

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

Resolution Number 25-

**PARCEL MAP SUBDIVISION & EXCEPTION REQUEST
PROJECT ID: PLN-2023-18193
ASSESSOR PARCEL NUMBER 306-102-001**

MAKING THE REQUIRED FINDINGS FOR CERTIFYING COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND CONDITIONALLY APPROVING THE KOOY TENTATIVE MAP SUBDIVISION & EXCEPTION REQUEST

WHEREAS, the owner submitted an application and evidence in support of approving the Minor Subdivision and Exception Request; 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 3 in the Planning Division staff report includes evidence in support of making all of the required findings for re-approving the proposed Tentative Map Subdivision (Case Number PLN-2023-18193); and

WHEREAS, a public hearing was held on the matter before the Humboldt County Planning Commission on March 20, 2025.

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

PROJECT DESCRIPTION

- 1. FINDING:** A Parcel Map Subdivision of an approximately 21,868 square foot parcel into two parcels of approximately 13,795 square feet (Parcel 1) and approximately 8,073 square feet (Parcel 2). The parcel is currently developed with a single-family residence to be sited on proposed Parcel 1 and an Accessory Dwelling Unit (ADU) to be sited on Proposed Parcel 2. Both dwellings are served with community water and sewer services provided by Humboldt Community Services District. The property lies within the Alquist-Priolo Earthquake Fault Hazard Zone. To address seismic concerns, development rights for accessory dwelling units on both parcels will be conveyed to the County of Humboldt as part of the project.

EVIDENCE: Project File: PLN-2022-18193

CEQA

- 2. FINDING:** **CEQA.** The requirements of the California Environmental Quality Act have been met. The Humboldt County Planning Commission has considered the project and finds the proposed subdivision is exempt from the provisions of CEQA per 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 notes CEQA's mandate that projects be exempt from 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. 15183 notes that subsequent environmental review is only necessary where the Lead Agency determines any of the following applies:

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.
- 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 is already 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 above referenced EIR's. 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 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 proposed.
- 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 two parcels where one currently exists. The parcel being divided currently hosts two separate single-family residences. The proposed subdivision is designed to separate each residence onto their own individual parcel. No new residences will immediately result from the division as the owner is being required to convey rights to future residential development until such time that a site-specific Fault Evaluation Report have been prepared by a California licensed professional geologist.
- i) The parcel is currently developed with a single-family residence and

accessory dwelling unit. A Special Permit authorized construction of an additional residence on the property over 20 years ago (SP-00-30).

- j) 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 and Bear River Band of the Rohnerville Rancheria. No objections to the proposal were received and the Bear River THPO’s supported approval of the project subject to compliance with standard protocols for handling inadvertent discovery of cultural resources encountered during future ground disturbance. This is included as an Informational Note in the Conditions of Approval.
- k) 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. Murray Field is the closest airport and is located approximately 7 miles northwest of the project site.
- l) 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 Humboldt #1 Protection District. 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.
- m) 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 parcels being created already receives water and sewer service provided by the Humboldt Community Services District.
- n) A Drainage Report and access road improvement plans are required to be prepared by a Civil Engineer registered within the State of California, and will be submitted for review and approval prior to commencement of the project. This is noted in the Department of

Public Works memo.

- o) 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, 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 1-7 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 development of 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 accessory dwelling 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.

- p) Further environmental review is not required as the project is consistent with the development density established under the 1995 Eureka Community Plan and the 2017 Humboldt County General Plan for which EIR's were certified. 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.

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. Parcel 1 will be 13,794 square feet (net) in size and parcel 2 will be 8,073 square feet (net) in size. Both parcels comply with the minimum parcel size of the zone (6,000 ft.²) and will be suitable for single-family residential development as both proposed parcels already currently host a residence.
- 4. FINDING:** Improvements shall be required for the safe and orderly movement of people and vehicles.
- EVIDENCE:** a) The parcel lies at the intersection of Humboldt Hill Road and Skyline Drive, which lie within 50 and 40 foot right of ways, respectively. The Public Works Recommended Conditions of Approval include a requirement that sidewalks be constructed along both road frontages.
- 5. 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 Memo from the Land Use Division of Public Works (DPW) is required by the project Conditions of Approval. Section 3.0 of their 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 for the subdivision be submitted to DPW for review and approval.
- 6. FINDING:** Sewer and water systems shall be constructed to appropriate standards.
- EVIDENCE:** a) Residential development located on the parcels being created already receives water and sewer service provided by the Humboldt Community Services District.
- 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, depth, and minimum lot size requirements of the R-1 zone.

§325-9 Findings for Exceptions

8. FINDING: That there are special circumstances or conditions affecting said property.

EVIDENCE: a) Both parcels will have at least 50 feet of street frontage along Skyline Drive, a private road within a 40-foot right of way. The applicant is requesting an exception to certain frontage improvements being recommended by the Land Use Division of Public Works. These primarily include the construction of curb, gutter and sidewalk on Humboldt Hill Road and Skyline Drive, as detailed within the subdivision improvement requirements prepared by Public Works (Attachment 1, Exhibit B).

b) Relatively few parcels in the Humboldt Hill area are developed with sidewalk frontage improvements and sidewalks are generally confined to a small number of locations throughout the subdivision. With the exception of one parcel located near the top of the hill over 900 feet south of the Kooy property, there are no sidewalks on parcels located on the east side of Humboldt Hill Road. On the west side of Humboldt Hill road exists a limited network of sidewalks. This is likely due to the timing of when subdivisions occurred in the Humboldt Hill area, with much of the east side being subdivided in 1952 and 1953 and the west side from 1957 onward. The Kooy parcel was created as part of the Country Club Estates subdivision which was filed in March of 1952.

c) The potential for further subdivision is very low and current state and local laws prevent local agencies from requiring frontage improvements during permitting of Accessory Dwelling Units. It is therefore highly unlikely that the development of sidewalks will occur in this area as part of private development or redevelopment efforts. The proposed subdivision would not preclude the construction of sidewalk in the future should an effort be initiated by the county through public financing or similar means.

d) Construction of sidewalks (meeting current ADA width requirements) along the parcels frontages may require the removal and reconstruction of an existing masonry retaining wall along Humboldt Hill Road, which would significantly add to the construction costs.

9. FINDING: That the exception is necessary for the preservation and enjoyment of a substantial property right of the petitioner.

EVIDENCE: a) Similar exceptions have been granted to other minor subdivision proposals on nearby properties in the Humboldt Hill area, including the division of a property on Dauber Lane (PLN-2022-17840), approved by the Planning Commission on October 6, 2022.

10. FINDING: That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the territory in which the subject property is located.

EVIDENCE: a) The proposed subdivision primarily serves to divide two existing houses onto separate parcels. Rights to further develop these parcels with ADU's will be conveyed until a fault evaluation report is prepared by a qualified geologist. The elimination of sidewalks should have a limited impact on the pedestrian circulation on this street and the surrounding areas of the subdivision. The parcels frontage along Humboldt Hill Road is composed of a grassy area above an existing curb, which will remain unaffected by the proposed division.

Govt. Code §66474.02 Structural Fire Protection

11. 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 of Moderate 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 an comments or issues being raised with the proposal.

Community Plan Findings - Eureka Community Plan

Section 3200-3220 Geologic Hazards

12. FINDING: The proposed development is consistent with the Eureka Community Planning Area (ECP). New construction shall be built to help protect occupants from geologic hazards (ECP 3200-3220).

EVIDENCE: a) According to the Humboldt County Geologic Hazard maps, the property is located in a zone of low instability. Therefore, no soils report was required. The parcel is located within the Alquist-Priolo Special Studies Zone associated with the Little Salmon Fault. The AP Act requires a Fault Evaluation Report for subdivisions when future development is contemplated. However, in this case, construction of a residence and second unit occurred within the Special Studies Zone were both exempt from the "Act". Therefore, a Fault Evaluation Report was not required because there is no area contemplated for future development. A Condition of Approval is included requiring the conveyance of development rights for Accessory Dwelling Units to the county until such time that a fault evaluation report is prepared and determines that the parcel(s) are suitable and safe for additional residential development.

Section 4420 Parkland

b)		Parkland Dedication Fee Calculations
	130.00	Eureka Community Plan requires 130 square feet of parkland dedication per person for new subdivisions
X	2.30	Persons per average Eureka household (Source: 2020 U.S. Census)
	299.0	Parkland dedication per average household in square feet
/	43,560	Square feet per acre
	0.00686	Parkland dedication per average household in acres
X	2	Number of potential new units being created by the subdivision
X	100% (1.0)	Percentage of these parcels within the Eureka Community Planning Area

	0.04118	Acres of parkland for subdivision

- X \$150,000 Value of one acre of land in the vicinity of the subdivision project
- \$2,059.22 Parkland Dedication In-lieu Fee for the Kooy Subdivision

FINDINGS APPLICABLE TO ALL PERMITS

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

EVIDENCE: a) The proposed development is consistent with the Residential Low Density (RL) land use designation. The project maintains existing residential development. The RL designation (Chapter 4.8, Land Use Designations) is used for areas suitable for residential uses where urban services are available or are anticipated to be available. Single family units on individual lots are the dominant use, but the development of an Accessory Dwelling Unit or Guest House is also allowed. The Density Range is 1-7 units per acre. The proposed subdivision will increase the number of parcels that allow single-family residences and accessory dwelling units in the area. Therefore, the project is in conformance with the County General Plan (Chapter 4, Land Use Element).

14. FINDING: The proposed development is consistent with the purposes of the existing Residential Single-Family (R-1) zone in which the site is located.

EVIDENCE: a) The property zoning designation of Residential Single-Family (R-1) 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 6,000 square feet as well as the minimum width and depth requirements for the zone. The proposed parcels' minimum widths are as follows: Parcel 1 - approximately 114 feet (avg.), Parcel 2 – approximately 68 feet - all widths exceed the 50-foot minimum found in the R-1 zone. The maximum lot depth in the R-1 zone is three times the lot width – both parcels are approximately 110 feet, in compliance with this requirement. Both parcels exceed the minimum parcel size for the R-1 zone (Parcel 1 – 13,794 sq. ft., Parcel 2 – 8,073 sq. ft.).

15. 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 proposed subdivision will divide a ½-acre parcel into two (2) parcels, each hosting existing residential development. The proposed parcel sizes and resulting density is consistent with that planned for the area.
 - b) The parcel being divided is currently developed with two residences. All development is served by public water and sewer service provided by Humboldt Community Services District. Therefore the proposed subdivision should have little impact on the current conditions. It 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.

16. FINDING: The proposed subdivision with possible future 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:**
- a) The parcel's General Plan land use designation (RL 1-7) and zoning (R-1) allow residential development. The project will positively impact compliance with Housing Element law. The project will increase the available separately owned housing in the Eureka Community Plan area and will comply with the density range of the RL 1-7 land use designation, with a maximum density of 7 units per acre. The proposed development is consistent with the Humboldt County General Plan (Section 4.8, RESIDENTIAL LOW DENSITY (RL)).

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 (Record Number: PLN-2023-18193) based on the approved tentative map on file for the project dated March 2023 and dated as received by the Humboldt County Planning Division on May 10, 2023, subject to the conditions of approval.

Adopted after review and consideration of all the evidence on **March 20, 2025**.

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

AYES: Commissioners:
NOES: Commissioners:
ABSENT: Commissioners:
ABSTAIN: 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