

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

Resolution Number 23-

**SLACK AND WINZLER SUBDIVISION
PROJECT NUMBER PLN-10797-FMS
ASSESSOR PARCEL NUMBER 304-071-018**

**MAKING THE REQUIRED FINDINGS FOR CERTIFYING COMPLIANCE WITH
THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND CONDITIONALLY
APPROVING THE SLACK AND WINZLER SUBDIVISION**

WHEREAS, the owners submitted an application and evidence in support of approving the Subdivision of a 44.2-acre parcel into 5 residential parcels; 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 for the 2017 Humboldt County General Plan (SCH#2007012089), in keeping with the criteria outlined within section 15183 of the Guidelines; and

WHEREAS, a public notice was sent via mail to all owners and occupants of property within 300 feet of the boundaries of the project; and

WHEREAS, on November 30, 2023 a public hearing was held before the Humboldt County Planning Commission during which the Planning Commission reviewed, considered, and discussed the application and reviewed and considered all evidence and testimony presented at the hearing; and

NOW, THEREFORE, be it resolved, determined, and ordered that the Planning Commission makes the following findings:

PROJECT DESCRIPTION

- 1. FINDING:** A Major Subdivision of an approximately 44.2-acre parcel into 5 residential parcels ranging in size from 5.17 acres to 16.63 acres. The parcel is currently vacant and will be served with community water from the Humboldt Community Services District and on-

site wastewater treatment systems. Access to the parcels will be provided by an approximately 2,800-foot long roadway from Elk River Road that will partially follow the alignment of an existing logging road.

EVIDENCE: a) Project File: PLN-10797-FMS

CEQA

2. FINDING: **CEQA.** The requirements of the California Environmental Quality Act have been met. The Humboldt County Planning Commission has considered the project and finds that no additional environmental review is required 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 be exempt from additional environmental review when consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified, 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 Eureka 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 of 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 a mixture of densities. The proposal is consistent with the planned density. 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 the Environmental Impact Report (EIR) for the 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 (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 subdivision will create a total of five (5) 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) An archaeological survey report was completed for a Timber Harvest Plan on the subject parcel in 2009 which found no archaeological or historical sites on the property and no resources requiring mitigation or protection. Both the Bear River Band of Rohnerville Rancheria and the Wiyot Tribe were consulted during the review of the project and indicated that they had no concerns regarding the proposed subdivision.
- 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.
- k) The site is within the area served by the Humboldt #1 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) A biological survey and botanical survey have been completed which demonstrate that development of the site can occur without adversely impacting sensitive resources.

312-1.1.2 Legal Lot Requirement

3. FINDING: The lot that was created in compliance with all applicable state and local subdivision regulations.

EVIDENCE: The parcel was created through an approved subdivision, filed in Book 34 of Parcel Maps, Pages 106-108.

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 five parcels ranging in size from 5.17 acres to 16.63 acres. The properties have been found to be suitable for intended residential development through the submittal of technical documentation including a geotechnical

report and soil testing for on-site wastewater treatment systems. The lots are large enough to comply with all required setbacks.

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 Elk River Road, a county-maintained roadway that meets road category 4 standards. The proposed access roadway within the interior of the subdivision will be required to be constructed to county standards,

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

EVIDENCE: a) Satisfaction of the requirements found in the Memo from the Land Use Division of Public Works (DPW) is required by the project Conditions of Approval. 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 DPW and requires that a hydraulic report and drainage plan for the subdivision be submitted to DPW for review and approval. Additionally, the project will be required to detain stormwater such that no additional water will leave the site at a rate greater than the pre-development 2-year (Q_2) storm flows.

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

EVIDENCE: a) The Humboldt Community Services District supports approval of the project and is prepared to provide water service to future development of the parcels and the Division of Environmental Health has reviewed the proposed on-site wastewater treatment system designs and recommended approval.

8. **FINDING:** The size and shape of lots shall be such as is proper for the locality in which the subdivision is situated, and in conformance with the requirements of the current zoning regulations and the Humboldt County General Plan.

EVIDENCE: a) The size and configuration of the proposed parcels complies with width, depth, requirements of the AG zone.

Govt. Code §66474.02 Structural Fire Protection

9. FINDING: Where approving subdivision of land (not for open space purposes) within a State Responsibility Area (SRA) or Very High Fire Hazard Severity Zone, the project must be consistent with state or local Fire Safe Regulations and be located within an area where structural fire protection and suppression services will be available from a qualified entity (County, City, Special District, or other political subdivision or entity) that is monitored and funded by a County or other public entity, and organized solely to provide fire protection services, or through contract with the Department of Forestry and Fire Protection pursuant to Section 4133, 4142, or 4144 of the Public Resources Code.

EVIDENCE: a) The property is located in a State Responsibility Area for Fire Protection and is located in a mapped High Fire Hazard severity area. The property lies within the boundaries of the Humboldt #1 Fire Protection District, who provides structural fire protection. The project was referred to the district for review and did not result in any comments or issues being raised with the proposal.

FINDINGS APPLICABLE TO ALL PERMITS

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

EVIDENCE: a) The proposed development is consistent with the Residential Agriculture Density (RA) land use designation. The project will allow for the creation of a total of 5 parcels for single-family residential development within the 44-acre project site. The RA designation specifies a density of one unit for every 5-20 acres.

Parkland §4420 (ECP)

b) *Parkland Dedication Fee Calculations*

130.00 Eureka Community Plan, in concert with Humboldt County Code, requires 130 square feet of parkland dedication per person for new subdivisions

X 2.37 Persons per average Eureka household (Source: 2020 U.S. Census)

	308.10	Parkland dedication per average household in square feet
/	43,560	Square feet per acre
	0.00707	Parkland dedication per average household in acres
X	10	Number of new units being created by the subdivision and Planned Unit Development,
X	100% (1.0)	Percentage of these parcels within the Eureka Community Planning Area

	0.07	Acres of parkland for subdivision
X	\$150,000	Value of one acre of land in the vicinity of the subdivision project
	\$10,500	Parkland Dedication In-lieu Fee for the Subdivision

11. FINDING: The proposed development is consistent with the purposes of the existing Agriculture General (AG) zone in which the site is located, and meets all of the applicable development standards.

EVIDENCE: a) The property zoning designation of Agriculture General allows One-family dwellings and general agriculture as principal uses. The AG zone as applied to this property includes a combining zone specifying a minimum parcel size of five acres. All proposed parcels will be larger than 5 acres.

FINDINGS APPLICABLE TO ALL PERMITS

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 and planned development will divide a 44.2-acre parcel into five (5) parcels. The proposed parcel sizes are consistent with the planned density of the area and the minimum parcel sizes allowed under the zoning.

b) The parcel being divided has historically been logged, and has had a number of biological and botanical surveys completed which demonstrate that development of the site can occur without adversely impacting sensitive resources, 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 was not part of the most recent housing inventory that was utilized for determining compliance with housing element law. The project will positively impact compliance with Housing Element law. The project will increase the available separately owned housing in the Eureka Community Plan area and will comply with the density range of the RA land use designation.

DECISION

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

1. Adopt the findings set forth in this resolution; and
2. Approves the Final Map Subdivision, based on the approved tentative map on file for the project, subject to the attached conditions of approval.

Adopted after review and consideration of all of the evidence on **November 30, 2023**.

The motion was made by Commissioner _____
and Seconded by Commissioner _____ and the following ROLL CALL vote:

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