

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings, Meeting of May 12, 2026

RESOLUTION NO. 26-__

RESOLUTION OF THE HUMBOLDT COUNTY BOARD OF SUPERVISORS MAKING THE REQUIRED FINDINGS TO DENY THE APPEAL, CERTIFY COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, APPROVING THE HUMBOLDT COMMONS PARCEL MAP SUBDIVISION AND SPECIAL PERMIT, AND DENYING THE EXCEPTION REQUEST. RECORD NO. PLN-2025-19246-APPEAL; APN 508-251-060-000 AND 510-133-013-000

WHEREAS, the property owner submitted an application seeking approval of a Parcel Map Subdivision resulting in two parcels of approximately 12.63 acres (Parcel 1) and 1.96 acres (Parcel 2), a Special Permit for wetland relocation and consolidation, and Exception Requests to Humboldt County Code requirements for paving; and

WHEREAS, Humboldt Commons provided evidence in support of approving a Parcel Map Subdivision and Special Permit to allow wetland relocation and consolidation; 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, a public hearing was held on the matter before the Humboldt County Planning Commission on March 19, 2026, during which the Planning Commission reviewed, considered, and discussed the application and reviewed and considered all evidence and testimony presented at the hearing; and

WHEREAS, the Planning Commission, at its hearing of March 19, 2026, approved the Parcel Map Subdivision and Special Permit application by a 5-0 vote; and

WHEREAS, on April 3rd, 2026, Humboldt Commons ("Appellant") filed a timely appeal in accordance with the Appeal Procedures specified in Humboldt County Code Section 312-13 et seq.; and

WHEREAS, the Board of Supervisors opened a public hearing, *de-novo*, at their meeting of May 12th, 2026, and reviewed, considered, and discussed the application and appeal of the project; and reviewed and considered all public testimony and evidence presented at the hearing.

NOW, THEREFORE, THE BOARD OF SUPERVISORS FINDS AS FOLLOWS;

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| 1. FINDING: | PROJECT DESCRIPTION: A Parcel Map Subdivision (PMS) to divide an approximately 14.59-acre parcel into two parcels of approximately 12.63 acres (Parcel 1) and 1.96 acres (Parcel 2). |
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The parcel is currently undeveloped and can be served with community water and sewer provided by McKinleyville Community Services District. A Special Permit is also included for the relocation of existing wetlands to facilitate future development of the parcel with senior housing.

EVIDENCE: Project File: PLN-2025-19246-Appeal

CEQA

2. FINDING: **CEQA.** The requirements of the California Environmental Quality Act have been met.

EVIDENCE: a) This project was analyzed and addressed during preparation of Environmental Impact Report (EIR) for the McKinleyville Town Center Ordinance (SCH#2024031111). The EIR for the McKinleyville Town Center Ordinance was certified by the Board of Supervisors on October 20, 2025.

b) The proposed subdivision, and wetland consolidation and restoration, do not include effects that were not examined in the program EIR. No substantial changes are proposed in the project which will require major revisions of the EIR due to involvement of new significant environmental effects or an increase in the severity of previously identified significant effects. No substantial changes to circumstances under which the project is undertaken are anticipated that would require major revisions to the EIR.

c) No new information of substantial importance which was not known and could not have been known at the time of EIR adoption shows any of the following:

- The project will have one or more significant effects not discussed in the EIR.
- Significant effects previously examined will be substantially more severe than shown in the previous EIR
- Mitigation measures or alternatives not previously found feasible would in fact be feasible and would substantially reduce significant effects of the project
- Mitigation measures or alternatives which are considerably

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different from those analyzed in the EIR would substantially reduce significant effects.

- d) A checklist was prepared to document that there are no new environmental impacts associated with the project.
- e) Mitigation measures developed in the program EIR have been incorporated as part of the project.

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

3. FINDING: All lots are suitable for their intended uses.

EVIDENCE: a) The project will result in a total of two parcels of approximately 12.63 acres (Parcel 1) and 1.96 acres (Parcel 2). The resulting parcels meet minimum parcel sizes, minimum lot width, maximum lot depth, and maximum lot coverage as required by the zoning ordinance.

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

EVIDENCE: a) The parcels will utilize the extension of Nursery Way through the project site as well as Hiller Road, which front the project for the primary ingress and egress route. The Department of Public Works has reviewed the proposed subdivision and recommends several conditions of approval related to road improvements related to maintenance, traffic control devices and signs, monumentation on the parcel map, standard improvements, etc. These are enumerated in a memo (**Attachment 1C**) and are included as recommended conditions of approval. As conditioned by Public Works the project will facilitate safe and orderly movement of people and vehicles.

5. 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 (PW) is required by the project Conditions of Approval. PW requires that a hydraulic report and drainage plan for the subdivision be prepared by an engineer and

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submitted to PW for review and approval and requires the applicant to correct any drainage problems associated with subdivision to the satisfaction of PW. Additionally, the project will be required to implement Best Management Practices to prevent storm water pollution, construct stormwater detention facilities, and because the site is located in an urban MS4 stormwater area, future development will be required to incorporate measures to further enhance and detain stormwater runoff.

6. FINDING: Sewer and water systems are constructed to appropriate standards.

EVIDENCE: a) Water and sewer service for both resulting parcels will be provided by the McKinleyville Community Services District. The project was referred to the McKinleyville Community Services District who recommended approval of the proposed subdivision.

7. FINDING: The size and shape of lots are 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 project will result in a total of two parcels of approximately 12.63 acres (Parcel 1) and 1.96 acres (Parcel 2). The resulting parcels meet minimum parcel sizes, minimum lot width, maximum lot depth, and maximum lot coverage as required by the zoning ordinance.

b) The proposed subdivision is consistent with the Commercial Services, Mixed Use, and Residential Medium Density land use designations. The resulting lots comply with the density ranges prescribed by the underlying land use designations.

COMMUNITY PLAN FINDINGS – MCKINLEYVILLE COMMUNITY PLAN

8. FINDING: The proposed development is consistent with the McKinleyville Area Plan.

EVIDENCE: a) The proposed project is consistent with Urban Land Use policies for the McKinleyville Community Planning Area which require that development be served by adequate urban services and

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adequate circulation systems. Sidewalks, curbs and gutters, and access roads will be constructed to the satisfaction of the Department of Public Works, and the project is served by the McKinleyville Community Services District.

- b) Within areas planned for residential development, new subdivisions containing less than fifty (50) parcels shall provide an in-lieu fee at a level determined by the County to be sufficient to provide an appropriate contribution to public parks or recreation and at a level that is economically feasible for small projects. Per Humboldt County Code 130 square feet of parkland is required per person. Per the 2020 Census the average household in McKinleyville is on average 2.578 persons. This amounts to 0.0077 acres of parkland per residential unit. Fees in-lieu of parkland dedication are based on the market value of land (\$160,000 per acre in the vicinity of the subdivision), and amount to \$1,232 per unit. Conditions of approval include a deed restriction that requires payment of \$1,232 per residential unit or dedication of 0.0077 acres of parkland per residential unit (or a combination of both) prior to issuance of building permits for residential units. The average number of persons per household may be amended for development consisting of senior housing, based on demographic research and available County Census data from the United States Bureau of the Census at the discretion of the Director of the Planning and Building Department.
- c) The proposed project is a Parcel Map Subdivision and will create an additional parcel to facilitate senior housing/aging in place facilities that will be developed in conformity with the goals, policies, standards, and programs of the County Housing Element. The other resulting parcel can be utilized for a variety of uses per the zoning including additional senior housing, multi-family residential, commercial residential, or nonresidential use types. The proposed subdivision will create parcels capable of supporting future development consistent with the McKinleyville Area Plan.
- d) The subject parcel is located in an area of relative stability, site is not located within an Alquist-Priolo Fault Hazard Zone, nor is it

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within an area of potential liquefaction.

The project site is not located in a tsunami hazard zone and does not reside within an area susceptible to coastal inundation related to sea level rise (1 meter).

The parcel is not located within a FEMA 100-year Flood Zone.

The subject parcel is located within a Local Responsibility Area for fire protection and is served by the Arcata Fire Protection District, who provides structural fire protection as well as responding to medical emergencies.

- e) The project was referred to NWIC, the Wiyot Tribe, Bear River Band of the Rohnerville Rancheria and the Blue Lake Rancheria. NWIC recommended a Cultural Resources Investigation be prepared for the project. A Cultural Resources Investigation for the Life Plan Humboldt Residential Development Project was prepared by William Rich and Associates in 2024. The report concluded there are no archaeological resources within the project site with potential to be adversely affected by future development activities. Inadvertent archaeological discovery protocols for any ground-disturbing activities have been included in recommended conditions of approval.
- f) Existing wetlands have been mapped in the Wetland Mitigation and Monitoring Plan prepared by the applicant. The project includes relocation of existing wetlands and has included mitigation and monitoring measures to reduce impacts to a less than significant level. A botanical survey was completed for the project that concluded one sensitive natural community was present on site (Coastal dune willow-Sitka willow- Douglas spiraea). Recommended conditions of approval require avoiding disturbance of sensitive natural communities on site, or mitigation in conformance with the measures outlined in the EIR prepared for the McKinleyville Town Center Ordinance. California Department of Fish and Wildlife (CDFW) was sent a referral for the proposed project, but no response was received. The McKinleyville Community Plan allows for wetland restoration as a development type within wetland areas. The project proposes

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relocating several small one-parameter wetlands and consolidating them around an existing three parameter wetland, expanding the area of three parameter wetland (subject to mitigation and performance standards in the Q-Zone). As the subject parcel was created after adoption of the McKinleyville Community Plan it is subject to Sensitive and Critical Habitats Policy 15, which states “No land use or development shall be permitted in Wetland Areas which degrade the wetland or detract from the natural resource value on newly created parcels.” This policy seeks to protect wetlands, but does not prohibit on-site consolidation, restoration, and mitigation of wetlands, provided the natural resource value of the wetland is retained or improved. The Town Center Q-Zone establishing criteria for wetland protection and relocation is consistent with the provisions of the Community Plan. As the proposed wetland relocation is consistent with the Q-Zone, it is also consistent with the Community Plan.

The proposed wetland relocation includes creating new wetlands at a 1.5:1 ratio and consolidating existing one-parameter and three-parameter wetlands into a single wetland area. The proposal includes filling 18,785 square feet of existing one-parameter and three-parameter wetlands and creating 28,900 square feet of new wetland area. The applicant has submitted a Wetland Habitat Mitigation and Monitoring Plan that includes mitigation, adaptive management and monitoring, and final success criteria/performance standards. The plan was reviewed by CDFW as part of the application materials, and no concerns have been raised. As the proposed wetland relocation is consistent with the McKinleyville Town Center Ordinance (Q Zone), it is also consistent with the Community Plan. Recommended conditions of approval include depicting the final wetland footprint and associated buffers on the Final Map and Development Plan.

- g) Attachment 3D demonstrates that developable area exists that can conform to all setbacks and building height requirements. Future development will be required to meet the standards of form-based code and go through the design review process.

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FINDINGS APPLICABLE TO ALL PERMITS

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

EVIDENCE:

- a) The property is planned and zoned for mixed use and is consistent with the Commercial Services (CS), Mixed Use (MU), and Residential Medium Density (RM) land use designations.
- b) The proposed subdivision would result in the creation of one new parcel which contains sufficient area outside the setbacks for mixed use development and outside of any potential sensitive wetland or riparian zones with wetland restoration and relocation as proposed. Utilities are proposed within 50' of the wetland and will not negatively impact wetland or riparian resources. Notes regarding the utilities within 50' of the wetland will be required for a development plan to ensure future development does not occur that has not been assessed for wetland impacts.

10. FINDING: The proposed development is consistent with the purposes of the existing Mixed Use (Urban) zone (MU1) in which the site is located and conforms with all applicable standards and requirements of the zoning regulations, including the McKinleyville Town Center Ordinance and the Humboldt County Streamside and Wetland Management Area Ordinance.

EVIDENCE:

- a) Senior Housing is a principally permitted use within the MU1 zone; The proposed project meets density requirements and will facilitate development of senior housing/aging in place facilitates; The parcel is currently vacant and does not include development that would increase ground coverage exceeding the maximum coverage allowed on the lot. The resulting parcels have developable areas outside required setbacks and in conformance with other zoning standards including minimum lot sizes, lot width, and lot depth. The resulting parcels can accommodate development in conformance with building form standards required by the Town Center Ordinance.
- b) The Wetland Habitat Mitigation and Monitoring Plan includes a wetland delineation and wetland replacement at a 1.5:1 ratio.

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Created wetlands will be consolidated three-parameter wetlands to improve wetland productivity.

- c) The Wetland Habitat Mitigation and Monitoring Plan includes grading estimates and a proposed cross section estimating the elevation levels of the proposed wetland and the total amount of grading required.
- d) The Wetland Habitat Mitigation and Monitoring Plan includes stormwater retention facilities to ensure storm water does not drain directly into wetlands. The plan also includes planting treatments for wetland mitigation that identifies appropriate native species proposed to be planted at five separate planting zones.
- e) The Wetland Habitat Mitigation and Monitoring Plan includes success and monitoring criteria and a five-year monitoring period. Annual monitoring reports are proposed as part of the mitigation and monitoring plan, as well as adaptive management to address any issues identified at the sites during monitoring or maintenance activities if success criteria are not met.
- f) The mitigation area is expected to be self-maintaining and dynamic into the long-term future. The wetlands are expected to be self-sustaining, and no watering or maintenance activities would be needed to maintain the wetlands. A permanent conservation easement or other instrument ensuring the biological resource values of the wetland areas will be maintained or enhanced in perpetuity is a required condition of approval. The proposed project was submitted to CDFW for review and comment. No response was received.
- g) The McKinleyville Town Center Ordinance (Q Zone) requires prior to issuance of construction permits or as part of subdivision approval a plan must be reviewed that demonstrates either wetlands will be protected in place in accordance with buffers identified in the Streamside Management Area and Wetlands Ordinance (HCC Section 314-61.1.7.6.6) or identifying how the wetland areas will be relocated and conserved subject to standards prescribed by the Q Zone. The applicant has submitted

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plans that propose relocation and conservation of wetland areas consistent with the Q Zone requirements.

11. FINDING:

The proposed parcel map 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 property is planned and zoned for mixed use. The proposed project will facilitate development of senior housing/aging in place facilities which is permitted under the Mixed-use designation.
- b) The project is consistent with the Guiding Principles of the Humboldt County General Plan, including facilitating creation of affordable housing opportunities to meet current and future demands for all income levels.
- c) The proposed wetland relocation will not result in negative impacts to wetland health and habitat quality.

Public Works recommendations include measures to control stormwater runoff and measures in the McKinleyville Town Center Ordinance are in place to protect wetland water quality and promote open space.

- d) The installation of the pavement widening will protect the public health and safety by installing pavement widening along the frontage of Hiller to reduce a traffic hazard created by there being an unexpected gravel area between the paving and gutter and sidewalk. This results in an unexpected condition where a driver may not realize that the road is not completely paved to the curb; as the expectation is that roads are paved to the curb. Driving with uneven traction (such as two tires on pavement and two tires on gravel) can contribute to a driver losing control of the vehicle while attempting to recover from running off the road. Additionally, Hiller Road has narrow shoulders. The in-fill paving will provide a wider shoulder for cyclists until the Class I bicycle facility on Hiller Road (as specified in the McKinleyville Town Center Ordinance) is constructed by others. The current pavement is narrow.

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- e) The EIR adopted by the Board of Supervisors prepared for the McKinleyville Town Center Ordinance (Q Zone) assessed information on the project regarding the project's relative contribution to environmental impacts associated with developing the Town Center site.

12. FINDING:

The proposed project does not reduce the residential density for the parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.

EVIDENCE:

- a) The property being divided is targeted for residential development in the current Housing Inventory. The parcel was identified as able to support 100 new units within a 6.25 acre area (16 units per acre). Multifamily development in the Town Center is required to meet a minimum density of 16 units per acre. The subdivision as proposed will facilitate affordable senior housing and multifamily housing at densities consistent with the 2019 Adopted Housing Element Inventory.

LEGAL LOT REQUIREMENT – SECTION 312.1.1.2

13. FINDING:

The lot was created in compliance with all applicable state and local subdivision regulations.

EVIDENCE:

- a) 508-251-060-000 and 510-133-013-000 comprise one legal parcel (remainder) as shown on Parcel Map 3655 filed in Book 36 of Parcel Maps, pages 146-147, Humboldt County Records.

FINDINGS FOR APPEAL

14. FINDING:

The appellant argues that the condition requiring paving the property's entire frontage of Hiller Road is not proportional to the projects traffic impact and that the EIR for the McKinleyville Town Center found that the projects projected traffic increase was within the capacity of Hiller Road. These contentions are incorrect.

There is an essential nexus between the County's interest in seeing the road widened and the required improvements reflected in the permit conditions. Further the required

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improvements are proportional to the impacts of the development.

The requirement to widen the road is proportional to the impacts of the proposed development. In addition, the installation of the Class 1 bike lane across the property and extension of Nursery Way are of legitimate interest for the County and proportionate to the impacts caused by the development of the property.

- EVIDENCE:**
- a) The requirement to pave the lane on the frontage of the property is not related to the number of trips generated by the envisioned project but is part of the overall county plan to provide orderly development by requiring each developer to widen roads and install curb, gutter and sidewalk on the frontage of their property. This is necessary for each property to contribute their proportionate share to the road network.
 - b) The county has not instituted a Capital Improvement Plan for area wide transportation improvements so there are no traffic mitigation fees to address cumulative traffic impacts on the county road network which the future residents of this project will use, the only obligation is to complete the improvements.
 - c) The requirement for the road widening is not mitigation to address an environmental impact, since transportation impacts are now based on Vehicle Miles Traveled and not on new trips impacting Level of Service on area roads and intersections.
 - d) As part of the McKinleyville Town Center Analysis an operational analysis was done to determine the cumulative impact of the traffic generation from the whole Town Center with modifications to Central Avenue. This revealed that improvements would be needed to 6 intersections in the community. The development of this property will contribute to the degradation of these intersections and is a project impact, but this property is not obligated to fund those improvements. The completion of the frontage improvements on this site is the developer's proportionate share.

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- e) Hiller road is envisioned to be a bicycle and pedestrian friendly road with a landscaped center median. This project is not being conditioned to install any other improvements to Hiller Road which when installed will benefit the project including the landscaped center median, the left turn lane to allow entry into the project site and a class 1 bicycle trail.
- f) The McKinleyville Town Center Ordinance (Ordinance No. 2772) established the typical section that Hiller Road is to be constructed to; and requires that the improvement be designed and constructed at the earliest practical stage of development. Paving the property's entire frontage is necessary to ensure that the road section established in the Town Center Ordinance is developed as part of the development of the property.
- g) The parcels to the west of the subject site on the south side of Hiller Road have already widened Hiller to this width as part of development of the lots. This demonstrates the county practice to require widening and this would be a completion of the work begun by those developments. It would be unfair to require some development projects to complete this work and not others.
- h) The road widening is minor; it is not creating additional vehicular travel lanes; it is not creating right-lane turn pockets for vehicular traffic; it is not beyond the property frontage; and is not excessive for the quantity of units proposed for the project as well as appurtenant uses of the project.
- i) The county has a legitimate interest in protection and the obligation to protect the public health, safety and welfare. Failure to construct the in-fill paving along the frontage would create a traffic hazard due to there being an unexpected gravel area between the existing paving and gutter sidewalk. This results in an unexpected condition where a driver may not realize that the road is not completely paved to the curb; as the expectation is that roads are paved to the curb. Driving with uneven traction (such as two tires on pavement and two tires on gravel) can contribute to a driver losing control of the vehicle while attempting to recover from running off the road. Additionally, Hiller Road has narrow shoulders. The in-fill paving

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will provide a wider shoulder for cyclists until the Class I bicycle facility on Hiller Road (as specified in the McKinleyville Town Center Ordinance) is constructed by others. Further, an unpaved area could be an attractive nuisance for pedestrians and put them at danger of vehicle traffic.

- j) The Mid-Town trail crosses the property from the north to the south. The Mid-Town Trail is a bicycle/pedestrian trail shown in the McKinleyville community plan and development throughout McKinleyville have included extensions of this trail in their development. This is an amenity to the project as it will provide pedestrian connectivity to the greater community and is a co-benefit to the project. In preliminary plans it is shown as also providing secondary emergency access to units on the site that otherwise could be inaccessible in an emergency.
- k) Nursery way is a collector road that has been stubbed into the property at the south property line by prior development. The intention is for Nursery way to continue across the property to Hiller Road to provide a collector road that will be county maintained. It is the normal expectation of development to improve road extensions as part of development in order to provide an orderly circulation network.

NOW, THEREFORE, BASED ON THE ABOVE FINDINGS AND EVIDENCE, THE BOARD OF SUPERVISORS DOES HEREBY:

- a. Deny the appeal submitted by Humboldt Commons; and
- b. Approves the Humboldt Commons Parcel Map Subdivision and Special Permit.

The foregoing Resolution is hereby passed and adopted by the Board of Supervisors on April 12, 2026, by the following vote:

Dated: _____

Mike Wilson, Chair
Humboldt County Board of Supervisors

Adopted on motion by Supervisor _____, seconded by Supervisor _____, and the following vote:

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AYES: Supervisors --

NAYS: Supervisors --

ABSENT: Supervisors --

ABSTAIN: Supervisors --

STATE OF CALIFORNIA)

County of Humboldt)

I, KALEIGH MAFFEI, Clerk of the Board of Supervisors, County of Humboldt, State of California, do hereby certify the foregoing to be a full, true, and correct copy of the original made in the above-entitled matter by said Board of Supervisors at a meeting held in Eureka, California as the same now appears of record in my Office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Board of Supervisors.

By Kaleigh Maffei

Deputy Clerk of the Board of Supervisors of
the County of Humboldt, State of California