

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

**Resolution Number 22-**

**SUBDIVISION RE-APPROVAL  
CASE NUMBERS PLN-2022-17840, PMS-10-002  
ASSESSOR PARCEL NUMBER 306-293-031**

**MAKING THE REQUIRED FINDINGS FOR CERTIFYING COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND CONDITIONALLY RE-APPROVING THE ALVES TENTATIVE MAP SUBDIVISION**

**WHEREAS**, the owner submitted an application and evidence in support of re-approving the Minor Subdivision; 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**, on May 5, 2011 the Planning Commission previously approved an identical earlier minor subdivision proposal and determined the project exempt from further environmental review; and

**WHEREAS**, Attachment 2 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-2022-17840); and

**WHEREAS**, a public hearing was held on the matter before the Humboldt County Planning Commission on October 6, 2022.

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

**PROJECT DESCRIPTION**

- 1. FINDING:** A Minor Subdivision of a 26,695 square foot (net) parcel into two parcels of 11,322 square feet (net) and 15,373 square feet (net). An identical subdivision proposal was previously approved by the Planning Commission on May 5, 2011 (PMS-10-002) but expired in recent years. The parcel is currently developed with a single-family residence, a detached secondary dwelling unit and two detached garages. The second unit was permitted with a Special Permit (SP-05-128) in 2006. The subdivision will site one residence on proposed Parcel 1 and the other on proposed Parcel 2. Both proposed parcels are currently served with community water and sewer by the Humboldt Community Services District.

**EVIDENCE:** Project File: PLN-2022-17840

## 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 additional parcels (Parcels 1 and 2) that can accommodate future residential development consistent with the assortment of uses and structures on surrounding parcels. Proposed Parcel 3 is already host to a variety of residential and agricultural structures. The project will result in a less than significant impact to aesthetics.

- i) The parcel is currently developed with a single-family residence, a detached secondary dwelling unit and two detached garages. The second unit was permitted with a Special Permit (SP-05-128) in 2006.
- 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 notation will be included on the Development Plan.
- 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 1.5 miles southwest 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 current Department of Public Works memo dated 07/19/2022.
- 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 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. Parcel 1 will be 11,322 square feet (net) in size and parcel 2 will be 15,373 square feet (net) in size. Both parcels comply with the minimum parcel size of the zone (6,000 ft.<sup>2</sup>) 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 access road currently utilizes a 40 foot right of way. Most of the subdivision improvements have already been completed at this time.
- 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:** 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) All parcels will have at least 50 feet of street frontage along Dauber Lane, a private road within a 40 foot right of way. During consideration of the original subdivision proposal an exception request was granted by the Planning Commission pursuant to 325-9 eliminating the sidewalk requirement. The current subdivision improvement requirements prepared by Public Works (Attachment 1, Exhibit A) carry forward this exception.
- 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 minor subdivision proposals along Summit Ridge Drive.
- 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) Dauber Lane is a private road that will serve a total of six (6) parcels following completion of the subdivision. The elimination of sidewalks should have a limited impact on the pedestrian circulation on this street and the surrounding areas of the subdivision.

**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**

- 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 between 2004 and 2009 as it was 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 for additional residential development.

### **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 85.5 feet (avg.), Parcel 2 – approximately 114.73 feet - all widths exceed the 50-foot minimum found in the R-1 zone. No maximum lot depth is specified in the AG zone. (HCC 314-6.2)
- 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 located on opposite ends of the property. 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.

- 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-2022-17840) based on the approved tentative map on file for the project dated January 2018 and dated as received by the Humboldt County Planning Division on February 1, 2018, subject to the conditions of approval.

Adopted after review and consideration of all the evidence on **October 6, 2022**.

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.

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John H. Ford,  
 Director, Planning and Building Department