



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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<http://www.co.humboldt.ca.us/planning/>

Date: August 12, 2019

To: Humboldt County Planning Commission

From: John Ford, Director of Planning and Building Department

Subject: **Town of Scotia LLC** Final Map Subdivision and Planned Development Permit Extension
Case Number FMS-05-001XX and PDP-05-001XXXX; PLN-2019-15713
Assessor Parcel Number (APN) 205-421-012 and 205-421-013
Scotia Area

The attached staff report was prepared for your consideration of an extension request of the Town of Scotia LLC application at the public hearing on September 5, 2019.

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Please contact Michael Wheeler, Senior Planner, at (707) 268-3730 or mwheeler@co.humboldt.ca.us if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

To: Humboldt County Planning Commission

From: John Ford, Director, Planning and Building Department

Hearing Date September 5, 2019	Subject Final Map Subdivision and Planned Development Permit Extension	Contact Michael Wheeler
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Project: A fourth extension of a Planned Development Permit (PDP) and a second extension of the Final Map Subdivision, both approved on November 10, 2009. The original project included a General Plan Amendment, Zone Reclassification, Final Map Subdivision, Planned Development Permit and establishment of urban boundary line for portions of Scotia, with land uses designations of Industrial General, Agricultural General, or Timberland. The General Plan and Zone Amendments have been adopted and are currently in effect. Two phases of the approved tentative map have been recorded to date and approximately half of the town has been subdivided. This request is for a six-year extension of the remaining phase of the Final Map and for the Planned Development Permit (PDP) The PDP modifies development standards of the principal zone district and is applied over existing residentially developed areas of the town to accommodate the proposed subdivision. If approved, the extensions will expire on November 10, 2025.

Project Location: The project site is located in Humboldt County, in the Scotia area, on the west side of State Highway 101, on the property known as the community of Scotia.

Present Plan Designations: Residential Low Density (RL).

Present Zoning: Residential One-Family-Design Review (R-1/D); Residential One-Family – Design Review/Qualified (R-1/D,Q); Heavy Industrial – Qualified (MH-Q)

Assessor Parcel Numbers: (Current) 205-421-012 and 205-421-013; (Former) 205-351-031; 205-351-018, 205-351-019.

Applicant
Town of Scotia LLC
PO Box 245
Scotia CA 95565
Phone 764-4131 Fax 764-4150

Owner
same as applicant

Agent
Frank Bacik
Town of Scotia LLC

Environmental Review: Review required per the State CEQA Guidelines. An EIR has been certified.

Major Issues: None.

State Appeal Status: Project is not appealable to the California Coastal Commission.

TOWN OF SCOTIA LLC FINAL MAP SUBDIVISION AND PLANNED DEVELOPMENT PERMIT EXTENSION
Case Number FMS-05-001XX and PDP-05-001XXXX; PLN-2019-15713

Recommended Commission Action

1. Describe the application as part of the Consent Agenda;
2. Call for public testimony regarding the agenda item;
3. If no one requests discussion, take the following action:

Make all of the required findings, based on evidence in the staff report, and approve the Town of Scotia LLC project on the Consent Agenda subject to the recommended conditions.

STAFF ANALYSIS OF THE EVIDENCE SUPPORTING THE REQUIRED FINDINGS

Executive Summary: Required Findings: Government Code Section 66452.6(e) and Section 326-21 of the Humboldt County Subdivision Regulations (Extension of an Approval of a Final Map Subdivision), and Section 312-11.3 (Extension of Development Permit or Variance) of the Humboldt Zoning Regulations establishes the authority to grant time extensions for approved or conditionally approved tentative subdivision maps and development permits, including Planned Development Permits, 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: This project involves a Final Map Subdivision and Planned Development Permit for the community of Scotia. It is proposed that the Final Map approval and PDP be valid for six (6) additional years and shall vest with the recording of each recorded phase of the approved tentative map. The life of the approved tentative map for the Town of Scotia was automatically extended twice by State legislation (AB 333 and AB 116). No change to the original project is proposed.

The applicant states the conditions of the property have not changed since the original application/approval of FMS-05-001/PDP-05-001. This is the fourth extension of the PDP and the second extension of the Final Map (which was automatically extended twice by State legislation AB 333 and AB 116). It is proposed that the life of the FMS and PDP approval be valid until November 10, 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 November 10, 2009, have not changed significantly based on the following staff analysis, and are applicable to the proposed extension because:

1. The property's zoning, which was adopted as part of the original approval of GPA-05-01/ZR-05-01, and for which a conformance finding was made, has not changed.
2. The General Plan Land Use designations, which were adopted as part of the original approval of GPA-05-01/ZR-05-01, and for which a consistency finding was made, have 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. An Environmental Impact Report was completed for the Town of Scotia General Plan Amendment/Zone Reclassification/Final Map Subdivision and certified by the Board of Supervisors on November 10, 2009 (SCH #2007052042).

Referral agencies have recommended approval of the extension.

Alternatives: The Planning Commission could elect not to approve the extension. This alternative should be implemented if your Commission is unable to make all of the required findings per H.C.C. Section 312-11.3. Planning Division staff has found that the required findings can be made. Consequently, planning staff does not recommend further consideration of this alternative.

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT
Resolution Number 19-__**

**Case Number FMS-05-001XX and PDP-05-001XXXX; PLN-2019-15713
Assessor Parcel Numbers (Current) 205-421-012 and 205-421-013; (Former) 205-351-031; 205-
351-018, 205-351-019**

Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the second extension of the Final Map Subdivision and fourth extension of the Town of Scotia LLC Planned Development Permit.

WHEREAS, the Town of Scotia LLC, submitted an application and evidence in support of approving the Final Map Subdivision extension and Planned Development Permit Extension; 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 Board of Supervisors, on November 10, 2009, certified an Environmental Impact Report; and

WHEREAS, the Planning Division staff report includes evidence in support of making all of the required findings for approving this Final Map Subdivision extension and Planned Development Permit Extension request; and

WHEREAS, a public hearing was held on this matter to receive other evidence and testimony on September 5, 2019.

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

1. The Board of Supervisors did certify an Environmental Impact Report for the original project on November 10, 2009, and found that there is no substantial evidence that the proposed project will have a significant effect on the environment; and
2. The findings in H.C.C. § 312-11.3 in the Planning Division staff report support approval of Case Numbers: FMS-05-001X and PDP-05-01XXX based on the submitted evidence; and
3. The proposed Final Map Subdivision extension and Planned Development Permit Extension are approved as recommended and conditioned in the Planning Division staff report for Case Numbers: FMS-05-001XX and PDP-05-001XXXX; PLN-2019-15713.

Adopted after review and consideration of all the evidence on _____, 2019.

The motion was made by Commissioner ____ and seconded by Commissioner ____.

AYES: Commissioners:

NOES: Commissioners:

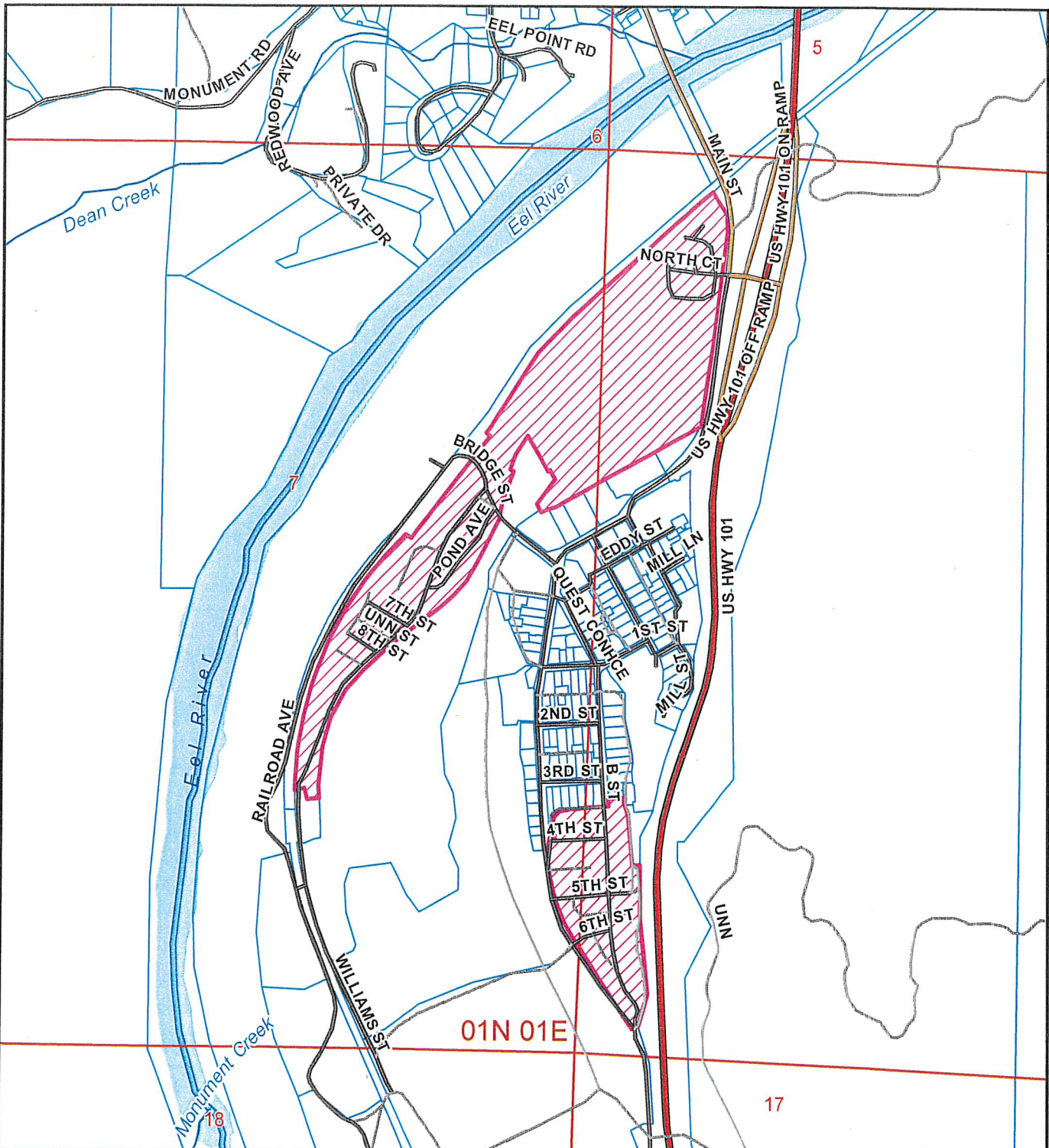
ABSTAIN: Commissioners:

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.

John H. Ford, Director
Planning and Building Department



LOCATION MAP

**PROPOSED TOWN OF SCOTIA
FINAL MAP SUBDIVISION &
PLANNED DEVELOPMENT PERMIT &
EXTENSION
SCOTIA AREA**

PLN-2019-15713


APN: 205-421-012 & 205-421-013

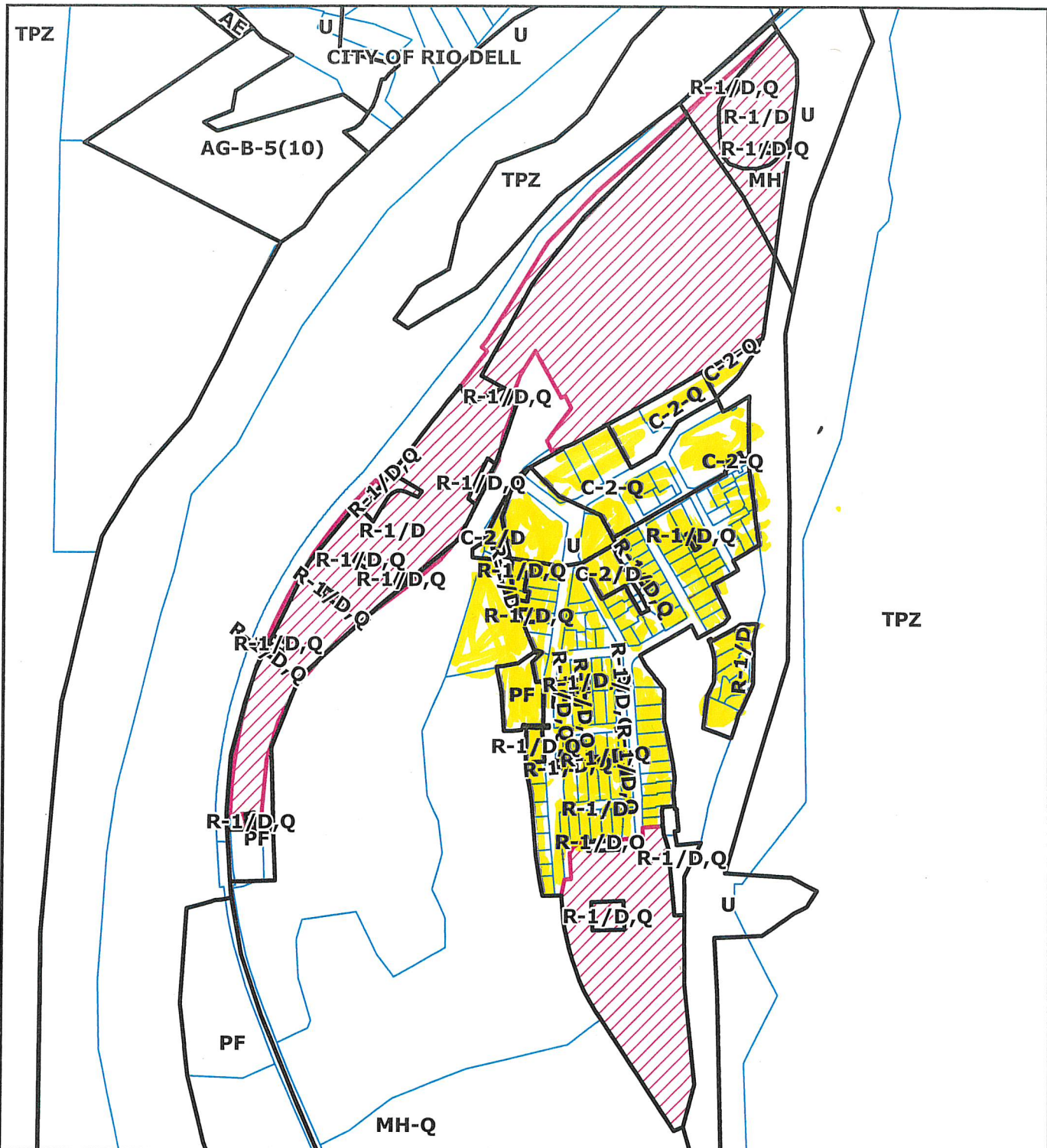
T01N R01E S07 & S08 HB&M (Scotia)


Project Area = 

This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.



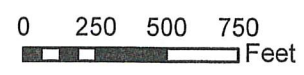
0 250 500 750 1,000
 Feet



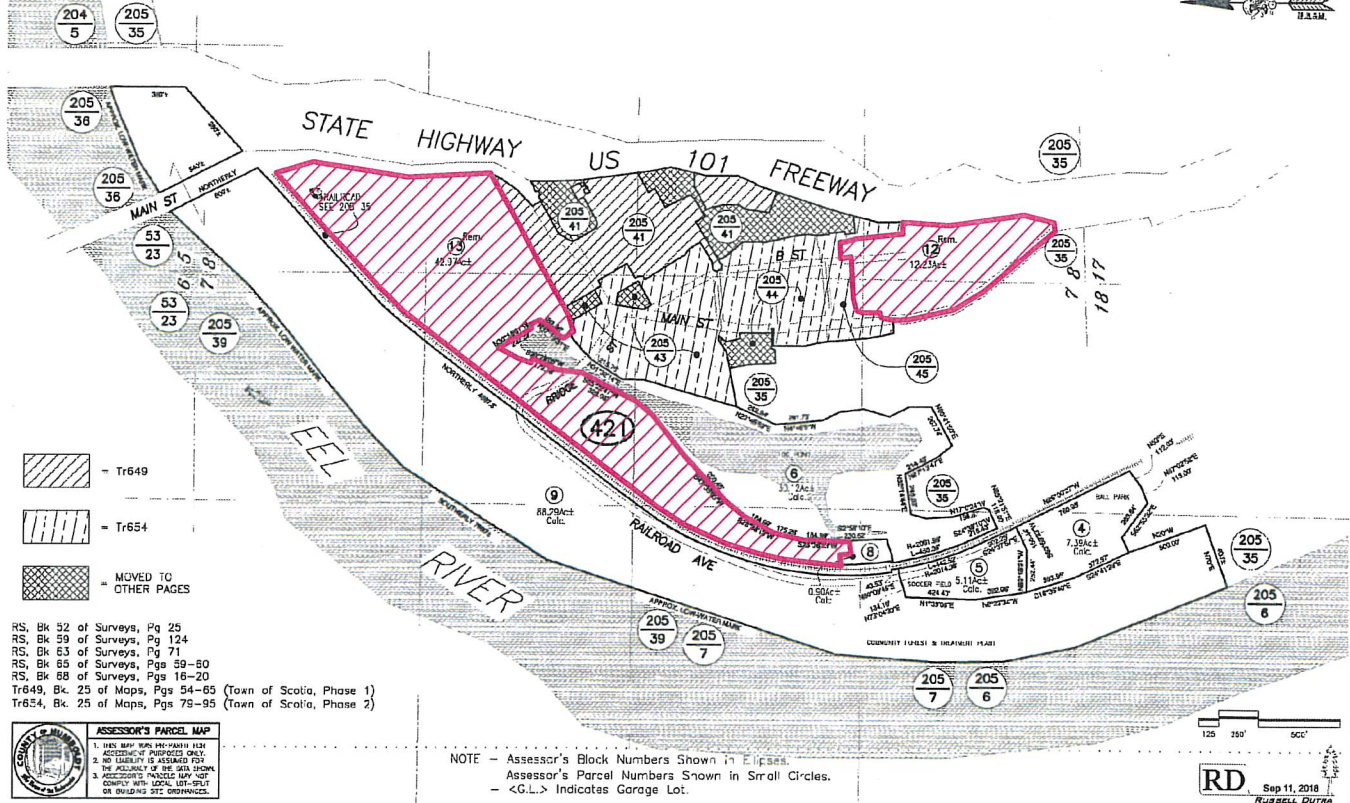
Phases 1+2 

Project Area = 

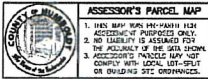
ZONING MAP
PROPOSED TOWN OF SCOTIA
FINAL MAP SUBDIVISION &
PLANNED DEVELOPMENT PERMIT &
EXTENSION
SCOTIA AREA
PLN-2019-15713
APN: 205-421-012 & 205-421-013
T01N R01E S07 & S08 HB&M (Scotia)



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RS, Bk 52 of Surveys, Pg 25
RS, Bk 59 of Surveys, Pg 124
RS, Bk 63 of Surveys, Pg 71
RS, Bk 65 of Surveys, Pgs 59-80
RS, Bk 68 of Surveys, Pgs 16-20
Tr649, Bk. 25 of Maps, Pgs 54-65 (Town of Scotia, Phase 1)
Tr654, Bk. 25 of Maps, Pgs 75-95 (Town of Scotia, Phase 2)



NOTE - Assessor's Block Numbers Shown in E. Faces.
Assessor's Parcel Numbers Shown in Small Circles.
- <G.L.> Indicates Garage Lot.

RD Sep 11, 2018
RUSS BELL, DUTRA

ASSESSOR PARCEL MAP
PROPOSED TOWN OF SCOTIA
FINAL MAP SUBDIVISION &
PLANNED DEVELOPMENT PERMIT &
EXTENSION
SCOTIA AREA
PLN-2019-15713
APN: 205-421-012 & 205-421-013
T01N R01E S07 & S08 HB&M (Scotia)

Project Area =

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MAP NOT TO SCALE



AERIAL MAP

**PROPOSED TOWN OF SCOTIA
FINAL MAP SUBDIVISION &
PLANNED DEVELOPMENT PERMIT &
EXTENSION**

SCOTIA AREA

PLN-2019-15713

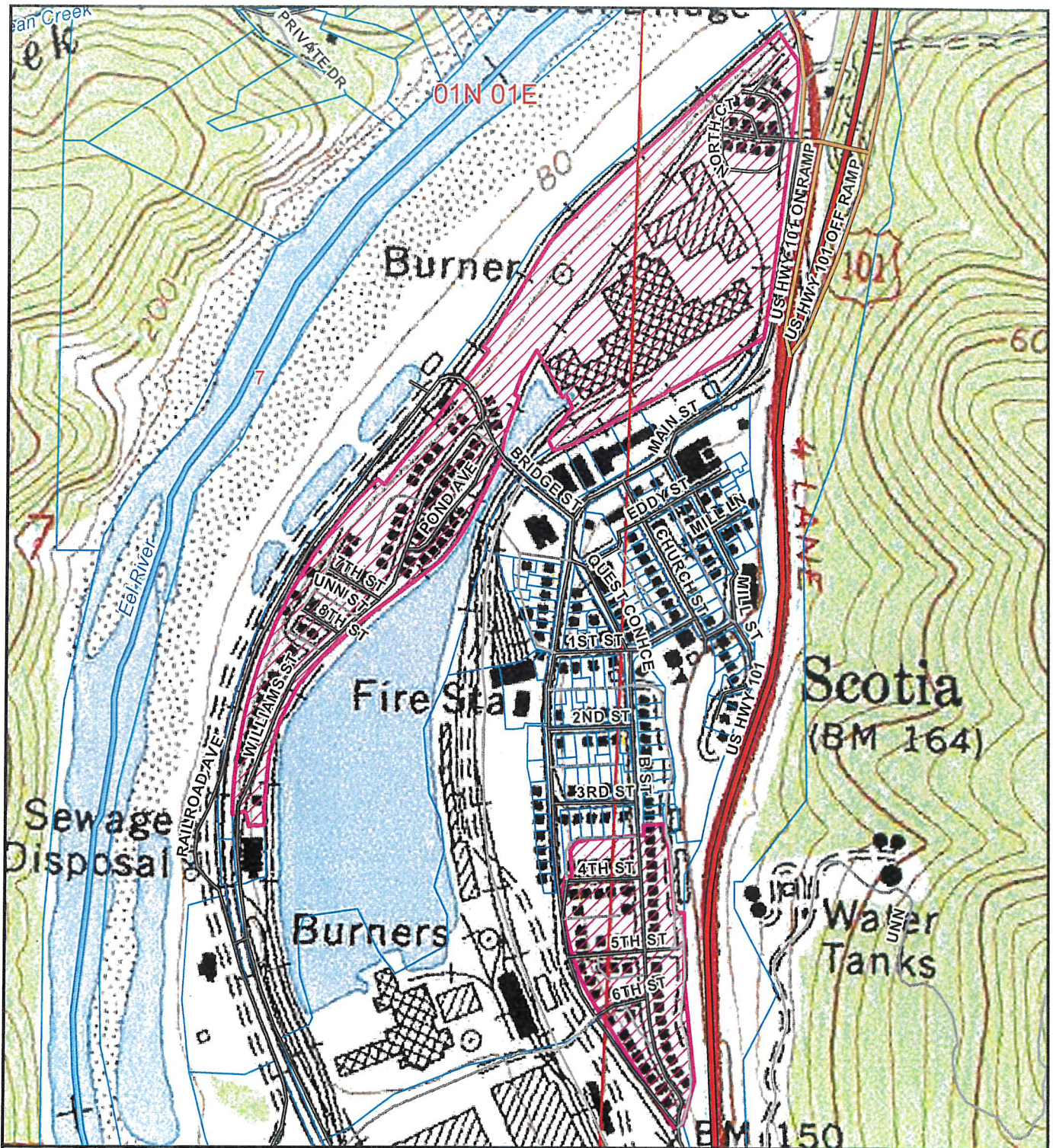
APN: 205-421-012 & 205-421-013

T01N R01E S07 & S08 HB&M (Scotia)

Project Area = 

This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.





TOPO MAP

**PROPOSED TOWN OF SCOTIA
FINAL MAP SUBDIVISION &
PLANNED DEVELOPMENT PERMIT &
EXTENSION
SCOTIA AREA**

PLN-2019-15713

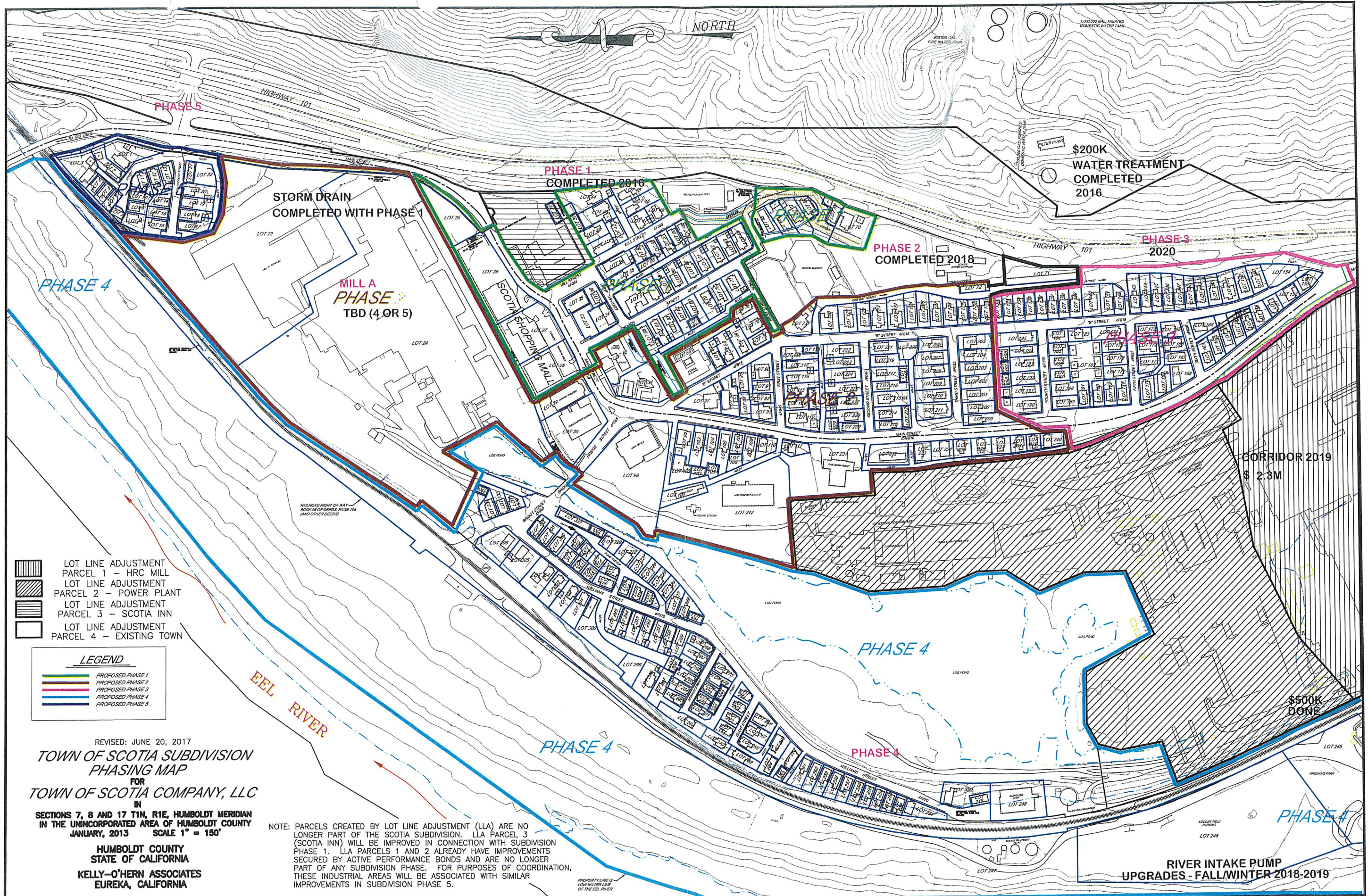
APN: 205-421-012 & 205-421-013

T01N R01E S07 & S08 HB&M (Scotia)

Project Area = 

This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.





- LOT LINE ADJUSTMENT PARCEL 1 - HRC MILL
- LOT LINE ADJUSTMENT PARCEL 2 - POWER PLANT
- LOT LINE ADJUSTMENT PARCEL 3 - SCOTIA INN
- LOT LINE ADJUSTMENT PARCEL 4 - EXISTING TOWN

LEGEND

- PROPOSED PHASE 1
- PROPOSED PHASE 2
- PROPOSED PHASE 3
- PROPOSED PHASE 4
- PROPOSED PHASE 5

REVISED: JUNE 20, 2017
TOWN OF SCOTIA SUBDIVISION PHASING MAP
 FOR
TOWN OF SCOTIA COMPANY, LLC
 IN
 SECTIONS 7, 8 AND 17 T1N, R1E, HUMBOLDT MERIDIAN
 IN THE UNINCORPORATED AREA OF HUMBOLDT COUNTY
 JANUARY, 2013 SCALE 1" = 150'
 HUMBOLDT COUNTY
 STATE OF CALIFORNIA
 KELLY-O'HERN ASSOCIATES
 EUREKA, CALIFORNIA

NOTE: PARCELS CREATED BY LOT LINE ADJUSTMENT (LLA) ARE NO LONGER PART OF THE SCOTIA SUBDIVISION. LLA PARCEL 3 (SCOTIA INN) WILL BE IMPROVED IN CONNECTION WITH SUBDIVISION PHASE 1. LLA PARCELS 1 AND 2 ALREADY HAVE IMPROVEMENTS SECURED BY ACTIVE PERFORMANCE BONDS AND ARE NO LONGER PART OF ANY SUBDIVISION PHASE. FOR PURPOSES OF COORDINATION, THESE INDUSTRIAL AREAS WILL BE ASSOCIATED WITH SIMILAR IMPROVEMENTS IN SUBDIVISION PHASE 5.

ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

1. The conditions of approval effective November 10, 2009, shall remain in full force and effect and are not affected by this extension.

Note: The original staff report and supporting documentation are on file with the planning division and available for public inspection.

ATTACHMENT 2

Original Conditions of Approval

Original Conditions of Approval for the FMS and PDP

ATTACHMENT 1B RECOMMENDED CONDITIONS OF APPROVAL FOR FINAL MAP SUBDIVISION

APPROVAL OF THE TENTATIVE MAP IS CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS THAT MUST BE SATISFIED BEFORE THE FINAL MAP MAY BE RECORDED.

1. 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.
2. The conditions on the Department of Public Works referral, herein as Exhibit A of Attachment 1B, 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.
3. The Planning Division requires that two (2) copies of the Final Map, identifying both net and gross lot areas, be submitted for review and approval.
4. Prior to recordation of the Final Map, the applicant shall document that a Community Services District or other public entity has been established for management of water and sewer utilities. This requirement shall be administered by the Department of Public Works.
5. 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.
6. The applicant shall submit at least three (3) copies of a Development Plan to the Planning Division for review and approval. The map shall be drawn to scale and give detailed specifications as to the development and improvement of the site, and shall applicable requirements of the Public Works Memorandum dated October 3, 2007, included herein as Exhibit A of Attachment 1B, and the following site development details:
 - A. Mapping
 - (1) Topography of the land in 2-foot contours.
 - (2) Development standards for parcels: building "envelopes" (dwelling site locations with applicable yard setbacks, maximum lot coverage, maximum building height) as modified by the Planned Development Permit.
 - (3) Proposed improvements including streets, sidewalks, driveways, drainage facilities, community services corridors, access easements, recreational trails, and emergency access and vehicle turn-around, as applicable.
 - (4) Location of waterline, sewer and drainage easements in favor of the Community Services District or the County of Humboldt.
 - (5) Street lighting.
 - (6) Location of hydrants.
 - (7) Urban Limit Line.
 - (8) Open Space and Conservation Recreation Areas.
 - (9) Streamside Management Areas.
 - (10) Location of all on-street and off-street existing parking. Individual identification of each garage parking space assigned to specific parcels and to which parcels they are assigned.
 - (11) Common opens space and facilities.

B. Notation

- (1) "The site of the residential subdivision is not located within an area where known cultural resources have been located. However, as there exists the possibility that undiscovered cultural resources may 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 Section 7050.5, if human remains are encountered, all work must cease and the County Coroner contacted.

The applicant and successors in interest are ultimately responsible for ensuring compliance with this condition.

- (2) "Hours of construction activity shall be limited to Monday through Friday from 8:00 am to 6:00 pm, Saturday from 9:00 am to 5:00 pm with no construction activity on Sunday."

- (3) "Utilities associated with the subdivision shall be placed underground, where feasible."

- (4) "Water and sewer connection fees are due and payable to the community services district upon a request for services."

- (5) "State and local subdivision requirements require that, to the greatest extent feasible, adequate solar access is provided to new building sites. Specifically, sunlight must reach at least 80% of the south-facing wall of a primary building between the hours of 10:00 am and 2:00 pm on December 21st. To accomplish this for new construction a site-specific solar access study must demonstrate conformance with the above standard. An exception to solar access provisions has been approved for existing structures, however, new construction must meet the standard."

- (6) "New development must demonstrate conformance with off-street parking standards. Existing residential development must maintain parking as identified in Draft EIR Appendix B Development Plan."

- (7) "Planned Unit Development standards for lots with existing residences and garage structures shall be followed and are found in the Draft EIR Appendix B Development Plan,"

- (8) "Prior to issuance of Building Permits for expansion, modification or demolition of existing structures, the design of the future buildings or remodeling of existing buildings on the proposed parcels must be reviewed Scotia Design Review Committee and approved by the Planning Director for conformance with the design guidelines specified in the Planned Unit Development Regulations (Section 314-31.1 et seq.) and the Design Review combining zone (for historic preservation)."

7. The applicant shall cause to be recorded a "Notice of Development Plan and Geological Report" on forms provided by the Humboldt County Planning Division. 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 \$176.00 plus applicable recordation fees) will be required. The Development Plan shall also be noticed on the Final Map.
8. 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 \$92.00 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.

9. A review fee for Conformance with Conditions as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$95.00) shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka. This fee is a deposit, and if actual review costs exceed this amount, additional fees will be billed at the County's current burdened hourly rate. Please see Informational Note 1 below for suggestions to minimize the cost for this review.
10. Applicant shall comply with the mitigation measures discussed in the Mitigation and Monitoring Report Form.
11. Conditions of approval require the formation of a Community Service District and/or homeowners association or other suitable entity to manage open space shown on the development plan.
12. The applicant shall have met the conditions of approval of the zone reclassification.
13. Proposed tentative map street names shall be found acceptable to the satisfaction of the Department of Community Development Services. The applicant shall apply for tentative map street name review (\$58).
14. The applicant shall convey further residential development rights on the multi-car garage lots.
15. The applicant shall initiate action on a "Conveyance and Agreement" on forms provided by Humboldt County Community Development Services (Planning Division). Please contact the Planning Division regarding the preparation and scheduling of the necessary agreement. Document review fees 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) Under state planning and zoning law (CGC §66000 *et seq.*), a development project applicant who believes that a fee or other exaction imposed as a condition of project approval is excessive or inappropriately assessed may, within 90 days of the applicable date of the project's approval, file a written statement with the local agency stating the factual basis of their payment dispute. The applicant may then, within 180 days of the effective date of the fee's imposition, file an action against the local agency to set aside or adjust the challenged fee or exaction.
- (3) *Site preparation and grading work for subdivision improvements will require a Grading Plan from the Land Use Division of Public Works. Please contact the Land Use Division at 445-7205 for more information concerning permit requirements and processing.*

**ATTACHMENT 1C
RECOMMENDED CONDITIONS OF APPROVAL FOR PDP**

APPROVAL OF THE PLANNED DEVELOPMENT PERMIT IS CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS WHICH MUST BE SECURED BEFORE A BUILDING PERMIT MAY BE ISSUED:

Conditions of Approval:

1. Prior to issuance of Building Permits for any detached single family dwelling, the applicant shall record the Final Map for the subdivision. The Building Permit site plan for any single- or multiple-family structure shall conform to the approved tentative map.
2. The project shall be constructed, operated, regulated and maintained consistent with the Project Description, approved Site Plan and Conditions of Approval. Other than minor deviations to the plot plan as permitted by Section 312-11.1, all changes shall require modification of this Planned Development Permit.
3. The project shall adhere to the requirements of the approved Development Plan for Case Nos.: **GPA-05-01/ZR-05-01/FMS-05-01/PDP-05-01** (see Attachment 1B).
4. On site signs, if any, shall conform to Humboldt County Code (H.C.C. 314-87.2 (Signs and Name Plates), except a single monument sign not exceeding 15 square feet identifying the planned development may be developed. To ensure adequate sight visibility, the applicant is advised to confer with the Department of Public Works Land Use Division prior to the placement of any free-standing signs near intersections and at all other road access points.
5. All new and existing outdoor lighting, including sign illumination, shall be compatible with the existing setting and directed within the property boundaries, and shall produce no glare on adjacent properties or rights-of-way.