

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

Resolution Number 22-

**SUBDIVISION EXTENSION
CASE NUMBERS PLN-2022-17607, PLN-2018-15181
ASSESSOR PARCEL NUMBER 510-231-027**

MAKING THE REQUIRED FINDINGS FOR CERTIFYING COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND CONDITIONALLY APPROVING EXTENSION OF THE LAVELLE-USREY PARCEL MAP AND COASTAL DEVELOPMENT PERMIT

WHEREAS, the owners submitted an application and evidence in support of approving the Parcel Map Subdivision and Coastal Development Permit Extension; 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 County as lead agency, prepared a draft Mitigated Negative Declaration (SCH #2019109051) for the project in accordance with the California Environmental Quality Act (CEQA); and

WHEREAS, on December 5, 2019 the Planning Commission adopted the Mitigated Negative Declaration and approved the minor subdivision and Coastal Development Permit; and

WHEREAS, a timely request for an extension was made by the applicant on January 28, 2022; and

WHEREAS, the Planning Division staff report includes evidence in support of making all of the required findings for approving the proposed Parcel Map Subdivision and Coastal Development Permit Extension (Case Number: PLN-2022-17607); 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:

- 1. FINDING:** **Project Description:** The first two-year extension of a previously approved minor subdivision and Coastal Development Permit (original project: PLN-2018-15181). The approved project involves subdivision of an approximately 2.5-acre parcel resulting in four parcels and a remainder, all approximately 0.5 acres in size. The parcel is currently developed with a single-family residence and barn which will be hosted on the proposed remainder parcel. Pursuant to Section 325-9, an exception was previously approved to allow use of a 35-foot right of way to access the proposed parcels instead of the standard 50-foot right-of-way requirement. The parcels will be served with community water and sewer provided by the McKinleyville Community Services District.

EVIDENCE: a) Project File: PLN-2022-17607

- 2. FINDING:** **CEQA.** The requirements of the California Environmental Quality Act

have been met.

EVIDENCE: a) On December 5, 2019, the Planning Commission previously adopted the proposed Mitigated Negative Declaration, as required by Section 15074 (b) of the CEQA Guidelines and finding that there was no substantial evidence that the proposed project will have a significant effect on the environment. No changes to the project are proposed and there has been no changes to the applicable regulations and standards governing the proposal. Furthermore, the applicant states that conditions at the property have not changed since the original approval. For these reasons, further environmental review is not required.

3. FINDING: The development has not changed from that for which the permit or variance was granted.

EVIDENCE: a) The owner's project description states that no changes to the original permit have been proposed. An extension is necessary to grant the owner more time to complete the requirements of and be eligible to file the subdivision map.

4. FINDING: The findings made when the permit or variance was granted can still be made.

EVIDENCE: a) Staff has reviewed the findings made when the permit was granted for consistency with current regulations and found that the findings can still be made.

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 subdivision and Coastal Development Permit extension (Record Number: PLN-2021-17607) based on the approved tentative map on file for the project dated December 10, 2018, and 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.

John H. Ford, Director,
Planning and Building Department

ATTACHMENT 1A

Conditions of Approval

The conditions of approval effective January 29, 2020, shall remain in full force and effect and are not affected by this extension.

NOTE: THE ORIGINAL STAFF REPORT AND SUPPORTING DOCUMENTATION IS ON FILE WITH THE PLANNING DIVISION AND AVAILABLE FOR PUBLIC INSPECTION.

ATTACHMENT 1B

Original Conditions of Approval

Approval of the tentative map is conditioned on the following terms and requirements which must be satisfied before the parcel map may be recorded.

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 18, 2019** included herein as Exhibit A 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 Parcel Map be submitted for review and approval. Gross and net lot area shall be shown for each parcel.
4. 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 \$110.00 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.
5. Parkland dedication fees of \$7,669.80 shall be paid to the Humboldt County Planning and Building Department, 3015 "H" Street, Eureka. Alternately, a parkland dedication fee of \$3,834.90 may be paid, provided the applicant enters into a Conveyance and Agreement of development rights with the County of Humboldt for Accessory Dwelling Units on Parcels 1-4 and the Remainder. Release from the Conveyance and Agreement may be pursued upon payment of the \$3,834.90 parkland dedication fee balance. A copy of the Conveyance and Agreement form with *pro-rata* dedication payments amounts for each lot calculated will be provided by the Planning Department upon the election of this option by the applicant once the Parcel Map is prepared and approved for recordation. These fees may be paid for by individual lot owners on a *pro-rata* basis at the time individual lot owners apply for a permit to construct an Accessory Dwelling Unit. Should the applicant elect to enter into a Conveyance and Agreement, legal document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$415.00) will be required.
6. 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) The location of all drainage improvements and related easements, including areas designated as treatment areas for Low Impact

Development techniques demonstrating compliance with the MS4 program;

- (3) Development standards including setbacks, maximum lot coverage, maximum height and two (2) parking spaces on all parcels consistent with Section 314-109.1 Humboldt County Code;
- (4) The area encompassed by the Alquist-Priolo Special Studies Zone labeled "No residential development allowed until a Fault Evaluation Report is performed. "

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 on site shall cease all work in the immediate area and 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) “Construction activities shall be restricted to hours between 7:00 a.m. and 6:00 p.m. Monday through Friday and 9:00 a.m. and 5:00 p.m. on Saturday.”
 - (4) If applicable “Development rights for Accessory Dwelling Units have been conveyed by the subdivider to the County of Humboldt. The terms and conditions of the Conveyance and Agreement must be satisfied in order for the County to accept an application for an Accessory Dwelling Unit on any of the involved parcels. Please refer to the recorded Conveyance and Agreement for the specific requirements. Questions regarding this note should be directed to the Humboldt County Planning Division.”
 - (5) “The subdivision is considered a Regulated Project under the State Water Board’s Phase II Small Municipal Separate Storm Sewer System (MS4) Program. Areas identified as treatment areas shall be maintained for the life of the project. Development of low impact development techniques other than those included on the improvement plans shall require a site-specific analysis to demonstrate conformance with this standard.”
 - (6) “Tree removal and vegetation clearing associated with the Project should be conducted outside of the bird breeding season (the nesting season is generally considered to be March 1 – August 15) in order to avoid ‘take’ as defined and prohibited by Fish and Game Code (FGC) §3503, 3503.5, 3513, and by the Federal Migratory Bird Treaty Act (16 U.S. Code 703 et seq.). If work must be conducted during the bird nesting season, a qualified ornithologist (someone who is able to identify Northern California birds, and who has experience in nest-searching for passerines and raptors) should thoroughly survey the area no more than seven days prior to tree/vegetation removal to determine whether active nests (nests containing eggs or nestlings) are present. If active nests are found, appropriate buffers should be developed in consultation with CDFW to avoid take.”
 - (7) “The area identified within the Alquist-Priolo Special Studies Zone shall not be used for construction of any structure for residential development until such time a Fault Evaluation Report has been prepared for the site.”
 - (8) “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.”
9. 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 (currently \$415.00 plus applicable recordation fees) will be required. The Development Plan shall also be noticed on the Parcel Map.

remains and may recommend to the owner or the person responsible for the excavation work means for treatment or disposition, with appropriate dignity, of the human remains and any associated grave goods. The descendants shall complete their inspection and make recommendations or preferences for treatment within 48 hours of being granted access to the site.

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 term of the approved Tentative Map and Special Permit shall be 24 months from the effective date of the action except where otherwise provided by law. An extension may be requested prior to the date in accordance with Section 326-21 and 326-31 of the Humboldt County Code.