

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

Resolution Number 24-

**MINOR SUBDIVISION AND COASTAL DEVELOPMENT PERMIT
PROJECT NUMBER PLN-2023-18184
ASSESSOR PARCEL NUMBER 302-091-010**

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

WHEREAS, the owner submitted an application and evidence in support of approving a Minor Subdivision and Coastal Development Permit; 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, the lead Department pursuant to Section 202 of Resolution No. 77-29 of the Humboldt County Board of Supervisors, has determined that impacts of the project were analyzed and addressed during preparation of Environmental Impact Reports (EIR) for the 2017 Humboldt County General Plan (SCH#2007012089), in keeping with the criteria outlined within section 15183 of the Guidelines; and

WHEREAS, Attachment 2 in the Planning Division staff report includes evidence in support of making all of the required findings for approving the Tentative Map subdivision (Case Number PLN-2023-18184); and

WHEREAS, a public hearing was held on the matter before the Humboldt County Planning Commission on May 2, 2024.

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

PROJECT DESCRIPTION

1. **FINDING:** A Minor Subdivision of a 0.95 acre parcel into two parcels of approximately 11,5451 square feet (Parcel 1) and 29,816 square feet (Parcel 2). The parcel is currently developed with a single-family residence and shed that will remain on proposed Parcel 1. Parcel 2 will be vacant and suitable for residential development. Access to Parcel 2 will be via an existing driveway on the east side of the parcel. The parcel is served with community water and sewer provided by the Humboldt Community Services District. The parcel is located within the Coastal Zone, therefore, a Coastal Development Permit (CDP) is also required.

EVIDENCE: a) Project File: PLN-2023-18184

CEQA

2. **FINDING:** **CEQA.** The requirements of the California Environmental Quality Act have been met. The Humboldt County Planning Commission has determined the project is not subject to further environmental review pursuant to 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 acknowledges CEQA's mandate that projects not be subject to 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, noting that subsequent environmental review is only necessary where the Lead Agency determines any of the following circumstances apply:

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.

The residential density specified in the Eureka Community Plan was utilized for analysis conducted during development of the Environmental Impact Report prepared for the current Humboldt County General Plan, which includes all of the required elements

specified in Section 65302 of the Government Code. The EIR for the General Plan was certified during adoption of the plan in 2017.

- b) There are no environmental effects that are peculiar to the project or the parcel on which the project is located. The parcel being divided was previously host to residential development, adjacent lands in the vicinity are similarly planned and zoned and are also developed and sized consistent with the applicable planned density and minimum lot size.
- c) Potential Impacts such as those common to the project were analyzed and addressed during preparation of the Programmatic Environmental Impact Report (SCH #2007012089) certified during adoption of the 2017 General Plan.
- d) There are no potentially significant environmental effects which were not analyzed in the 2017 General Plan EIR. The proposed subdivision would enable future build-out to the currently planned density for the area, which was confirmed during adoption of the 2017 General Plan. The project is also consistent with the applicable policies and standards of the General Plan, which are further discussed below.
- e) There are no potentially significant off-site impacts and cumulative impacts which were not discussed in the above referenced EIR (SCH #2007012089). The proposed subdivision will facilitate build-out consistent with planned densities and applicable policies and standards found in the most recently adopted General Plan.
- f) 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.
- g) There is no substantial evidence, given the whole record before the agency, that the project may have a significant effect on the environment as conditioned.
- h) The project site is not located within a scenic vista area and will not impact visual resources within the County. The parcel is currently vacant. The proposed minor subdivision will create one new parcel 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.
- i) To date no cultural resources have been documented on the project site or its vicinity. The “Inadvertent Archaeological Discovery Protocol” condition has been placed on the project, as requested by Tribal agencies. Project referrals were sent to both the Northwest Information Center and the Tribal Historic Preservation Officers

(THPO's) for the Wiyot Tribe, Blue Lake Rancheria, and Bear River Band of the Rohnerville Rancheria. Per referral comments recommended conditions include adherence to standard protocols for handling inadvertent discovery of cultural resources encountered during future ground disturbance.

- j) 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. The Samoa Airport is the closest airport and is located approximately 2 miles northwest of the project site.
- k) The parcel and neighboring lands are all served by Humboldt #1 Protection District for structural fire protection. 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.
- l) The project will not violate any water quality standards or waste discharge requirements or substantially degrade surface or groundwater quality or degrade groundwater supplies. Residential development located on the parcel being created will receive water and sewer service provided by the Humboldt Community Services District independent of the existing development.
- m) The applicant will also be required to submit a complete hydraulic report and drainage plan, as well as comply with requirements to prevent control and reduce stormwater pollutants. The project has been conditioned to adhere to all recommendations found in the Public Works referral response dated May 19, 2023.
- n) 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 and will not result in vehicle miles traveled beyond that anticipated.
- o) The project is consistent with the development density of 1-7 units per acre of the Residential Low Density (RL) land use designation established during adoption of the Eureka Community Plan (ECP)

and upheld in 2017 following adoption of the General Plan update (GPU). The establishment and future development of one 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 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)

3. **FINDING:** All lots shall be suitable for their intended uses.
EVIDENCE: a) The project will result in a total of two (2) parcels. Both parcels will be over minimum required 5,000 square feet in size.
4. **FINDING:** Improvements shall be required for the safe and orderly movement of people and vehicles.
EVIDENCE: a) Both proposed parcels will utilize twenty feet of frontage on Herrick Avenue, a County maintained road.
b) The Recommended Conditions of Approval prepared by the Land Use Division of Public Works include retrofitting the existing driveway, providing an access easement over the flag lot to parcel 2 for the benefit of parcel 1, and additional requirements for improvements and to address potential drainage issues.
c) The development timing provisions of the Recommended Conditions require that all of the frontage improvements be completed prior to issuance of the first building permit for residential development. This will help ensure that the roads are sufficiently designed and improved prior to new residential development occurring.
5. **FINDING** Flood control and drainage facilities affording positive storm water disposal shall be designed and provided by the subdivider.
EVIDENCE: a) Section 3.0 of the Public Works Conditions of Approval Memo informs the applicant of their responsibility to correct any drainage problems associated with subdivision to the satisfaction of DPW and requires that a hydraulic report and drainage plan be prepared by a

California-licensed Civil Engineer for the subdivision and be submitted to DPW for review and approval.

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

EVIDENCE: a) Any future residential development located on the parcel being created will receive water service provided by the Humboldt Community Services District. Requirements are clarified in a letter from HCSD dated May 17, 2023.

b) The project was referred to the Division of Environmental Health who recommended approval of the project.

7. **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: a) The size and configuration of the proposed parcels complies with width requirements of the RS-5 zone.

b) Both resulting parcels will be greater than the required minimum parcel size of 5,000 square feet.

8. **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 not located in a State Responsibility Area for Fire Protection and is located in an area with no mapped fire hazard severity and is within the boundaries of Humboldt #1 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.

COMMUNITY PLAN FINDINGS – HUMBOLDT BAY AREA PLAN

9. **FINDING:** The proposed development is consistent with the Humboldt Bay Area Plan (HBAP).

- EVIDENCE:**
- a) The subject property is outside any mapped flood zones or tsunami hazard areas.
 - b) The subject property is outside any mapped earthquake faults or fault hazard zones.
 - c) The proposed project has been referred to Bear River Band of the Rohnerville Rancheria, Blue Lake Rancheria, the Wiyot Tribe, and the Northwest Information Center. Referral responses recommended implementation of inadvertent discovery protocol.
 - d) The property is within an area mapped as having an occurrence of marsh pea. Per the CNDDDB the mapping is a best guess around marsh areas north of Elk River Slough. There are no mapped wetlands on the property. The project will result in two parcels, with measures included to prohibit development in riparian areas and vegetation per referral comments from California Department of Fish and Wildlife.
 - e) The parcel is outside wetland setbacks.
 - f) The parcel is within a Wetland Buffer Area, and the development plan associated with the subdivision has been required to note any future development is required to comply with Section 3.30 B 6 f of the Humboldt Bay Area Plan of the Humboldt County Local Coastal Program.
 - g) There are no designated scenic views or scenic areas mapped on the subject parcel.
 - h) The proposed project has been referred to the Department of Public Works, the Division of Environmental Health, and the Humboldt Community Services District, all of whom recommended approval or conditional approval of the subdivision. Recommendations from these agencies have been included in the Conditions of Approval.
 - i) The proposed development does not constitute a conversion from agricultural or timber production and does not reduce viability of agricultural or timber production lands outside the Urban Limit Line as identified in the Humboldt Bay Area Plan.

FINDINGS APPLICABLE TO ALL PERMITS

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

- EVIDENCE:**
- a) The property is planned and zoned for residential development at a density of one unit per 5,000 square feet.
 - b) The proposed subdivision would result in the creation of one new parcel.
 - c) The newly created parcel contains sufficient area outside the setback to the break in slope to accommodate future residential development outside of any potential sensitive wetland or riparian zones.
 - d) A Condition of Approval is included requiring that a Detailed Development Plan map be prepared and submitted for review and approval by the Planning and Building Department. This plan will be kept on file with the Department. The Conditions of Approval also require that a Notice of Development Plan be filed with the Recorder's Office to alert future owners of the presence of the Development Plan and its potential bearing on future development of the parcels.

11. **FINDING:** The proposed development is consistent with the purposes of the existing zone in which the site is located.

- EVIDENCE:**
- a) The project will result in a total of two parcels able to facilitate future residential development.

12. **FINDING:** The proposed development conforms with all applicable standards and requirements of the zoning regulations.

- EVIDENCE:**
- a) All parcels being created by the proposed subdivision are of sufficient size to accommodate essential infrastructure, parking areas, and residential development while meeting the minimum required setbacks from property lines, rights of way, and riparian areas, including setbacks for defensible space.

13. **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) The property is planned and zoned for residential use.
 - b) The parcel being divided is in proximity to existing residential development of a similar density.
 - c) Conditions of approval are included requiring dedication and improvement of the access road.
 - d) A Development Plan will be created identifying the no building or vegetation removal area on the parcel which will serve as notice to future development of the resulting parcels.

14. **FINDING:** The proposed project does not reduce the residential density for the parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.

EVIDENCE: a) The property being divided was not targeted for residential development in the current Housing Inventory and therefore has no targeted density for development. The proposed subdivision would result in the creation of one new parcel with the potential for residential development.

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 Minor Subdivision and Coastal Development Permit (Record Number: PLN-2023-18184) based on the application materials on file for the project received May 2, 2023, and subject to the recommended conditions of approval.

Adopted after review and consideration of all the evidence on **May 2, 2024**.

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