

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

Resolution Number 23-

**PARCEL MAP SUBDIVISION APPROVAL
CASE NUMBERS PLN-2022-17614
ASSESSOR PARCEL NUMBER 403-081-023**

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

WHEREAS, the owner submitted an application and evidence in support of approving a proposed Minor Subdivision of one parcel into four 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 of the project 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, Attachment 2 in the Planning Division staff report includes evidence in support of making all of the required findings for re-approving the proposed Tentative Parcel Map Subdivision (Case Number PLN-2022-17614); and

WHEREAS, a public hearing was held on the matter before the Humboldt County Planning Commission on August 17, 2023.

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

PROJECT DESCRIPTION

FINDING: A Minor Subdivision of an approximately 20-acre parcel into four parcels of approximately five acres each. The parcel is currently developed with an approximately 3,620 square foot single family residence and accessory structures that will remain on proposed Parcel 2. Community water is provided by Humboldt Community Services District and on-site wastewater treatment systems are proposed. A CALFIRE exception to the dead-end road length and road width has been requested.

EVIDENCE: Project File: PLN-2022-17614

FINDING: **CEQA.** The requirements of the California Environmental Quality Act have been met. The Humboldt County Planning Commission has considered the project and finds the proposed subdivision is exempt from the provisions of CEQA 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 notes 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. 15183 notes that subsequent environmental review is only necessary where the Lead Agency determines any of the following applies:
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.
 - b) There are no environmental effects that are peculiar to the project or the parcel on which the project is located. The parcel being divided is already host to residential development, adjacent lands in the vicinity are similarly planned and zoned and are also developed and sized consistent with the applicable planned density and minimum lot size.
 - c) Potential Impacts such as those common to the project were analyzed and addressed during preparation of the Programmatic Environmental Impact Report (SCH #2007012089) certified during adoption of the 2017 General Plan.
 - 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 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 minor subdivision will create three additional 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) A Cultural Resources Survey was prepared for the project by William Rich

and Associates which found no evidence of significant archaeological, historic, or cultural resources.

- j) A project specific biological assessment was prepared by Natural Resources Management Corporation, dated September 2022. The assessment recommends additional measure to protect sensitive species and habitats, which are included as requirements to be memorialized on the Development Plan. These measures include preconstruction surveys for sensitive species if tree removal occurs during reproductive season for potential sensitive species in the vicinity such as hawks and songbirds, tree voles, and fishers, as well as the requirement for a floristic survey and wetland delineation prior to development of proposed parcel 4. The analysis indicates that there is a small seasonal wetland on parcel 4, however the parcel is large enough to avoid the wetland and its associated 50-foot wetland buffer.
- k) 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.
- l) According to the Humboldt County Fire Hazard Severity map, the parcel is located in a high fire hazard severity areas. The site is within the Humboldt #1 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.
- m) The project will not violate any water quality standards or waste discharge requirements or substantially degrade surface or groundwater quality or degrade groundwater supplies. Residential development located on the parcels being created already receives water service provided by the Humboldt Community Services District and septic systems will be required to meet state and County health standards.
- n) A Drainage Report is required to prepared by a Civil Engineer registered within the State of California, and will be submitted for review and approval prior to commencement of the project.
- o) The project will not conflict with any adopted program, ordinance, or policy addressing transportation systems within the County or result in inadequate emergency access. While the length of the access road exceeds the dead-end road length under the State Fire Safe requirements, Cal-FIRE has approved an exception request and the parcel and proposed parcels will have fire protection services by Humboldt #1 Fire Protection District.

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 project will result in a total of four parcels, each of which will be 5 acres in size.

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

EVIDENCE: a) The majority of the access to the parcel is a publicly maintained road that is developed to a Road Category 4 standard. The remaining portion of the access that is private will be required to be improved to a Category 4 standard as a condition of approval of the map.

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. Section 3.0 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.

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

EVIDENCE: a) Water is provided by the Humboldt Community Services District and septic systems shall be developed consistent with county and state health standards.

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 size and configuration of the proposed parcels complies with width, depth, and minimum lot size requirements of the AG zone.

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 located in a State Responsibility Area for Fire Protection and is located in an area of High Fire Hazard Severity and is within the boundaries of Humboldt #1 Fire Protection District, who provide structural fire protection. The project was referred to the district for review and did not result in comments or issues being raised with the proposal.

Community Plan Findings - Freshwater Community Plan

FINDING The proposed development is consistent with the Freshwater Community Planning Area (FWCP).

- EVIDENCE**
- a) The subdivision is consistent with policy FWCP-P7 which states that no development shall be permitted in the portion of the planning area served by the Humboldt Community Services District at a density greater than one unit per two and one-half acres until the area is sewered because the resultant density will be one unit per five acres.
 - b) The subdivision is consistent with policy FWCP-P11 which states that Pigeon Point Road is designated as a 5 acre per unit density until the road section is improved to roadway category standard 5 and brought into the County Road System because the resultant density will be 5 acre per unit.

FINDINGS APPLICABLE TO ALL PERMITS

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

EVIDENCE a) The proposed development is consistent with the Residential Agriculture land use designation. The project maintains existing residential development. The RA designation (Chapter 4.8, Land Use Designations) is used for areas suitable for large lot residential uses where urban services may not be available. Per the General Plan a density of RA5-20 is appropriate for areas with slopes generally less than 30% and with good road access. The subject property is generally 30% slopes or less and has good road access. Therefore, the project is in conformance with the County General Plan (Chapter 4, Land Use Element).

FINDING The proposed development is consistent with the purposes of the existing Agriculture General (AG) zone in which the site is located.

EVIDENCE a) The property zoning designation of AG includes single-family residential as a principally permitted use. The proposed lot sizes are consistent with the required minimum lot size of 5 acres established in the B5 combining zone as well as the minimum width and depth requirements for the zone. All parcels are over 100 feet in width which exceed the 60-foot minimum found in the AG zone. No maximum lot depth is specified in the AG zone.

FINDING The proposed subdivision will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

EVIDENCE a) The proposed subdivision will divide a 20-acre parcel into 4 parcels, each suitable for residential development. The proposed parcel sizes and resulting density is consistent with that planned for the area.

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's General Plan land use designation (RA) and zoning (AG) allow residential development. The project will positively impact compliance with Housing Element law by dividing the property to its maximum density allowable under the land use designation and zoning restrictions.

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 Minor Subdivision (Record Number: PLN-2022-17614) based on the approved tentative map on file, subject to the conditions of approval.

Adopted after review and consideration of all the evidence on **August 17, 2023**

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

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

