

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

Resolution Number 25-

**PARCEL MAP SUBDIVISION, COASTAL DEVELOPMENT PERMIT AND SPECIAL PERMIT
PROJECT NUMBER PLN-2024-19119
ASSESSOR PARCEL NUMBER 508-121-055**

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

WHEREAS, the owner submitted an application and evidence in support of approving a Parcel Map Subdivision, Coastal Development Permit and Special 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 CEQA 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 Parcel Map Subdivision, Coastal Development Permit and Special Permit (Case Number PLN-2024-19119); and

WHEREAS, a public hearing was held on the matter before the Humboldt County Planning Commission on April 3, 2025

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

PROJECT DESCRIPTION

1. FINDING:

A Parcel Map Subdivision to divide an approximately 49,000 square foot parcel into two parcels of approximately 35,960 square feet (Parcel 1) and 13,300 square feet (Parcel 2). Pursuant to Section 313-99.1.1.2 of Humboldt County Code, a Special Permit (SP) is required to utilize Lot Size Modification to allow one parcel to be less than the required 20,000 square foot minimum parcel size. The parcel is currently developed with a single-family residence that will remain on proposed Parcel 1 and a detached Accessory Dwelling Unit that will remain on proposed Parcel 2. The parcel is currently served with community water and sewer provided by the McKinleyville Community Services District. The parcel is within the Coastal Zone, therefore a Coastal Development Permit (CDP) is required.

EVIDENCE: a) Project File: PLN-2024-19119

CALIFORNIA ENVIRONMENTAL QUALITY ACT

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 McKinleyville Area Plan (McKAP) 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. The development pattern and design included in the concept provided by the applicant has been found to be acceptable by the Land Use Division of Public Works and Planning Division.
- 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 proposed minor subdivision will create one new parcel to accommodate an existing residential unit consistent with the assortment of uses and structures on surrounding parcels. The project will result in a less than significant impact on 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 Laker 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 located in Airport Review Area 2, the area in which airspace protection and overflight notification policies are applicable. The California Redwood Coast-Humboldt County Airport serves as the closest airport, located approximately 2.5 miles northwest of the project site. There are no safety concerns associated with the airport, however overflight notification policies shall be recorded on the development plan as well as submitted on a Recorded Deed Notice, as conditioned in Attachment 1A.
- k) The subject parcel is located within a Local Responsibility Area for fire protection and is served by the Arcata Fire Protection District, who provides structural fire protection as well as responding to medical emergencies. 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. Water and sewer services are provided to the existing residence (Parcel 1) and ADU (Parcel 2) via McKinleyville Community Services District.

A hydraulic report and drainage plan are required to be prepared by a Civil Engineer registered within the State of California and will be submitted to the Land Use Division of Public Works (PW) for review and approval prior to commencement of the project. The project will be required to detain stormwater such that no additional water will leave the site at a rate greater than the pre-development 2-year (Q2) storm flows. Lastly, because the site is located in an urban MS4 stormwater area, future development will be required to incorporate measures to further enhance and detain stormwater runoff.

The project has been conditioned to adhere to all recommendations found in the Public Works referral response dated February 13, 2025 (Attachment 1C).

- m) The project will not conflict with any adopted program, ordinance, or policy addressing transportation systems within the County or result in inadequate emergency access and there is no evidence that the proposed subdivision 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.
- n) The project is consistent with the development density of 0-2 units per acre of the Residential Estates (RE) land use designation established during adoption of the McKAP 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) using 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.

- o) The California Natural Diversity Database indicates that the parcel is within the territory of the western snowy plover but given the developed nature of the parcel and distance from the beach, there is little concern for impacts. There are no wetlands or coastal natural resources on the project site as depicted on the County's natural resources GIS database, nor any natural features of concern or that might be at risk. California Department of Fish and Wildlife (CDFW) was sent a referral for the proposed project and no response was received.

LEGAL LOT REQUIREMENT – SECTION 312-1.1.2

3. FINDING: The lot was created in compliance with all applicable state and local subdivision regulations.

EVIDENCE: a) The subject parcel has been determined to be one legal parcel as shown on Recorded Map in Book 508 of Maps page 12.

SUBDIVISION FINDINGS - (Section 66474 of the State Subdivision Map Act and Title III Division 2 of the Humboldt County Code)

4. FINDING: All lots are suitable for their intended uses.

EVIDENCE: a) The project will result in a total of two (2) parcels. Parcel 1 will be 35,960 sq. ft., larger than the minimum requirement of 20,000 sq. ft. but a Special Permit is required as Parcel 2 will be 13,300 sq. ft., below the minimum requirement. Per Section 313-99.1.1.2, minimum lot size may be modified down to a minimum of 50% of the required lot size. A Special Permit will place the subdivision and resultant Parcel 2 in conformance with zoning regulations.

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

EVIDENCE: a) Both proposed parcels will utilize frontage on Fischer Avenue, a County maintained road. The Draft Conditions provided by the Land Use Division of Public Works include a request that

easements for public road, sidewalk, slope maintenance, and public utility purposes be granted as part of the filing of the map. The project has been conditioned to adhere to all recommendations found in the Public Works referral response dated February 13, 2025, found in Attachment 1A.

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

EVIDENCE: a) Satisfaction of the requirements found in the 2/13/2025 memo from the Land Use Division of Public Works (PW) is required by the project Conditions of Approval. PW requires that a hydraulic report and drainage plan for the subdivision be submitted to PW for review and approval and requires the applicant to correct any drainage problems associated with subdivision to the satisfaction of PW. Additionally, the project will be required to detain stormwater such that no additional water will leave the site at a rate greater than the pre-development 2-year (Q2) storm flows. This will likely be achieved by the construction of retention or detention facilities. Lastly, because the site is located in an urban MS4 stormwater area, future development will be required to incorporate measures to further enhance and detain stormwater runoff.

7. FINDING: Sewer and water systems are constructed to appropriate standards.

EVIDENCE: a) The residential unit on Parcel 1 and ADU on resultant Parcel 2 already receive water and sewer service provided by the McKinleyville Community Services District.

8. FINDING: The size and shape of lots are 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-20-M zone.

b) The project will result in a total of two (2) parcels. Parcel 1 will be 35,960 sq. ft., larger than the minimum requirement of 20,000 sq. ft., but a Special Permit is required as Parcel 2 will be 13,300 sq. ft., below the minimum requirement. Per Section 313-99.1.1.2, minimum lot size may be modified down to a minimum of 50% of the required lot size. A Special Permit will place the subdivision

and resultant Parcel 2 in conformance with zoning regulations.

COMMUNITY PLAN FINDINGS – MCKINLEYVILLE AREA PLAN

9. FINDING: The proposed development is consistent with the McKinleyville Area Plan

EVIDENCE: a) §3.21 Urban Limit - The proposed project will create two parcels within the urban limit and will allow for development at a density of 0-2 units per acre and will not have significant effects on coastal resources. McKinleyville Community Services District provides community water and sewer, and Fischer Road is County maintained and is sufficient to support the existing dwellings.

Sidewalks, curbs and gutters... as conditioned in Attachment 1A.

b) §3.24 Recreational and Visitor Serving Uses – Parkland Dedication: Within areas planned for residential development, new subdivisions containing less than fifty (50) parcels shall provide an in-lieu fee at a level determined by the County to be sufficient to provide an appropriate contribution to public parks or recreation and at a level that is economically feasible for small projects. The fee is calculated below, and payment is conditioned in Attachment 1A.

130	Sq. ft. of dedication per person for new subdivision
X 2.578	Avg. persons in McKinleyville household (2020 Census)
= 335.14	Sq. ft. of parkland dedication per average household
/ 43,560	Sq. ft. per acre
= .0077	Acres of parkland dedication per average household
X 2	Number of new units created by the subdivision
X100% (1)	Percentage of parcels in McKinleyville Area Plan
= .0154	Acres of parkland for subdivision
X\$160,000	Value of 1 acre of land in vicinity of subdivision
= \$2,462.86	In-lieu fee for the Fischer minor subdivision

c) §3.25 Housing - The proposed project is a Parcel Map Subdivision and will create an additional parcel with existing housing that was

developed in conformity with the goals, policies, standards, and programs of the County Housing Element.

- d) §3.28 Hazards - The subject parcel is located in an area of relative stability, site is not located within an Alquist-Priolo Fault Hazard Zone, nor is it within an area of potential liquefaction.

The project site is not located in a tsunami hazard zone and does not reside within an area susceptible to coastal inundation related to sea level rise (1 meter).

The parcel is not located within a FEMA 100-year Flood Zone.

The subject parcel is located within a Local Responsibility Area for fire protection and is served by the Arcata Fire Protection District, who provides structural fire protection as well as responding to medical emergencies.

- e) §3.29 Archaeological and Paleontological Resources - The project was referred to NWIC, the Wiyot Tribe, Bear River Band of the Rohnerville Rancheria and the Blue Lake Rancheria. There were no concerns with the project details, however, inadvertent archaeological discovery protocols were requested to be in place for any ground-disturbing activities that may take place.

- f) §3.40 Resource Protection - There are no wetlands or coastal natural resources on the project site as depicted on the County's natural resources GIS database, nor any natural features of concern or that might be at risk. The parcel is within the range of the snowy plover but given the developed nature of the parcel and distance from the beach, there is little concern. California Department of Fish and Wildlife (CDFW) was sent a referral for the proposed project, but no response was received.

- g) §3.42 Visual Resource Protection - The proposed project is not within a Coastal Zone Scenic View Area, nor within a Coastal Zone Scenic Area, as depicted on the County's GIS database. The project conforms to all setbacks and building height requirements. The project is located across the street (Fischer Road) from the Hammond Coastal Trail but will have no direct impact.

- h) §3.50 Access - The proposed project will not interfere with right of access to the sea, as there are no coastal access points on the subject parcel.

- i) §5.20 Urban Plan Designations - The proposed project conforms with the Residential Estates designation which allows for the development of detached single-family residences with a gross density of 0-2 units per acre.

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 0-2 units per acre and is consistent with the Residential Estates (RE) land use designation.

b) The proposed subdivision would result in the creation of one new parcel which contains sufficient area outside the setbacks for residential development and outside of any potential sensitive wetland or riparian zones. The existing ADU will become the primary residence on Parcel 2 and is in conformance with the General Plan.

11. FINDING: The proposed development is consistent with the purposes of the existing zone (RS-20-M) and combining zone overlays in which the site is located and conforms with all applicable standards and requirements of the zoning regulations.

EVIDENCE: a) Residential Single-Family is a principally permitted use within the RS-20 zone; The proposed project meets the density requirements of one unit per lawfully created lot; All buildings on the existing property (Parcel 1) are compliant with setbacks and the proposed subdivision will establish a suitable property (Parcel B) and residential unit that complies with all required setbacks; The proposed project would not increase ground coverage exceeding the maximum coverage allowed on the lot.

b) "M" combining zone provides for manufactured homes as a permitted building type – a manufactured home is not proposed as part of this project.

12. FINDING: The proposed parcel map subdivision of an approximately 49,000 sq. ft. parcel into two parcels of approximately 35,960 sq. ft. (Parcel 1) and 13,300 sq. ft. (Parcel 2) 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 is currently developed with an existing single-family residence (SFR) and an accessory dwelling unit (ADU). The SFR will remain on Parcel A, with the ADU to become the primary residence on Parcel B. The proposed subdivision will be consistent with the surrounding parcels (primarily residential estates, RE, with RS-20-M zoning).
 - c) The project has been conditioned to adhere to all recommendations found in the Public Works referral response dated February 13, 2025. Other reviewing referral agencies have approved, conditionally approved or not responded to the proposed development, with conditions listed in Attachment 1A. There is no evidence that the project will be detrimental to public health, safety or welfare.

13. 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.
 - b) The project is proposing a subdivision which will establish a new residential parcel, with the existing residence remaining unchanged. The resultant subdivision will create a net benefit to the local housing stock.

14. FINDING: The proposed exception request to the Public Works memo dated 2/13/2025, requiring a landscaping stripe as part of the conditions for approval, is an appropriate modification to said conditions.

- EVIDENCE:**
- a) Per the Public Works memo dated 2/21/25, providing comments to the applicant's exception request, removal of the landscaping stripe requirement is acceptable. The revised language has been provided in the conditions document, Attachment 1E.

- b) Removal of the landscaping stripe aligns with neighboring properties and the associated placement of curbs/gutter/sidewalks. Additionally, as the applicant has already received a permit for the fence along the frontage of Fischer Avenue, as part of BLD-2024-59702, there is no additional room for the addition of a landscaping stripe.

15. FINDING:

The proposed exception request to the Public Works memo dated 2/13/2025, requiring a drainage inlet across Fischer Avenue as part of the conditions for approval, is NOT an appropriate modification to said conditions.

EVIDENCE:

- a) Per the Public Works memo dated 2/21/25, providing comments to the applicant's exception request, removal of the drainage condition is NOT supported by the department
- b) No drainage report prepared by a Civil Engineer registered by the State of California has been submitted for this project. The Department has not received any survey showing the topography or drainage watershed area from an appropriate licensed professional. The applicant's alternative would require the applicant to provide a public drainage easement on the property, sign a right to discharge agreement with the County to accept the stormwater road drainage, and construct and privately maintain an approved appropriately sized drainage system on the property. It is not in the best interest of the applicant or the neighbor(s) to accept stormwater runoff from the public road. Although, the wording in the exception makes it sound like it would just be the drainage fronting the subject property and the neighbors, there are currently no facilities to separate out the road drainage on the west side of Fischer Road.

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, Coastal Development Permit and Special Permit (Record Number: PLN-2024-19119) based on the application materials on file for the project received November 20, 2024, and subject to the conditions of approval.

Adopted after review and consideration of all the evidence on **April 3, 2025**.

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