

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

Resolution Number 23-

**SUBDIVISION APPROVAL
CASE NUMBERS PLN-2023-18247, FMS-14-001
ASSESSOR PARCEL NUMBER 510-121-026**

MAKING THE REQUIRED FINDINGS FOR CERTIFYING COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND CONDITIONALLY APPROVING THE BRIGHTVIEW FINAL MAP SUBDIVISION

WHEREAS, the owner submitted an application and evidence in support of approving the Major Subdivision and Planned Development; 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 project is subject to environmental review pursuant to the California Environmental Quality Act (CEQA); and

WHEREAS, pursuant to Section 15074 of the Public Resources Code, the County Planning Division prepared a Mitigated Negative Declaration for the project, which was adopted by the Planning Commission on December 3, 2015 during original approval of the project; and

WHEREAS, the Commission's approval of the subdivision expired before the applicant could file the final map; and

WHEREAS, the proposed subdivision is identical to the design and configuration previously approved by the Planning Commission in 2015; and

WHEREAS, a public hearing was held on the matter before the Humboldt County Planning Commission on October 5, 2023.

NOW, THEREFORE, be it resolved, determined, and ordered by the Planning Commission that:

PROJECT DESCRIPTION

FINDING: A Major Subdivision of an approximately 1.58-acre parcel into seven residential lots utilizing a Planned Unit Development. The Planned Unit Development requests reduced front yard setbacks on proposed Lot 7, a reduced right of way width and a reduced minimum lot width on proposed Lots 1, 2 and 3. The parcel is currently vacant and will be served with community water and sewer by the McKinleyville Community Services District. The project includes an exception to various road standards including the right-of-way width, and the requirement for a landscaping strip, parking lane and sidewalk.

EVIDENCE: Project File: PLN-2023-18247

CEQA

FINDING: **CEQA.** The requirements of the California Environmental Quality Act have been met. The Humboldt County Planning Commission has considered the project and finds that approval of the proposed subdivision does not require further environmental review.

EVIDENCE: a) On December 3, 2015, during original approval of the project, the Humboldt County Planning Commission adopted a Mitigated Negative Declaration (SCH# 2015112019).

b) The previously adopted Mitigated Negative Declaration and approved Addendum evaluates the potential for environmental effects from the project. No changes to the previously approved project are proposed. Therefore, further environmental review is not warranted.

SUBDIVISION FINDINGS

(Section 66474 of the State Subdivision Map Act and Title III Division 2 of the Humboldt County Code)

FINDING All lots shall be suitable for their intended uses.

EVIDENCE: a) The applicant has submitted information demonstrating that the seven proposed lots will be suitable for single family residential development.

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

EVIDENCE: a) The applicant has submitted an exception request to allow the parcels to be served by a reduced right of way. The right of way that will serve the parcels will come off of Railroad Drive, a County maintained road with a 50 foot right of way. The private road will have a right of way width of between 30 and 35 feet wide. The applicant has also asked for an exception to the requirement for an on-street parking lane, a landscaping strip and sidewalk along the roadway. The Department of Public Works has reviewed this request and supports it.

FINDING Flood control and drainage facilities affording positive storm water disposal shall be designed and provided by the subdivider.

EVIDENCE: a) Per the Department of Public Works Exhibit A, dated September 6, 2023 they reviewed a preliminary drainage study and placed a condition on the project that a complete hydraulic report and drainage plan be approved by their department. Drainage improvements were installed with the previous subdivision to accommodate this subdivision.

FINDING Sewer and water systems shall be constructed to appropriate standards.

EVIDENCE: a) The parcels will be served by community water and sewer provided by the McKinleyville Community Services District. Project approval is conditioned upon satisfaction of the requirements of MCSD.

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: The Planned Development Permit proposes a reduced front yard setback on Parcel 7. The setback will be reduced to 18 feet to the garage where the code requires a 20-foot setback. This is due to the narrow shape of the lot in this location. The code does allow residences to be constructed with a 10-foot setback, however, the garage is required to adhere to the 20-foot standard. On this parcel, the garage is not accessed directly off of the access road and tandem parking is proposed such that all parking will remain outside of the front yard setback. Also, included in the Planned Development Permit is a reduced right of way width that varies between 30 and 35 feet. This request is due to the physical configuration of the existing parcel and will provide two, 10-foot travel lanes consistent with the recommendation of the Arcata Fire Department. Finally, the Planned Development Permit proposes three lots below the minimum 50-foot requirement. Lots 1, 2, 3 and 7 will have a lot width of between 25 and 40 feet measured at the front yard setback (definition of lot width). These lots will have an average lot width of between 45 and 65 feet, just below or exceeding the minimum width. The Department of Public Works has indicated that they can support the three exception requests.

Govt. Code §66474.02 Structural Fire Protection

FINDING Where approving subdivision of land (not for open space purposes) within a State Responsibility Area (SRA) or Very High Fire Hazard Severity Zone, the project must be consistent with state or local Fire

Safe Regulations and be located within an area where structural fire protection and suppression services will be available from a qualified entity (County, City, Special District, or other political subdivision or entity) that is monitored and funded by a County or other public entity, and organized solely to provide fire protection services, or through contract with the Department of Forestry and Fire Protection pursuant to Section 4133, 4142, or 4144 of the Public Resources Code.

- EVIDENCE:** a) The property is not located in a State Responsibility Area for Fire Protection and is located in an area of Low Fire Hazard Severity and is within the boundaries of the Arcata Fire Protection District, who provide structural fire protection. The project was referred to the district for review and did not result in an comments or issues being raised with the proposal.

Applicable General Plan and Community Plan Findings

Humboldt County General Plan - McKinleyville Community Plan (MCCP) - McK Area Plan (MCAP)

FINDING The proposed development is consistent with Urban Land Use policies for the McKinleyville Community Planning Area which require that development be served by urban services and adequate circulation systems (MCCP 2600).

- EVIDENCE** a) The subdivision creates 7 residential lots. The subdivision is served by community water and sewer provided by the McKinleyville Community Services District (MCSD). The subdivision will be accessible from Railroad Drive, a publicly maintained roadway developed to a road category 4 standard.

FINDING The proposed development is consistent with the residential planned land use designations applied to this parcel by the General Plan, Community Plan, and Area Plan; which include Residential Low Density (RL).

- EVIDENCE** a) The proposal results in seven lots (parcels) for residential development. The mid-point density for the RL designation is 4 dwellings per acre. Seven units on approximately 1.58 acres results in a density of 4.4 dwellings per acre, just above the midpoint density.

FINDING The proposed development will not pose a hazard to proposed structures and their occupants (MCCP 3211)

- EVIDENCE** a) The area of the proposed building site is within Geologic Hazard Rating 0 - "Relatively Stable" and is not within the Alquist-Priolo Fault Hazard Area. A Soils Report was prepared for this subdivision and was reviewed and approved by the Building Division.

The proposed subdivision site is in an area of low fire hazard.

FINDING The proposed development will conform with the County Flood Insurance Program (MCCP 3220).

EVIDENCE a) According to FIRM Map #625, the parcel is within Flood Zone c, areas outside the 100-year flood.

FINDING The project is consistent with Section 4420 of the McKinleyville Community Plan that requires subdivisions to establish recreational facilities to meet the needs of McKinleyville residents.

EVIDENCE a) Condition of Approval #8 requires payment of parkland dedication in-lieu fees per the required policy.

FINDING The proposed development will be developed so that downstream peak flows will not be increased (GP 5.4, MCCP 3301).

EVIDENCE a) Per the Department of Public Works Exhibit A, dated September 6, 2023 they reviewed a preliminary drainage study and placed a condition on the project that a complete hydraulic report and drainage plan be approved by their department. Drainage improvements were installed with the previous subdivision to accommodate this subdivision.

FINDING The proposed development is designed to protect sensitive and critical habitats, including migratory deer winter range, Roosevelt elk range, sensitive avian species rookery and nest sites, streams and streamside areas, wetlands, and habitat necessary for the protection of rare, threatened, and endangered species (GP 10.3, MCCP 3420).

EVIDENCE a) Based on the California Natural Diversity Database, the site is not in an area of sensitive resources. Additionally, the California Department of Fish and Wildlife did not respond with any concerns.

FINDING The proposed development is consistent with the goals and policies relating to public services and facilities, including the requirement that subdivisions provide road access to County maintained roads (MCCP 4100).

EVIDENCE a) The subdivision will be served by community water and sewer provided by MCSD. The subdivision is accessed from Railroad Drive, a publicly maintained County road.

FINDING The proposed development is consistent with the goals and policies designed to focus, time, and facilitate growth in the urban development areas with public service capacity, including connection to public water and wastewater systems (GP 5.4, MCCP 2630).

EVIDENCE a) The parcels will be served by community water and sewer provided by the McKinleyville Community Services District. Project approval includes Conditions requiring that the subdivision improvements and lot development be performed to the satisfaction of MCSD.

FINDING The proposed development is consistent with the goals and policies of relating to Airport Safety, including applicable density restrictions, and noise and land use criteria (MCCP 3250, ALUCP)

EVIDENCE a) The parcel being divided is located at the very southern edge of Airport Safety Zone 6, which has no restrictions on the maximum residential density permissible.

FINDINGS APPLICABLE TO ALL PERMITS

	FINDING		The proposed development is in conformance with the County General Plan.
	EVIDENCE	a)	The proposal results in seven lots (parcels) for residential development. The mid-point density for the RL designation is 4 dwellings per acre. Seven units on approximately 1.58 acres results in a density of 4.4 dwellings per acre, just above the midpoint density.
	FINDING		The proposed development is consistent with the purposes of the existing Residential Single-Family (R-1) in which the site is located.
	EVIDENCE	a)	All parcels will be over the 5,000 square foot minimum parcel size required by the R-1 zone. The project proposes exceptions to setback and lot width requirements as allowable under the Planned Unit Development Regulations.
	FINDING		The proposed development conforms with all applicable standards and requirements of these regulations.
		a)	The Planned Development ordinance allows for variations to the lot size, lot width and lot depth where the application of such variations would provide a better means of carrying out the intent of the General Plan.
		b)	The variations in setbacks and lot width requirements allows for the subdivision to maximize the number of residential lots to be created, which carries out Guiding Principal #3 of the Humboldt County General Plan which is to facilitate the creation of affordable housing opportunities to meet current and future demands for all income levels.
	FINDING		The proposed development complies with the Parkland Dedication requirements of the zoning regulations.
	EVIDENCE	a)	Condition of Approval #8 requires payment of a parkland dedication in-lieu fee of \$15,680, or \$7840 with the conveyance of secondary or accessory dwelling unit rights.
	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)	All development will be served by public water and sewer service provided by the McKinleyville Community Services District. All reviewing referral agencies have approved or conditionally approved the proposed project design. The project as proposed and conditioned is consistent with the general plan, community plan, and zoning ordinance; and the proposed project is designed to avoid causing significant environmental damage.

	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.
		a)	The parcel was included in the County's most recent housing inventory and utilized in the Regional Housing Needs Assessment data. Under this assessment, the parcel was identified as reasonably providing 4 additional residential units. The proposal to divide the parcel into 7 parcels exceeds the residential density that was utilized for determining compliance with housing element law.

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 Final Map Subdivision (Record Number: PLN-2023-18247) based on the approved tentative map on file for the project dated April 2015 and dated as received by the Humboldt County Planning on June 27, 2023, subject to the conditions of approval.

Adopted after review and consideration of all the evidence on **October 5, 2023**.

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

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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