

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT
Resolution Number 22-**

**COLLINS/GOLDSTEIN PARCEL MAP SUBDIVISION
PROJECT NUMBER PLN-2022-17740
ASSESSOR PARCEL NUMBER 509-061-025**

MAKING THE REQUIRED FINDINGS FOR CERTIFYING COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND CONDITIONALLY APPROVING THE COLLINS/GOLDSTEIN TENTATIVE MAP SUBDIVISION

WHEREAS, the owners submitted an application and evidence in support of 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 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 3, 2022 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 Minor Subdivision of an approximately 10-acre parcel into four parcels of approximately 20,000 square feet, 30,830 square feet, 32,336 square feet and 7.97 acres. A Planned Development Permit is being requested to allow significantly smaller parcel sizes and clustering of development along the road frontage. This in turn ensures that sufficient area exists to accommodate future residential development observing standard setbacks from riparian and wetland areas associated with Mill Creek, which crosses through the parcel. The site is currently vacant and will be served with community water and sewer provided by the McKinleyville Community Services District. The majority of the parcel is forested with the exception of the northern portion, which was cleared as part of a recent less than 3-acre conversion completed in late 2021. This same area is targeted to host future residential development following

subdivision. The project is exempt from environmental review pursuant to Section 15183 of the State CEQA Guidelines, applicable to projects that are consistent with a Community Plan, General Plan, or Zoning. The project is located in Humboldt County, in the McKinleyville area, on the south side of the 2500 block of Sutter Road, approximately 350 feet east from the intersection of Blackbird Avenue and Sutter Road.

EVIDENCE: a) Project File: PLN-2022-17740

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. Adjacent lands in the vicinity are host to development on similarly sized parcels to those proposed. 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. A riparian and wetland delineation has been performed by a qualified biologist and includes mapping showing the exterior boundaries of these areas as well as their attendant buffers. A future development concept has been provided by the applicant showing the possibility for siting new homes and infrastructure outside of these features and their buffers. A Condition of Approval is included requiring that these features and their buffers be identified on a Development Plan with notations acknowledging the requisite protections from the County Streamside Management and Wetlands Ordinance.

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 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) The parcel is currently undeveloped. The northern portion was cleared as part of a recent less than 3-acre conversion completed in late 2021.
- j) 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. Both THPO's viewed the site as having potential for sensitivity and requested that a cultural resources survey be performed. A survey by Archaeological Research & Supply Company was completed in July 2022 and did not find any cultural resources. The results of the survey were shared with the THPO's who had no further concerns and supported approval of the project subject to compliance with standard protocols for handling inadvertent discovery of cultural resources encountered during future ground disturbance. The "Inadvertent Archaeological Discovery Protocol" condition has been placed on the project, as requested by both THPO's. 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 2.25 miles northwest of the project site.

- l) According to the Humboldt County Fire Hazard Severity map, the parcel is located at the westernmost boundary of the nearest high fire hazard severity areas. 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.
- 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. Future residential development of the parcels being created will receive water and sewer service provided by the McKinleyville 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 06/30/2022.
- 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. 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 unit per 2.5-5 acres of the Residential Estates (RE) 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 three (3) 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.

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: The parcel being divided was lawfully created through an earlier subdivision map. The parcel being divided is Parcel 2 from Parcel Map No. 1671 filed by Nelson Rossig on November 26, 1979, appearing in Book 14 of Parcel Maps, pg 110.

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 four (4) parcels ranging in size from 20,000 square feet to roughly 8 acres. 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. The property is of sufficient size (10 acres) to accommodate the number of parcels being requested. The applicant has submitted a mockup showing the possibility for future development sites and access thereby demonstrating that each of the parcels will be suitable for single-family residential development. Planning and Public Works staff have identified potential refinements to the tentative map to better account for circulation and setback concerns. A Condition of approval has been included that will provide the applicant flexibility to perform minor adjustments to the tentative map in service of this goal.

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 Sutter Road. The Northerly portion of the property is encumbered by an existing 50-foot easement. A 20-foot access easement held by MCSD crosses through proposed parcels 1, 2, and 3 and would frustrate development. The applicant is working with MCSD to extinguish the current easement in exchange for use of the northerly 50-foot access easement. Additionally, use of this easement will also be reserved for Proposed Parcel 3. The Land Use Division of Public Works supports granting an exception to allow reducing the width of the access easement to proposed parcel 4.

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. Section 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 Humboldt 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 in an area of High Fire Hazard Severity and is 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 Estates (RE) land use designation. The project maintains existing residential development. The RE designation (Chapter 4.8, 1 Land Use Designations) is used for areas or rural communities with limited public services that are suitable for residential use. 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 unit per 2.5-5 acres. 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).

b) Clustering policies are explicitly encouraged to assist in buffering adjacent resource production or open space uses. The project seeks permission to reduce the parcel sizes to enable clustering of future development in the northern portions of the property. This is in keeping with the policies of the plan and will help ensure compliance with the prescriptive wetland and riparian buffers of the Streamside Management Area regulations.

c) *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 (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.

Parkland §4420 (MCCP)

d) *Parkland Dedication Fee Calculations*

	130.00	McKinleyville Community Plan requires 130 square feet of parkland dedication per person for new subdivisions
X	2.578	Persons per average McKinleyville household (Source: 2020 U.S. Census)
	335.14	Parkland dedication per average household in square feet
/	<u>43,560</u>	Square feet per acre
	0.007	Parkland dedication per average household in acres
X	4	Number of parcels being created by the subdivision,
X	2	Number of dwellings per legal parcel or lot, including potential second units
X	100%	Percentage of these parcels within the McKinleyville Community Planning Area
X	\$100,000	Value of one acre of land in the vicinity of the subdivision project

\$6,155.00 Parkland Dedication In-lieu Fee for the Collins-Goldstein Subdivision

Parkland dedication in-lieu fees were calculated by the Assessor's Office to be \$100,000/acre or: $4(2(130 \times 2.578/43,560)) \times \$100,000 = \$6,155.00$ without the conveyance of secondary dwelling unit rights; or \$3,077.50 with the conveyance of secondary dwelling unit rights on all parcels.

11. 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 Agriculture General (AG-WR) includes single-family residential and accessory dwelling units as a principally permitted use. While the proposed parcel sizes are less than the minimum size ordinarily required for the AG zone, reduction of lot size is permissible under the Planned Development Permit being requested. This will enable clustering of future development and protection of nearby wetlands and riparian areas from impacts. The property is of sufficient size (10 acres) to accommodate the number of parcels being requested. The proposed parcels comply with the minimum width and depth requirements for the zone. The proposed parcels' minimum widths are as follows: Parcel 1 - approximately 85 feet (avg.), Parcel 2 – approximately 225 feet, Parcel 3 – approximately 545 feet - all widths exceed the 60-foot minimum found in the AG zone. No maximum lot depth is specified in the AG zone. (HCC 314-7.2)

b) The applicant has provided a Development Plan showing that each parcel from the subdivision has sufficient area to accommodate residential development outside of the standard setbacks applied to streams and wetlands.

c) *Planned Developments - §314-31.1 – Eligibility Criteria*

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

The project parcel is 10 acres in size and seeks to invoke the Planned Development provisions of the code to enable smaller parcel sizes and

allow for clustering of development to help with protection of the wetland and riparian areas on the property. This results in a better overall design and maximizes buffers and protection of these features.

d) *Design Guidelines for Planned Developments - §314-31.1*

(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

The southern half of the property is host to extensive riparian and wetland areas associated with Mill Creek which crosses through the property from east to west. Approximately 6.5 acres of the property is constrained by setbacks and buffers associated with these features. Allowing smaller parcel sizes enables all of this area to be consolidated onto a single larger parcel where its protection and avoidance will be possible. It also enables three of the parcels to all be clustered closer to Sutter Road thus minimizing the amount of additional roads needing to be created. And lastly, it helps better achieve the goals of the Housing Element by achieving the current density while setting the stage for future re-subdivision should the density increase. Conditions of Approval are included requiring preparation of a Development Plan memorializing the relevant wetland and riparian protections and setbacks.

e) (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

An existing 50-foot right-of-way easement crosses through the northern portion of the property and could facilitate a future easterly extension of Sutter Road. A second 20-foot easement held by McKinleyville Community Services District also crosses through the northern portion of the property. The applicant is seeking to extinguish this easement and grant use of the 50 foot easement instead. Additionally, the applicant proposes development of several shared driveways providing access to the rear parcel (Parcel 4). While three of the four parcels will have frontage on an existing fifty-foot right of way, the strategy utilizes smaller shared driveways in lieu of an interior road system.

f) (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

Parking will be accommodated on all parcels. Landscaping will be provided (see below).

g) (4) Architectural Considerations:

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

No new construction is proposed at this time.

h) (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

No landscaping is proposed at this time. Parcel 4 will be host to 6.5 acres of protected habitat associated with the Mill Creek riparian and wetland complex. A Development Plan will be prepared showing restrictions on development of Parcel 4.

No multi-family development is proposed. Runoff will be addressed in accordance with a drainage plan approved by the Department of Public Works.

i) 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

Access will be from Sutter Road and several shared driveways. The access road encroachment and driveways will be designed to County standards.

j) 2) Internal Circulation

- Integrated system of roads, pedestrian and bike paths
- Developments designed to limit length of roads, control turning movements and minimize hazards

The existing 50-foot right easement that runs along the northern boundary of the property has ample room for construction of a road with integrated pedestrian and bicycle infrastructure.

An exception has been requested to allow for a narrower right of way and roadway serving proposed parcel 4. The exception is supported by the Land Use Division of Public Works.

k) (3) Siting of Roads and Driveways

- Roads and driveways shall be consistent with terrain, minimizing excessive cuts and fills

A minimum amount of cut and fill is projected to accommodate site development.

l) (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

Parking will be accommodated on all parcels.

m) (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

Given the limited areas on the majority of the parcels, there will be no reserved RV parking dedicated.

n) 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.

A road maintenance association will be formed if a common access road is developed.

12. 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 10-acre parcel into four (4) parcels for future residential development. 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 vacant. Removal of approximately 3-acres of trees was completed approximately 1-year ago. This forms the bulk of the area targeted for future development under the proposed division. Public water and sewer service is available through the McKinleyville Community Services District. Therefore. The parcel being divided is bordered by residential development with densities higher than or similar 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.

13. 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 (RE 2.5-5) and zoning (AG-WR) allow 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 RE 2.5-5 land use designation, with a maximum density of 1 unit per 2.5 acres. The proposed development is consistent with the Humboldt County General Plan (Section 4.8, RESIDENTIAL ESTATES (RE)).

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 Minor Subdivision (Record Number; PLN-2022-17740) based on the evidence referenced, described, and provided herein and as well as 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 3, 2022**.

The motion was made by Commissioner _____
and Seconded by Commissioner _____

AYES:

NOES:

ABSTAIN:

ABSENT:

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