP 3240).

**EVIDENCE** a) The property is not located within one of the noise impact areas.

**FINDING** The proposed development will be developed so that downstream peak flows will not be increased (GP 5.4, MCCP 3301).

**EVIDENCE** a) A Drainage Report and access road improvement plans are 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. This is noted in the Department of Public Works Memo dated 07/19/2021. There is no evidence that the project will be inconsistent with the planned build-out of the area nor will it result in a significant effects to utilities and service systems.

**FINDING** The proposed development is designed to protect sensitive and critical habitats, including migratory deer winter range, Roosevelt elk range, sensitive avian species rookery and nest sites, streams and streamside areas, wetlands, and habitat necessary for the protection of rare, threatened, and endangered species (GP 10.3, MCCP 3420).

**EVIDENCE** a) Review of County resource maps indicate there are no watercourses or other biological resources within or adjacent to the project site. The California Department of Fish and Game visited the site and did not have any concerns about biological resources that could be affected by the project. CDFW input was used to inform design of the open space reservation exhibit which is designed to retain as many shore pine as is possible.

**FINDING** The proposed development is consistent with the goals and policies relating to public services and facilities, including the requirement that subdivisions provide road access to County maintained roads (MCCP 4100).

**EVIDENCE** a) The subdivision will be served by community water and sewer provided by MCSD. The subdivision is accessed from Ollivier Rd., a private road, which intersects with Dows Prairie Road, a public road. Project approval is conditioned upon satisfaction of the requirements set by LUD, AFD, MCSD and other utility companies.

**FINDING** The proposed development is consistent with the goals and policies designed to focus, time, and facilitate growth in the urban development areas with public service capacity, including connection to public water and wastewater systems (GP 5.4, MCCP 2630).

**EVIDENCE** a) The parcels will be served by community water provided by the McKinleyville Community Services District. Project approval includes Conditions requiring that the subdivision improvements and lot development be performed to the satisfaction of MCSD.



**FINDING**

The proposed development is consistent with the goals and policies of relating to Airport Safety, including applicable density restrictions, and noise and land use criteria (MCCP 3250, ALUCP)

**EVIDENCE** a)

The parcel being divided is located approximately 2000 feet west of the California Redwood Coast-Humboldt County Airport, within Safety Zone 6. There are no specialized density restrictions applicable to residential development nor restrictions on the range of uses permitted. A Condition of Approval has been included requiring that the property owner execute an avigation easement.

## FINDINGS APPLICABLE TO ALL PERMITS

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

**EVIDENCE** a) The proposal divides a 8.12-acre parcel into three (3) parcels. The subdivision is served by community water and the parcels will be served by individual on-site waste treatment systems. The subdivision is accessed from Ollivier Road, a private road. Staff site inspections and referral agency comments indicate that the proposed parcels are suitable for residential purposes. The Density Range is 1 unit per acre and the proposal is consistent with the planned density of the area and the residential development of the area.

**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 Agriculture General (AG) which agricultural uses as well as single-family residential and accessory dwelling units as a principally permitted use. The proposed lot sizes are consistent with the required 1-acre minimum lot size as well as the minimum width and depth requirements for the zone.

**FINDING** The proposed development complies with the Parkland Dedication requirements of the zoning regulations.

**EVIDENCE** a) Parkland dedication in-lieu fees shall be paid in accordance with the provisions of the parkland dedication ordinance. Parkland dedication in-lieu fees shall be paid:  $(3)(2)(1)(130 \times 2.6/43,560) \times \$100,000 = \$4,655.65$  or  $\$2,327.82$  with the conveyance of second dwelling units on the 3 residential lots.

**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) All development will be served by public water provided by the McKinleyville Community Services District and site-specific septic testing shows that each lot can easily accommodate a future on-site waste treatment system. All reviewing referral agencies have approved or conditionally approved the proposed project design. The project as proposed and conditioned is consistent with the general plan, community plan, and zoning ordinance; and the proposed project is designed to avoid causing significant environmental damage.

**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 is included in the most recent housing inventory from 2019, which lists the realistic capacity as one (1) residential unit. The proposed subdivision would result in two additional parcels, exceeding the realistic capacity used in 2019 housing inventory. The current land use designation allows for a maximum density of 1 dwelling unit per acre. When factoring in that 40% of the parcel must remain reserved for open space, the realistic developable acreage of the parcel is 4.87 acres. Consequently, the true resulting density from the proposal is 1.62 acres per dwelling unit. Additionally, each of the parcels could be developed with secondary dwelling units, thereby achieving an even greater overall density.

**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 Parcel Map Subdivision (Record Number: PLN-2020-16281) based on the approved tentative map on file for the project dated March 2, 2020 and dated as received by the Humboldt County Planning Division on March 6, 2020, and also based on the Open Space Reconfiguration Exhibit dated April 17, 2023, and subject to the Conditions of Approval. The Tentative Map, Open Space Reconfiguration Exhibit, and Conditions of Approval are attached hereto as Attachments 1A, 1B, and 1C and are incorporated herein by reference.

Adopted after review and consideration of all the evidence on **July 6, 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.

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John H. Ford,  
 Director, Planning and Building Department