

HOLGERSEN MINOR SUBDIVISION AND COASTAL DEVELOPMENT PERMIT

Case Numbers PLN-2018-15039
Assessor Parcel Number 015-152-028

Recommended Planning Commission Action

1. Describe the application as a public hearing.
2. Open the Public Hearing
3. Request that staff present the project.
4. Take public testimony and close the public hearing.
5. Adopt the Resolution to take the following actions:

(1) find that there is no substantial evidence that the project will have a significant adverse impact on the environment, 2) adopt the Mitigated Negative Declaration prepared per CEQA Guidelines Section 15074 and adopt the Mitigation Monitoring and Reporting Program per CEQA Guidelines Section 15097; 3) make the required findings for approval of the Minor Subdivision and Coastal Development Permit; and 4) approve the Holgersen Minor Subdivision and Coastal Development Permit as recommended by staff and subject to the recommended conditions.

Executive Summary: The project site is located in the Myrtle town area, on the north side of Edgewood Road, approximately 400 feet west of the intersection of Edgewood Road and Quaker Street, on the property known as 3409 Edgewood Road.

A Minor Subdivision to create four parcels and a Remainder. The parcel is developed with a single-family residence that will remain on the proposed Remainder parcel. The parcels will be served with community water and sewer by the Humboldt Community Services District. The project is located in the Coastal Zone; therefore, a Coastal Development Permit (CDP) is required for the minor subdivision. Duplexes (two dwelling units) are proposed on Parcels 1 - 4. The proposed dwelling units on Parcels 1 and 2 each will be 1,080 square feet, 22 feet and 5 inches in height, with an attached 240 square foot one-car garage. The proposed dwelling units on Parcels 3 and 4 will be 1,200 square feet, 23 feet and 5 inches in height, with an attached 276 square foot one-car garage. The CDP also includes the construction of these duplex units and the removal of four structures.

The implementation of the California Home Act (Senate Bill 9) would allow two residential units such as a duplex within a single-family residential zone to be considered ministerially, without discretionary review or a hearing. Therefore, the approval of the proposed subdivision would allow for the development of the proposed duplex units without discretionary review. However, the subdivision is a discretionary act that requires a public hearing in front of the Planning Commission. As a result of this framework, the Planning Commission has the authority to approve or deny the subdivision, however once the lots are created state law mandates that the County approve the proposed duplexes.

The applicant has submitted exception request letters for the following requirements: The installation of a paved access road, concrete sidewalk, curb, and gutter along the proposed access road, and the minimum easement dedication width of 40 feet to be reduced to 30 feet for the access road, drainage, and utilities to serve the project. The Department of Public Works Land Use Division and The Planning & Building Department recommend the approval of the reduced access road width of 30 feet and do not recommend approval of the other exception requests. The access road width of 30 feet is sufficient to serve the access needs of the proposed duplexes as well as to provide adequate emergency vehicle access however the paving, curb, gutter and sidewalks are all features that are needed to properly serve the proposed new residents as well as ensure that no impacts to off-site properties occur.

The project consists of a Minor Subdivision and Coastal Development Permit. The project proposes subdivision of a ±1.10-acre developed parcel into four lots with a Remainder lot as noted below:

Parcel 1: 7,192 square feet (0.16 acres)

Parcel 2: 7,192 square feet (0.16 acres)
Parcel 3: 8,468 square feet (0.19 acres)
Parcel 4: 8,468 square feet (0.19 acres)
Remainder: 14,600 square feet (0.33 acres)

Proposed Parcels 1-4, have a proposed building envelope, with Parcels 1 and 2 envelopes located towards the northern boundary line and the proposed building envelopes on Parcels 3 and 4 located near the western property boundary behind the remainder parcel. The existing residence will be located on the Remainder parcel. The proposed Parcels are located approximately 240 feet north of Edgewood Road. These locations are shown on the Updated Tentative Map. The parcels will be served with community water and sewer by the Humboldt Community Services District.

Access to the proposed parcels would be provided by a 20-foot-wide improved private road within an existing 30-foot-wide access, drainage, and utility easement accessed from Edgewood Road that will terminate at the driveway for Parcel 1, near the northwest property boundary. The maximum grade of the roadway would be less than 5%. The tentative map was updated on May 20th, 2022 to include a fire truck turnaround area between Parcel #3 and #4 per concerns from the public and Humboldt Bay Fire Protection District. However, this turnaround as shown on this revised map is not consistent with required side yard setbacks in the RS zone. As the turnaround is part of the road access easement it requires a setback of 5 feet from the edge of the easement. A recommended condition of approval is that the duplexes on parcels 3 and 4 be redesigned to meet the required setbacks or that the staff alternative turnaround design be shown on the final subdivision map (**COA #21**). The on-site roadway will be privately maintained through a homeowners association (HOA) or other approved private maintenance agreement. Exception Request Letters were submitted to staff requesting exceptions for the installation of a paved access road, concrete sidewalk, curb, and gutter improvements, and to reduce the minimum easement dedication width of 40 feet to 30 feet for the access road, drainage, and utilities that will serve the subject properties, which are shown in Attachment 2A. Each submitted letter addresses the three (3) conditions that must be met for an exception to be granted pursuant to HCC 325-9, including: 1) there are special circumstances or conditions affecting said property, 2) the exception is necessary for the preservation and enjoyment of a substantial property right of the owner, and 3) the granting of the exception will not be detrimental to the public welfare or injurious to other property in the territory in which said property is situated. The County has reviewed these exception requests and believe that the approval of a reduced right-of-way would not jeopardize the health and safety of the new and existing residents. The County Public Works department and Planning and Building Department does not support the additional exception requests.

The applicant submitted evidence (on file with planning) of an appraisal report being completed and agent correspondence to acquire a drainage easement to allow water to be conveyed and discharged into circle Drive from APN 015-151-024 and 015-151-025 per the Public Works memo dated December 9, 2020. The applicant unable to secure an easement and subsequently designed the project to accommodate drainage onsite with a retention system. A percolation test was conducted on May 16th and 17th to determine the feasibility of a retention system capable of supporting the new development. The test was performed in accordance with the guidelines as described in the Department of Health and Human Services document, "Humboldt County Onsite Wastewater Treatment System (OWTS) Regulations and Technical Manual," dated November 7th, 2017. The test was performed outside of the normal wet-weather testing period due to inadequate rainfall levels however the test was done by simulating rainfall conditions by applying water to the soil at measured levels. The average percolation rate across all three pits was 5.22" per hour. While this test may not necessarily meet the requirements of the Department of Environmental Health for percolation testing the simulation testing is useful to show that the tentative design of the stormwater retention system is feasible given the soils in the area. Typically at the subdivision entitlement approval phase percolation testing is not required as this is required

later in the development process prior to filing the subdivision map of record. In this instance, County staff requested the testing be completed in order to help to address concerns raised from the public regarding the feasibility of a retention system

This project was erroneously noticed for the April 7th, 2022 Planning Commission Hearing agenda due to an administrative error and so was continued to a date uncertain, however, public comment was received at that time. Concerns were raised regarding the adequacy of the proposed drainage, roadway, parking, trash removal designs for the proposed development, and the proposed duplexes fitting with surrounding neighborhood aesthetics.

Given the concerns that had been raised at the April 7th Planning Commission meeting a neighborhood meeting was held on May 10th, 2022 in front of the property to gather input from neighboring properties and provide information about the project. During this meeting the public expressed similar concerns to those expressed during the prior Planning Commission hearing on April 7th, 2022. These concerns regarded the adequacy of the proposed drainage, specifically the success of a retention basin during storm events and the overflow to neighboring parcels. Current conditions lead to flooding on neighboring parcels and percolation is not adequate due to clay in the soil according to the neighbors. There is concern about a reduced roadway, which the public believes would not be capable of supporting parking, trash removal, emergency services, and a turn-around area. Some of the other concerns regarded mosquitos in the retention basin, solar shading on neighboring trees and greenhouse, speeding on Edgewood Road, and the cost of housing. Additional concerns were raised regarding potential mosquito infestation of the retention basin as well as to whether grading for the basin would damage existing trees on adjacent property.

In response to the public meeting and concerns that have been expressed by the public, the applicant updated the tentative map and conducted a percolation test. The updated tentative map has increased the road width to allow for two ten-foot (10') lanes for ingress and egress and an eight-foot (8') parking lane. The updated tentative map has also included a turnaround area to be located between Parcel #3 and #4. A percolation test was also conducted to address drainage concerns. Three test holes were dug at the locations shown on the updated tentative map to a depth of 36" with an additional 2" of gravel at the base and were soaked for 24 hours prior to the test. During testing each hole was filled with at least 12" of water left to percolate into the soil for exactly one hour, and the resultant depths were observed and recorded. Each hole was then refilled to repeat the process to show consistency of percolation rates across multiple tests. The average percolation rate across all three pits was 5.22" per hour which is sufficient to ensure that there is no net increase in stormwater runoff off the site as a result of development of the project.

The Department of Public Works has reviewed the Exception Requests and the Preliminary Drainage Report submitted by Atlas Engineering. A Formal Drainage and Hydraulic Report will be required per Public Works memo dated December 9, 2020 and revised October 12, 2021 to be submitted as part of the conditions of approval for submitting construction plans for development.

Environmental Review

Environmental review for the proposed project included the preparation of an Initial Study/Mitigated Negative Declaration (IS/MND) pursuant to the California Environmental Quality Act (CEQA) Statute (Public Resources Code 21000–21189) and Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15000–15387). The IS/MND was circulated from April 15, 2022, to May 16, 2022, at the State Clearinghouse (SCH #2022040247). The Mitigated Negative Declaration concluded there are no impacts that could not be mitigated, and one mitigation measure was included addressing areas of cultural and tribal cultural resources. This mitigation measure requires Inadvertent Discovery Protocol if cultural resources are found on site during construction. This will also require the applicant to work with local tribal agencies to

determine treatment procedures should anything be uncovered. No written comments from any agencies or the public were received on the IS/MND.

Based on the review of Planning Division reference sources and comments from all responding referral agencies, Planning staff has found that the project will not result in a significant impact on the environment as proposed, and that the applicant has submitted evidence in support of making all of the required findings for approving the proposed subdivision per the Recommended Commission Action.

Alternatives:

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. Planning Division staff has found that the required findings can be made. Consequently, planning staff does not recommend further consideration of this alternative.