

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

Resolution Number 23-102

**VALADAO SUBDIVISION
PROJECT NUMBER PLN-2021-17560
ASSESSOR PARCEL NUMBER 510-381-021**

**MAKING THE REQUIRED FINDINGS FOR CERTIFYING COMPLIANCE WITH
THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND CONDITIONALLY
APPROVING THE VALADAO SUBDIVISION, CONDITIONAL USE PERMIT AND
PLANNED UNIT DEVELOPMENT**

WHEREAS, the owners submitted an application and evidence in support of approving the Subdivision, Conditional Use Permit, and Planned unit 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 from projects of this sort were analyzed and addressed during preparation of Environmental Impact Reports (EIR's) for the McKinleyville Community Plan (SCH# 1998082024) and 2017 Humboldt County General Plan (SCH#2007012089), in keeping with the criteria outlined within section 15183 of the Guidelines; and

WHEREAS, a public notice was sent via mail to all owners and occupants of property within 300 feet of the boundaries of the project; and

WHEREAS, on November 16, 2023 a public hearing was held before the Humboldt County Planning Commission during which the Planning Commission reviewed, considered, and discussed the application and reviewed and considered all evidence and testimony presented at the hearing; and

NOW, THEREFORE, be it resolved, determined, and ordered that the Planning Commission makes the following findings:

PROJECT DESCRIPTION

- 1. FINDING:** A Major Subdivision of an approximately 2.47-acre parcel into 19 parcels. The parcel is currently developed with a single-family residence which will be sited on its own parcel along with shared

parking facilities, a laundry building, and a storage building and accessory dwelling unit. An existing detached garage and two other outbuildings are proposed to be removed. A Planned Development Permit is also being requested to allow for clustered development of approximately 61 units, and to allow for shared parking facilities, reduced setbacks from interior lot lines, reduced lot size, and a reduced road right-of-way width. The proposed development includes three different housing types: thirty-two (32) one-bedroom units and twenty-four (24) two-bedroom townhouse units configured in a four-plex fashion, and four (4) single-family dwelling units. A Conditional Use Permit is requested to allow four (4) of the proposed parcels to host single-family dwelling units. The site will be served with community water and sewer provided by the McKinleyville Community Services District. The property proposed for subdivision is located in the McKinleyville area, bound by Pickett Road on the north side and Gwin Road on the south side, approximately 0.25 miles east of the intersection of Pickett Road with Central Avenue, on the property known as 1820 Pickett Road.

EVIDENCE: a) Project File: PLN-2021-17560

CALIFORNIA ENVIRONMENTAL QUALITY ACT

- 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 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 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. Neighboring development on adjacent parcels is composed of a mixture of densities. The proposal is consistent with the planned density and is seeking a Planned Development Permit to allow reduction of the minimum lot size and enable clustering of development. The property is not host to any sensitive habitat and is currently developed with a mixture of agricultural and low-density residential uses. 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 projects of this sort were analyzed and addressed during preparation of Environmental Impact Reports (EIR's) for the McKinleyville Community Plan (SCH# 1998082024) and 2017 Humboldt County General Plan (SCH#2007012089).
- 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 re-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's (SCH# 1998082024 & 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 a total of four (4) parcels 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) 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. Two of the THPO's declined to comment on the proposal. The "Inadvertent Archaeological Discovery Protocol" condition has been placed on the project, as requested by the THPO for the Bear River Band of the Rohnerville Rancheria.
- 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. Murray Field is the closest airport and is located approximately 1.59 miles northwest of the project site.
- k) According to the Humboldt County Fire Hazard Severity map, the parcel is located adjacent to the westernmost boundary of the nearest moderate fire hazard severity area. The site is within the Arcata 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.

- 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. Future residential development of the parcels being created will receive water and sewer service provided by the McKinleyville Community Services District. Subsurface detention systems will be created to handle the increase in stormwater runoff that will result from the introduction of new impervious
- m) 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 section 3.2 of the current Department of Public Works memo dated 12/01/2022.
- 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. 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 during the analysis conducted during preparation of the EIR prepared for the 2017 General Plan. The proposed design has adequate on-site circulation and parking capacity to accommodate the degree of development proposed.

The project is consistent with the development density of unit per 7-30 acres of the Residential Multi-family (RM) land use designation affirmed during the adoption of the McKinleyville Community Plan (MCCP) in 2002 and reaffirmed during adoption of the current General Plan in 2017. The creation and development of nineteen (19) additional parcels 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 effects which the GPU EIR failed to evaluate or analyze as significant effects.

- o) The parcel has been planned and zoned for multi-family residential development for over twenty years. The property's zoning designation of Residential Multiple-Family (R-3) allows multi-family development of four or fewer units per building and Accessory Dwelling Units as principally permitted uses. The Use Permit and Planned Development Permit are primarily being processed to allow zero lot line attached single-family dwellings to be constructed on the four parcels fronting on Pickett Rd, in order to serve as a buffer between the lower density along Pickett Rd. and the higher density proposed within the southern portion of the parcel. At buildout, cumulative density would be approximately 25 units per acre, below the maximum density (30 units/acre) set by the RM land use designation. Adding subdivision and development of four (4) attached one-family dwellings does not introduce new potential impacts or result in a greater density of development than what could already be achieved without subdividing or securing approval of a Use Permit.

312-1.1.2 Legal Lot Requirement

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

EVIDENCE: A review of past and current Assessor Parcel Mapping reveals that the parcel being divided was lawfully created prior to the advent of local review of subdivision. The Department has issued several building permits re-roofing and electrical work associated with existing residential development on the parcel.

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

4. **FINDING:** All lots shall be suitable for their intended uses.

EVIDENCE: a) The project will result in a total of seventeen (17) parcels ranging in size from 2,096 square feet to 15,571 square feet. Though twelve (12) of the proposed parcels sizes are less than the 5,000 square foot minimum size ordinarily required in the R-3 zone reduction of lot size, this is permissible under the Planned Development Permit being requested. The proposed smaller parcel sizes will help ensure a greater chance of affordability amongst the parcels being created. The property is of sufficient size (2.5 acres) to accommodate the number of parcels being requested. The applicant has submitted development plans showing the future building footprints and access road, as well as elevations and floorplans for the different building types.

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

EVIDENCE: a) Access to the parcel being divided is currently provided by Pickett Road (County Road No. 4M030) and Gwin Road, a private road. The Draft Conditions provided by the Land Use Division of Public Works include a request that easements for public road and sidewalk purposes be granted as part of the filing of the map.

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 Memo from the Land Use Division of Public Works (DPW) is required by the project Conditions of Approval. Sections 3.1 and 3.2 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. 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 (Q_2) storm flows. This will likely be achieved by developing on-site 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 shall be constructed to appropriate standards.

EVIDENCE: a) The McKinleyville Community Services District supports approval of the project and is prepared to provide water and sewer service to future development of the parcels. Residential development located on the parcels being created already receives water and sewer service provided by the McKinleyville Community Services District.

8. **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, requirements of the AG zone. While three of the proposed parcels sizes are less than the 2.5-acre minimum size ordinarily required in the AG zone, reduction of lot size is permissible under the Planned Development Permit being requested. The proposed smaller parcel sizes will enable clustering of future development and protection of nearby wetlands and riparian areas from impacts.

Govt. Code §66474.02 Structural Fire Protection

9. **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 outside of any mapped Fire Hazard areas. The property lies within the boundaries of the Arcata 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.

FINDINGS APPLICABLE TO ALL PERMITS

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

EVIDENCE: a) The proposed development is consistent with the Residential Medium Density (RM) land use designation. The project will allow for the creation of a total of 18 parcels and multi-family residential development. The RM designation (Chapter 4.8.1 Land Use Designations) is used in areas with full urban services and where common-walled units and apartments are appropriate. The Density Range is 7-30 units per acre. The Use Permit and Planned Development Permit are primarily being processed to allow zero lot line attached single-family dwellings to be constructed on the four parcels fronting on Pickett Rd, in order to serve as a buffer between the lower density along Pickett Rd. and the higher density proposed within the southern portion of the parcel. At buildout, cumulative density would be approximately 25 units per acre, below the maximum density (30 units/acre) set by the RM land use designation. Therefore, the project is in conformance with the County General Plan (Chapter 4, Land Use Element).

b) *McKinleyville Community Plan – Stormwater*

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 developing on-site detention facilities. 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.

Parkland §4420 (MCCP)

c) *Parkland Dedication Fee Calculations*

130.00	McKinleyville Community Plan requires 130 square feet of parkland dedication per person for new subdivisions
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X	2.578	Persons per average McKinleyville household (Source: 2020 U.S. Census)
	335.14	Parkland dedication per average household in square feet
/	43,560	Square feet per acre
	0.00769	Parkland dedication per average household in acres
X	62	Number of new units being created by the subdivision and Planned Unit Development,
X	100% (1.0)	Percentage of these parcels within the McKinleyville Community Planning Area

	0.47701	Acres of parkland for subdivision
X	\$160,000	Value of one acre of land in the vicinity of the subdivision project
	\$76,322.06	Parkland Dedication In-lieu Fee for the Valadao Subdivision & PUD

- 11. FINDING:** The proposed development is consistent with the purposes of the existing Residential Multiple-Family (R-3) zone in which the site is located, and meets all of the applicable development standards.

EVIDENCE: a) The property zoning designation of Residential Multiple-Family (R-3) allows multi-family development of four or fewer units per building and Accessory Dwelling Units as principally permitted uses. One-family dwellings may be permitted with a Use Permit where it can be shown that they wouldn't prevent the property from being developed with multifamily dwellings in the future. The Planned Development concept provided for the project shows a future buildout of fourteen (14) four-plexes spread across 14 separate parcels, retention of the one (1) legal non-conforming residence on a single parcel, and construction of four (4) zero lot line attached single-family dwellings to be constructed across four parcels (lots 1-4). The R-3 zone specifies a 5,000 square foot minimum parcel size. The Planned Unit Development provisions of the code are being utilized to deviate beyond the minimum and maximum lot sizes otherwise provided for under the code. Lots 1 and 4 will be considerably smaller than 50% of the minimum lot size (approximately 2,100 square feet) and Lot 8 will be larger than 1.8x the minimum lot size (approximately 15,571 square feet). Lots 5,6,7,17,18 & 19 all modestly exceed the minimum lot size (6,295.50 square feet). Lots 2,3 and 9-16

are all less than the minimum lot size but are larger than 2,500 square feet, thereby complying with the 50% limit specified under the 314-99.1 of the code (exceptions to the development standards). With the exception of lots 1-4, all of the proposed parcels comply with the minimum width and maximum depth requirements for the zone. Deviation from the development standards including width and depth is permitted under the Planned Development provisions of the code. Lots 1-4 range from 29.95 to 40.00 feet, are the only ones that fall below the 50-foot minimum width requirement of the R-3 zone. Lots 1-4 are also seeking authorization under the PUD provisions to reduce the interior lot line setback to zero to accommodate development featuring one-family dwellings with a common wall situated along the shared property line. All development planned for the remaining lots (5-17) will comply with the standard minimum setback requirements of the R-3 zone.

- b) The applicant has provided a Planned Development Concept showing that each parcel from the subdivision has sufficient area to accommodate residential development.

12. FINDING:

Planned Developments - §314-31.1 – Eligibility Criteria & Purpose

Planned developments are intended to allow flexibility in the administration of the development standard of the principal zone: 1) to cope with topographic and other natural or manmade features; or 2) provide for clustered development with the provision of residential amenities such as open space; or 3) where the modification to development standards will better provide for protection and enhancement of sensitive habitats and cultural resources.

Planned Development may only be permitted on lots 20,000 square feet or larger and must be tied to one or more of the following scenarios:

- a site where four (4) or more dwelling units, commercial buildings, industrial buildings are proposed
- the development proposal is within a residential zone and includes residential and non-residential development
- a site or proposal where use of the PUD provisions provide a better means of carrying out the General Plan

EVIDENCE: a) The project parcel is 2½ acres in size and seeks to utilize the Planned Development provisions of the code to allow for clustered development of approximately 62 units, and to allow for shared parking facilities, reduced setbacks from interior lot lines, deviations from standard lot size requirements, reduced lot width and a reduced road right-of-way width. This results in a better overall design and helps maximize the residential density achieved while also resulting in the creation of a greater number of potentially affordable units. This is in keeping with the purpose of the PUD provisions of the code.

Design Guidelines for Planned Developments - §314-31.1

- 13. FINDING:** (1) Maintain prominent natural features by:
- retaining major trees and shrubs
 - concentrate development on level areas
- retaining ridgeline silhouettes, and leaving slopes greater than 25% undisturbed revegetating disturbed areas

EVIDENCE: a) Some of the existing mature trees and vegetation currently found on the property will be sited on proposed Lot 8. Others will be removed to accommodate the planned new residential development. Slopes on the parcel are fairly flat and minimal alteration of natural landforms and grading are expected to be necessary

- 14. FINDING:** (2) Circulation Considerations:
- residences to take access from local roads, limiting frontage on collector streets
 - divide road where possible to preserve natural features
 - limit width of roadways, including paved shoulders
 - utilize alley development for secondary vehicle access

EVIDENCE: a) The project proposes to develop a twenty-four foot wide access road (Jack Road) running through the center of the parcel and providing connectivity between Pickett Road and Gwin Road. The road jogs to the west to allow for retention of an existing single-family residence on proposed Lot 8. Retention of this existing residence provides multiple benefits. The change in the road alignment will help the project preserve existing housing stock and provide for a mixture of different housing types while also having a traffic calming effect on local traffic patterns.

15. FINDING:

(3) Parking Considerations:

- develop shared parking areas and limit visual impact of rows of cars
- place parking along side and rear of buildings
- for parking areas of 5 or more vehicles, use landscaping, berms and screening to minimize visual impacts, unwanted light/glare and noise

EVIDENCE: a) On-site parking is being accommodated using perpendicular street parking along the frontage of most parcels, with the exception of Lots 15 and 16. Ten (10) shared spaces will be provided on Lot 8 which will be available for use by occupants of Lots 14-16, and Lot 8. Landscaping will be provided (see below).

16. FINDING:

(4) Architectural Considerations:

- buildings to be of compatible design and style with nearby development
- living areas should face toward gardens and open areas

EVIDENCE: a) The proposed new multi-family dwellings are consistent with similar multi-family developments in the McKinleyville area, such as those that can be found south of Sutter Road. Neighboring development to the west consists of several existing mobile home parks.

17. FINDING:

(5) Other Considerations:

- landscaping should be used to enhance privacy and give visual order to the development
- multifamily developments of 4 or more units should have laundry facilities
- areas should be set aside within the development for trash collection and recycling
- utilities should be underground; retention swales should be used to collect runoff

EVIDENCE: a) Though no landscaping is proposed at this time, it is expected that rear yards associated with western and eastern portions of the parcel being divided. A shared laundry facility is proposed to be developed on Parcel 8. Runoff will be addressed in accordance with a drainage plan approved by the Department of Public Works.

18. **FINDING:** *Roads & Driveways for Planned Unit Developments (PUDs)*
(1) Access
- Locate appropriate to streets and transportation facilities; exits/entrances should encourage smooth traffic flow; merging and turnout lanes shall be provided where necessary
- EVIDENCE:** a) Access will be from Jack Road which will connect between Pickett and Gwin Roads. The access road encroachment and driveways will be designed to County standards.
19. **FINDING:** *Roads & Driveways for Planned Unit Developments (PUDs)*
(2) Internal Circulation
- Integrated system of roads, pedestrian and bike paths
 - Developments designed to limit length of roads, control turning movements and minimize hazards
- EVIDENCE:** a) The development includes a new 24-foot wide private road and an internal system of sidewalks providing for pedestrian connectivity to neighboring public streets.
20. **FINDING:** (3) Siting of Roads and Driveways
- Roads and driveways shall be consistent with terrain, minimizing excessive cuts and fills
- EVIDENCE:** a) A minimum amount of cut and fill is projected to accommodate site development.
21. **FINDING:** (4) Parking Standards
- Number of spaces shall conform to off-street parking regulations
 - Parking to be designed and located as per regulations, except that spaces may be clustered in parking pods in proximity to dwelling units they serve, and parking for guests may be required up to a maximum of 1 space per 2 dwelling units
- EVIDENCE:** a) A total of 90 parking spaces are being provided across the parcels being created/developed. This accounts to an overall ratio of roughly 1.45 spaces per unit, without giving credit for additional off-site parking along Pickett and Gwin Roads.
22. **FINDING:** (5) Recreational Vehicle Parking

- Parking for recreational vehicles may be required based on anticipated needs of the particular development;
- if developed, RV parking shall be on the fringe of the development and appropriately screened from adjacent properties

EVIDENCE: a) Given the limited size of the parcels and density of development proposed, reservation of land for RV parking would not be practical.

23. FINDING: Owner's Association for PUDs
A nonprofit incorporated owners association or alternative acceptable to County Counsel shall be required for improving, operating and maintaining common facilities, including open space, streets, drives, service and parking areas, and recreation areas.

EVIDENCE: a) Public Works recommended conditions include a requirement that a maintenance association be formed and maintenance plan developed for all shared facilities as well as the proposed new private access road (Jake Way).

FINDINGS APPLICABLE TO ALL PERMITS

24. 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 and planned development will divide a 2.5-acre parcel into nineteen (19) parcels and build out with a total of 62 units. The proposed parcel sizes are permitted with the proposed Planned Development Permit and the resulting density is consistent with that planned for the area.

b) The parcel being divided is currently host to an existing residence and garage. The residence is proposed to be retained and the garage will be removed as part of the proposed development of the parcel. Removal of several trees will likely be required although some will be preserved and retained within the boundaries of proposed lot 8. Public water and sewer service is available through the McKinleyville Community Services District. The parcel has been planned and zoned for multi-family residential development for over 30 years and is bordered to the

south by mobile home parks with medium densities within a similar range to what is currently proposed. 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. Multi-family residential development of the sort proposed is principally permitted under the parcel's current zoning. Adding subdivision and development of four (4) attached one-family dwellings does not introduce new potential impacts or result in a greater density of development than what could already be achieved without subdividing or securing approval of a Use Permit. None of the referral agencies oppose the project and there is no information to suggest that approval of the project would potentially be detrimental to the public health, safety, and welfare or materially injurious to properties or improvements in the vicinity.

- 25. 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 (RM) and zoning (R-3) allow multi-family residential development. The project will positively impact compliance with Housing Element law. The project will increase the available separately owned housing in the McKinleyville Community Plan area and will comply with the density range of the RM land use designation, which includes a maximum density of 30 units per acre. The proposed development is consistent with the Humboldt County General Plan (Section 4.8.1, Residential Multi-Family (RM)). The parcel is not included within the latest (2019) Housing Element inventory so there is no risk of the density falling short of a target required by HCD.

- 26. FINDING:** The four halfplexes on Pickett do not include adequate space to allow Accessory Dwelling Units. In order to maintain the integrity of the design being approved it is necessary to include a condition to prohibit an Accessory Dwelling Unit on these parcels.

EVIDENCE: a) There is insufficient space to allow for additional development on Lots 1 thru 4. After accounting for setbacks, less than 500

square feet of space remains available for development on these lots.

- b) There is insufficient space to accommodate off-street parking for additional units and on-street parking is limited.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Humboldt County Planning Commission does hereby:

1. Adopt the findings set forth in this resolution; and
2. Approves the Final Map Subdivision, Conditional Use Permit, and Planned Development Permit (Record Number; PLN-2021-17560) based on the approved tentative map on file for the project dated May 10, 2023, as well as evidence referenced, described, and provided herein and all those materials found within the project record, subject to the attached conditions of approval.

Adopted after review and consideration of all of the evidence on **November 16, 2023**.

The motion was made by Commissioner Thomas Mulder
and Seconded by Commissioner Brian Mitchell and the following ROLL CALL vote:

AYES: COMMISSIONERS: Thomas Mulder, Brian Mitchell, Lonyx Landry
Noah Levy, Iver Skavdal, , Sarah West

NOES: COMMISSIONERS: Peggy O'Neill

ABSENT: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

DECISION: Motion Carries 6/1

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

CONDITIONS OF APPROVAL

APPROVAL OF THE FINAL MAP SUBDIVISION, CONDITIONAL USE PERMIT, AND PLANNED DEVELOPMENT PERMIT IS CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS WHICH MUST BE SATISFIED BEFORE THE TRACT MAP MAY BE FILED WITH THE COUNTY RECORDER.

Conditions of Approval:

1. All taxes to which the property is subject shall be paid in full if payable, or secured if not yet payable, to the satisfaction of the County Tax Collector's Office, and all special assessments on the property must be paid or reapportioned to the satisfaction of the affected assessment district. Please contact the Tax Collector's Office approximately three to four weeks prior to filing the parcel or final map to satisfy this condition. This requirement will be administered by the Department of Public Works.
2. The conditions on the Department of Public Works referral dated **January 9, 2023**, included herein as Attachment 1B, as may be modified by the decision maker, shall be completed or secured to the satisfaction of that department. Prior to performing any work on the improvements, contact the Land Use Division of the Department of Public Works.
3. The Planning Division requires that two (2) copies of the Final Map be submitted for review and approval. Gross and net lot area shall be shown for each parcel.
4. To better accommodate circulation and siting of future building sites, minor adjustments to the design of the tentative map (parcel boundaries, driveway & road locations, etc.) may be performed, subject to review and approval by the Planning Division and Public Works Land Use Division.
5. Prior to filing of the Final Map, the applicant shall submit a letter from the McKinleyville Community Services District stating that the project meets their requirements. This condition shall be administered by the Department of Public Works.
6. Prior to filing of the Final Map, the applicant shall submit a letter from the Arcata Fire Protection District stating that the project meets their requirements. This condition shall be administered by the Department of Public Works.
7. Prior to filing of the Final Map, the applicant shall submit a letter from Pacific Gas and Electric Company stating that the project meets their requirements. This requirement shall be administered by the Department of Public Works.

8. Prior to the Final Map recordation, the applicant shall submit a letter from the United States Postal Service stating that the project meets their requirements for mailbox units. This condition shall be administered by the Department of Public Works.
9. Prior to filing of the Final Map, the Applicant shall make payment for all outstanding Humboldt County Planning Department fees. A Cost report will be made available at the Humboldt County Planning Department.
10. A map revision fee as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$129.00 per parcel) as required by the County Assessor's Office shall be paid to the County Planning Division, 3015 H Street, Eureka. The check shall be made payable to the "Humboldt County Planning Division". The fee is required to cover the Assessor's cost in updating the parcel boundaries.
11. A Condition & Mitigation Monitoring deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750.00) shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka. This fee is a deposit, and if actual review costs exceed this amount, additional fees will be billed at the County's current burdened hourly rate. Please see Informational Note #1 below for suggestions to reduce the cost for this review.
12. Parkland dedication fees of \$76,322.06 shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka. Parkland fees to be paid were based on the number of new units planned to be developed on each parcel under the Planned Development Permit; with a total of 62 new residential units planned spread across 18 parcels.

Parkland dedication in-lieu fees were calculated by the Assessor's Office to be \$160,000/acre. The dedication fee calculation per Section 314-110 of the Humboldt County Code is as follows: $62(130 \times 2.578/43,560) \times \$160,000 = \$76,322.06$
13. If tree removal proves necessary, it must be done outside of the nesting bird season (generally March 15 – August 15). Alternately, although discouraged due to the potential for project delays and associated costs, a qualified biologist shall survey for active bird nests no more than seven days prior to the start of any project-related activities with the potential to impact nesting birds. If an active nest is found, the permittee should consult with CDFW regarding appropriate site-specific avoidance measures and buffer distances. If there is a lapse in project-related activities of seven days or more, the biologist should re-survey the area before work resumes.
14. The applicant shall submit at least three (3) copies of a Development Plan to the Planning Division for review and approval. The map shall be drawn to scale and give

detailed specifications as to the development and improvement of the site and the following site development details:

A. Mapping

- (1) Topography of the land in 1-foot contour intervals;
- (2) Proposed access, parking lanes and pedestrian ways;
- (3) Building envelopes and easements consistent with the submitted tentative map;
- (4) The location of all drainage improvements and related easements;
- (5) off-street parking spaces consistent with the approved tentative map;
- (6) Height limits, plan-, sectional-view and/or elevation details to demonstrate conformance with the Solar Access requirements of HCC Section 322.5. The Solar Shade Study dated September 19, 2022 (received) illustrates that adequate solar access can be provided. Development, including second dwelling units, additions at a greater height or different footprint, other than that specified in the Solar Shade Study, requires a site-specific solar shading analysis to show conformance.

B. Notes to be placed on the Development Plan:

- (1) "The project site is not located within an area where known cultural resources have been located. However, as there exists the possibility that undiscovered cultural resources may be encountered during construction activities, the following mitigation measures are required under state and federal law:
 - If archaeological resources are encountered during construction activities, the contractor or operator on-site shall cease all work in the immediate area within a 50-foot buffer of the discovery location. A qualified archaeologist as well as the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.
 - The Native American Heritage Commission (NAHC) can provide information regarding the appropriate Tribal point(s) of contact for a specific area; the NAHC can be reached at (916)653-4082. Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, shellfish or faunal remains, and human burials. If human remains are found, California Health and Safety Code 7050.5 requires that the County Coroner be contacted immediately at (707)445-7242. If the Coroner determines the remains to be Native American, the NAHC will then be contacted by the Coroner to determine

appropriate treatment of the remains pursuant to PRC 5097.98. Violators shall be prosecuted in accordance with PRC Section 5097.99

The applicant and successors are ultimately responsible for ensuring compliance with this condition.”

- (2) “The project is located in a designated non-attainment area for the state’s health-based particulate matter (PM10) air quality standard. As such, additional emission from the project could exacerbate air quality problems, including non-attainment of ambient air quality standards. In order to address potential effects to air quality the District recommends:
 - Prohibition of open fireplaces.
 - Heating should be provided using clean fuels (electricity or natural gas), when feasible.
 - If wood heating must be used, only US Environmental Protection Agency (EPA) certified heating appliances should be permitted in new construction.”
- (3) “Hours of construction activity shall be limited to Monday through Friday from 7:00 am to 6:00 pm, Saturday from 9:00 am to 5:00 pm with no construction activity on Sunday.”
- (4) “One- and two-story residential structures up to a maximum height of 35 feet are normally permitted in the R-3 zone. However, State and local subdivision requirements require that, to the greatest extent feasible, adequate solar access be provided to new building sites. Specifically, sunlight must reach at least 80% of the south-facing wall of a primary building between the hours of 10:00 am and 2:00 pm on December 21st. A Solar Shading Plat dated June 16, 2023 was submitted to illustrate solar exposure. The Solar Shade Study illustrates that adequate solar access consistent with HCC Section 322.5 is possible for the proposed development configuration, height, and footprint. Development, including second dwelling units, detached accessory buildings and/or additions, at a height, different footprint or location other than that specified in the Solar Shade Plat, shall require a site-specific solar shading analysis to demonstrate conformance with this standard.”
- (5) Landscaping shall utilize native plants appropriate to coastal northern California. At minimum. The planting palette shall avoid invasive species listed in the Cal-IPC Inventory.
- (6) “Please note that the information and requirements described and/or depicted on this Development Plan are current at the time of preparation but may be

superceded or modified by changes to the laws and regulations governing development activities. Before commencing a development project, please contact the Planning Division to verify if any standards or requirements have changed.”

- (7) Accessory Dwelling Units on Lots 1-4 are prohibited. Each of the four half-plexes on Lots 1-4 are limited to the existing footprint.
15. The applicant shall cause to be recorded a "Notice of Development Plan" for all parcels on forms provided by the Humboldt County Planning Division. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors will be required. The Development Plan shall also be noticed on the Final Map.
16. To the satisfaction of the County Aviation Department, the property owner shall execute an avigation and/or overflight easement on forms provided by the County.
17. The applicant is required to pay for permit processing on a time and material basis as set forth in the latest schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant after the decision and upon file close out. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
18. Where subdivision and/or development is pursued in a phased fashion, prior to completion of each phase, all necessary improvements and infrastructure must be installed to the satisfaction of the Planning & Building Department and Land Use Division of Public Works.
19. The two-bedroom townhome style apartments proposed on Lots 5, 6, 7, 17, 18, & 19 may be constructed to a width ranging from 80 feet (maximum) to 64 feet (minimum).
20. The following are requirements of the Planned Unit Development:
 - A. Mailboxes for the development shall be clustered in the center of the site.
 - B. One bike storage locker shall be provided on the ground level for each of the two-story one-bedroom units.
 - C. All lighting shall be directed downward and shall not allow light spill over onto adjacent property or create a glow in the sky above the lights.
 - D. Construction traffic access shall be limited to Pickett Road.
 - E. A common screened trash enclosure shall be constructed on the common lot and be of sufficient size to adequately serve all multifamily units. The design of the

enclosure area shall include features to ensure that it is secure from access by wildlife.

21. The following improvements shall be required prior to issuance of any construction permits for the second phase of the project (excluding half-plexes on Pickett Road):

- A. An Urban Driveway shall be constructed at the entry on both Pickett Road and Gwin Road.
- B. Two speed bumps shall be installed on both Pickett Road and on Gwin Road, located at streetlights subject to approval by Public Works. Alternatives to speed bumps may be used instead of speed bumps or with speed bumps if they are more effective in reducing traffic speed subject to review and approval of Public Works. A crosswalk shall be installed on Pickett Road at a location approved by Public Works.
- C. In the event the applicant is unable to form a Road Maintenance Association for Gwin Road, the applicant shall contribute their fair share of improvements to Gwin Road by making improvements to the condition of Gwin Road based on a cost estimate from a licensed engineer.

22. The following are restrictions and requirements of the Conditional Use Permit:

- A. The four half-plexes are limited to the existing footprint and Accessory Dwelling Units are prohibited.
- B. Prior to recordation of the final map, the applicant shall create a Homeowners Association with CC&Rs to maintain the common areas and Jack Road.
- C. The multi-family buildings may be modified to be 64 feet wide and have a height of up to 26 feet and the locations of the buildings may be adjusted to address the reductions in footprint and size.

Informational Notes:

- 1. To reduce costs the applicant is encouraged to bring in written evidence* of compliance with all of the items listed as conditions of approval in this Exhibit that are administered by the Planning Division (Namely: Condition(s) 3-12). The applicant should submit the listed item(s) for review as a package as soon as possible before the desired date for final map checking and recordation. Post application assistance by the Planner on Duty, or by the Assigned Planner, with prior appointment, will be subject to a review fee for Conformance with Conditions billed at the County's current burdened hourly rate with an initial deposit as set forth in the Planning Division's schedule of fees and charges. Copies of all required forms and written instructions are included in the final approval packet.

* Each item evidencing compliance should note in the upper right hand corner:

Assessor's Parcel No. _____, Exhibit "A", Condition _____.
(Specify) (Specify)

2. If archaeological resources are encountered during construction activities, the contractor or operator on-site shall cease all work in the immediate area within a 50-foot buffer of the discovery location. A qualified archaeologist as well as the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

The Native American Heritage Commission (NAHC) can provide information regarding the appropriate Tribal point(s) of contact for a specific area; the NAHC can be reached at (916)653-4082. Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, shellfish or faunal remains, and human burials. If human remains are found, California Health and Safety Code 7050.5 requires that the County Coroner be contacted immediately at (707)445-7242. If the Coroner determines the remains to be Native American, the NAHC will then be contacted by the Coroner to determine appropriate treatment of the remains pursuant to PRC 5097.98. Violators shall be prosecuted in accordance with PRC Section 5097.99

The applicant and successors are ultimately responsible for ensuring compliance with this condition.

3. Under state planning and zoning law (CGC §66000 *et seq.*), a development project applicant who believes that a fee or other exaction imposed as a condition of project approval is excessive or inappropriately assessed may, within 90 days of the applicable date of the project's approval, file a written statement with the local agency stating the factual basis of their payment dispute. The applicant may then, within 180 days of the effective date of the fee's imposition, file an action against the local agency to set aside or adjust the challenged fee or exaction.
4. The Planned Development Permit and Conditional Use Permit shall be effective for 24 months to coincide with the term of the approved Tentative Map. Extensions of this term may be requested in conformance with provisions of the Humboldt County Code.