

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

**Resolution Number 22-041**

**Case Numbers PLN-2021-17362**

**Assessor Parcel Numbers 206-211-014**

**Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approving the Wennerholm Tentative Map Subdivision and Accessory Dwelling Unit.**

**WHEREAS**, the owner of the property, Mr. Don Wennerholm, submitted an application and evidence in support of approving the Minor Subdivision (Tentative Map) and Special Permit; and

**WHEREAS**, the County as lead agency 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 exempt from further environmental review in accordance with Section 15183 of the California Environmental Quality Act (CEQA); and

**WHEREAS**, Attachment 2 in the Planning Division staff report includes evidence in support of making all of the required findings for approving the proposed Tentative Map Subdivision (Case Number PLN-2021-17362); and

**WHEREAS**, a public hearing was held on the matter before the Humboldt County Planning Commission on **April 7, 2022**.

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

**FINDING:**

**Project Description:** A Minor Subdivision of an approximately 6.7-acre parcel into two parcels of approximately 3.1 acres (Parcel 1) and a 3.6 acre Remainder (Parcel 2). A Special Permit is also being requested to pre-authorize construction of an approximately 1,512 square foot residence as an Accessory Dwelling Unit (ADU) prior to completion of the subdivision. The property is currently developed with a residence, garage, and barn. All existing development will be located on proposed Parcel 2. Proposed Parcel 1 is currently undeveloped pasture. Access to both parcels is provided by a 50-foot non-exclusive easement. Water for the residence is provided by an existing well located on proposed Parcel 1. The well will also be used to supply water for future development of proposed Parcel 2. Sewage disposal for existing development is currently handled by an on-site waste treatment system (OWTS) located on proposed Parcel 1. Testing for a new septic system on proposed Parcel 1 has been completed.

The project site is located approximately 500 feet north of the CA-36 corridor on Sunnyslope Lane. The parcel is zoned Agriculture General with the Residential Estates land use designation and is surrounded by similarly zoned and designated parcels between 2.5 and 5 acres in size. Site vegetation is dominated by open grassland with historic grazing use. The parcel is bordered on the northwest by an elevated legacy railroad bed under the management of the North Coast Railroad Authority (NCRA). The site topography slopes

gently from north to southwest at 1.6% grade to the proposed subdivision line where a more dramatic slope of 28% runs for approximately 70 feet southwest and levels off to an average grade of 1.6% toward the southwest property line. The property subdivision will divide the parcel along a landscape feature that will create Parcel 1 at an elevation 20 feet higher than Parcel 2 where the existing residence will be located. The southern property corner is approximately 1,150 feet from the nearest identified wetland to the southwest along the Van Duzen River, and the northernmost property corner is approximately 295 feet from Cuddleback Creek to the northwest.

Conditional approval of the project preliminary report as specified in County Code Section 323-6(c) is required based on the Public Works memo dated July 19, 2021. A revised map, provided by a licensed surveyor or engineer in the State of California, will be submitted to show monumentation as required by County Code Section 326-15 and 324-3. A period of 24 months is allowed from the date of approval to prepare the required documentation and complete the project. The project may not commence without review and approval of the required submissions by the Department of Public Works.

The development of an ADU and a Minor Subdivision are consistent with the density requirements of 1-5 acres per unit as described in the General Plan Land Use Element designation of Residential Estates (RE 2.5-5) and the Carlotta/Hydesville Community Plan.

**EVIDENCE:** Project File: PLN-2021-17362

**2. FINDING:** **CEQA.** The requirements of the California Environmental Quality Act have been met.

- EVIDENCE:**
- a) The Humboldt County Planning Commission has considered the project and finds the Minor Subdivision and Special Permit consistent with the General Plan and Zoning per CEQA Guidelines Section 15183.
  - b) 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.
  - c) 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 a new parcel (Parcel 1) and a Remainder (Parcel 2). The parcel is developed with a single-family residence with attached garage and a barn. A single Accessory Dwelling Unit (ADU) is proposed on Parcel 1. With the residential uses surrounding the property, the project will result in a less than significant impact to aesthetics.
  - d) No biological resources were identified within the project area. The property is developed with a single-family residence that will be relocated on the proposed Parcel 2. There are no significant areas of natural habitat or vegetation on the site, it is primary vegetated

with grasses and shrub species from use as grazing land. As such, a review of the project site has determined that the site is not located within a riparian habitat or other sensitive natural community, nor is located within or near any known wetland areas.

- e) No cultural resources have been documented on the project site. The "Inadvertent Archaeological Discovery Protocol" condition has been placed on the project, as requested by Tribal agencies.
- f) 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 not located in an Airport Review Area. There are no private airstrips within the vicinity of the project site.
- g) According to the Humboldt County Fire Hazard Severity map, the parcel is located in the moderate fire hazard severity areas. The site is within the Carlotta 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.
- h) The project will not violate any water quality standards or waste discharge requirements or substantially degrade surface or groundwater quality or degrade groundwater supplies. Water and sewer services are provided by an onsite well and septic and leach field installations. Comment was received from the CSD recommending project approval. Therefore, there is a less than significant impact. The project site is developed with a single-family residence that will be relocated on the proposed Parcel 2. A single-family residence is proposed as an Accessory Dwelling Unit (ADU) is proposed on Parcel 1 prior to subdividing the parcel. Therefore, there is a Less than significant impact.
- i) The Department of Public Works memo dated 07/19/2021 requires that a Drainage Report and access road improvements be prepared by a Civil Engineer registered within the State of California be submitted for review and approval prior to commencement of the project. A legacy drainage ditch is described in the Tentative Parcel Map. The County finds 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 affect to utilities and service systems.
- j) 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 Accessory Dwelling Unit will negatively impact the level of service standards, as there will be a minimal increase in vehicle trips generated per day when future development is proposed, given the nature of the residential use. 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 1-5 units per acre established by the 2017 General Plan update (GPU) of the Residential Estates (RE) land use designation and the Carlotta/Hydesville Community Plan. The development of an ADU and one (1) additional parcel 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 impact 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.

### **FINDINGS FOR THE MINOR SUBDIVISION AND ACCESSORY DWELLING UNIT**

**3. FINDING**

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

**EVIDENCE**

- a) The proposed development is consistent with the Residential Estates (RE) land use designation. The project includes the construction of new residential development and maintains existing residential development. The RE designation (Chapter 4.8, Land Use Designations) is used for lands adjacent to urban areas or rural communities with limited public services but suitable for single-family residential use. Single family units on individual lots are the dominant use, but the development of an Accessory Dwelling Unit or Guest House is allowed. The Density Range is 1-5 acres per unit and the maximum floor area ratio is 0.20. The proposed development will increase the number of single-family residences and accessory dwelling units in the area, will meet the maximum floor area ratio and will be served by an established well. A new septic and leach field will be developed to serve the Accessory Unit. Therefore, the project is in conformance with the County General Plan (Chapter 4, Land Use Element).

**4. FINDING**

The proposed development is consistent with the Carlotta/Hydesville Community Plan (CHCP)

**EVIDENCE**

- a) The land use designation for the parcel within the CHCP conforms with the General Plan land use designation.
- b) The CHCP 2500 – Rural Land Use states that rural home sites on parcels generally ranging from 1-5 acres are mostly concentrated within or around existing communities. The location and zoning of the proposed project parcel is consistent. The project proposes

new residential development and maintains existing residential development on proposed parcels exceeding 3 acres.

**5. 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) includes single-family residential and accessory dwelling units as a principally permitted use. The proposed lot sizes are consistent with the required minimum lot size of 2.5 acres. The proposed parcels' minimum widths, approximately 104 feet for Parcel 1 and 155 feet for the Parcel 2, also complies with the required minimum lot width of 60 feet (HCC 314-7.2). The maximum lot depth is not specified, which complies with the maximum lot depth standard.
- b) A condition of approval has been included to address the inadvertent discovery of cultural resources during construction of the proposed development.
- c) The proposed development is consistent with the maximum density requirements of the RS-5 zone. The proposed subdivision with existing and proposed development is consistent with the minimum required development standards of the AG zone, including building height (35 feet maximum), maximum ground coverage (35%), and property line setbacks.

**6. FINDING**

The minor subdivision of an approximately 6.7-acre parcel into two parcels of approximately 3.1 acres (Parcel 1) and 3.6 acres (Parcel 2) including construction of an approximately 1,512 square foot residence as an Accessory Dwelling Unit (ADU) prior to completion of the subdivision, will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

**EVIDENCE**

- a) The property is currently developed with an existing single-family residence to be relocated on Parcel 2. The proposed Parcel 1 will be developed with a single-family residence. The proposed subdivision will be consistent with the surrounding existing development through the retention of contiguous open space and buffering adjacent resource production. Continuing an existing residential use and developing new housing consistent with the AG zone and RE land use designation as part of this project, is not anticipated to have negative impacts on the public health, safety and welfare, and will not be materially injurious to properties or improvements in the vicinity.

**7. FINDING**

The proposed 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.

**EVIDENCE**

The parcel's General Plan land use designation (RE 2.5-5) and zoning (AG) allow limited residential development. The project will positively impact compliance with Housing Element law. The project

will increase the available housing in the Carlotta area and will comply with the density range of the RE 2.5-5 land use designation, with a maximum density of 1-5 acres per dwelling unit. The proposed development is consistent with the Humboldt County General Plan (Section 4.8, RESIDENTIAL ESTATES (RE)).

## DECISION

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

- Adopts the findings set forth in this resolution, and
- Conditionally approved the Wennerholm Subdivision and Special Permit subject to all of the recommended conditions of approval in Attachment 1A.

Adopted after review and consideration of all the evidence on **April 7, 2022**.

The motion was made by COMMISSIONER McCavour and second by COMMISSIONER Mitchell and the following ROLL CALL vote:

AYES: COMMISSIONERS: Alan Bongio, Brian Mitchell, Melanie McCavour, Thomas Mulder,  
Mike Newman

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS: Noah Levy, Peggy O'Neill

ABSTAIN: COMMISSIONERS:

DECISION: Motion Carried 5/0/2

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 H. Ford, Director,  
Planning and Building Department



## ATTACHMENT 1

### CONDITIONS OF APPROVAL

#### **APPROVAL OF THE TENTATIVE MAP AND SPECIAL PERMIT IS CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS WHICH MUST BE SATISFIED BEFORE THE TENTATIVE MAP MAY BE RECORDED:**

##### **Conditions of Approval:**

1. All development shall conform to the project description and approved Tentative Map.
2. 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 tentative or final map to satisfy this condition. This requirement will be administered by the Department of Public Works.
3. The conditions on the Department of Public Works memorandum dated December 9, 2020 and revised on July 22, 2021, included herein as Exhibit A, 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.
4. The Planning Division requires that two (2) copies of the Tentative Map be submitted for review and approval.
5. The project shall comply with all applicable mitigation measures of the 2017 General Plan EIR.
6. Prior to recordation of the Final Map, the applicant shall submit a letter from the Humboldt Bay Fire Protection District stating that the project meets their requirements. This requirement shall be administered by the Department of Public Works.
7. Prior to recordation of the Final Map, the applicant shall submit a letter from Pacific Gas and Electric Company stating that the project meets their requirements per their letter dated. This requirement shall be administered by the Department of Public Works.
8. Prior to submittal of the Final Map, the applicant shall provide a sign-off from the Post Office on the location of the NBU. Applicant shall cause to be dedicated on the subdivision map additional sidewalk easements as necessary to accommodate the NBU. This requirement shall be administered by the Department of Public Works.
9. Construction plans shall be submitted for any required road, drainage, landscaping, and pedestrian improvements. Construction plans must be prepared by a Civil Engineer registered by the State of California. This requirement shall be administered by the Department of Public Works.
10. Sidewalk improvements may be deferred until such time as a building permit is pulled. Each building permit pulled will require that an ADA accessible sidewalk be constructed to connect the subject lot to the existing pedestrian network outside of the subdivision. Depending on the lot being built upon, this may include constructing sidewalk in front of numerous vacant lots within the subdivision. Sidewalk improvements must be completed prior to the "final" of the building permit. Any sidewalk damaged during construction will need to be replaced prior to the "final" of the building permit. This requirement shall be administered by the Department of Public Works.



11. Grading within the subdivision or off-site rights of way shall **not** occur prior to approval of a grading plan by the Department of Public Works. Construction of improvements or grading for this project will not be allowed to occur between October 15 and April 15 without permission of the Department from Public Works.
12. The proposed improvements may require the undergrounding or relocation of existing facilities at the expense of the applicant. Undergrounding of existing facilities, relocation of existing facilities, or construction of new facilities shall be completed prior to constructing the structural section for the roadway. If any utilities are required to be installed as a condition of the tentative map, the utility work shall be completed prior to constructing the structural section for the road. All laterals shall be extended onto each lot and marked in a manner that they will be easily located at the time of individual hookups. A letter of completion of all work from each involved utility company shall be submitted prior to constructing the roadway structural section. Any utilities that need to be relocated shall be done solely at the subdivider's expense. This requirement shall be administered by the Department of Public Works.
13. Pursuant to County Code Section 324-2(c)(4), non-county maintained roads shall be posted with a sign of at least 2 square feet in size containing substantially the following words in 2" high black letters on a yellow background: "Not a County Maintained Road" or "Not a County Maintained Street". The sign shall be approved by the Department of Public Works prior to installation. (Last paragraph for private roads).
14. 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 \$110.00 per parcel) as required by the County Assessor's Office shall be paid to the County Planning Division, 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.
15. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant after the Planning Commission and/or Board decision. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
16. Unless subdivision improvements in Attachment 1, Exhibit A, are completed or a Subdivision Agreement is entered into prior to filing of the Tentative Map, a Notice of Subdivision Improvement Requirements shall be recorded for the subdivision pursuant to Government Code Section 66411.1. The Notice shall be on forms provided by the Planning Division and all applicable recording fees shall apply.
17. The owner shall execute and cause to be recorded a "Deed Restriction and Hold Harmless Agreement" as required per Section 336-5(i) of the Humboldt County Code, the Geologic Hazards Ordinance, on forms provided by the Planning Division. A legal document review and County notary fee (currently \$135.00) shall be paid to the County, along with the applicable recordation fees.
18. Parkland dedication fees of \$2,530.76 shall be paid to the Humboldt County Planning Division, 3015 H Street, Eureka, CA. Alternately, a parkland dedication fee of \$1,265.38 may be paid, provided the applicant enters into a Conveyance and Agreement of development rights with the County of Humboldt for accessory dwelling units on Parcels 1 - 5. Release from the Conveyance and Agreement may be pursued upon payment of the \$1,265.38 parkland

dedication fee balance. A copy of the Conveyance and Agreement form with pro-rata updated dedication payments amounts for each lot calculated will be provided by the Planning Division upon the election of this option by the applicant once the Final Map is prepared and approved for recordation. These fees may be paid for by individual lot owners on a pro-rata basis at the time individual lot owners apply for a permit to construct an accessory dwelling unit. Should the applicant elect to enter into a Conveyance and Agreement, legal document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$424.00) will be required.

**Informational Notes:**

1. 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:

Assessor's Parcel No . \_\_\_\_\_. Condition \_\_\_\_\_.  
 (Specify) (Specify)

2. The project site is not located within an area where known cultural resources have been located. However, as there exists the possibility that undiscovered cultural resources might be encountered during construction activities, the following mitigation measures are required under state and federal law:

If cultural resources are encountered, all work must cease and a qualified cultural resources specialist contacted to analyze the significance of the find and formulate further mitigation (e.g., project relocation, excavation plan, protective cover).

Pursuant to California Health and Safety Code §7050.5, if human remains are encountered, all work must cease and the County Coroner contacted."

3. 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.

4. Parkland dedication fee calculations:

|   |                   |   |
|---|-------------------|---|
|   | 130.00            | 130 square feet of parkland dedication per person for new subdivisions        |
| X | <u>2.12</u>       | Persons per average household (per 2019 American Community Survey Estimates)) |
|   | 275.6             | Parkland dedication per average household in square feet                      |
| / | <u>43,560</u>     | Square feet per acre  |
|   | 0.00632691        | Parkland dedication per average household in acres                            |
| X | 2                 | Number of parcels being created by the subdivision,                           |
| X | 2                 | Number of dwellings per legal parcel or lot, including potential second units |
| X | <u>\$100,000</u>  | Value of one acre of land in the vicinity of the subdivision project          |
|   | <b>\$2,530.76</b> | <b>Parkland Dedication In-lieu Fee</b>  |