



COUNTY OF HUMBOLDT

For the meeting of: 5/12/2026

File #: 26-230

To: Board of Supervisors

From: Planning and Building Department

Agenda Section: Time Certain Matter

Vote Requirement: Majority

SUBJECT:

11:00 A.M. - Appeal of the Planning Commission condition of approval for a Parcel Map Subdivision Application dividing a 14.59-acre parcel into two parcels of 12.63 acres (Parcel 1) and 1.96 acres (Parcel 2). The applicant requests an exception to specific roadway improvements. A Special Permit is also required for the relocation of existing wetlands to facilitate future development of the parcel with senior housing.

RECOMMENDATION(S):

That the Board of Supervisors:

1. Open the public hearing and receive the staff report, testimony by appellant, and testimony from the public; and
2. Close the public comment portion of the public hearing; and
3. Adopt the resolution (Attachment 1), which does the following:
 - a. Finds the Programmatic EIR prepared for the McKinleyville Town Center which envisioned Life Plan Humboldt adequately addresses all potential environmental effects, and no further environmental review is required; and
 - b. Finds the proposed project complies with the General Plan and Zoning Ordinance; and
 - c. Denies the Appeal submitted by Humboldt Commons; and
 - d. Denies the exception requests to roadway improvements; and
 - e. Approves the Life Plan of Humboldt Subdivision and Special Permit for Wetland relocation, subject to the conditions of approval (Attachment 1A); and
4. Directs the Clerk of the Board to provide a certified Board Order and executed resolution to the Planning and Building Department to be included with the notification of decision to the

appropriate parties; and

5. Close the public hearing.

STRATEGIC PLAN:

This action supports the following areas of your Board’s Strategic Plan.

Area of Focus: Core Services/Other

Strategic Plan Category: 9999 - Core Services/Other

DISCUSSION:

Executive Summary: This is an appeal of the Humboldt County Planning Commission’s March 19, 2026, imposition a condition of approval related to street improvements in the approval of a Parcel Map Subdivision (PMS) to divide a 14.59-acre parcel into two parcels of 12.63 acres (Parcel 1) and 1.96 acres (Parcel 2). The parcel is currently undeveloped and can be served with community water and sewer provided by McKinleyville Community Services District. The applicant is requesting an exception to specific roadway improvements. A Special Permit is also required for the relocation of existing wetlands to facilitate future development of the parcel with senior housing.

The proposed subdivision is consistent with the Commercial Services, Mixed Use, and Residential Medium Density land use designations. The resulting lots comply with the density ranges prescribed by the underlying land use designations. The resulting parcels (12.68 acres and 1.96 acres) meet minimum parcel sizes, minimum lot width, maximum lot depth, and maximum lot coverage as required by the zoning ordinance.

The application includes a Botanical Survey and Wetland Study. Wetlands have been delineated and mapped as shown on the tentative map. One special status plant species and one sensitive natural community were observed on site. A development plan identifying environmentally sensitive areas is included in the recommended conditions of approval.

The applicant is proposing to relocate existing wetlands at a 1.5:1 ratio to consolidate existing wetlands to facilitate future development on the parcel with senior housing. The applicant has submitted a Wetland Habitat Mitigation and Monitoring Plan that proposes to fill 18,765 square feet of existing one-parameter and three-parameter wetlands and create 28,900 square feet of new wetland consolidated in the northwest corner of the property. The plan includes a Mitigation Monitoring Plan, Adaptive Management Plan, and Final Success Criteria and Performance Standards. These portions of the report impose mitigation measures, performance standards, and a five-year monitoring plan to ensure wetland relocation is successful and achieves habitat, vegetation and hydrology goals outlined in the plan. Wetland mitigation will be considered successful when after five years the wetland creation site hosts at least 70 percent relative cover of native wetland species, supports wetland hydrology, and 28,148 square feet of three-parameter wetlands have been created (to be assessed with a wetland delineation in year 5). Mitigation and monitoring measures proposed

in the report have been included as recommended conditions of approval. The proposed wetland relocation is consistent with the McKinleyville Town Center Ordinance and other applicable sections of Humboldt County Zoning Code.

Appeal Arguments: The project was unanimously approved by the Planning Commission, subject to modifications to the conditions of approval recommended by the Department of Public Works. Humboldt Commons (Applicant/Appellant) filed a timely appeal of the Planning Commission decision. The Appellant is specifically requesting that one of the conditions recommended by the Department of Public Works and required by the Planning Commission be eliminated. Exceptions focus on the infill paving requirements on Hiller Road.

The specific issue at hand for the appeal is related to widening Hiller Road along the full frontage of the project between the curb and the existing paved areas of Hiller Road. The Department of Public Works noted the paving is required by the McKinleyville Town Center Ordinance. The Appellant contends the paving requirement is not proportional to the project's traffic impact, as the Appellant notes the Environmental Impact Report (EIR) prepared for the McKinleyville Town Center Ordinance determined the increased project traffic was within the existing capacity of Hiller Road and no additional mitigation was warranted.

The requirement to pave along the frontage of a property is not CEQA related mitigation, but rather a development responsibility. It is normal for a project to be responsible for a lane and curb, gutter and sidewalk. When all developments do this, roads are improved to support development. The EIR anticipated this level of improvement associated with development in the Town Center. The only improvement that was not the responsibility of development is the road diet on Central Avenue. The argument of rough proportionality related to trips generated ignores that the future residents traveling on other roads in McKinleyville and the county were not required to pay for their share of improving those roads. It is also worth pointing out that the parcels to the west of the subject site on the south side of Hiller Road have widened Hiller to this width.

The road widening is minor; it is not creating additional vehicular travel lanes; it is not creating right-lane turn pockets for vehicular traffic; it does not extend beyond the frontage of the property and is not excessive for the quantity of units proposed for the project as well as appurtenant uses of the project.

It should be noted that there is a driveway into the property in the area the appellant requests relief from pavement widening. It would be inappropriate to have a vehicle go from a paved surface to gravel in a developed setting. If the Board chose to grant the appeal and waive the pavement requirement, there would need to be an apron with appropriate transitions to account for this.

Failure to construct the in-fill paving along the frontage of a developed site results in an unexpected condition where a driver may not realize the road is not completely paved to the curb; as the expectation is that roads are paved to the curb. Driving with uneven traction (such as two tires on

pavement and two tires on gravel) can contribute to a driver losing control of the vehicle while attempting to recover from running off the road. The county has a legitimate interest in protecting the public health, safety and welfare and avoiding situations that create potential traffic hazards are part of this.

It is important to consider that Hiller Road at this location, currently has narrow shoulders. The in-fill paving will provide a wider shoulder for cyclists until the Caltrans Class I bicycle facility on Hiller Road (as specified in the McKinleyville Town Center Ordinance) is constructed by others.

The project is not conditioned to construct other improvements to Hiller Road included within the typical section specified in the McKinleyville Town Center Ordinance; such as, but not limited to, landscaped medians, vehicular left turn pockets, and Caltrans Class I bicycle facilities.

The original Public Works condition required the widening of Hiller Road to be completed by the time occupancy of the units is granted. The Planning Commission attempted to address the concerns of the applicant/appellant and modified the condition to allow the condition to be fulfilled within 5 years of issuance of a Building Permit and to require that staff look for grant funding to complete the improvements for the entire cross section of Hiller Road past the project site. This was an effort to find a solution that funded the improvements with grant funding, and if that was not feasible to allow the applicant to install the improvements after the project had already started to generate income. It is not recommended that the condition be waived or removed.

There is no information provided which would cause the action by the Planning Commission to be overturned. The information on the record reveals the appeal is about not installing improvements that are standard requirements to provide orderly development and protect the public health, safety and welfare.

A condition has been added requiring that the developer/subdivider/property owner enter into an Indemnification Agreement has also been added.

SOURCE OF FUNDING:

The Appellant has paid the fee associated with filing this appeal. Appeal fees do not cover the cost of processing an appeal.

FINANCIAL IMPACT:

Narrative Explanation of Financial Impact:

The cost of processing this appeal has not exceeded the appeal filing fee.

STAFFING IMPACT:

Narrative Explanation of Staffing Impact:

Processing this appeal has been accomplished with existing staff in the Planning and Building Department and the Department of Public Works.

OTHER AGENCY INVOLVEMENT:

The project was not referred to other agencies for review and recommendations.

ALTERNATIVES TO STAFF RECOMMENDATIONS:

The Board could choose to approve the appeal and grant the exception if the findings required to grant the exception can be made. Given the conditions recommended by the Department of Public Works are standard requirements and are consistently applied to projects, staff does not recommend that this alternative be considered.

ATTACHMENTS:

1. Draft Resolution
 - a. Conditions of Approval Modified by Planning Commission
 - b. Tentative Map
 - c. Public Works Conditions Modified by Planning Commission
2. Appeal Request
3. Applicant's Evidence in Support of Required Findings
 - a. Botanical Survey
 - b. Mitigation and Monitoring Plan
 - c. Biologist Letter
 - d. Conceptual Site Plan
 - e. Geotechnical Investigation
 - f. Preliminary Drainage Report
 - g. Planning Commission Exception Requests
4. Planning Commission Resolution 26-016
5. Program EIR Checklist
6. Link to EIR
7. Ordinance No. 2772 - McKinleyville Town Center
8. Public Comment

PREVIOUS ACTION/REFERRAL:

Meeting of: Board of Supervisors 10/20/2025, Planning Commission 3/19/2026
File No.: 25-1212, 26-191