

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

Resolution Number 24-

Furtado Parcel Map Subdivision and Special Permits

Record Number PLN-2024-18990

Assessor Parcel Number 509-201-047

Making the required findings for certifying compliance with the California Environmental Quality Act and conditionally approving the Furtado Parcel Map Subdivision and Special Permits.

WHEREAS, the owners submitted an application and evidence in support of approving the Parcel Map Subdivision and Special Permits; 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, Attachment 2 in the Planning Division staff report includes evidence in support of making all of the required findings for approving the proposed Parcel Map Subdivision and Special Permits (Record Number PLN-2024-18990); and

WHEREAS, the Humboldt County Planning Commission held a duly-noticed public hearing on September 19, 2024, and reviewed, considered, and discussed the application for the Parcel Map Subdivision and Special Permits, and reviewed and considered all evidence and testimony presented at the hearing.

Now, THEREFORE BE IT RESOLVED, that the Planning Commission makes all the following findings:

1. FINDING:

Project Description: A Parcel Map Subdivision to divide an approximately 0.62-acre parcel into two parcels of approximately 0.40 acres (Parcel 1) and 0.22 acres (Parcel 2). No new site development or improvements are proposed. Pursuant to Section 314-99.1.2 H.C.C., a Special Permit is required for Lot Size Modification to allow Parcel 2 to be created below the 10,000 square foot minimum parcel size. An additional Special Permit is required to allow an existing accessory structure on proposed Parcel 2 prior to the construction of a primary residence pursuant to Section 314-43.1 H.C.C. The parcel is served with community water and sewer provided by the McKinleyville Community Services District. The two lots were previously created by an approved Parcel Map Subdivision (Case No.: PMS-12-96) by Edward Schillinger per Book 30 of Parcel Maps, Pages 7- 8 (1997). This project essentially reverses a portion of a later approved lot line adjustment between the subject property and what is now APN's 509-201-045 & 509-201-046, administratively approved on May 2, 2000, and illustrated on a Record of Survey by Edward Schillinger per Book 60 of Surveys, Page 26 (2000).

EVIDENCE: a) Project File: PLN-2024-18990

CALIFORNIA ENVIRONMENTAL QUALITY ACT

2. FINDING:

The requirements of the California Environmental Quality Act (CEQA) have been met. The Humboldt County Planning Commission has considered the project and finds the proposed subdivision requires no further environmental review 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 acknowledges CEQA's mandate that projects require no 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 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 the same, or greater density as the subject parcel. The proposal is consistent with the planned density and is currently developed with 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 two 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) During analysis of the previous subdivision, in a project review conducted by the Northwest Information Center, the project site was indicated as having the possibility of containing unrecorded archaeological resources and a study was recommended. The project was then referred to the Natural Resources Division of the Department of Public Works (NRPW). NRPW recommended against a Phase 1 archaeological study because the Division's data bank contained no recorded sites within the project site. NRPW further noted that an aerial photograph from 1941 showed that the site was previously forested, but then logged and developed, and that if any resources ever existed, they would most likely have been destroyed by the logging and subsequent development. Based on the recommendation from NRPW, no archaeological study was required. Nevertheless, the standard inadvertent archaeological discovery protocols have been made a condition of project approval.
- 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. Arcata Eureka Airport is the closest airport and is located approximately 2.2 miles north-northwest of the project site.

- k) According to the Humboldt County Fire Hazard Severity map, the parcel is not located within a fire hazard severity area. The site is located within the Arcata Fire 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. A hydraulic report and drainage plan are required to be prepared by a Civil Engineer registered within the State of California and will be submitted to the Land Use Division of Public Works (PW) for review and approval prior to commencement of the project. While the subject property is located within the municipal separate storm sewer system boundary area, the subdivision itself is exempt from low impact development requirements as the proposed impervious area is 2,500 SF of impervious area being created.
- m) The California Natural Diversity Database does not indicate that any species of concern have been identified on the subject parcel, the parcel is part of a previous residential subdivision, and is developed with one residential-type building, accessory structure, and is fully landscaped. There is mapped habitat for coast cutthroat trout associated with Mill Creek to the south of the parcel; however, the parcel is approximately 135 feet outside of the mapped Streamside Management Area and no impacts are expected. The County GIS shows the approximate south half of the parcel as containing mapped "Mill Creek Wetlands" and shows the parcel 215 feet outside wetland to the south mapped by the National Wetland Inventory. The Initial

Study prepared for the previous subdivision of the property in 1997 found that the subdivision would have no impact on wetland habitat. During this analysis Staff conducted a field inspection, and a review of relevant references in the Department and determined that Mill Creek was located more than 300 feet from the property boundaries and, therefore, will not require specific setbacks to be delineated. The project was referred to the California Department of Fish and Wildlife who did not respond with any specific concerns.

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) Per LLA-22-20 the subject parcel has been determined to be one legal parcel as described in Notice of Lot Line Adjustment 2000-15500.

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 two parcels. The parcels will range between 0.22 to 0.40 acres in size. The newly created parcels will be served community water and sewer by the McKinleyville Community Services District. The lots are large enough to comply with all required setbacks for existing and proposed structures.

- 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 (County Road No. C4L810) and Blackhawk Lane, a private drive. Conditions from the Land Use Division of Public Works (PW) recommends that the owner construct an Urban Driveway #1 at the end of the non-County maintained road and the west property line to connect the existing pedestrian network. Alternatively, the owner may construct one of the following: 1. Construct a concrete accessible crossing adjacent

to the subject property line, from the existing sidewalk on the northside to the existing sidewalk on the southside with a mountable curb (rolled curb) on the westside, or 2. Construct two ADA compliant opposing curb ramps adjacent to the subject property line, or 3. Construct a curb ramp with bulb out (southside of Blackhawk Lane) and replace existing non-compliant curb ramp (northside of Blackhawk Lane) to create an accessible crossing approximately one hundred feet (100') west of the subject property line.

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 8/7/2024 memo from the Land Use Division of Public Works (PW) 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 PW and requires that a hydraulic report and drainage plan for the subdivision be submitted to PW for review and approval.

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 size, width and depth requirements of the R-1-B-2 zone with the requested Lot Size Modification.

9. FINDING:

Section 314-99-1.2 H.C.C.: Minimum lot size may be modified down to 1,500 square feet but cannot create a parcel greater than 1.8 times the allowed minimum.

Section 325-11 H.C.C.: (a) the lots are in harmony with the topography; (b) soil conditions will not be adversely affected; (c) hydrologic conditions will not be adversely affected; (d) traffic patterns and emergency vehicle access will not be adversely affected; (e) the subdivision design with the LSM is in the interest of the public welfare; (f) the existing character of the area will not be adversely affected; (g) wetlands will not be adversely affected; (h) the subdivision conforms to the General Plan.

EVIDENCE:

- a) The subdivision is meant to create two parcels. Parcel 2 will be encumbered by half of an access easement resulting in a net lot size of 0.197 acres. None of the created parcels will exceed 1.8 times the allowed minimum lot size of 0.41-acres. Created Parcel 2, at 0.197 net lot acres in size, will be approximately 1,419 square feet smaller than the 10,000 square-foot minimum lot size for the R-1-B-2 zone. The granting of the Lot Size Modification will allow the created Parcel 2 to accommodate for the split access easement for the benefit of both parcels

The Lot Size Modification (LSM) is consistent with the findings of Section 325-11 H.C.C.: (a) the lots are in harmony with the topography; (b) there is no evidence that soil conditions will be adversely affected; (c) hydrologic conditions will not be adversely affected as there are no mapped watercourses on or near the subject parcel; (d) by utilizing existing and required road and access improvements the impact to traffic patterns and emergency vehicle access is minimized; (e) the subdivision design with the LSM is in the interest of the public welfare in that it considers the physical constraints and allows for optimum use of the site; (f) the existing character of the area will not be adversely affected in that the subdivision design with the LSM is consistent with residential development pattern of the area; (g) wetlands will not be adversely affected as there are no mapped wetlands on or within close proximity to the subject parcel; and (h) the subdivision conforms to the General Plan density.

FINDINGS APPLICABLE TO ALL PERMITS

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

EVIDENCE: a) The proposed development is consistent with the Residential Low Density (RL1-7) land use designation. The project will allow for the creation of two parcels for existing and proposed single-family residential development within the 0.62-acre parcel. The RL1-7 designation specifies a density of one to seven units for every one acre.

b) *McKinleyville Community Plan – Stormwater*
Satisfaction of the requirements found in the 8/7/2024 memo from the Land Use Division of Public Works (PW) 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 PW and requires that a hydraulic report and drainage plan for the subdivision be submitted to PW for review and approval. While the subject property is located within the municipal separate storm sewer system boundary area, the subdivision itself is exempt from low impact development requirements as the proposed impervious area is 2,500 SF of impervious area being created.

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
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	3	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

	0.023	Acres of parkland for subdivision
X	\$160,000	Value of one acre of land in the vicinity of the subdivision project
	\$3,692.98	Parkland Dedication In-lieu Fee for the Furtado Minor Subdivision

11. FINDING:

The proposed project is consistent with the purposes of and meets all the applicable development standards of the Residential One-Family Zone with a Special Building Site Combining Zone and combining zones for Manufactured Home and Streamside Management Areas and Wetlands (R-1-B-2-T-WR).

EVIDENCE:

- a) The property zoning designation of R-1-B-2 allows for residential uses as Principally Permitted on lots greater than 10,000 square feet in size. The proposed creation of lots less than 10,000 square feet is allowable with the Special Permit for the Lot Size Modification that is being requested.
- b) One existing accessory structure will remain on proposed Parcel 2 prior to the development of a main building, which is allowable with the Special Permit that is being requested.
- c) (T) A manufactured home is not proposed as part of the project.
- d) (WR) The County GIS shows the approximate south half of the parcel as containing mapped "Mill Creek Wetlands" and shows the parcel 215 feet outside wetland to the south mapped by the National Wetland Inventory. The Initial Study prepared for the previous subdivision of the property in 1997 found that the subdivision would have no impact on wetland habitat. During this analysis Staff conducted a field inspection, and a review of relevant references in the Department and determined that Mill Creek was located more than 300 feet from the property boundaries and, therefore, will not require specific setbacks to be delineated.

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 0.62-acre parcel into two parcels with a build out total of two units and two Accessory Dwelling Units. The proposed parcel sizes are permitted with the zoning and the resulting density is consistent with that planned for the area.
- b) The parcel being divided is currently host to an existing single-family residence that will remain on proposed Parcel 1, and an existing accessory structure that will remain on proposed Parcel 2. Public water and sewer service is available through the McKinleyville Community Services District. The parcel has been planned and zoned for single-family residential development for over 30 years and is surrounded by parcels with the same or greater density. Single-family residential development is principally permitted under the parcel's current zoning. 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.

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 (RL) and zoning (R-1) allow single-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 RL1-7 land use designation, which includes a maximum density of seven units per acre. The parcel is not included within the 2019 Housing Element inventory so there is no risk of the density falling short of the target required.

DECISION

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

- Adopt the findings set forth in this resolution; and
- Approve the Furtado Parcel Map Subdivision and Special Permits (PLN-2024-18990) subject to the conditions of approval attached hereto as Attachment 1A.

Adopted after review and consideration of all the evidence on **September 19, 2024**.

The motion was made by COMMISSIONER _____ and second by COMMISSIONER _____ and the following vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

DECISION:

I, John H. Ford, Secretary to the Planning Commission of the County of Humboldt, do hereby certify the foregoing to be a true and correct record of the action taken on the above-entitled matter by said Commission at a meeting held on the date noted above.

John H. Ford, Director
Planning and Building Department