

**Turner, Nicole**

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**From:** Carole Huey <chuey10@gmail.com>  
**Sent:** Thursday, January 25, 2024 6:27 PM  
**To:** COB; Madrone, Steve; Bushnell, Michelle; Wilson, Mike; Arroyo, Natalie; Bohn, Rex  
**Subject:** Fwd: PUBLIC COMMENT 1/26/24

**Caution:** This email was sent from an EXTERNAL source. Please take care when clicking links or opening attachments.

Good evening,

I will not be able to attend tomorrow's hearing, as I will be making a 10-hr drive to attend my aunt's funeral on Saturday.

I will try to join by Zoom to listen and make my public comment provided there are no technical difficulties, but I have attached it here as well.

I would like my comment to be part of the public record.

My deepest gratitude to you, the Board members, who are listening to our concerns. It is greatly appreciated.

Respectfully,

Carole Huey  
707-442-4880

----- Forwarded message -----

**From:** Carole Huey <chuey10@gmail.com>  
**Date:** Thu, Jan 25, 2024, 3:58 PM  
**Subject:** PUBLIC COMMENT 1/26/24  
**To:** Carole Huey <chuey10@gmail.com>

<https://acrobat.adobe.com/id/urn:aaid:sc:VA6C2:a27ec08c-33bb-43b5-b244-df00fc46dd5e>

## Turner, Nicole

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**From:** Carole Huey <chuey10@gmail.com>  
**Sent:** Thursday, January 25, 2024 6:31 PM  
**To:** COB; Madrone, Steve; Bushnell, Michelle; Wilson, Mike; Arroyo, Natalie; Bohn, Rex  
**Subject:** Re: PUBLIC COMMENT 1/26/24

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On Thu, Jan 25, 2024, 6:26 PM Carole Huey <chuey10@gmail.com> wrote:

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Project Title: Valadao – Subdivision Appeal  
Address: 1820 Pickett Rd., McKinleyville, CA 95519  
Assessor's Parcel # 510-381-021-000  
Record Number: PLN-2021-17560-APPEAL  
Board of Supervisors File Number: BAI-23-159

What is the process to obtain a permit for Design Review?

1. Applicant must file for a Design Review Permit.
2. Concurrent/Combined Permit Requirements Apply
  - a. "Whenever a development proposal requires the issuance of more than one permit for approval, the applicable permit procedures *shall* be applied simultaneously." (Section 312-3.3.1)
  - b. Therefore, Design Review should have been completed simultaneously with the Planned Unit Development Permit and the Use Permit.
3. Planning Department reviews application (HCC 312-6.1)
4. Planning Department refers copies of application to Design Review Committee. (HCC 312-6.1.3)
5. Upon referral of application, Design Review Committee *shall* participate in processing the application in the following manner. (HCC 312-7.5.1)
  - a. Design Review Committee reviews the application and prepares a written report describing any information that should be submitted to complete the application. (HCC 312-7.5.1.1)
  - b. Upon receipt of a copy of the completed application, the Design Review Committee **shall** review the application, and prepare recommendations that address the findings in Section 312-17. (HCC 312-7.5.1.2.1)
    - i. Findings in Section 312-17
      1. "The proposed development is in conformance with the County General Plan, Open Space Plan, and the Open Space Action Program." (Section 312-17.1.1)
      2. "The proposed development is consistent with the purposes of the existing zone in which the site is located, or when processed in conjunction with a zone reclassification, is consistent with the purposes of the proposed zone. "" (Section 312 17.1.2)
      3. "The proposed development conforms with all the applicable standards and requirements of these regulations." (Section 312-17.1.3)
      4. "The proposed development and conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity." (Section 312-17.1.4)



- c. Design Review Committee submits their written comments and recommendations to the Planning Department. (Section 312-7.5.1.2.2)
- d. Design Review responds to “any questions regarding their comment and recommendations.” (Section 7.5.1.3)
- e. Public Hearing – Planning Commission. (Section 312-7.5.1.2)

Failure to follow the process is an administrative error.

- The Applicant failed to follow the law.
- The Planning Department failed to follow the law.
- The Planning Commission failed to follow the law.

“No County department, employee or officer shall issue a permit, certificate or license for any land uses or building which conflicts with this Code, consistent with state law. Any permit, certificate or license issued in conflict with this Code shall be null and void.” (Section 312-51.3)

Design Review is mandatory and requires procedural application according to the code. (Section 314-19.1)  
There is simply no substitution or getting around this requirement.

- It is the Design Review Committee that is supposed to request the information required
- Then Applicant provides the data the Design Review Committee requests.
- The Design Review Committee then reviews it and approves it or conditionally approves it.
- If Applicant is not satisfied, with the Design Reviews action, it is referred to Planning Commission
- The decision of the Planning Commission may be appealed to the Board of Supervisors

The Design Review Committee established by District 5 Supervisor Steve Madrone pursuant to Section 314-19.1.2 stands ready to perform their duties. Section 314-19.1.6 states that “in no event shall building permits be issued in a D Zone until such plans have been approved or conditionally approved.”

It is of no relevance that McKinleyville has had no Design Review Committee for the last 20 years. Things change. Our community has changed. The real question is, why did the Planning Department fail to inform Supervisor Madrone that he had the right to establish a Design Review Committee? Why was it up to our Coalition to inform the Planning Department that Supervisor Madrone had the right to form the Committee? And, why was it up to our Coalition to Find the “D” and demand that the Design Control be performed by a locally appointed District 5 Design Review Committee? And, why has the Planning Department failed time and time again to follow the law? If the Planning Department serves the public and is charged with protecting the Public Health and Safety of our community, they should welcome the addition of a Design Review Committee.

A Design Review Committee operates as a check and balance. It helps catch mistakes **before** they become a problem. This is a healthy dynamic in any organization. If the Design Review Committee would have been allowed to do their job, it would have caught many of the problems now presented to the Board. Architects create beauty in “concert” with the law. Architects know the law. They have to use it every day. The Architects would have provided the Required Findings of Sections 312-17 and 19.1. And they would have represented all the members of District 5. Afterall, neither the Planning Commission or the Board of



Supervisors represents the community of McKinleyville. It is the representatives of our community that know, appreciate and seek to protect the character and beauty of our neighborhood.

Finally, the Draft Resolution exemplifies why we need a local Design Review Committee. Not only does it not recognize the beauty in our town, it **misinterprets the law**. Resolution 23 correctly states the law when it says "To qualify as a D Zone, the **areas** (*emphasis added*) within the County" should meet certain qualifications. But then it states that the "**site**" does not have any of the qualifications. It is not the "site" that matters it is the "area". Below is what the code actually says.

*To qualify as a D Zone, the **areas** within the County should meet one (1) or more of the following categories:*

*19.1.1.1 **Areas** of special or unique natural beauty and aesthetic interest forming a basic resource in the economy of the County, the preservation of which would enhance the tourism industry.*

*19.1.1.2 Sites, building, or structures, or uses which have special historical interest.*

*19.1.1.3 Maintenance of architectural and recreational aspects of designated **areas**.*

(1) The **area** where the proposed project is our Town Center, which will one day be our Old Town.

- Central Avenue is the Business Loop Exit off North and South Highway 101
- The intersection at Central and Pickett Rd is our main Tourist Attraction. It has
  - Eureka Natural Foods, Safeway, Post Office, Gym, Restaurants
  - Library, Police, Senior Center, Azalea Hall (Recreation Hall)
  - Pierson Park, Teen Center, Skateboard Park, Group Picnic Shelter
  - Pierson Park hosts weekly concerts, weddings, car shows, and Community Holiday celebrations like Pony Express Days, 4<sup>th</sup> of July, etc.
  - The McKinleyville Community Forest sits .4 mile east up Pickett Rd
  - Pierson Park and Azalea Hall are our Tsunami Evacuation Center
- Eureka Natural Foods is the Hub. It has a hot bar, deli, coffee shop, gift shop, etc. and is the only grocery store or restaurant with a generator during power outages.
- Tourists drive up Pickett Rd daily to check out the area—Pickett is .4 mile long.

(2) Why would tourists find a two-story monolithic prison compound with tiny narrow 24-foot roads and a tunnel of cars attractive?

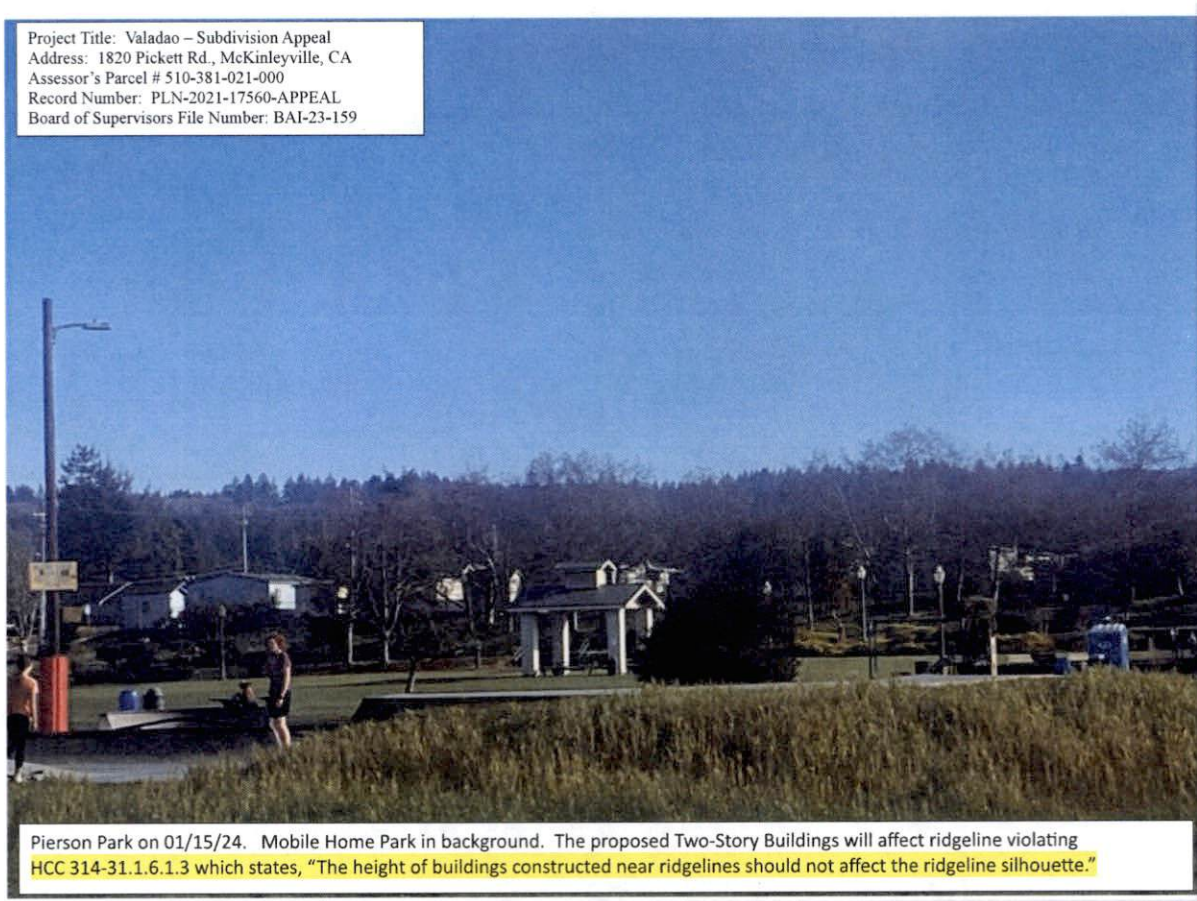
- How would that inspire them to return? Or to move here?
- How does the project fit with single-story homes on 1/3 acre lots?

(3) We are trying our best to create beauty, openness, space, and connectedness.

Below is a picture of Pierson Park, right below the proposed site. It is a beautiful park. Full of joy, relaxation, and teenagers enjoying the Skate Park.

- In the background, you see the first row of the single-story mobile home.

- If two-story buildings are built next to small mobile homes, the two-story buildings will block our ridgeline. They will be almost as tall as the telephone pole behind the blue mobile home.
- They will block the beauty and the stunning sunrises we often get.



(4) Because, the proposed Subdivision is in the heart of the McKinleyville Town Center, it is supposed to be preserved in order to "enhance the tourism industry" by maintaining the "beauty and aesthetic interest" of our town center and the "architectural and recreational aspects of this designated area." (See HCC 314-19.1.1)

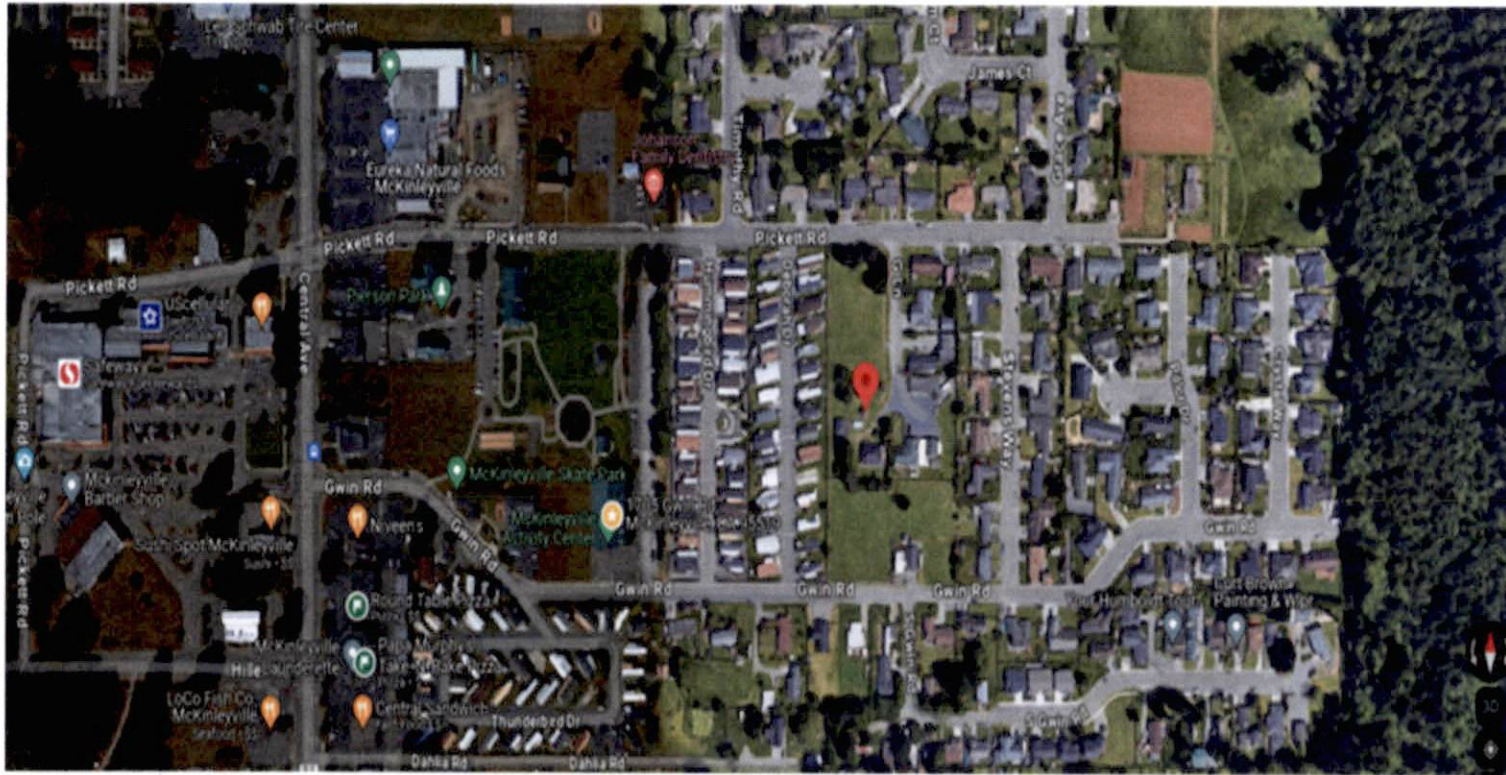
- The Code states the "appearance and design of **buildings, sites, structures, and signs**
  - Should form a **substantial contribution** to the
  - **Desirability of the zone** for uses permitted therein." HCC 314-19.

Laura Peterson  
 Coalition for Responsible Housing



# Valadao Subdivision Appeal

BDS # BAI-23-159





Pierson Park on 01/15/24. Mobile Home Park in background. The proposed Two-Story Buildings will affect ridgeline violating HCC 314-31.1.6.1.3 which states, "The height of buildings constructed near ridgelines should not affect the ridgeline silhouette."



- Legal Requirements
- Design Review
- Planned Development
- Density

## Who Has the Responsibility

- Applicant
- Planning Department
- Planning Commission



# What is the Process

- Applicant must submit application along with appropriate fees
- Referral goes to Design Review Committee for review
- Design Review Committee submits findings, comments and recommendations to Planning Commission
- Planning Commission holds a hearing on application
- Project is approved or denied

Information Request	\$ 150.00
Joint Timber Management Plan Review - Public Hearing	\$ 300.00
Lot Line Adjustment	\$ 1,800.00
Minor Deviation	\$ 300.00
Notice of Intention	\$ 300.00
Permit Provided by Contracted Services (Consultant)	Contract Rate + 20%
<b>Planning and Development or Modification Public Hearing</b>	<b>\$ 1,000.00</b>
Preliminary Review - Administrative	\$ 300.00
Public Road Name Change - Public Hearing	\$ 800.00
Special Permit - Administrative	\$ 1,400.00
Special Permit or Modification - Public Hearing	\$ 3,200.00
Subdivision (Final Map - FMS)	\$ 4,000.00
Subdivision (Preliminary Map - PMS)	\$ 4,000.00
Subdivision (Modification or SPS)	\$ 2,000.00
Surface Mining Permit / Reclamation Plan Permit including notice of modification Public Hearing	\$ 2,000.00
Variance or Modification	\$ 1,000.00
Working Clearance Certificate	\$ 3,700.00
<b>PERMIT REVIEW - FIXED FEES</b>	
Administrative Enforcement Agreement	\$ 371.00
Appeal to Board of Supervisors / Planning Commission - Public Hearing	\$ 1,000.00
Application Assistance (2 hour minimum applies to projects)	\$ 300.00
Buy Down Letter	\$ 141.00
Conditional Permit Standard Change	\$ 142.00
Development/Use Started without Permit	2X Deposit Fee
General Plan Conference Review	\$ 271.00
General Plan Petition	\$ 670.00
<b>Initial Design Review</b>	<b>\$ 800.00</b>
Cut Free Timberland Exemption Administrative	\$ 150.00
Home Occupation Permit, Subdivision Conference Review, Timber Harvest Plan Background Check, Business License Renewal, Cottage Industry Building Application	\$ 100.00
Initial Preliminary Plan Review	\$ 130.00
Legal Documents Review	\$ 6.00
Notices/Referrals (per parcel per visit)	\$ 143.00
Planning Commission Hearing Fee	\$ 143.00

# Administrative Procedure Required

- Administrative Error –
  - Design Review was not done prior to Planning Commission approval
- Must go through Design Review Committee.
- Continuance is required to allow Design Review Committee to review project and submit findings.
- Planning Commission reviews again.
- A building permit cannot be issued until this process is complete

Pierson Park on 01/15/24. Mobile Home Park in background. The proposed Two-Story Buildings will affect ridgeline violating HCC 314-31.1.6.1.3 which states, "The height of buildings constructed near ridgelines should not affect the ridgeline silhouette."





## View from Pierson Park

Center Pole , located on  
Hummingbird Dr., shows  
approximate height of  
development



## Comparable Developments in McKinleyville

- This PUD is at 1978 Sagewood Way in McKinleyville
- These apartments are located next to a commercial district.
- Timber Ridge Assisted Living Facility is the green two-story commercial building behind these apartments
- The green buildings represent roughly the size of the 90-foot proposed apartment buildings in the Valadao proposal. They will be massive.





## Parking at 1978 Sagewood Drive

- Parking spaces are 9 x 18 ft with a distance of 34 ft between parking spaces. (Valadao's is only 24-feet.)
- These apartments are only 56 feet long. Valadao's are 90 feet long.
- The apartments in front of Timber Ridge are 16 feet 8 inches apart. And the apartments on the left of the picture are 23 feet apart.





## 1978 Sagewood Drive alternate view

- Developer used Timber Ridge to create a courtyard feel
- Made use of Time Ridge landscape
- Ample Dedicated parking
- Fronts 40ft Road
- South facing to take advantage of morning sun



## Ariel View of Sagewood Drive

- ½ Square mile of Single-Story, Single-Family homes leading up to 2 Story apartments
- Mixed use of materials, building styles and green space creates beauty and a welcoming environment
- Architect created a gradual rise in roof peak elevations from one-story to two-story buildings.
- Plenty of green space behind development



## Heartwood Drive Subdivision

- This PUD was called out specifically in the McKinleyville Community Plan, Section 2602 # 8. It was developed by Central Estates, LLC. *It is 31.2 acres.*
- **The McKinleyville Community Plan required that it be developed to a maximum density of 9 units per acre.**
- The developer built all of the roads and donated them to the County.
- They created and donated the 7.22 acres of open green space with sidewalks. (23.14% of the total 31.2 acres.)





## 1978 Sagewood Drive (Heartwood PUD) – prior to development

- Timber Ridge is 71 units on 6 acres. (12 units/acre)
- Valadao project is 60 units on 2.47 acres (28 units/acre)

### **Conclusion:**

- The Valadao Project does not “fit right” in our neighborhood.
- Our neighborhood is single-story residential. 3 – 10 units per acres)
- The Valadao Project clearly does not have the beauty, expansiveness, or sense of belonging created by a Planned Development.



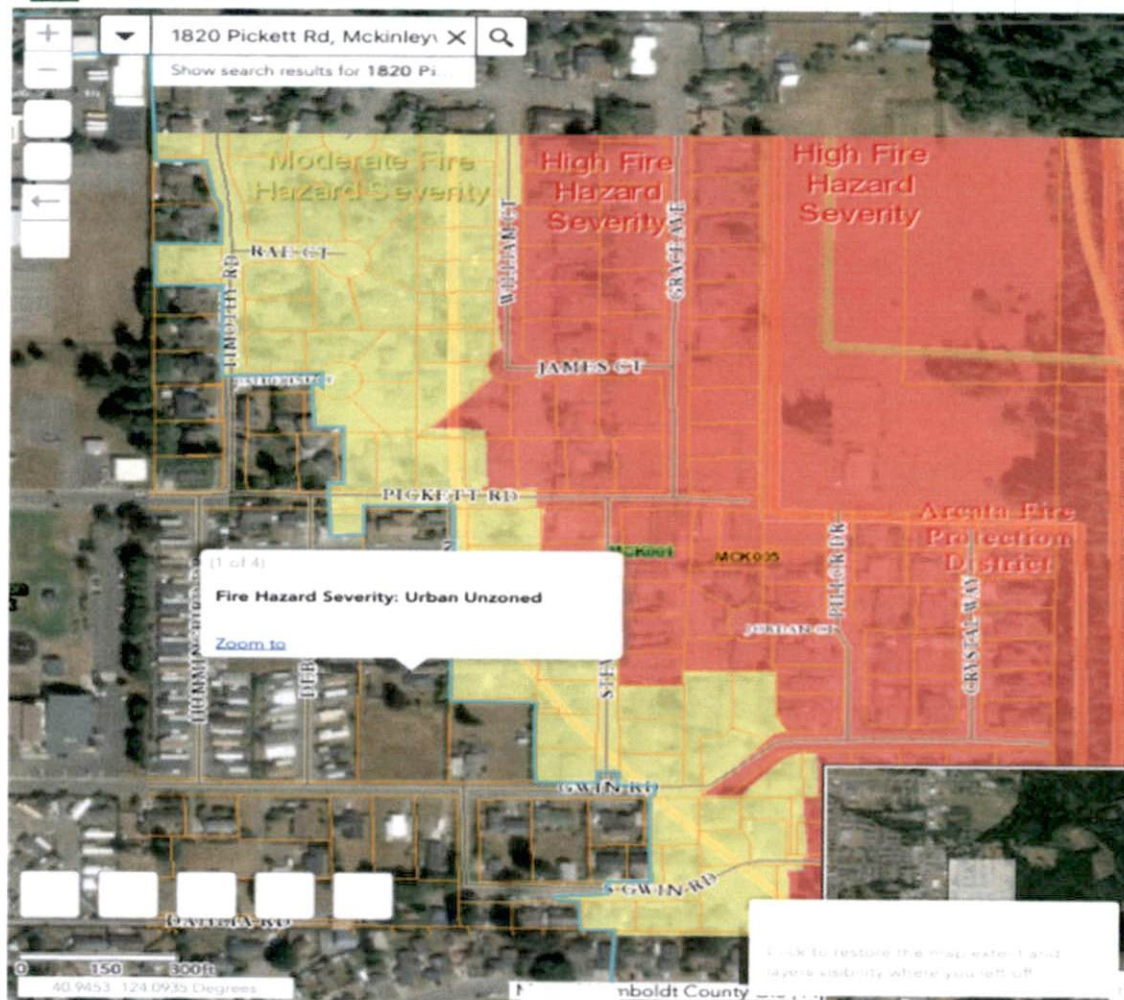


Apartment on Sutter Discussed in Resolution  
Look at the Green Space  
and 40 Foot Roads  
Section 8 Housing All Apartments



No single-story single-family homes







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1. In the interest of full disclosure

- I am an attorney and CPA
- And while I do not represent the Coalition for Responsible Housing
- I am its spokes **person**
- And as an injured party myself have legal standing.

2. I would also like to state for the record

- We are not against Housing
- And, this appeal is not about Nimbism.
- It is about our belief that you can have both
- Housing and beauty simultaneously.
- That we can create a sense of
  - Beauty
  - Community and
  - Serenity
- By providing beautiful places with a path to home ownership
- When we cannot see beauty, we cannot feel beautiful

3. In fact, it seems that throughout this process that

- We have been some of the few voices trying to
- Protect the tenants of the apartment buildings
- Trying to get them Laundry rooms, sufficient trash dumpsters,
- Deep enough parking spots,
- A wide enough road
- Some kind of open space, recreation area, or commercial service.

4. And to do that **all we have asked** for

- Is that people follow the law.
- Laws are not aspirational
- They are inspirational
- Purposeful
- Intentional
- That is why the first section in almost every code is
- Purpose and Intent

5. Our Appeal today covers four main issues.

- Law Broken
- Design Review
- Planned Development
- Density

6. First we would like to ask that the Board

- Deny the Subdivision into 19 lots
- Deny the Use Permit
- Deny all the Exceptions granted or requested
- And make the Applicant follow the law

7. Because the very purpose and intent of the Building Codes are to protect public health, and safety.

- It is only when we allow exceptions to the code
  - That we harm the public health, and safety
  - The “substantial rights” of any property owner
  - Can never be greater than “substantial rights” of the Publics
  - Right to a sense of physical, mental, and emotional well-being.

8. So here is a list of the exceptions requested that we find have no legal basis for approval

- Minimum Parking Exception
- Adequate Parking Exception
- Normal 18-foot Parking Space Exception
- Handicap Parking Exception
- Exception to a 50-Foot Roadway
- Exception to a Normal lot Development
  - With room for 5 parking spaces per lot.
  - Because Jack Way does not allow on street parking
- Exception to the Maximum building size of 4 Units per lot
- Exceptions to PUD requirements of beauty and community
- Exception to the Solar Access Requirements
  - Even though we live in Humboldt County
  - And need all the sun we can get.

9. Approving an Exception to a Zoning Regulation requires 4 things:

- Exceptional or extraordinary Circumstances
  - That don't apply generally to other properties
  - in the vicinity with the same zoning designation
- That a Strict or literal interpretation would result in practical difficulties
- That granting the exception is not a grant of special privileges
- Granting the exception will not be materially detrimental to Public Health, safety, or welfare

10. Approving an Exception to Subdivision Regulations require 3 things

- That there are Special Circumstances
  - or conditions affecting the property
- That the exception is necessary for the
  - Preservation and enjoyment of Substantial Property Rights
- That granting the exception will not be



- detrimental to public welfare
- Or injurious to other property in the territory.

11. We feel that none of the exceptions

- are applicable in the case before us .

## **Design Review**

1.The Applicant is a Seasoned Developer with an MBA

- Who is, apparently, the largest private Lender in the County.
- The Property has been Zoned R-3-D for 30 years
- Which means that Design Control is required
- Design Control requires that whatever you build on the property
  - Preserve and enhance architectural and recreational aspects of designated AREAs of the County.
  - And that the appearance and design of
    - Buildings
    - Sites
    - Structures, and
    - Signs
  - Should form a “Substantial Contribution” to the
  - Desirability of the R-3 uses permitted on the property
- So, the Applicant could have saved everyone a lot trouble
  - By designing his property accordingly
  - And by filing the Application for Design Review as required

2. Now, The Applicant and Planner have been engaged in this process for three years.

- During that time, during that entire time of planning,
- one of the zoning ordinances required was design review.

- Now I don't know whether the Applicant and the Planners knew about this, and ignored it,
    - or simply missed it.
    - We have not heard from them.
  - We do know, that it was clearly set out,
    - in its own paragraph on page 4 of the Staff Report.
    - And that it was our Coalition who noticed the "D" and asked the Planner what that meant.
  - But rather than acknowledge his grave error,
    - the Planner attempted to minimize it by saying that they never pay attention to that.
    - Similarly, many other significant issues were missed or ignored.
1. There are many issues with this approval that in substantial ways vary from the Code.
- Clearly some of these issues would have been addressed
  - and brought before the Planners
  - and considered by the Planning Commission
  - if a Design Review Committee had been able to review it prior to Approval.

Design review by it's very nature takes a more fine grain look at the site plans and local conditions of what makes a sense of place.

2. This information was and continues to be lacking.
- We have enumerated many of these variances,
  - and what we consider to be violation of the Code,
  - applied in a very biased manner.

3. But we do not appeal to this board for correction of complicated issues.
  - Best left to commissioners to sort through,
  - but with the benefit of the prescribed design review
  - and instructions to follow the law.
4. We do, however, remind the Board, that Design Review in this instance is mandatory
  - and requires procedural application,
  - According to the Code.
  - The Design Review is a separate Application from the Planned Development Application.
  - And requires its own Application Fee as set by the Board.
  - There is simply no substitution or getting around this requirement.
5. We understand that this failure on the part of the planners
  - and the applicant to recognize and facilitate the Design Review in a timely manner
  - may cause some inconvenience,
  - However, as the Applicant has pointed out, he has been working on this for several years,
  - So, the additional time it would take to follow the law
  - is simply a relatively minor inconvenience.
6. Design Review is predicated on neighborhood scale,
  - which is why our appeal for Design Review comes from the neighborhood.
  - We, therefore, ask this Board to require the Planning Commission to vacate its approvals,
  - Pending a Design Review so as to bring whatever
  - changed development-- results from the design Review
  - before the Planning Commission.



7. We are willing to suspend further legal action based on these inappropriate decisions,
  - Pending the outcome of such a Design Review.
8. We remind the Board that Supervisor Madrone has created the Design Review Committee.
  - And we anticipate it will be a benefit not just to this development proposal,
  - but to all future such proposals within the 5<sup>th</sup> District
  - where Design Review is mandated.
9. The Design Review Committee is formally designated in the code,
  - as entirely within the discretion of the district supervisor
  - And, therefore, cannot be retooled to cover up or get around malfeasance.

In other words, we are simply asking that you require the Planning Department to follow the law.

## **Planned Development**

1. The **entire** purpose of the Planned Development code is to
  - Provide Beauty, Community, and Serenity
  - To encourage **Planned Development**
  - And allow flexibility in development
  - For the **purpose** of,
    - Saving sensitive habitats and
    - And cultural resources
  - Allowing “Clustered” development
    - In **“Concert with”**

- The Provision of
  - Open space
  - Recreation areas, and
  - Commercial services.
2. The code does not allow **clustering** for the sake of clustering
  3. To allow the Planned Development Code
    - to be used for any other **“Purpose”**
    - is a violation of the law.
  4. And, if we allow that violation here, we
    - Provide a dangerous road map that
      - Other Developers and bankers
      - Will use to circumvent the Building Code
      - The very laws meant to protect us
  5. It is no wonder then, that the
    - Public Comments in support of this subdivision
    - Are for the most part developers.
  6. The Resolution describes the whole Planned Development code
    - As mere guidelines.
    - That is not so.
    - The only section in the PUD code discussing Guidelines
      - Is the Section is 1.6 design Guidelines
      - And these Guidelines are meant to describe
      - The road map,
      - The artistry brought to play in development
      - They are simply Beautiful
      - And inspiring
      - Used by Architects all across the Country
        - As their palette to create beauty

7. Without them, we may as well stick the dimensions of the lot
  - In a computer and it will spit out how many
  - Huge box-like
  - Two-story
  - Monolithic buildings
  - We can put on the lot.
8. Why would the Code spell each consideration
  - If they don't matter?
  - Why waste the paper?
9. The fact is, that Each consideration
  - under Section 1.6 is a "Should"
10. And, at the very least **Should** means that each subsection
  - must at least be **Considered**
  - That is why each of the Considerations
  - Was initially set out in the Planning Commission's Draft Resolution as separate findings.
  - That resolution at least pretended to **consider them**.
    - Under this resolution
    - It has just forgone the whole attempt
11. Regardless, we all know this project is just a
  - Thinly veiled attempt to build
  - More apartments on the parcel than
  - Otherwise allowed
  - Under the regular R-3 zoning laws.
12. While providing no beauty,
  - Sense of community or
  - Feeling of well being



13. Essentially **gutting the Planned Development Code**

- While still allowing the Applicant to
- Divide the parcel
- Into tiny little lots
- With tiny little road
- With no setbacks
- No dedicated parking
- Insufficient parking

14. Therefore, there is no longer any incentive to create the

- Kind of planned Development created by
- The Heartwood Subdivision of 31.5 acres
- Which created beauty by
  - Providing almost all single-story buildings
  - Putting its Two Story buildings in a Commercial Zone
  - Creating Courtyards with neighboring buildings
  - Providing Parking and 40 foot Roads
  - Apartments that met solar shading regulations
  - And gradual rise in roof peak elevations to the two-story apartments.
- And It provided 7.22 acres of open green space
- 23.14 % of the total 31.2 acres
- It built all the Roads
- All the sidewalks
- And the sidewalks through running the length of the green space.
- And then donated them to the County

15. That is the beauty of the Planned Development Code
  - That is the beauty we will lose
  - If we gut the code.
16. As approved by the Planning Commission
  - There was no open space, recreation areas
  - Or commercial services provided
  - In the Valadao Subdivision
17. In order to meet the requirement of the Code
  - The Applicant added two small open spaces
  - That are now labeled Parcel A on the
  - Exhibit "Changes to Tentative Map
18. Therefore, it appears that the Applicant is now requesting
  - A subdivision of 20 parcels
  - So as to allow Parcel A to be
  - Owned by the Owners Association
  - As required by the code.
19. However, we see nowhere in the Resolution requiring
  - That the parcel be owned by the Owners Association.
  - Resolution 22 does not state that Parcel A will be owned by the Association.
20. The Subdivision Regulations Section 324-9 state exactly how open space must be conveyed.
  - This is important because
  - We have noticed other developers in the area
  - Who had promised open space
  - But never delivered it

- So, by requiring that the parcel be owned by the Owners Association,
    - A non-profit incorporated Owners Association ,
    - its legal title is secure
    - Funding is required and reviewed by the state
    - and the landlord and tenants' right are protected
21. The Subdivision Code Section 324-9(d) also requires detailed CC&R's
- I will read the applicable code

## Density

1. The Density is too high.
  - It is obvious by the lack of Parking
  - The narrowness of the road
  - The 16-foot parking spaces
    - instead of the 18 foot spaces required
  - the lack of Handicap parking
  - the zero setbacks allowed on 12 of the 19 lots
2. The lack of respect for its neighbors in the
  - Quaint and well-maintained
  - Mobile home park
  - By allowing only the minimum 10 foot set back
  - With two-story building
  - Towering over their little community
  - Creating a substantial fire hazard
  - Because, if the massive two-story
  - 90-foot long building catch fire
  - The flames will shoot out the two-storys
  - And down to the little single-story homes.



3. In fact, the proposed project is two blocks for the
  - McKinleyville Community Forest
  - The property is unzoned
  - Planning Department thought because the
    - Unzoned area had very old buildings on them
  - Regardless, the Property sit
  - Adjacent on two sides to properties
  - Designated as being in Moderate Fire Hazard Zones
  - Plus, the buildings in the development
  - Are massive two-story buildings
  - And way too close together
  - So certainly they will be in a Moderate Fire Hazard zone too
  - If there is a wildfire, they will be like
    - A wall of trees fueling the Fire.
4. The Area is in an LRA zone, which means it must follow SRA
  - Therefore, it must have a 50 foot road which shall provide safe
    - Emergency wildland fire equipment, and
    - Civilian evacuation concurrently.
    - With unobstructed traffic Circulation
    - During a fire.
5. Therefore, we ask you to not allow the exception to
  - A reduced road width because granting the exception
  - Will be detrimental to the mobile home park residents.
  - The open land there now has been proving a fire break

- Having a two-story flame thrower 10 feet away
  - From the roof of the mobiles is simply unsafe
  - Flame shoot out and down.
6. Require the Developer to put the 50-foot road down the fence line of the mobile homes so as to provide a fire break a modicum of privacy.

---

**In summary,** we would like to remind the Board that

12. We are more than willing to provide our fair share of housing.
- We just want it to be beautiful housing
  - That fits in with the character of our neighborhood
  - And we don't think the goal of housing and the goal of beauty
  - Are mutually exclusive.
13. And we respectfully ask the Board to:
- Decrease the Density of the project by
    - Either requiring that the units be
    - One-story
    - Or reducing the number of parcels that can be developed
  - That you honor our right to a Design Review Committee
    - As procedurally required in the code
  - And that you make them follow the law.
    - Because all of the building code laws
    - Are enacted to protect
      - Public Health,
      - safety
      - And general welfare

TITLE: Valadao Major Subdivision  
PLN-2021-17560-APPEAL  
BOS FILE #: BAI-23-1593  
APN: 510-381-021-000

### **PUBLIC COMMENT FOR APPEAL HEARING 1/26/24**

Hi, my name is Carole, and my mom and I live in the senior mobile home park abutting the west side of the proposed development.

I am going to comment about public health and safety as it relates to fire and the proximity of the McKinleyville forest, which lies 2 blocks east of the parcel. The area to the east of the parcel is considered to be a "moderate fire hazard".

At this time, the parcel is a bare field that acts as a natural firebreak between the forest and the senior mobile home park. If this development is allowed to proceed as is, allowing the many, many exceptions that are outside of the law, standard regulations and building codes, the two rows of 80-90 foot long, 2-story behemoths being called "four plexes" that are built far too close together with a road between them that is far too narrow will essentially act as a wall of trees if there is a wildfire. The parcel will also become zoned as a "moderate fire hazard" like the area to the east of it.

Mobile homes burn FAST. If a wildfire comes through, the development will become a 2-story flamethrower igniting tinderbox mobile homes. Many of the seniors in the mobile home park struggle with mobility issues. Fire is fast with the winds we have here. Lives will be lost.

In areas such as this, HCC 3112-3 states that, "All roads shall be constructed to a minimum Road Category 4 road standard...", which according to the Planning Staff Report is 50 feet. To quote the staff report, "Minimum right-of-way width requirements are established under the Subdivision Design and Improved Standards found in Section 5 of the Appendix to the Subdivision Regulations. The minimum width for roads serving two-way traffic (Road Category 4) is fifty (50) feet."

Since we will no longer have the natural firebreak of the open field to protect the senior mobile home park, it stands to reason per existing fire-life safety regulations that Jack Way should be a 50-foot-wide road between the development and the west side of the senior mobile home park, with a reduced density of structures built to the east of it.

The continually increasing risk of wildfire in our area is real. Does the developer really want to be responsible for the lives that might be taken as a result of this categorically wrong development. Here, again, the required community-based Design Review might also help to save lives by pointing out these hazards. Why is the developer so afraid to let us have this Design Review? It is meant for the benefit of EVERYONE in our community, including him.



TITLE: Valadao Major Subdivision  
PLN-2021-17560-APPEAL  
BOS FILE #: BAI-23-1593  
APN: 510-381-021-000

Public Comment for Board of Supervisors hearing, 1/26/24

I want to begin by thanking the members of the Board of Supervisors for the careful consideration you are giving to our concerns and to those of the applicant's regarding the appeal before you today. You have a great responsibility in ensuring that whatever decision you make takes into account the needs of the applicant, the surrounding property holders, the community of McKinleyville and the county at large.

Over the past few years, the McKinleyville Municipal Advisory Committee, along with MSCD, the Chamber of Commerce, our fifth district supervisor, and others have spent a great deal of time and effort to create the sense of place that McKinleyville is missing. This plan for our area will include hiking and biking trails, beautified city streets, retail shops, restaurants and attractive housing, all as a way to create a welcoming town center that invites folks to work, eat, play and stay in McKinleyville. These efforts will build upon existing public places such as Azela Hall and its senior center, the skate park, the Community Center, Teen Center and the library which are all located around Pierson Park - our large gathering space for town events like Thursday concerts in the park and Pony Express days.

The Valadao subdivision is at the east end of this town center and should strive to be in harmony with the beautiful and pleasing spaces the community is trying to create. Instead, it is densely packed, large scale apartment blocks with little green space and not much in the way of charm. While we may not get the green built, solar-powered tiny home village with a community garden for its residents that I would like, something like making the units one story would be an improvement over the current plan.

TITLE: Valadco Major Subdivision  
PLN-2021-17500-APPEAL  
ROR FILE # BA-23-1993  
APN: 881-381-011-000

Public Comment for Board of Supervisors Meeting, 11/20/24

I want to say... by thanking the members of the Board of Supervisors for the careful consideration you are giving to our concerns and to those of the applicant regarding the appeal before you today. You have a great responsibility in ensuring that whatever decision you make takes into account the needs of the applicant, the surrounding property holders, the community of McKinleyville and the county at large.

Over the past few years, the McKinleyville Municipal Advisory Committee, along with MSCD, the Chamber of Commerce, our fair district supervisor, and others have spent a great deal of time and effort to create the sense of place that McKinleyville is missing. This plan for our area will include hiking and biking trails, beautiful city streets, retail shops, restaurants and attractive housing, all as a way to create a welcoming town center that invites folks to work, eat, play and stay in McKinleyville. These efforts will build upon existing public places such as Azalea Hall and its senior center, the skate park, the Community Center, Teen Center and the library which are all located around Pierson Park - our large gathering space for town events like Thursday concerts in the park and Pony Express days.

The Valadco subdivision is at the east end of this town center and should strive to be in harmony with the beautiful and pleasant spaces of a community is trying to create. Instead, it is densely packed, large scale apartment blocks with little green space and not much in the way of charm. While we may not get the green built, solar-powered tiny home village with a community garden for its residents that I would like, something like making the units one story would be an improvement over the current plan.

With regard to our appeal, much has been made about the rights of the applicant in terms of a timely approval, fairness over sending his application back to Design Review as required by law and his financial bottom line. Fair points for consideration to be sure.

However, the surrounding property owners and the public are also interested parties in this matter and are entitled to due process under the law. I believe the county owes it to the citizens of McKinleyville to support our efforts in making our city a more desirable place to live by approving our appeal of this project, and granting a continuance until such time as the Design Review Committee created by Supervisor Madrone has reviewed the project, submitted its findings to the Planning Commission and another public hearing has been held. When laws intended to protect the interests of all involved are adhered to, everyone benefits. And that after all is what we all want.

Thank you.



With regard to our appeal, much has been made about the right of the applicant in terms of a timely approval, fairness over sending the application back to Design Review as required by law and the financial bottom line. It is worth for consideration to be sure

However, the surrounding property owners and the public are also interested parties in this matter and are entitled to due process under the law. I believe the county owes a duty to the citizens of McKinleyville to support our efforts in making our city a more desirable place to live by approving our appeal of this project and granting a continuance until all issues are the Design Review Committee created by Supervisor Madrone is reviewed. The project, submitted its findings to the Planning Commission and another public hearing has been held. When laws intended to protect the interests of all involved are adhered to, everyone benefits. And that is what we all want.

Thank you.

Appeal of Valadao Subdivision, *Hearing*  
Jan. 26, 2024

Thank you Supervisors for thoughtfully considering corrections that are needed for this project. We need thoughtful understanding and a fair reading and implementation of the codes and laws determining this project.

There have been endless exemptions and ignored responsibilities by the county's planning and permitting entities. Now they are trying to avoid the required Design Review that they were told was missing at the hearing on Nov. 16, 2023. That day the county knowingly approved the Valadao parcel plans without correcting the false zoning designation to the correct R3-D.

And, here we are, two months later telling them again to follow the law!

They have been working on this project for 3 years!

Adding insult to injury, they had the sense of privilege to theatrically wonder if they have to go back to correct the county's hard-to-believe wrongs.

That's 2 big, serious, mistakes: Not knowing the parcel is zoned R3-D and the related necessity of a Design Review before going forward.

Our supervisor is "imploring" <sup>for</sup> the legally required design review to commence with the committee he has put together. Please let that committee proceed with an unbiased, required Design Review.

Onto another example of *mismanagement*. Documents submitted to the Humboldt County Planning Commission on Nov. 30, 2023, supporting in great detail our appeal, were not posted for the public. *until this week.*

At ~~the~~ time, Steve Lazar admitted it was an administrative error.

That was only two weeks after they knowingly and wrongly approved the Valadao project without correcting the zoning to R3-D. D for Design *Control*. 3 egregious events in 2 weeks.

Many mistakes would have been caught if the design review had been completed when required, before approval.

I first became aware of this parcel possibly being developed in 2020 or 2021.

There was a large community of birds, birdsong, and large trees adjacent to the Gwin house on the South and West. These old big trees were cut down in 2020 or 2021 leaving the Gwin house newly exposed. The last, a giant red maple, was cut down more recently.

This violated HCC 31.1.6.1.2: "Major trees and shrubs should become the basis of the design to the maximum extent possible." and HCC 31.2.4.1.1: "Major trees should be retained to the maximum extent possible." This was not done. They were cut down. I ask if an EIR was/is necessary for this project. <sup>now</sup>

With fair and objective enforcement of county codes and laws, and implementation of McKinleyville's Community Plan, a welcome and bright addition to our neighborhood could be profitably built on this site. The housing could be attractive and welcoming to new owners.

This developer, with decades of experience, should have known the PUD laws better and not be so *flexible* dependent on his county-employed friends to facilitate his substandard housing plan and his financing.

*and* The reduced lot size the developer requests is to encourage low income housing and it requires a *Special Permit* commitment to long term affordability. HCC 314-99.1.2  
The codes are meant to be more than pretty window dressings to be ignored in favor of what is going on behind the scenes. Thank you.

*Linda Barney  
1049 Deborah Dr. 95519*

Project Title: Valadao Subdivision - 1820 Pickett Rd, McKinleyville, CA 95519  
Assessor's Parcel Number: 510-381-021-000  
PLN-2021-17560-APPEAL  
Board of Supervisors File Number: BAI-23-1593

January 26, 2024

To: Humboldt County Board of Supervisors  
From: Cindy Condit  
2082 Steven Way, McKinleyville, CA

The county Public Works codes and the McKinleyville Community Plan are written as laws but are being treated as general guidelines that apply to some individuals more than or not to others, depending on who they are and who they know. Rules/Laws/Codes are there to protect everybody.

The Design Review zoning designation has been used for decades; the Valadeo parcel was zoned R3-D 30+ years ago. Samoa has a design committee. McMAC has one. They are not a new concept. The point is that one was not put together for this parcel because the developer and county have not done their jobs correctly.

The zoning was in place when the property was purchased. The zoning was in place when the developer began planning. The developer didn't follow the rules so the backup is for the planning department to check the zoning. Simple and first thing. The zoning was in place but they failed to do their job. So, the follow-up would be for the planning commission to do their job. The zoning was in place. But they failed. So, we had to come to work with you. I certainly hope you do your job.

The Design Review shall be completed before a building permit can be issued. Well, it's not too late. The building permit has not been issued so there is time to meet this requirement.

Although your attorney says you can't go back, and maybe the County doesn't feel they can force Mr. Valadeo to go back, they can stop improper forward movement; they can hold the building permit. I would think that Mr. Valadeo and the County would want to work together and do the design review so that he can



move forward with building instead of getting stuck in further processes. The Design committee is in place and ready to work. Let's get this done right and move forward and add positively to the personality of our neighborhood and community.

Remember, we are not against housing. We are not against development. We simply want the laws currently in place to protect all of us to be followed.

Sometimes you have to step up and take responsibility for your actions or lack of actions. Sometimes you have to go back to move forward.

## SECTION B: REGULATIONS THAT APPLY IN ALL OR SEVERAL ZONES

### PART 3: DEVELOPMENT STANDARDS

314-96 through 314-98(Sections Reserved for Future Use)

314-99

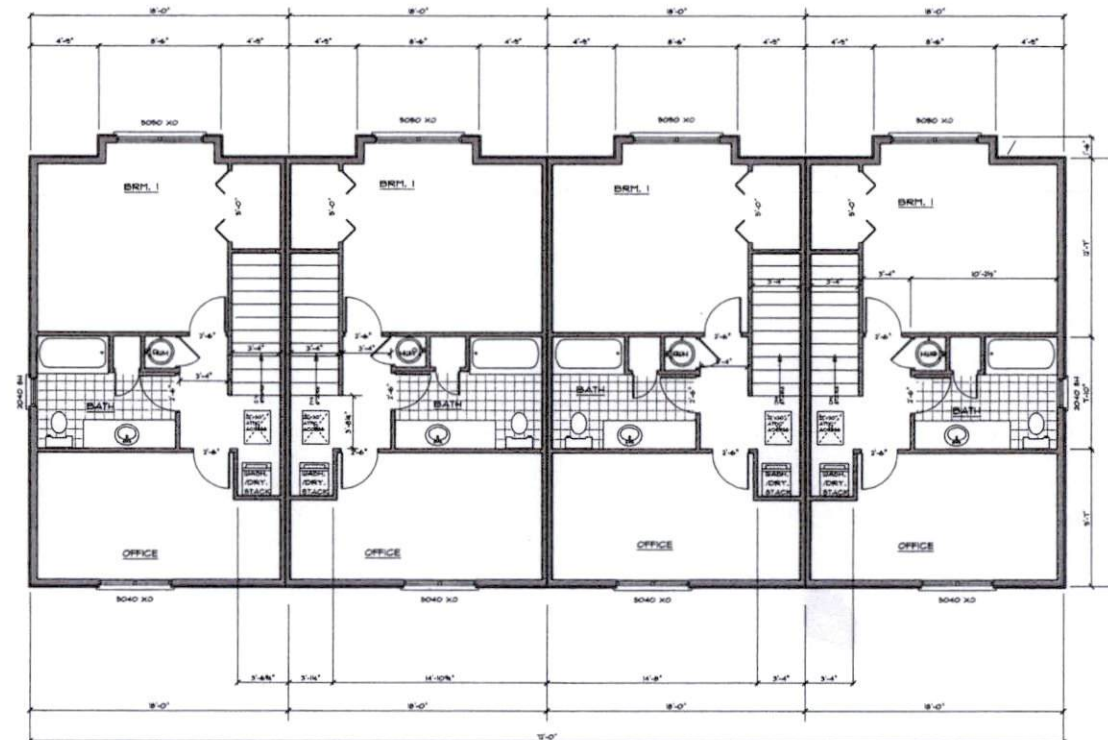
#### 99.1 EXCEPTIONS TO DEVELOPMENT STANDARDS

**99.1.1 Exceptions to Height Standards.** Any structure, building or any architectural feature of a building may be erected to a height greater than the maximum height limits in this Division provided that a Special Permit is first obtained. Such excess height, when allowed, will normally be conditioned upon proportional increases in the yards required, or covenants and restrictions ensuring long term affordability of housing for lower income households. (Former Section INL#316-9(a); Amended by Ord. [2472](#), Sec. 1, 2/14/12)

**99.1.2 Exceptions to Lot Size, Lot Width and Lot Depth Standards.** In order to encourage housing affordable to lower income households, or better design and cope with difficulties due to topography and other natural or man-made features, minimum lot size, minimum lot width and maximum lot depth in all zones may be modified as specified in the following table, subject to securing a Special Permit. Exceptions for housing affordable to lower income households shall be conditioned to require covenants and restrictions ensuring long term affordability: (Former Section INL#316-9(b); Amended by Ord. [2472](#), Sec.1, 2/14/12)

EXCEPTIONS TABLE		
DEVELOPMENT STANDARD	PERMITTED MODIFICATIONS	LIMITATIONS
Minimum Lot Size	Within mapped Housing Opportunity Zones Minimum Lot Size may be modified down to a minimum of 1,500 square feet. Outside Housing Opportunity Zones, Minimum Lot Size may be modified down to a maximum of fifty (50) percent, or 5,000 square feet, whichever is greater.	Such modification must be approved in conjunction with a subdivision or lot line adjustment. No lot created by the proposed subdivision or lot line adjustment shall exceed 1.8 times the applicable lot size except housing affordable to lower income households, which may be modified down to a minimum of 1,500 square feet.  Lots smaller than 3,000 square feet in size shall not include coastal environmentally sensitive habitat areas or their buffers, streamside management areas,

Upstairs diagram  
of 4 plex  
1 bedroom



SECOND FLOOR PLAN  
SCALE 1/4" = 1'-0"

JOB No.  
**23-039**

DRAFTING:



Brian Ralphy  
4949 West End Road  
Arcata, CA 95521  
(707) 828-9860  
brian@millyard1.com

JOB TITLE:

**4-PLEX**

for  
Dane Valdes

PROJECT:

APN:

ENGINEERING:

REVISIONS

ALL WORK SHALL BE IN CONFORMANCE  
WITH THE 2022 EDITIONS OF THE CALIFORNIA  
BUILDING CODE,  
CALIFORNIA 2022 ELECTRICAL CODE,  
CALIFORNIA 2022 MECHANICAL CODE,  
CALIFORNIA 2022 PLUMBING CODE,  
CALIFORNIA 2022 FIRE CODE,  
CALIFORNIA 2022 SAFETY CODE,  
A LOCAL ORDINANCE.  
THE CALIFORNIA BUILDING STANDARDS  
CODE IS BASED ON THE 2021 IBC.

1/1/2024

ENGR. JOB No.

DRAWN BY:

BAR

SHEET No.

**10**



## **Mission**

The Humboldt County Planning and Building Department is responsible for protecting public health, safety, and welfare. The department achieves this through building permit review and inspections consistent with California model codes as well as planning and development review and approval consistent with the county's General Plan.

## **Goals**

The Humboldt County Planning and Building Department will provide timely, accurate, objective and professional services to our customers in person, through digital or written

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1. Determine and implement organizational changes.
2. Develop operating instructions and procedures for new organizational structure.
3. Establish relevant performance metrics, defining targets and timelines.
4. Integrate and advance databases/geographic information system (GIS)/processing technology tools.
5. Attract, train/re-train/cross train, retain, and fairly compensate staff based on new organizational structure and goals.

## Valadao Proposed Subdivision

From: Patricia Krebs (cougar4351@yahoo.com)

To: mbushnell@co.humboldt.ca.us; smadrone@co.humboldt.ca.us; mike.wilson@co.humboldt.ca.us;  
narroyo@co.humboldt.ca.us; rbohn@co.humboldt.ca.us; cob@co.humboldt.ca.us

Date: Saturday, January 13, 2024 at 08:33 PM PST

Board of Supervisors

Project Title: Appeal of Valadao Subdivision

Appeal Number: PLN-2021-1756-APPEAL

Accessor's Parcel Number: 510-381-021-000

Board of Supervisor's File Number: BAI-23-1593

The McKinleyville Community Plan Section 2100 states that:

McKinleyville is a unique residential community as a consequence of:

Relatively clean air;

Unhurried atmosphere of its downtown shopping area with ample parking spaces;

Relative safety and ease of bicycle, pedestrian and equestrian traffic as a consequence of  
adequately wide roads and special trails in the central area of town and the Hammond Trail;

Relatively large lots which allow a significant portion of the community to garden and at a  
minimal cost provide themselves with homegrown fruit, vegetables, eggs and a possible  
supplemental source of income; and

Beautiful views along most major roadways; and

Providing housing for middle and low-income households.

It is the intent of the McKinleyville Citizen's Advisory Committee that these characteristics be maintained and enhanced as much as possible in accordance with the desires of the community residents.

McKinleyville residents are people who need and respect space, and neighborhood character.

The neighborhood in question consists of single story ranch style houses with large yards, many with gardens and fruit trees, berries, etc.,

The proposed Valadao Subdivision needs to reflect the existing neighborhood – single story homes and duplexes and tiny houses would fit into the characteristics of the neighborhood

Thank you,

Patricia Krebs

1882 Pickett Road

McKinleyville, CA

Project Title: Appeal of Valadao Subdivision  
Appeal Number: PLN-2021-17560-APPEAL  
Assessor's Parcel Number 510-381-021-000  
Board of Supervisor's File Number BAI-23-1593

Public Comment January 26, 2024

I just can't see why laws can be ignored by this developer when others have had to adhere to the law. I mean, it looks like over a dozen codes are being ignored so this developer can do what he wants in our neighborhood.

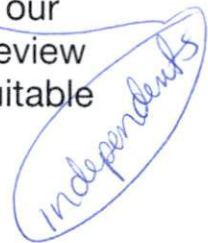
I don't see how this subdivision can be approved with inadequate parking and NO ADA accessible parking.

I wonder why the planning department addressed NONE of our concerns on November 16th.

And now I can't see any reason why this board ~~doesn't~~ <sup>wouldn't choose to</sup> respect our community enough to support the establishment of a Design Review Committee to look into this whole ~~density~~ <sup>density</sup> issue and find an equitable solution. Seems like a win-win to me.



Patti Stuart  
(530)410-4368  
2298 Timothy Court  
McKinleyville





Project Title: Appeal of Valadao Subdivision  
Appeal Number: PLN-2021-17560-APPEAL  
Assessor's Parcel Number 510-381-021-000  
Board of Supervisor's File Number BAI-23-1593

Public Comment January 26, 2024

Good morning,  
My wife and I live on a cul-de-sac in the Grace Park .subdivision in McKinleyville. The cul de sac that we live on has 5 homes or dwelling units. This project we're talking about today will add the equivalent of 13 new cul de sacs to our neighborhood. If we take these 13 cul de sacs and squeeze them, we have to really squeeze them together, to get the unprecedented 28 dwelling units per acre this project is calling for. The parcel project was not assigned a targeted density and is not in the HCD housing element inventory. Therefore, it is up to the BOS to assign density, not the developer. Now this extreme condensing, this squeezing together of so many units so tightly together, leads to the need for a cascade of variances for lot size, road size, parking space size, and in 2024 no ADA parking.

This project is zoned R3-D, the D standing for Design Review which is required on this protect. It's the law. By doing so, the project could be put in line with the McKinleyville Community Plan and the existing neighborhood.

Please help us find a fair and equitable balance by following the law and sending this to the design review committee which has been set up by District 5 Supervisor Madrone.

Mark Stuart  
(707)499-9154  
2298 Timothy Court  
McKinleyville

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McKinleyville residents are people who need and respect space, and neighborhood character.

The neighborhood in question consists of single story ranch style houses with large yards, many with gardens and fruit trees, berries, etc.,

The proposed Valadao Subdivision needs to reflect the existing neighborhood – single story homes and duplexes and tiny houses would fit into the characteristics of the neighborhood

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Patricia Krebs

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McKinleyville, CA



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Thank you,

Patricia Krebs

1882 Pickett Road

McKinleyville, CA

Hayes, Kathy

**From:** Patti Stuart <pjstuart320@gmail.com>  
**Sent:** Wednesday, January 24, 2024 3:37 PM  
**To:** COB  
**Subject:** Fwd: Appeal Valadao Subdivision

C-1  
received after  
Publishing

**Caution:** This email was sent from an EXTERNAL source. Please take care when clicking links or opening attachments.

Sent from my iPad

Begin forwarded message:

**From:** Patti Stuart <pjstuart320@gmail.com>  
**Date:** January 24, 2024 at 9:18:49 AM PST  
**To:** rbohn@co.humboldt.ca.us, mike.willson@humboldt.ca.us, mbushnell@humboldt.ca.us, narroyo@humboldt.ca.us, smadrone@humboldt.ca.us  
**Subject:** Appeal Valadao Subdivision

Appeal Number:510-381-021-000  
Board of Supervisors File Number: BAI-23-1593

Dear Supervisor,  
Please support Steve Madrone and our community by allowing Mr. Madrone to send this request for subdivision to the Design Review Committee which has already been set up.

Thank you.

Sincerely,  
Patti Stuart

Sent from my iPad