



COUNTY OF HUMBOLDT

Legislation Text

File #: 24-403, Version: 1

To: Planning Commission

From: Planning and Building Department

Agenda Section: Public Hearing

SUBJECT:

Sutter Parcel Map Subdivision and Special Permits
Assessor Parcel Number: 509-321-018
Record Number: PLN-2023-18146
McKinleyville area

A Parcel Map Subdivision of an approximately 2.26-acre parcel into four parcels with a 0.55-acre Remainder. The created parcels will range between 0.23 to 0.70 acres in size. An existing single-family residence will remain on the proposed Remainder, an existing Accessory Dwelling Unit will remain on proposed Parcel 2, and the existing detached garage and accessory structures will remain on proposed Parcel 1. A Special Permit is required pursuant to Section 314-43.1.1 of the Humboldt County Code (H.C.C.) to allow the existing detached garage and accessory structures to remain on proposed Parcel 1 prior to the development of a main building. An additional Special Permit is required pursuant to Section 314-99.1.2 of H.C.C. to utilize Lot Size Modification to allow lots less than the minimum 10,000 square feet in size required within the R-1-B-2 zone. The parcel is served with community water and sewer provided by the McKinleyville Community Services District.

RECOMMENDATION(S):

That the Planning Commission:

1. Adopt the resolution (Resolution 24-__). (Attachment 1) which does the following:
 - a. Find that the project is consistent with the development density and policies established by an existing community plan and General Plan for which an EIR was certified, and that no additional environmental review is required per section 15183 of the State CEQA Guidelines; and
 - b. Make all of the required findings for approval of the Parcel Map Subdivision and Special Permits; and
 - c. Approve the Parcel Map Subdivision and Special Permits subject to the recommended conditions of approval (Attachment 1A)

DISCUSSION:

Project Location:

The project is located in the McKinleyville area, on the east side of Azalea Road, approximately at the intersection of Sutter Road and Azalea Road, on the property known as 1643 Azalea Road.

Present General Plan Land Use Designation:

Residential Low Density (RL1-7); Humboldt County General Plan and McKinleyville Community Plan. Density: 1-7 units per acre. Slope Stability: Low Instability (1).

Present Zoning:

Residential One-Family with a Special Building Site Combining Zone and combining zones for Manufactured Home and Noise Impact (R-1-B-2-T-N).

State Appeal:

Project is NOT appealable to the California Coastal Commission.

Major concerns:

None.

Executive Summary: The project consists of a subdivision of an approximately 2.26-acre parcel into four parcels with a 0.55-acre Remainder. The created parcels will be 0.57 acres (0.22 net lot acres), 0.70 acres (0.30 net lot acres), 0.26 acres (0.22 net lot acres), and 0.23 acres in size. An existing single-family residence will remain on the proposed Remainder, and an existing Accessory Dwelling Unit will remain on proposed Parcel 2. Two small sheds and a detached garage will remain on proposed Parcel 1. Pursuant to Section 325-9 H.C.C., the applicant has submitted an exception request to allow for reduced right of ways to serve the parcels and that the requirement for a sidewalk within the subdivision be waived. Additionally, a CALFIRE exception request has been approved to allow the subdivision to be served by a road 18 feet in width and for the required 30-foot property line setbacks be reduced for existing structures. A Special Permit is required pursuant to Section 314-43.1.1 to allow the existing accessory structures and detached garage to remain on proposed Parcel 1 prior to the development of a main building. An additional Special Permit is required pursuant to Section 314-99.1.2 of H.C.C. to utilize Lot Size Modification to allow lots less than the minimum 10,000 square feet in size required within the R-1-B-2 zone. The parcel is served with community water and sewer provided by the McKinleyville Community Services District. The applicant intends to retain stormwater on site by hard piping roof gutter water to 18" diameter perforated pipes in 2' wide x 3' deep x 75' to 100' long trenches. PG&E requested that the Tentative Map show a gas line easement running north to south through Parcel 1 to service Parcel 2. This request has been satisfied. PG&E has also requested that Public Utility Easements be labeled and described appropriately prior to submittal of the Parcel Map.

General Plan and Zoning: The proposed subdivision is consistent with the RL1-7 (Residential Low Density, 1-7 units per acre) land use designation as the existing parcel is 2.26 acres in size. With the requested Lot Size Modification, the minor subdivision into four lots with a remainder lot is consistent with the R-1 (Residential One-Family with a Special Building Site Combining Zone) Zone District that

allows for residential uses as Principally Permitted on lots with a building site area greater than 10,000 square feet in size (Sections 314-6.2 and 341-17.1 HCC.). The minor subdivision does not conflict with the General Plan, the McKinleyville Community Plan, or County zoning regulations.

Access: Access to the property is via a private road connected to Sutter Road (Azalea Road). The created parcels will be accessed off Azalea Road via two unnamed access roads (Access Roads 1 and 2). Access Road 1 will serve Parcels 2, 3, and 4, and Access Road 2 will serve Parcel 1 and the Remainder. Conditions from the Land Use Division of Public Works (PW) recommend that the applicant complete improvements including, but not limited to 1. Dedication of easements of 40 feet in width to accommodate Access Road #1 and Access Road #2; and 2. construction of a 5-foot-wide pedestrian sidewalk with curb and gutter(s) on the east side of Azalea Avenue, north of Sutter Road. The applicant has submitted an exception request (attachment 1D) pursuant to section 325-9 of the subdivision regulations and is requesting relief from the requirement to dedicate 40-foot easements for Access Roads 1 and 2 and is requesting allowance for the easements be 20 feet in width. In addition, the applicant is requesting relief from the requirement to construct a 5-foot-wide pedestrian sidewalk with curb and gutter(s) on the east side of Azalea Avenue, north of Sutter Road. PW has reviewed the exception request and is in support of the exception to the 40-foot easement requirement; however, PW cannot support for the exemption to the requirement to construct a 5-foot-wide pedestrian sidewalk with curb and gutter(s) on the east side of Azalea Avenue, north of Sutter Road (Attachment 1E). In their exception request the applicant argues that the sidewalk requirement is problematic as the cost/benefit would not be feasible due to the physical layout and conditions on site that limit the functionality of a sidewalk system. Should the Commission choose to approve the exception request, staff recommends any motion to approve include rationale as to why the required findings for granting the exception can be made. These findings include: 1. There are special circumstances or conditions affecting the property; 2. The exception is necessary for the preservation and enjoyment of a substantial property right; and 3. Granting of the exception will not be detrimental to the public or injurious to other property in the area where the project is situated.

In addition to the conditions discussed above, PW will require that the private road apron at Sutter Road be retrofitted to meet current urban driveway standards and recommend several other conditions related to road and utility easement dedication, traffic control devices and signs, monumentation on the parcel map, and standard improvements, etc. The conditions are enumerated in a memo dated 2/14/2024 attached to this staff report (Attachment 1B) and are recommended as conditions of approval.

Biological Resources: The California Natural Diversity Database does not indicate that any species of concern have been identified on or near the project site, the site is part of a previous residential subdivision, and the project site is fully developed with three residential-type buildings and is fully landscaped. The project was referred to the California Department of Fish and Wildlife (CDFW). CDFW responded requesting the project be conditioned for avoidance of disturbance to nesting birds and encouraging the use of locally appropriate native plants in landscaping, and at a minimum, the planting palette avoiding invasive species listed in the California Invasive Plant Council Inventory. These have been made conditions of project approval.

Archaeological and Cultural Resources: The project was referred to the Northwest Information Center (NWIC), the Wiyot Tribe, Blue Lake Rancheria, and the Bear River Band of the Rohnerville Rancheria. NWIC responded recommending further study and that consultation with local tribes occur. Blue Lake Rancheria responded stating that they had no concerns about the project at this time. The Bear River Band responded stating that they are satisfied that the activities of the project do not appear to represent a source of significant impact(s) on cultural resources and requested that standard inadvertent archaeological discovery protocols be in place for any ground disturbing activities. This has been made a condition of project approval.

Environmental Review: The project is consistent with the development density established by an existing general plan for which an EIR was certified, and a determination that no further environmental review is required is being made pursuant to section 15183 of the State CEQA Guidelines. The Department has determined that further environmental review is not required as the project is consistent with a development density established under the 2002 McKinleyville Community Plan and the 2017 Humboldt County General Plan for which EIR's were certified. 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 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. Section 15183 of the CEQA Guidelines discourages lead agencies from performing additional environmental review where an earlier EIR was prepared, unless there are environmental effects peculiar to the project or the parcel on which it is located, or in situations where the earlier EIR(s) did not include analysis of significant effects or where previously identified significant effects could become more severe. Neither of these circumstances apply to the proposal. Further discussion of the basis for this determination can be found in Section 2 of the Draft Resolution.

OTHER AGENCY INVOLVEMENT:

The project was referred to responsible agencies and all responding agencies have either responded with no comment or recommended approval or conditional approval. (Attachment 4)

ALTERNATIVES TO STAFF RECOMMENDATIONS:

1. The Planning Commission could elect to add or delete conditions of approval. The Planning Commission could deny approval if unable to make all the required findings. Staff has concluded that the required findings in support of the proposal can be made. Consequently, staff does not recommend further consideration of these alternatives.

ATTACHMENTS:

1. Draft Resolution
 - A. Conditions of Approval
 - B. Public Works Subdivision Requirements
 - C. Tentative Parcel Map
 - D. Public Works Exemption Request
 - E. Public Works Exemption Request Response
 - F. CALFIRE Exception Request

G. CALFIRE Exception Request Response

2. Location Map
3. Applicant's Evidence in Support of the Required Findings
 - A. Stormwater Mitigation Plan, Calculations, and Control Plan
4. Referral Agency Comments and Recommendations

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Please contact Rodney Yandell, Senior Planner, at 707-445-7541 or by email at ryandell@co.humboldt.ca.us, if you have any questions about the scheduled item.