



**COUNTY OF HUMBOLDT**  
**PLANNING AND BUILDING DEPARTMENT**  
**CURRENT PLANNING DIVISION**

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3015 H Street, Eureka, CA 95501  
Phone: (707)445-7541 Fax: (707) 268-3792

Hearing Date: January 24, 2019

To: Humboldt County Planning Commission

From: John H. Ford, Director of Planning and Building Department

Subject: **Hornstein Final Map Subdivision and Lot Line Adjustment**  
Application Number 11586  
Case Numbers FMS-16-006, LLA-16-030  
Assessor Parcel Numbers (APNs) 500-091-047, 500-091-052  
2560 Idylbear Lane, Arcata area

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Please contact Trevor Estlow at (707) 268-3740, or by email at [trestlow@co.humboldt.ca.us](mailto:trestlow@co.humboldt.ca.us) if you have any questions about the scheduled public hearing item.

**AGENDA ITEM TRANSMITTAL**

| <b>Hearing Date</b> | <b>Subject</b>                                | <b>Contact</b> |
|---------------------|---|----------------|
| January 24, 2019    | Final Map Subdivision and Lot Line Adjustment | Trevor Estlow  |

**Project:** A Final Map subdivision of an approximately 85 acre parcel (APN 500-091-047) into three parcels of approximately 12 acres (Parcel 1), 10.5 acres (Parcel 2) and 51 acres (Parcel 3). A Lot Line Adjustment will add approximately 0.08 acres to proposed Parcel 1 from a neighboring parcel (APN 500-091-052). After the Lot Line Adjustment, APN 500-091-052 will be approximately 5.18 acres in size. APN 500-091-047 is developed with a single family residence which will remain on proposed Parcel 3. APN 500-091-052 is currently vacant. The parcels will be served by a shared water system and on-site wastewater treatment systems.

**Project Location:** The project is located in the Arcata/Fickle Hill area, on both sides of Idylbear Lane, approximately 400 feet east of the intersection of Buttermilk Lane and Idylbear Lane, on the property known as 2560 Idylbear Lane.

**Present Plan Designation:** Residential Agriculture (RA). Humboldt County General Plan. Density: one dwelling unit per 5 – 20 acres. Slope Stability: Moderate and High Instability.

**Present Zoning:** Unclassified (U).

**Application Number:** 11586

**Case Numbers:** FMS-16-006, LLA-16-030

**Assessor Parcel Number:** 500-091-047, 500-091-052

**Applicant**

John Hornstein  
2560 Idylbear Lane  
Arcata, OR 95521

**Owner(s)**

same and Lauris Phillips and Jay Peltz  
PO Box 165  
Redway, CA 95560

**Environmental Review:** Project requires environmental review.

**Major Issues:** None

**State Appeal Status:** Project is not appealable to the California Coastal Commission.

## HORNSTEIN FINAL MAP SUBDIVISION AND LOT LINE ADJUSTMENT

Case Numbers FMS-16-006, LLA-16-030

Assessor Parcel Numbers 500-091-047, 500-091-052

### RECOMMENDED COMMISSION ACTION:

1. Open the Public Hearing;
2. Request that staff present the project;
3. Take public testimony and close the public hearing;
4. Take the following action:

Adopt the Mitigated Negative Declaration and to make all of the required findings for approval of the Final Map Subdivision and Lot Line Adjustment based on evidence in the staff report and public testimony, and adopt the Resolution approving the Hornstein project subject to the recommended conditions.

**Executive Summary:** The applicant is proposing a subdivision of an approximately 85 acre parcel (APN 500-091-047) into three parcels of approximately 12 acres (Parcel 1), 10.5 acres (Parcel 2) and 51 acres (Parcel 3). A Lot Line Adjustment will add approximately 0.08 acres to proposed Parcel 1 from a neighboring parcel (APN 500-091-052). After the Lot Line Adjustment, APN 500-091-052 will be approximately 5.18 acres in size. APN 500-091-047 is developed with a single family residence which will remain on proposed Parcel 3. APN 500-091-052 is currently vacant. Water is provided by a community water system and onsite wastewater disposal systems are proposed.

The project is being processed as a Final Map Subdivision due to a previous subdivision done by the current owner. The subject parcel was created as Parcel 3 of Parcel Map No. 2921, filed in Book 25 of Parcel Maps, pages 108 – 110. The parcel is zoned Unclassified and is within the Jacoby Creek Community Planning area of the Humboldt County General Plan. The parcel is planned Rural Agriculture with a density of one dwelling unit per 5 – 20 acres. The proposed parcels will well within the density range specified in the General Plan and policies of the Jacoby Creek planning area.

All parcels will utilize Idylbear Lane/Splinter Lane southerly to Golf Course Road/Buttermilk Lane as the primary ingress and egress route. The northerly access, Simmons Lane northerly to Fickle Hill Road will be utilized by proposed Parcels 1 – 3 as a secondary access.

The site is in an area of larger lot rural development northeast of Sunny Brae and southwest of Fickle Hill. There are predominantly similar sized rural residential lots due to the absence of community services. The parcel has varied topography with building sites identified in the flatter areas. The geologic hazards map for this area shows that all development including building sites, septic areas and road construction is located in a moderate to high instability rating. Therefore, an Engineering Geologic/Foundation and Soils Report (R-1) was prepared by Busch Geotechnical Consultants and approved by the County Building Division. There are no mapped flood hazards on the property and no mapped archaeological resources. Proposed Parcel 1 lies adjacent to managed timberlands and is subject to standards for fire protection within the wildland Urban Interface (WUI) zone. Maintenance of the eastern parcel boundary as a forested buffer and shaded fire break consistent with a plan for appropriate fuel treatment developed in consultation with Calfire is a recommended condition of subdivision approval.

All responding referral agencies have recommended approval or conditional approval of the project. Project approval is conditioned upon meeting their requirements. The Department has prepared and circulated a draft Mitigated Negative Declaration and has determined that the project, as proposed, mitigated and conditioned, will not have a significant effect on the environment.

Based on the on-site inspection, a review of Planning Division reference sources, and comments from all responding referral agencies, Planning staff has found that the project will not result in a

significant impact on the environment as proposed, and that the applicant has submitted evidence in support of making all of the required findings for approving the proposed subdivision per the Recommended Commission Action.

**Alternative:** The Planning Commission could elect not to approve the project. This alternative should be implemented if your Commission is unable to make all of the required findings. Planning Division staff has found that the required findings can be made. Consequently, planning staff does not recommend further consideration of this alternative.



**RESOLUTION OF THE PLANNING COMMISSION  
OF THE COUNTY OF HUMBOLDT  
Resolution Number 19-**

**Case Numbers FMS-16-006, LLA-16-030  
Assessor Parcel Numbers 500-091-047, 500-091-052**

**Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Hornstein Final Map Subdivision and Lot Line Adjustment.**

**WHEREAS**, the owners submitted an application and evidence in support of approving the Final Map Subdivision and Lot Line Adjustment; 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 agency, has prepared a draft Mitigated Negative Declaration for the subject proposal in accordance with the California Environmental Quality Act (CEQA); and

**WHEREAS**, Attachment 2 in the Planning Division staff report includes evidence in support of making all of the required findings for approving the proposed Final Map Subdivision and Lot Line Adjustment (Case Numbers: FMS-16-006, LLA-16-030); and

**WHEREAS**, a public hearing was held on the matter before the Humboldt County Planning Commission on January 24, 2019.

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

1. The Planning Commission adopts the proposed Mitigated Negative Declaration in Attachment 4, as required by Section 15074 (b) of the CEQA Guidelines, and finds that there is no substantial evidence that the proposed project will have a significant effect on the environment; and
2. The findings in Attachment 2 of the Planning Division staff report for Case Numbers FMS-16-006, LLA-16-030 support approval of the project, based on the submitted evidence; and
3. Approves the proposed Final Map Subdivision and Lot Line Adjustment project as recommended and conditioned in Attachment 1 for Case Numbers FMS-16-006, LLA-16-030.

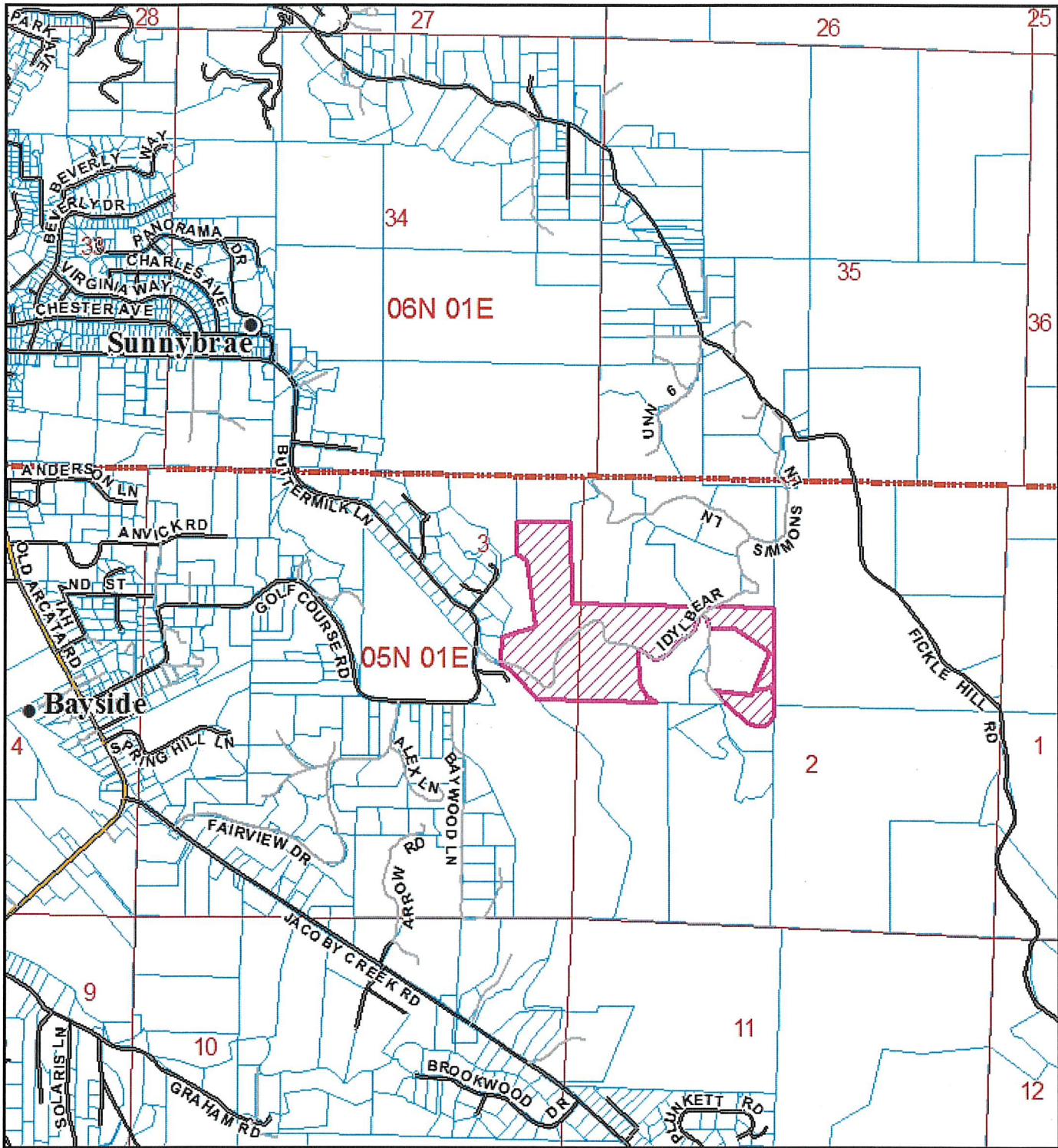
Adopted after review and consideration of all the evidence on January 24, 2019.

The motion was made by Commissioner \_\_\_\_ and seconded by Commissioner \_\_\_\_.

AYES:           Commissioners:  
NOES:           Commissioners:  
ABSTAIN:       Commissioners:  
ABSENT:        Commissioners:  
DECISION:

I, John 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 Ford  
Director, Planning and Building Department



**LOCATION MAP**

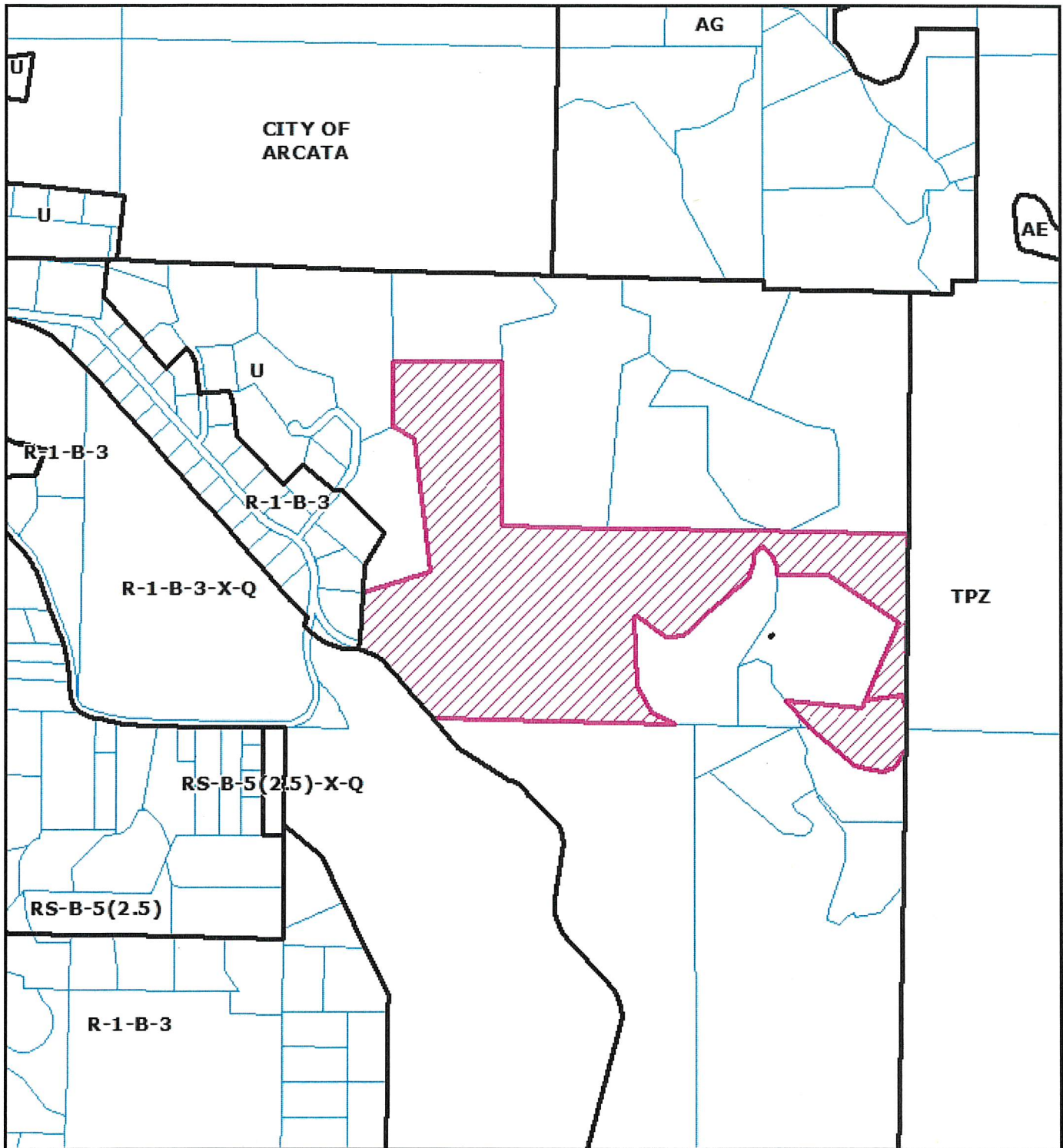
**PROPOSED HORNSTEIN  
FINAL MAP SUBDIVISION &  
LOT LINE ADJUSTMENT  
ARCATA/BAYSIDE AREA  
FMS-16-006/LLA-16-030**

**APN: 500-091-047,-052  
T05N R01E S02,03 HB&M (Arcata South)**

Project Area = 

This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.





**ZONING MAP**

**PROPOSED HORNSTEIN  
FINAL MAP SUBDIVISION &  
LOT LINE ADJUSTMENT  
ARCATA/BAYSIDE AREA**

**FMS-16-006/LLA-16-030**

**APN: 500-091-047,-052**

**T05N R01E S02,03 HB&M (Arcata South)**

**Project Area =** 

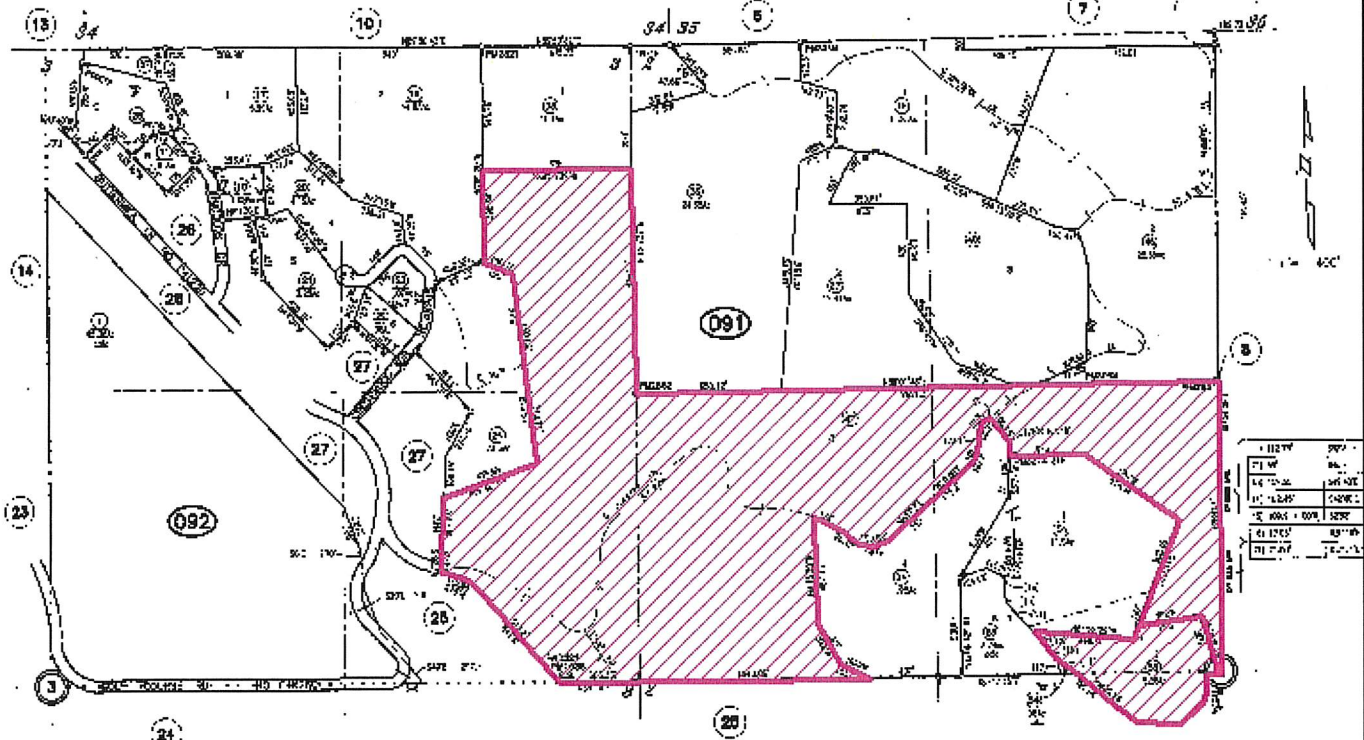
This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.





NW1/4 SEC 2 & PTN NE1/4 SEC 3 T5N, R1E H.B.& M.

500-09



RE, Bk 24 of surveys, Pg 1  
 RS, Bk 12 of surveys, Pg 57  
 RS, Bk 15 of surveys, Pg 117  
 RS, Bk 16 of surveys, Pg 104  
 PM477 of Pw Bk 4, Pg 91  
 Tr 137, Bk 16 of MAPS, Pgs 149-154  
 "Crestwood Sub'd"  
 PM1825 of Pw Bk 14, Pg 29

PM2821 of HM Bk 25, Pgs 109-110  
 PM2852 of PM Bk 28, Pgs 3-4  
 RS, Bk 55 of surveys, Pg 51  
 RE, Bk 55 of surveys, Pg 72  
 PM3048 of PM Bk 28, Pgs 46-47  
 RS, Bk 56 of surveys, Pg 122  
 PM3214 of PM Bk 30, Pgs 53-54  
 T 574, Bk 23 of MAPS, Pgs 129-131

Assessor's Map No. 009 shown  
 Assessor's Map Bk. 500, Pg. 09  
 County of Humboldt, CA

ASSASSOR'S PARCEL MAP  
 THIS PARCEL MAP IS  
 FOR INFORMATION ONLY  
 IT IS NOT TO BE USED  
 FOR ANY PURPOSE  
 WITHOUT THE WRITTEN  
 CONSENT OF THE  
 COUNTY OF HUMBOLDT

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### ASSESSOR PARCEL MAP


### PROPOSED HORNSTEIN FINAL MAP SUBDIVISION & LOT LINE ADJUSTMENT ARCATA/BAYSIDE AREA

FMS-16-006/LLA-16-030  
APN: 500-091-047,-052

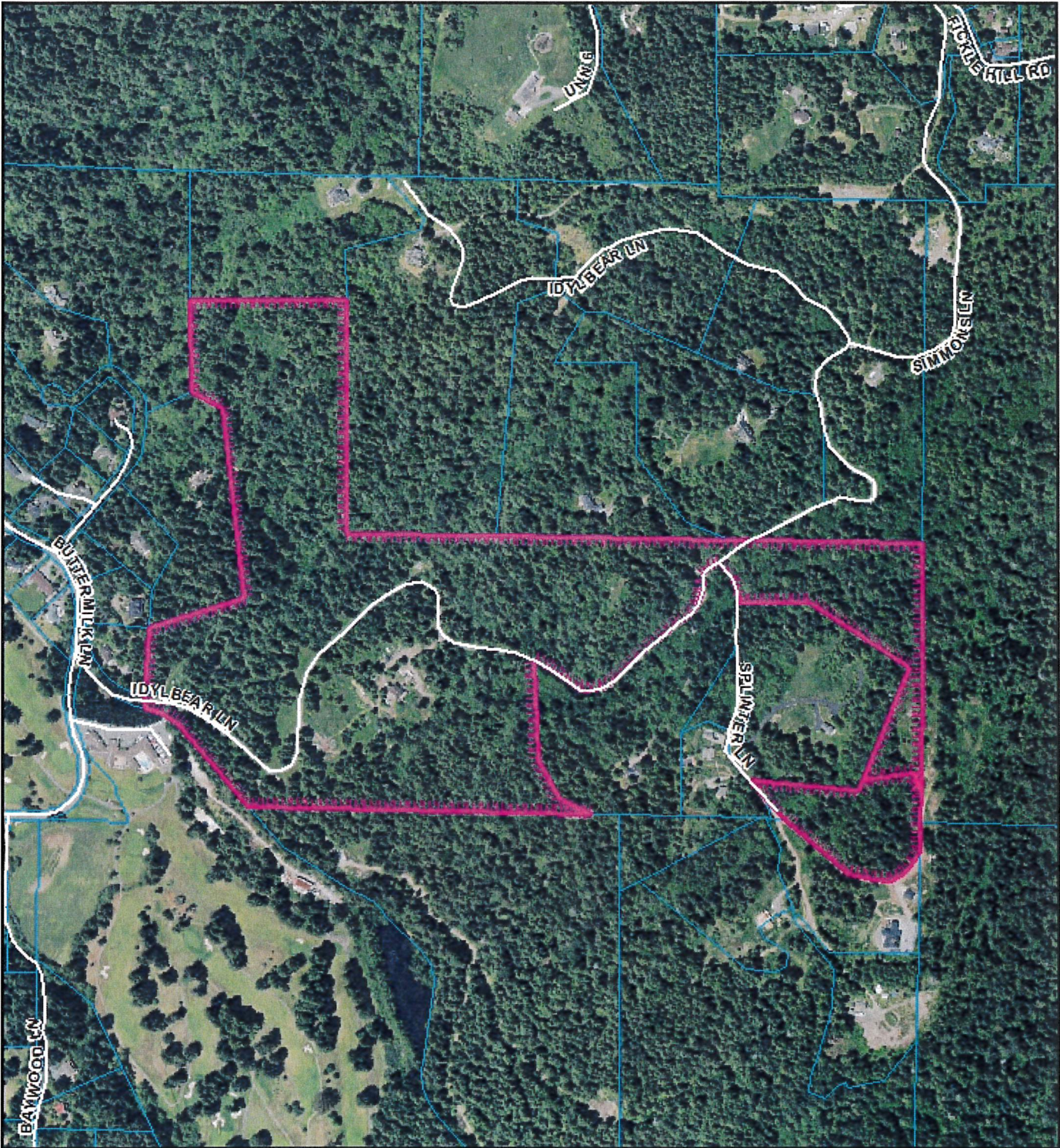
T05N R01E S02,03 HB&M (Arcata South)

Project Area = 

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 MAP NOT TO SCALE






**AERIAL MAP**

**PROPOSED HORNSTEIN  
FINAL MAP SUBDIVISION &  
LOT LINE ADJUSTMENT  
ARCATA/BAYSIDE AREA  
FMS-16-006/LLA-16-030  
APN: 500-091-047,-052**

**T05N R01E S02,03 HB&M (Arcata South)**

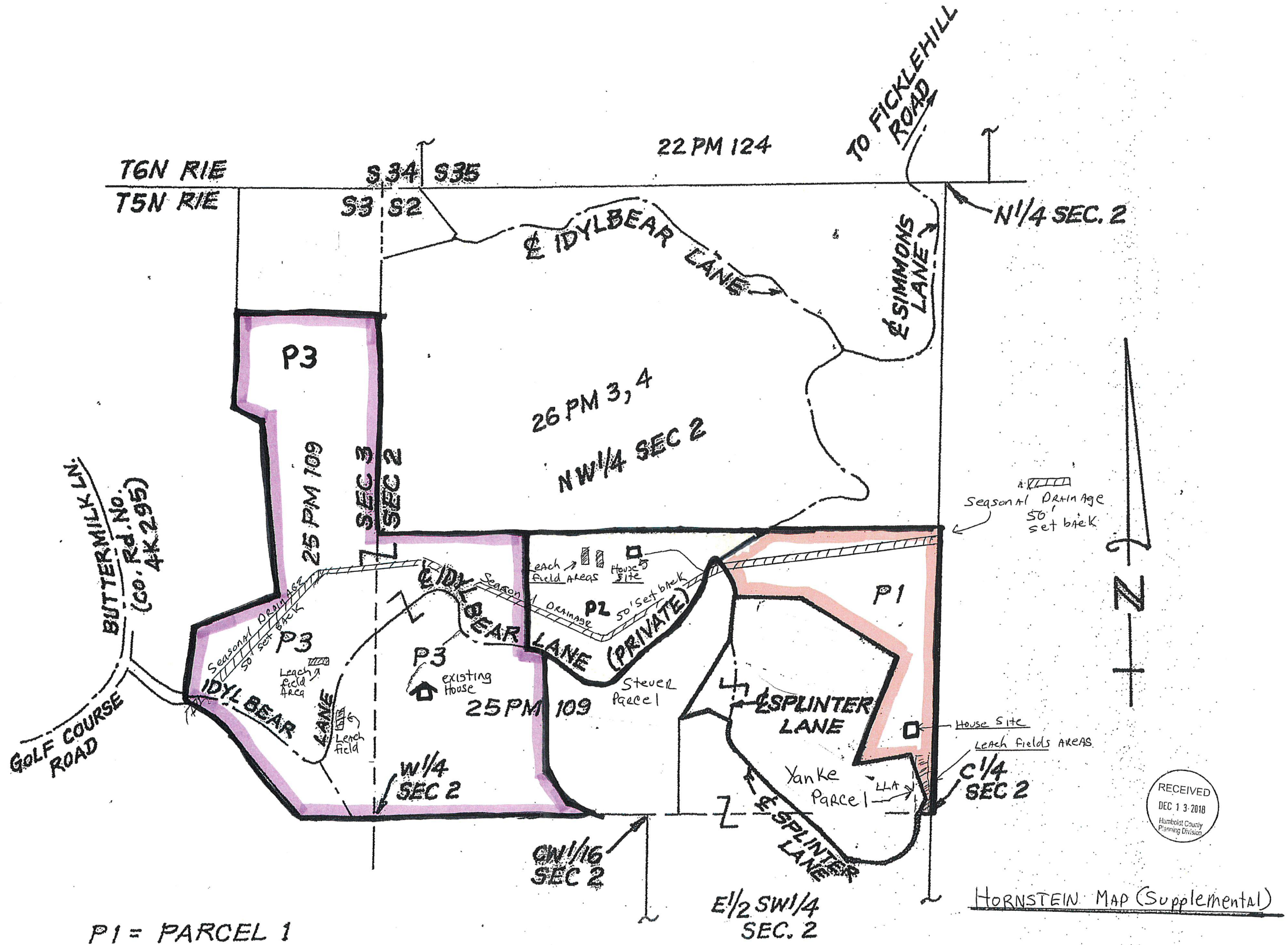
**Project Area =** 

This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.



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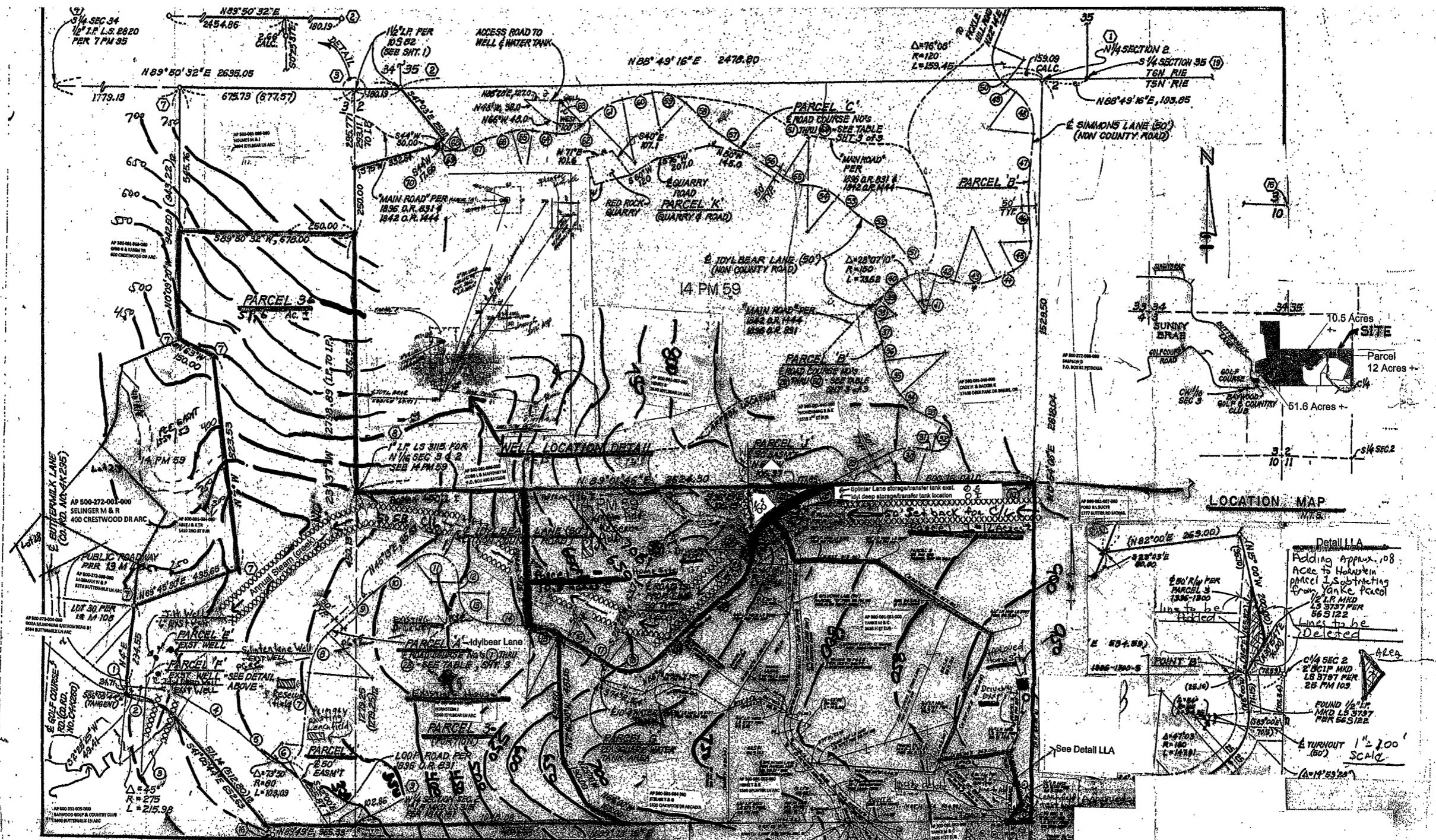
RECEIVED  
 DEC 13 2018  
 Hamilton County  
 Planning Division

HORNSTEIN MAP (Supplemental)

P1 = PARCEL 1

# PARCEL LAYOUT

January 24, 2019



**Notes**

- Existing building on proposed parcel #3, no buildings on any other proposed parcels.
- Parcel size may be altered plus or minus 10% on final map.
- All utilities are/will be installed in or over road easement except where indicated on map and subject to PG&E approval.
- Leach field design has been approved by Humboldt County Environmental Health for proposed parcels 1 and 3 and LLA parcel.
- Home site areas have been approved for proposed parcel 1 and LLA parcel, proposed parcel 3 existing house. Parcel 2 has submitted R1 report around 1990
- Water for proposed parcel 1 and LLA parcel is from the Splinter Lane Water System. Water for proposed parcel 2 is from Idylbear Water System. Water for parcel 3 is from JHH well (see map). Water lines for Splinter Lane Water Association, Idylbear Water Association and JHH Systems run on the North side of Idylbear Lane easement. Splinter Lane Association also runs on the East side of Splinter Lane easement.
- All water systems have been approved by Humboldt County Environmental Health
- These parcels will be members of the Idylbear Lane Road Maintenance Association.
- Road has a paved 16' travel way to all proposed parcels (Idylbear Lane, a non-County road).
- There are no known sensitive habitats areas on the parcels.
- There are no known historical buildings or archeological or paleontological resources on the parcels
- The land use surrounding these parcels is Rural Residential and TPZ.
- All easements of record are shown on this map and will appear on recorded subdivision map.
- Contour maps are from U.S.G.S. maps and are adjusted to field observation.
- Cross-hatch shows seasonal stream protection area and located by field observation.
- ⊙ indicates perk or soil test spot.
- Geology report for this property is on file with the Humboldt County under file # APN 500-091-20

| PARCEL # | AREA (Ac.) | PERMITS |
|----------|------------|---------|
| 1        | 12.08      | 1       |
| 2        | 10.5       | 1       |
| 3        | 5.18       | 1       |
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**EASEMENTS**

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| 87  | ...         | ...           | ...  |
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| 89  | ...         | ...           | ...  |
| 90  | ...         | ...           | ...  |
| 91  | ...         | ...           | ...  |
| 92  | ...         | ...           | ...  |
| 93  | ...         | ...           | ...  |
| 94  | ...         | ...           | ...  |
| 95  | ...         | ...           | ...  |
| 96  | ...         | ...           | ...  |
| 97  | ...         | ...           | ...  |
| 98  | ...         | ...           | ...  |
| 99  | ...         | ...           | ...  |
| 100 | ...         | ...           | ...  |

**Project Description**  
 Project consists of one legal parcel of 84.72 ± acres, known as APN 500-091-47, 2660 Idylbear Lane and one legal parcel of 5.26 ± acres known as APN 500-091-52. Proposed subdivision of APN 500-091-47 will result in Parcel 1 of approximately 12.08 ± acres. Parcel 2 of approximately 10.5 ± acres and Parcel 3, existing residence, of approximately 5.18 ± acres. The proposed acreage for Parcel 1 includes acquiring 0.08 ± acres from APN 500-091-52 through the proposed lot line adjustment. After lot line adjustment APN 500-091-52 will be approximately 5.18 ± acres. All road, driveways and waterlines exist for all parcels. No trees are proposed to be removed.

**TENTATIVE MAP AND LOT LINE ADJUSTMENT**  
 For APN 500-091-47 AND APN 500-091-52

|                    |                  |
|--------------------|------------------|
| Owner/Applicant:   | Owner:           |
| John Hornstein     | M & C Yanke      |
| 2660 Idylbear Lane | 2635 H Street    |
| Arcata, CA 95521   | Eureka, CA 95501 |
| 707-499-1099       | 707-445-8629     |

Section 2, 3 T5N, R1E  
 Scale: 1" = 200'  
 Map by John Hornstein

Date: Sept. 2016





## Attachment 1A

### Conditions of Approval for the Hornstein Final Map Subdivision

APPROVAL OF THE TENTATIVE MAP IS CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS WHICH MUST BE SATISFIED BEFORE THE FINAL MAP MAY BE RECORDED:

#### Conditions of Approval:

1. All taxes to which the property is subject shall be paid in full if payable, or secured if not yet payable, to the satisfaction of the County Tax Collector's Office, and all special assessments on the property must be paid or reapportioned to the satisfaction of the affected assessment district. Please contact the Tax Collector's Office approximately three to four weeks prior to filing the parcel or final map to satisfy this condition. This requirement will be administered by the Department of Public Works.
2. The conditions on the Department of Public Works referral dated November 15, 2017 included herein as Exhibit A shall be completed or secured to the satisfaction of that department. Prior to performing any work on the improvements, contact the Land Use Division of the Department of Public Works.
3. The Planning Division requires that two (2) copies of the Final Map be submitted for review and approval. Gross and net lot area shall be shown for each parcel.
4. A map revision fee as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$110.00 per parcel) as required by the County Assessor's Office shall be paid to the County Planning Division, 3015 H Street, Eureka. The check shall be made payable to the "Humboldt County Planning Division". The fee is required to cover the Assessor's cost in updating the parcel boundaries.
5. The applicant shall submit at least three (3) copies of a Development Plan to the Planning Division for review and approval. The map shall be drawn to scale and give detailed specifications as to the development and improvement of the site and the following site development details:
  - A. Mapping
    - (1) Topography of the land in 10-foot contour intervals;
    - (2) Details showing conformance with provisions of the County's Fire Safe Regulations (Section 3111-1 et seq. H.C.C.), including but not limited to:
      - a. Road and driveway access standards (i.e., road width, roadway surface, roadway grades, roadway structures, etc.)
      - b. Signing and building numbering standards (i.e., road name signs, building address signs, etc.)
      - c. Emergency water standards (i.e., placement of fire hydrants, 2,500 gallon individual emergency water supply, etc.)
      - d. Fuel modification standards (i.e., setbacks for structure defensible space of at least 30 feet, greenbelts, etc.).
    - (3) The location of all necessary easements, including water line and other utility easements as necessary;



- (4) Four (4) off-street parking spaces on all lots consistent with Section 314-109.1 Humboldt County Code;
- (5) Proposed building sites and leachfield areas for all parcels.
- (6) The 50-foot Streamside Management Area (SMA) for the unnamed intermittent stream labeled as "non-buildable ".
- (7) Location of forested buffer and fire break along the easterly boundary of Parcel 1.

B. Notes to be placed on the Development Plan:

- (1) "The project site is not located within an area where known cultural resources have been located. However, as there exists the possibility that undiscovered cultural resources may be encountered during construction activities, the following mitigation measures are required under state and federal law:
  - If cultural resources are encountered, all work must cease and a qualified cultural resources specialist contacted to analyze the significance of the find and formulate further mitigation (e.g., project relocation, excavation plan, protective cover).
  - Pursuant to California Health and Safety Code §7050.5, if human remains are encountered, all work must cease and the County Coroner contacted."
- (2) "To ensure continued compliance, property owners are responsible for annual maintenance of the parcels to Fire Safe and wildfire protection standards as required for those items listed under A(2) of the Development Plan Details, above. Compliance with these provisions is subject to inspection by the California Department of Forestry and Fire Protection."
- (3) "The project is located in a designated non-attainment area for the state's health-based particulate matter (PM10) air quality standard. As such, additional emission from the project could exacerbate air quality problems, including non-attainment of ambient air quality standards. In order to address potential effects to air quality the District recommends:
  - Prohibition of open fireplaces.
  - Heating should be provided using clean fuels (electricity or natural gas), when feasible.
  - If wood heating must be used, only US Environmental Protection Agency (EPA) certified heating appliances should be permitted in new construction."
- (4) "Construction activities shall be restricted to hours between 7:00 a.m. and 6:00 p.m. Monday through Friday and 9:00 a.m. and 4:00 p.m. on Saturday. All proposed uses must comply with the noise standards identified in Figure 3-2 of the General Plan."
- (5) "Any brush clearing or tree removal must be conducted outside of the bird breeding season (March 1 – August 15) in order to avoid a "take" as defined and prohibited by Fish and Game Code (FGC) §3503, 3503.5, 3513,

and by the Federal Migratory Bird Treaty Act (16 U.S. Code 703 et seq.). If any brush or trees must be removed within the breeding season, the Project proponent shall consult with CDFW prior to removal in order to assess the potential for take of active bird nests."

- (6) "Development within Streamside Management Areas shall be limited to the following uses:
- a. Development permitted within stream channels pursuant to Standard BR-S6 of the Humboldt County General Plan.
  - b. Timber management and harvests not otherwise excluded by Applicability Section as well as noncommercial cutting of firewood and clearing for pasturage, provided that cottonwoods are retained and remaining willows and alders, as well as other unmerchantable hardwoods or shrubs should be protected from unreasonable damage.
  - c. Road and bridge replacement or construction, when it can be demonstrated that it would not degrade fish and wildlife resources or water quality, and that vegetative clearing is kept to a minimum.
  - d. Removal of vegetation for disease control or public safety purposes.

**Note: A Special Permit is required for all new development in Streamside Management Areas not exempt per Section 314-61.1(d)(1-7) of the Humboldt County Zoning Regulations."**

- (7) "The area along the easterly parcel boundary of Parcel 1 shall be maintained as a forested buffer and fire break."
- (8) "Please note that the information and requirements described and/or depicted on this Development Plan are current at the time of preparation but may be superceded or modified by changes to the laws and regulations governing development activities. Before commencing a development project, please contact the Planning Division to verify if any standards or requirements have changed."

6. The applicant shall cause to be recorded a "Notice of Development Plan" for all parcels on forms provided by the Humboldt County Planning Division. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$415.00 plus applicable recordation fees) will be required. The Development Plan shall also be noticed on the Final Map.
7. **Within five (5) days of the effective date of the approval of this permit**, the applicant shall submit a check to the Planning Division payable to the Humboldt County Recorder in the amount of \$2,404.75. Pursuant to Section 711.4 of the Fish and Game Code, the amount includes the Department of Fish and Wildlife (DFW) fee plus a \$50 document handling fee. This fee is effective through December 31, 2019 at such time the fee will be adjusted pursuant to Section 713 of the Fish and Game Code. Alternatively, the applicant may contact DFW by phone at (916) 651-0603 or through the DFW website at [www.wildlife.ca.gov](http://www.wildlife.ca.gov) for a determination stating the project will have *no effect* on fish and wildlife. If DFW concurs, a form will be provided exempting the project from the \$2,354.75 fee payment requirement. In this instance, only a copy of the DFW form and the \$50.00 handling fee is required.



Pursuant to California Health and Safety Code §7050.5, if human remains are encountered, all work must cease and the County Coroner contacted."

3. The term of the approved Tentative Map shall be 24 months from the effective date of the action except where otherwise provided by law. An extension may be requested prior to the date in accordance with Section 326-21 and 326-31 of the Humboldt County Code.

## Attachment 1B

### Conditions of Approval for the Lot Line Adjustment

APPROVAL OF THE LOT LINE ADJUSTMENT IS CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS WHICH MUST BE SATISFIED BEFORE COMPLETION OF THE PROJECT:

1. A Notice of Lot Line Adjustment shall be recorded for each resultant parcel. The following information must be submitted to the Planning Department for review prior to recordation:
  - a. A copy of the existing deeds and the deeds to be recorded for the adjusted parcels. If the property is not changing ownership, only the existing deeds are required.
  - b. A Preliminary Title Report regarding ownership of parcels involved. The title report documents must be current at time of submittal. Depending on the date of the report preparation, updating may be necessary.
  - c. A completed "Notice of Lot Line Adjustment and Certificate of Compliance" form for each parcel.
  - d. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$415.00 per notice plus applicable recordation fees).
2. When the parcels being adjusted are not held in common ownership, copies of the executed deeds (signed but not recorded) prepared by a qualified individual must be submitted for review by the Planning and Public Works Departments.
3. A map revision fee as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$80.00) as required by the County Assessor shall be paid to the County Community Development Services, 3015 "H" Street, Eureka. The check shall be made payable to the "County of Humboldt". The fee is required to cover the Assessor's cost in updating the parcel boundaries.
4. The applicant shall comply with the provisions of Section 321-14 of the Humboldt County Code concerning reapportionment or payment of special assessments.
5. **Applicant shall provide documentation from the County of Humboldt Tax Collector that all property taxes for the parcels involved in the Lot Line Adjustment have been paid in full if payable, or secured if not yet payable, to the satisfaction of the County Tax Collector's Office, and all special assessments on the property must be paid or reapportioned to the satisfaction of the affected assessment district. Please contact the Tax Collector's Office approximately three to four weeks prior to filing the Notice of Lot Line Adjustment to satisfy this condition.** *Note: The purpose of this condition is to avoid possible title consequences in the event of a tax default and sale affecting the owner's real property interest. If property is acquired as a result of a Lot Line Adjustment and said property has delinquent taxes, the property cannot be combined for tax purposes. This means, that the owner will receive two or more tax bills, and penalties and interest will continue to accrue against the land which has delinquent taxes. If five or more years have elapsed since the taxes on the subject property were declared in default, such property will be sold by the County Tax Collector for non-payment of delinquent taxes unless the amount required to redeem the property is paid before sale. Property combined by lot line adjustment but "divided" by tax sale will require separate demonstration of subdivision compliance of all resultant parcels prior to the County's issuance of a building permit or other grant of authority to*

*develop the subject properties.*

**Informational Notes:**

1. A Record of Survey as outlined in the Business and Professions Code of the State of California may be required pursuant to Section 8762 of the Land Surveyors Act which states in part, a Record of Survey shall be filed upon "...the establishment of one or more points or lines not shown on any subdivision map, official map, or record of survey...".
2. Approval of this Lot Line Adjustment does not guarantee that developable parcels will result. Final approval for any development will depend on demonstration of conformance with site suitability requirements in effect at the time development is proposed.
3. This permit, including the Lot Line Adjustment shall expire and become null and void at the expiration of three (3) years after all appeal periods have lapsed (see "Effective Date"). This approval may be extended in accordance with the Humboldt County Code.



EXHIBIT A

DEPARTMENT OF PUBLIC WORKS

COUNTY OF HUMBOLDT

MAILING ADDRESS: 1106 SECOND STREET, EUREKA, CA 95501-0579  
AREA CODE 707



ARCATA-EUREKA AIRPORT TERMINAL  
McKINLEYVILLE  
FAX 839-3596

PUBLIC WORKS BUILDING  
SECOND & L ST., EUREKA  
FAX 445-7409



CLARK COMPLEX  
HARRIS & H ST., EUREKA  
FAX 445-7388

AVIATION 839-5401

|                      |          |                               |          |
|----------------------|----------|-------------------------------|----------|
| ADMINISTRATION       | 445-7491 | NATURAL RESOURCES             | 445-7741 |
| BUSINESS             | 445-7652 | NATURAL RESOURCES PLANNING    | 267-9540 |
| ENGINEERING          | 445-7377 | PARKS                         | 445-7651 |
| FACILITY MAINTENANCE | 445-7493 | ROADS & EQUIPMENT MAINTENANCE | 445-7421 |

LAND USE 445-7205

**LAND USE DIVISION INTEROFFICE MEMORANDUM**

**TO:** Trevor Estlow, Senior Planner

**FROM:** Robert W. Bronkall, Deputy Director *RB*

**RE:** SUBDIVISION REQUIREMENTS - IN THE MATTER OF THE APPLICATION OF HORNSTEIN, APN 500-091-047, FMS16-006 FOR APPROVAL OF A TENTATIVE MAP, CONSISTING OF 85 ACRES INTO 3 LOTS

**DATE:** 11/15/2017

-----

*The following requirements and standards are applicable to this project and must be completed to the specifications and satisfaction of the Department of Public Works (Department) before the subdivision map may be filed with the County Recorder. If there has been a substantial change in the project since the last date shown above, an amended report must be obtained and used in lieu of this report. Prior to commencing the improvements indicated below, please contact the Subdivision Inspector at 445-7205 to schedule a pre-construction conference.*

**These recommendations are based on the tentative map prepared by John Hornstein dated Sept. 2016, and dated as received by the Humboldt County Planning Division on December 1, 2016.**

NOTE: All correspondence (letters, memos, faxes, construction drawings, reports, studies, etc.) with this Department must include the Assessor Parcel Number (APN) shown above.

**READ THE ENTIRE REPORT BEFORE COMMENCING WORK ON THE PROJECT**

**1.0 MAPPING**

**1.1 EXPIRATION OF TENTATIVE MAP:** Applicant is advised to contact the Planning & Building Department to determine the expiration date of the tentative map and what time extension(s), if any, are applicable to the project. Applicant is responsible for the timely filing of time extension requests to the Planning & Building Department.

Applicant is responsible for completing all of the subdivision requirements prior to expiration of the tentative map. Applicant is advised to promptly address all of the subdivision requirements in order to avoid the tentative map expiring prior to completion of the subdivision requirements. Applicants are encouraged to contact a land development professional for advice on developing a realistic schedule for the processing of the project.

- 1.2 MAP TYPE:** Applicant must cause to be filed a subdivision map showing monumentation of all property corners to the satisfaction of this Department in compliance with Humboldt County Code Section 326-15. Subdivision map checking fees shall be paid in full at the time the subdivision map is submitted for checking. County Recorder fees shall be paid prior to submittal of the map to the County Recorder for filing. The subdivision map must be prepared by a Land Surveyor licensed by the State of California -or- by a Civil Engineer registered by the State of California who is authorized to practice land surveying.

All Department charges associated with this project must be paid in full prior to the subdivision map being submitted to the County Recorder for filing.

Applicant shall submit to this Department four (4) full-size copies of the subdivision map as filed by the County Recorder.

Prior to submitting the subdivision map to the County Surveyor for map check, applicant shall submit the subdivision map to the utility providers to provide input on necessary public utility easements. Copies of the responses from the utility providers shall be included with the first submittal of the subdivision map to the County Surveyor.

If the project includes a lot line adjustment with adjacent parcel(s), the lot line adjustment shall be recorded prior to the filing of the subdivision map. The subdivision map may show the lot line adjustment parcel(s) outside of the subdivision map's distinctive border.

- 1.3 DEPOSIT:** Applicant shall be required to place a security deposit with this Department for inspection and administration fees as per Humboldt County Code Section 326-13 prior to review of the improvement plans, review of the subdivision map, or the construction of improvements, whichever occurs first.

- 1.4 PROOF OF LEGAL ACCESS:** Applicant shall provide, to the satisfaction of this Department, proof of recorded access from a publicly maintained road to the subject property. The width of the access shall be a minimum of 50 feet and shall be shown on the subdivision map. [Reference: Roadway design standards/classification plats in Section 4.2 of Appendix A of the County Subdivision Ordinance]

- 1.5 EASEMENTS:** All easements that encumber or are appurtenant to the subdivision shall be shown graphically on the subdivision map. Those easements that do not have a metes and bounds description shall be noted on the subdivision map and shown as to their approximate location.

- 1.6 FURTHER SUBDIVISION:** At least some of the parcels may be further divided; therefore, the applicant shall conform to Humboldt County Code Section 323-6(a)(5), Statements to Accompany a Tentative Subdivision Map.



**1.7 PRIVATE ROADS:** Pursuant to County Code Section 323-2(c)(3), the subdivision map shall show the lanes clearly labeled "Non-County Maintained Lane" or "Non-County Maintained Road". Pursuant to County Code Section 323-2(c)(5), the following note shall appear on the map or instrument of waiver, which shall read substantially as follows:

"If the private lane or lanes shown on this plan of subdivision, or any part thereof, are to be accepted by the County for the benefit of the lot owners on such lane rather than the benefits of the County generally, such private lane or lanes or parts thereof shall first be improved at the sole cost of the affected lot owner or owners, so as to comply with the specification as contained in the then applicable subdivision regulations relating to public streets."

[County Code Section 323-2 appears after Section 324-1 in County Code]

**1.8 DEDICATIONS:** The following shall be dedicated on the subdivision map, or other document as approved by this Department:

**(a) IDYLBEAR LANE (NOT COUNTY MAINTAINED):**

Access: Applicant shall cause to be dedicated on the subdivision map a non-exclusive easement for ingress, egress, and public utilities for the benefit of the parcels/lots within the subdivision in a manner approved by this Department.

A turn-around area shall be provided at the end of road.

**2.0 IMPROVEMENTS**

**2.1 CONSTRUCTION PLANS:** Construction plans shall be submitted for any required road, drainage, landscaping, and pedestrian improvements. Construction plans must be prepared by a Civil Engineer registered by the State of California. Construction plans shall be on a sheet size of 22" x 34", unless approved otherwise by this Department. Construction of the improvements shall not commence until authorized by this Department. This Department will require the submittal of 1 full size (22" x 34") set and 1 reduced (11" x 17") set of the approved construction plans prior to start of work.

The construction plans shall show the location of all proposed new utilities and any existing utilities within 10 feet of the improvements. The plans shall be signed as approved by the local fire response agency and public utility companies having any facilities within the subdivision prior to construction authorization by this Department.

Construction plans shall be tied into elevation datum approved by this Department.

Unless otherwise waived by this Department, record drawing ("As-Built") plans shall be submitted for any road, drainage, landscaping, and pedestrian improvements that are constructed as part of this project. Record drawing plans must be prepared by a Civil Engineer registered by the State of California. Once approved by this Department, one (1) set of "wet stamped" record drawings on 22" x 34" mylar sheets shall be filed with this Department.

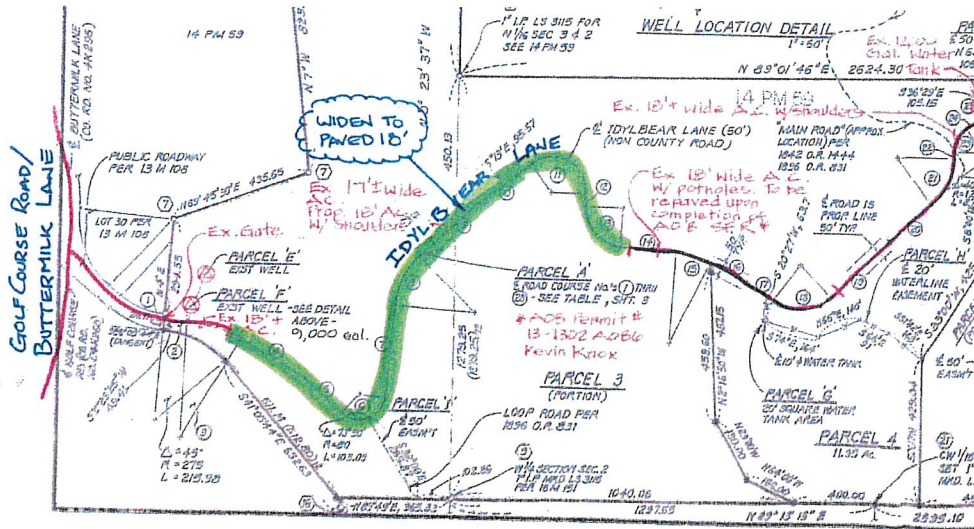
**2.2 CONSTRUCTION PERIOD:** Construction of improvements for this project will not be allowed to occur between October 15 and April 15 without permission of this Department.

- 2.3 ROAD NAMES:** The access road(s)/street(s) shall be named as approved by the Planning & Building Department - Planning Division.
- 2.4 TRAFFIC CONTROL DEVICES:** Street name and traffic control devices may need to be placed as required and approved by this Department.

In addition, pursuant to County Code Section 323-2(c)(4), non-county maintained roads shall be posted with a sign of at least 2 square feet in size containing substantially the following words in 2" high black letters on a yellow background: "Not a County Maintained Road" or "Not a County Maintained Street". The sign shall be approved by the Department prior to installation. (last paragraph for private roads)

- 2.5 ACCESS ROADS:** The access road(s) serving the subdivision shall be constructed to the satisfaction of this Department as follows:

- (a) **IDYLBEAR LANE (NOT COUNTY MAINTAINED):** Widen approximately 2,000 feet of Idylbear Lane to 18 feet wide, paved. The approximate location of the widening is shown in the diagram below.



Above: diagram showing the approximate locations of the road widening  
 Highlighted green = widen to 18 feet paved

- (b) **SPLINTER LANE (NOT COUNTY MAINTAINED):** Splinter Lane shall be constructed to the minimum standards in the Fire Safe Regulations (and any approved exception) and the Subdivision Ordinance based upon the total number of parcels using the road, both within and outside of the subject property.

| Total number of parcels to use the road | Fire Safe Regulations Minimum Road Requirements                                       |
|---|---|
| up to 2                                 | Category 2: 12' wide gravel road with inter-visible turnouts                          |
| up to 8                                 | Category 3: 16' wide gravel road with 2' wide bladed shoulders on each side           |
| up to 80                                | Category 4: 18' wide gravel road with 2' wide bladed shoulders on each side           |
| up to 120                               | Category 4: 20' wide gravel road with 5' wide bladed shoulders on each side (18' wide |

|  |   |
|--|---|
|  | gravel with 2' bladed shoulders may be permitted on local roads in mountainous terrain) |
| dup to 300   | Category 4: 20' wide gravel road with 5' bladed shoulders on each side                  |
| up to 400  | Category 4: 22' wide gravel road with 6' bladed shoulders on each side                  |
| no limit   | Category 4: 24' wide gravel road with 8' bladed shoulders on each side                  |
| Note: Recommendations are based upon County Fire Safe Regulations (Humboldt County Code Section 3111-1, et seq), the 1973 County Road Design Manual and supplemented by 2004 AASHTO "Green Book" Exhibits 5-5 & 6-5. Both the County Road Design Manual and AASHTO "Green Book" use ADT. County Subdivision Ordinance (Humboldt County Code Section 321-1, et seq.), Appendix 4-2 states that each rural parcel has an ADT of 5 trips per day. For uniformity, ADTs were converted to parcels to match County Fire Safe Regulations. |   |

In addition, roadside ditches shall be constructed when required by this Department.

- (c) The access road(s) from a County maintained road to the subject property; and all access road(s) (including driveways) within the subject property shall be certified by a Civil Engineer registered by the State of California to be in conformance with SRA Fire Safe Regulations as adopted by the County of Humboldt; in conformance with any exceptions approved by the Director of Planning & Building of the County of Humboldt; and in conformance with any exceptions approved by Cal Fire. Conformance shall include, but is not limited to: width of traveled way; roadway grade; curve radius; roadway surface; turnouts; turnaround areas; and maximum length of dead-end road. Certification shall be made in a manner approved by this Department.

In the event that the Civil Engineer is unable to certify that the road(s) are in conformance, the applicant shall cause construction plans to be prepared by a Civil Engineer that show what improvements need to be constructed to bring the road(s) into conformance. The plans shall be submitted for review by this Department. Once the construction plans are authorized for construction by this Department and the applicant constructs the improvements, the engineer shall certify that the road(s) are in conformance.

Note: Off-site improvements to access roads (such as curve realignments, grade realignments, and turnouts) may require acquisition of easement(s) to construct the proposed road improvements. The applicant is responsible for acquiring any easements and permits that may be necessary to construct the improvements.

- (d) Nothing is intended to prevent the applicant from constructing the improvements to a greater standard.
- (e) Nothing is intended to prevent this Department from approving alternate typical sections, structural sections, drainage systems, and road geometrics based upon sound engineering principals as contained in, but not limited to, the Humboldt County Roadway Design Manual, Caltrans Highway Design Manual, Caltrans Local Programs Manual, Caltrans Traffic Manual, California Manual on Uniform Traffic Control Devices (MUTCD), and AASHTO's A Policy of Geometric Design of Highways and Streets (AKA "The Green Book"). Engineering must not be in conflict with Humboldt County Code or County adopted guidelines and policies.
- (f) The surface of the access road(s) shall conform to the *Structural Section* requirements within this document.

**2.6 STRUCTURAL SECTION:** The access road(s) shall be constructed to a structural section recommended in the soils report and as approved by this Department.

- (a) **For paved road surfaces,** the structural section shall include a minimum of 0.2 foot of Caltrans Type B hot mix ("asphalt") over 0.67 foot of Caltrans Class 2 aggregate base. If required by this Department, the structural section of all roads shall be determined by Caltrans R-Value method using a Traffic Index (T.I.) approved by this Department. Based upon soil conditions, this Department may also require a geotextile fabric to be placed on top of the sub grade.

When widening hot mix ("asphalt") roads, the widened road shall be paved with hot mix. A sawcut is required to ensure a uniform joint between the existing and new pavements. The location of the sawcut shall be approved by this Department based upon the condition of the existing road surface.

- (b) Access roads and driveways may include decorative accent treatments such as, but not limited to, stamped concrete or decorative brick pavers. Decorative accent treatments must provide appropriate traction for pedestrians, bicycles, and vehicles. **Decorative access treatments are not permitted within the public right of way,** unless approved in writing by this Department.
- (c) **For unpaved road surfaces,** the structural section shall include a minimum, of 0.5 foot of Caltrans Class 2 aggregate base. Paved surfaces are required for grades in excess of 16%.

**2.7 UNKNOWN IMPROVEMENTS:** Other on-site and/or off-site improvements may be required which cannot be determined from the tentative map and/or preliminary improvement plans at this time. These improvements will be determined after more complete improvement plans and profiles have been submitted to the County for review.

**2.8 UTILITIES:** The proposed improvements may require the undergrounding or relocation of existing facilities at the expense of the applicant. Undergrounding of existing facilities, relocation of existing facilities, or construction of new facilities shall be completed prior to constructing the structural section for the roadway.

If any utilities are required to be installed as a condition of tentative map, the utility work shall be completed prior to constructing the structural section for the road. All laterals shall be extended onto each lot and marked in a manner that they will be easily located at the time of individual hookups. A letter of completion of all work from each involved utility company shall be submitted prior to constructing the roadway structural section. Any utilities that need to be relocated shall be done solely at the subdivider's expense.

Applicant shall remove any abandoned utilities (natural gas, electrical, cable tv, etc.,) within the public right of way fronting the subdivision or within the subdivision as directed by this Department.

### **3.0 DRAINAGE**

**3.1 DRAINAGE ISSUES:** Applicant shall be responsible to correct any involved drainage problems associated with the subdivision to the satisfaction of this Department.

**3.2 DRAINAGE REPORT:** Applicant must submit a complete hydraulic report and drainage plan regarding the subdivision for review and approval by this Department. This may require the construction of drainage facilities on-site and/or off-site in a manner and location approved by this Department.

**4.0 GRADING**

<NONE>

**5.0 MAINTENANCE**

**5.1 MAINTENANCE OF IMPROVEMENTS:** The improvements to be constructed as part of this subdivision will not be maintained by the County. Pursuant to Humboldt County Code Section 323-2\* (b) regarding Private Lanes, the Applicant must provide a permanent maintenance plan acceptable to this Department for all improvements including, but not limited to, the following: roads, drainage systems (pipes, drainage inlets, detention basins), pedestrian facilities, and landscape areas. An engineer's estimate for the cost of yearly maintenance must be approved by this Department. Maintenance shall be provided by a maintenance association, district, or other means as approved by this Department. More than one maintenance plan may be required. [\*Section 323-2 is listed in County Code after Section 324-1]

Based upon the tentative map, it appears that the following will need to be maintained by a maintenance plan:

A maintenance plan for the non-county maintained roads known as Idylbear Lane and Splinter Lane.

If a maintenance association currently exists for the access road, applicant shall attempt to the satisfaction of this Department to annex the subdivision into the existing road maintenance association. That portion of this condition regarding road maintenance may be waived if the applicant provides evidence satisfactory to this Department that the subject property already belongs to a maintenance association for the access road(s).

A maintenance plan is not required for driveways; as driveways serve only one parcel. A maintenance plan is *optional* for roads that serve only two parcels. A maintenance plan is required for roads serving three or more parcels.

**6.0 DEVELOPMENT PLAN:** The following are required for all development plans:

<NONE>

**7.0 LANDSCAPING**

<NONE>

// END //

## ATTACHMENT 2

### Staff Analysis of the Evidence Supporting the Required Findings

To approve this project, the Planning Commission must determine that the applicants have submitted evidence in support of making **all** of the following required findings.

A. Subdivision Required Findings:

1. That the proposed subdivision together with the provisions for its design and improvements, is consistent with the County's General Plan.
2. That the tentative subdivision map conforms with the requirements and standards of the County's subdivision regulations.
3. That the proposed subdivision conforms to all requirements of the County's zoning regulations.
4. The proposed subdivision is not likely to cause substantial environmental damage.
5. The proposed 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, unless the following written findings are made supported by substantial evidence: 1) the reduction is consistent with the adopted general plan including the housing element; and 2) the remaining sites identified in the housing element are adequate to accommodate the County share of the regional housing need; and 3) the property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions of the site has been maximized.

B. Lot Line Adjustment Findings: Title III, Division 2 of the Humboldt County Code, Section 325.5-6 specifies the findings that must be made to approve a Lot Line Adjustment. Basically, the Hearing Officer may approve a Lot Line Adjustment if the applicants have submitted evidence that supports making all of the following findings:

1. The application is complete;
2. The project is consistent with the Subdivision Map Act;
3. The project proposed development is in conformance with all applicable policies and standards in the Humboldt County Zoning Regulations and that the lot line adjustment neither causes non-conformance nor increases the severity of pre-existing nonconformity with zoning and building ordinances;
4. The project is in conformance with all applicable policies and standards of the General Plan; and
5. The project will not adversely impact the environment.

Furthermore, the California Environmental Quality Act requires that the required CEQA findings be made for any development that is subject to the regulations of CEQA.

**Staff Analysis:**

**A.1./B.4. General Plan Consistency:** The following table identifies the evidence which supports finding that the proposed subdivision is in conformance with all applicable policies and standards of the Humboldt County General Plan.

| Plan Section(s)   | Summary of Applicable Goal, Policy or Standard  | Evidence Which Supports Making the General Plan Conformance Finding   |
|---|---|---|
| <p>Land Use Chapter 4</p> <p>Land Use Designations Section 4.8</p>      | <p>Residential Agriculture (RA). Applies to large lot residential uses that typically rely upon on-site water and wastewater systems. Density: one unit per 5 - 20 acres.</p>   | <p>The project results in three parcels ranging in size from 10.5 acres to 51 acres in size. The parcel is currently developed with a single family residence that will remain on proposed Parcel 3.</p>  |
| <p>Land Use Chapter 4</p> <p>Rural Lands Subdivision Standards</p>      | <p>Rural subdivision standards contained in this Chapter require adequate water for domestic use, adequate sewage disposal capability, adequate building site free from hazards and adequate recorded access to a publicly maintained road. Standard RL-S4.</p> | <p>The parcel is currently served by an existing shared water system that will serve all parcels. The Division of Environmental Health has reviewed the water supply and found that adequate water is available to serve the subdivision.</p> <p>The existing parcel is currently developed with a single family residence utilizing an on-site wastewater treatment system. The newly created parcels will also utilize on-site wastewater treatment systems. The applicants have provided the Planning Division with evidence that sewage disposal can be developed on-site to serve the proposed development. The Division of Environmental Health has approved these plans.</p> <p>A soils report was submitted that demonstrates adequate building sites (see discussion below).</p> <p>The parcel is accessed by Idylbear Lane off of Buttermilk Lane. Idylbear Lane connects with Simmons Lane and ultimately to Fickle Hill Road. Idylbear Lane and Simmons Lane are private roads with a 50 foot right of way.</p> |
| <p>Land Use Chapter 4</p> <p>Forestland-Residential Interface (FRI)</p> | <p>Forestland-Residential Interface standards contained in this Chapter require adequate forested buffers between residential lands and industrial timberlands as well as the establishment of fire breaks and open space adjacent to forestlands.</p>          | <p>The eastern property line borders lands owned by Green Diamond Resource Company and managed as industrial timberlands. The border between proposed Parcel 1 and the Green Diamond lands will be required to maintain an adequate forested buffer and fire break consistent with recommendations from Calfire. This will be included in the Development Plan such that future owners are aware of the requirement to provide this feature and maintain it.</p>  |



|  |  |  |
|--|--|--|
| <p>Safety Element Chapter 14</p> <p>Geologic and Seismic</p> | <p>Goals and policies contained in this Chapter relate to communities that are designed and built to minimize the potential for loss of life and property resulting from natural and manmade hazards; and to prevent unnecessary exposure to areas of geologic instability, floodplains, tsunami run-up areas, high risk wildland fire areas, and airport areas planned and conditioned to prevent unnecessary exposure of people and property to risks of damage or injury (S-G1, S-G2)</p> <p>Related policies: S-P11. Site Suitability, S-P7. Structural Hazards.</p> | <p>The subject property is located within an area of moderate to high geologic instability (Humboldt County General Plan Geology, General Plan Map) and is not within the Alquist-Priolo Seismic Safety Hazard Zone. Therefore, an R-1 Soils Report (Busch Geotechnical Consultants) was submitted to demonstrate adequate building sites. The Building Division has reviewed the report and recommended approval.</p> |
| <p>Safety Element Chapter 14</p> <p>Flooding</p>             | <p>Goals and policies contained in this Chapter relate to the use of natural drainage channels and watersheds that are managed to minimize peak flows in order to reduce the severity and frequency of flooding. (S-G3)</p> <p>Related policies include: S-P12, Federal Flood Insurance Program; S-P13, Flood Plains; S-P15, Construction Within Special Flood Hazard Areas.</p>   | <p>The property is entirely within Flood Zone C, areas outside of the 100-year flood. The property is located at approximately 400 – 900 feet in elevation and is not subject to tsunami run-up hazards or levee or dam inundation.</p>  |
| <p>Safety Element Chapter 14</p> <p>Fire Hazards</p>         | <p>Goals and policies of this Chapter encourage development designed to reduce the risk of structural and wildland fires supported by fire protection services that minimize the potential</p> <p>Related policies: S-P19, Conformance with State Responsibility Areas (SRA) Fire Safe Regulations.</p>  | <p>The subject property is located within the State Fire Responsibility Area where the State of California has the primary responsibility for the prevention and suppression of wildland fires. The parcels are also within the Arcata Fire Protection District, who provides structural fire protection as well as responding to medical emergencies.</p>   |



|  |   |  |
|--|---|--|
| <p>Conservation and Open Space Chapter 10</p> <p>Cultural Resources Section 10.6</p>   | <p>Goals and policies contained in this Chapter relate to the protection and enhancement of significant cultural resources, providing heritage, historic, scientific, educational, social and economic values to benefit present and future generations (CU-G1, Protection and Enhancement of Significant Cultural Resources)</p> <p>Related policies: CU-P1. Identification and Protection, CU-P2. Native American Tribal Consultation</p> | <p>The project was referred to the Northwest Information Center at Sonoma State University (SSU), however, they did not respond with comments. The previous subdivision of these lands was reviewed by SSU and indicated that these lands have a low likelihood of containing archaeological resources. In addition, referral comments received for a subdivision of the adjacent lands in 2015, and more recently, a Lot Line Adjustment on the adjoining property, found that the lands have a low likelihood of containing archaeological resources. Therefore, the standard condition regarding inadvertent discovery has been included in the conditions of approval.</p> |
| <p>Conservation and Open Space Chapter 10</p> <p>Biological Resources Section 10.3</p> | <p>Goals and policies contained in this Chapter relate to mapped sensitive habitat areas where policies are applied to protect fish and wildlife and facilitate the recovery of endangered species (BR-G1, Threatened and Endangered Species, BR-G2, Sensitive and Critical Habitat, BR-G3, Benefits of Biological Resources)</p> <p>Related policies: BR-P1. Compatible Land Uses, BR-P5. Streamside Management Areas.</p>                 | <p>An unnamed intermittent stream flows through the property. All development must maintain a 50 foot setback from the top of bank or edge of riparian dripline, whichever is greater. The Streamside Management Area (SMA) associated with the stream will be mapped and depicted on the Development Plan which will be recorded on title. A site visit was conducted with a representative from the California Department of Fish and Wildlife and no sensitive species or other resource issues were identified.</p>  |

**A.2./B.2. Subdivision Regulations:** The following table identifies the evidence which supports finding that the proposed subdivision is in conformance with all applicable policies and standards in Section 66474 of the State Subdivision Map Act and Title III Division 2 of the Humboldt County Code (H.C.C.).

| Section(s)                       | Applicable Subdivision Requirements  | Evidence Supporting Subdivision Requirement Finding   |
|----------------------------------|--|---|
| Lot Suitability<br>322-3         | All lots shall be suitable for their intended uses.                                      | The subdivision will create three parcels suitable for residential development. Evidence submitted by the applicant, staff site inspections and referral agency comments indicate that the proposed lots will have suitable residential building sites. The minimum parcel size is five acres and all parcels will meet this requirement.   |
| Access and Drainage<br>324-1     | Improvements shall be required for the safe and orderly movement of people and vehicles. | <p>The parcel is accessed by Idlybear Lane off of Buttermilk Lane. Idlybear Lane connects with Simmons Lane and ultimately to Fickle Hill Road. Idlybear Lane and Simmons Lane are private roads with a 50 foot right of way. The Department of Public Works has provided subdivision requirements that address road access and improvement requirements.</p> <p>No drainage study was required due to the large parcel size, however, the applicant will be responsible to correct any involved drainage problems associated with the subdivision.</p> |
| Sewer & Water<br>324-1 (d)       | Sewer and water systems shall be constructed to appropriate standards.                   | The parcel is currently served by an existing shared water system that will serve all parcels. The Division of Environmental Health has reviewed the water supply and found that adequate water is available to serve the subdivision. On-site wastewater treatment systems are proposed for all parcels and the Division of Environmental Health has also reviewed and approved the proposed septic tank and leach field locations   |
| Access Road<br>Appendix 4-1      | Roadway design must incorporate a 40-foot right of way unless an exception is granted.   | See above.  |
| Adequate Solar Access<br>322.5-5 | Subdivision to provide adequate solar access.  | The project results in three parcels of 10.5 acres, 12 acres and 51 acres in size, and is exempt per Section 322.5-9(d): All lots in the proposed development are one (1) acre or larger in size and lot configuration does not constrain solar access.   |

| Section(s)  | Applicable Subdivision Requirements   | Evidence Supporting Subdivision Requirement Finding   |
|---|---|---|
| 314-17.1.5 and 322-3.1<br>Housing Element Densities | <p>The proposed 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, except where: 1) the reduction is consistent with the adopted general plan including the housing element; and 2) the remaining sites identified in the housing element are adequate to accommodate the County share of the regional housing need; and 3) the property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions of the site has been maximized.</p> | <p>The project will divide an approximately 85 acre parcel into three parcels. Three units on approximately 85 acres results in a density of 1 dwelling unit per 28 acres. The Jacoby Creek Community Plan allows a maximum of one unit per 5 acres which this project complies with. Additionally, this parcel was not utilized by the Department of Housing and Community Development in determining compliance with housing element law, therefore, the subdivision complies with this policy.</p> |

**A.3./B.3. Zoning Compliance and Development Standards:** The following table identifies the evidence which supports finding that the proposed development is in conformance with all applicable policies and standards in the Humboldt County Zoning Regulations.

| Zoning Section  | Summary of Applicable Requirement   | Evidence That Supports the Zoning Finding   |
|---|---|---|
| Unclassified (U)<br>§314-8.1                            | One family dwellings are principally permitted uses.                        | The proposed subdivision divides one parcel currently developed with a single family residence into three parcels – one developed and the other two suitable for new residential development. |
| <b>Development Standards</b>                            |   |   |
| Minimum Parcel Size:                                    | Jacoby Community Plan policies require a minimum parcel size of five acres. | Parcel 1: 12 acres<br>Parcel 2: 10.5 acres<br>Parcel 3: 51 acres  |
| Minimum Yard Setbacks per Zoning:<br>SRA Setbacks apply | Front: 30'<br>Side: 30'<br>Rear: 30'  | All existing development complies. Setbacks for future development will be required to meet standards at time of Building Permit.   |
| Maximum Ground Coverage                                 | 40%   | Developed parcel currently complies. Future development will be required to meet current standards.   |
| Maximum Structure Height                                | None specified  | Future development will be required to meet current standards.  |

**B4. Public Health, Safety and Welfare:**

| <b>The project will not be detrimental to the public health, safety and welfare nor will it be materially injurious to properties or improvements in the area because:</b> | <b>Evidence supporting the finding:</b>   |
|--|---|
| All reviewing referral agencies have approved or conditionally approved the proposed project design.   | See Attachment 4 - Agency Recommendations |
| The proposed project is consistent with the general plan.  | See previous discussion                   |
| The proposed project is consistent with the zoning.  | See previous discussion                   |
| The proposed project will not cause environmental damage.  | See following discussion                  |

**A4/B5. Impact on Residential Density Target:** See discussion under Section 2 above.

**A5. Environmental Impact:**

Please see the attached draft Mitigated Negative Declaration.

As required by the California Environmental Quality Act, the initial study conducted by the Planning and Building Department, Planning Division (Attachment 4) evaluated the project for any adverse effects on the environment. Based on a site inspection, information in the application, and a review of relevant references in the Department, staff has determined that there is no evidence before the

Department that the project will have any potential adverse effect, either individually or cumulatively, on the environment. The environmental document on file in the Department includes a detailed discussion of all relevant environmental issues.

**Because the project was found subject to CEQA and a Mitigated Negative Declaration was prepared, the provisions of Section 711.4 of the California Fish and Game Code apply to this project.** The applicant shall submit a check to the Planning Division payable to the Humboldt County Recorder in the amount of \$2,404.75. [Note: In order to comply with the time limits for filing the Notice of Determination per CEQA, this payment will be requested from the applicant prior to hearing and will be held by the Planning Division pending a decision on the permit.] Pursuant to Section 711.4 of the Fish and Game Code, the amount includes the Department of Fish and Wildlife (DFW) fee plus the \$50 document handling fee. This fee is effective through December 31, 2019 at such time the fee will be adjusted pursuant to Section 713 of the Fish and Wildlife Code. Alternatively, the applicant may contact DFW by phone at (916) 651-0603 or through the DFW website at [www.dfg.ca.gov](http://www.dfg.ca.gov) for a determination stating the project will have *no effect* on fish and wildlife. If DFW concurs, a form will be provided exempting the project from the \$2,354.75 fee payment requirement. In this instance, only a copy of the DFW form and the \$50.00 handling fee is required. This requirement appears as Condition #7 of Attachment 1A.

**ATTACHMENT 3**

**Applicants' Evidence In Support of the Required Findings**

| <b>Document</b>           | <b>Date Received by Planning</b> | <b>Location</b>       |
|---------------------------|----------------------------------|-----------------------|
| Tentative Subdivision Map | December 1, 2016                 | Attached              |
| Application Form          | December 1, 2016                 | On file with Planning |
| Preliminary Title Report  | December 1, 2016                 | On file with Planning |
| Soils Report              | December 1, 2016                 | On file with Planning |
| Sewage disposal testing   | December 1, 2016                 | On file with Planning |
| Water testing information | December 1, 2016                 | On file with Planning |

**ATTACHMENT 4**

**Draft Initial Study and Mitigated Negative Declaration**

## Project Information

**Project Title:** Hornstein Final Map Subdivision and Lot Line Adjustment

### Lead Agency

Humboldt County Planning and Building Department – Planning Division  
3015 H Street  
Eureka, CA 95501  
(707) 445-7541

### Property Owners

John Hornstein  
2560 Idylbear Lane  
Arcata, CA 95521

Lauris Phillips and Jay Peltz  
PO Box 165  
Redway, CA 95560

### Project Applicant

Same as owner

### Project Location

The project is located in the Arcata/Fickle Hill area, on both sides of Idylbear Lane, approximately 400 feet east of the intersection of Buttermilk Lane and Idylbear Lane, on the property known as 2560 Idylbear Lane.

### General Plan Designation

Residential Agriculture (RA). Humboldt County General Plan. Density: one dwelling unit per 5 – 20 acres (RA5-20). Slope Stability: Moderate and High Instability.

### Zoning

Unclassified (U).

### Project Description

A Final Map subdivision of an approximately 85 acre parcel (APN 500-091-047) into three parcels of approximately 12 acres (Parcel 1), 10.5 acres (Parcel 2) and 51 acres (Parcel 3). A Lot Line Adjustment will add approximately 0.08 acres to proposed Parcel 1 from a neighboring parcel (APN 500-091-052). After the Lot Line Adjustment, APN 500-091-052 will be approximately 5.18 acres in size. APN 500-091-047 is developed with a single family residence which will remain on proposed Parcel 3. APN 500-091-052 is currently vacant. The parcels will be served by a shared water system and on-site wastewater treatment systems.

### Baseline Conditions: Surrounding Land Uses and Setting

The project site is located in the rural area outside of Arcata, along Idylbear Lane. The parcel is surrounded by similar rural residential parcels between 5 and 20 acres in size.

**Other Public Agencies Whose Approval Is or May Be Required** (permits, financing approval, or participation agreement): Humboldt County Public Works Department, Division of Environmental Health, Building Division, California Department of Forestry and Fire Protection.

**Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1?** No. If so, has consultation begun? n/a



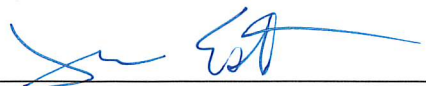
Note: Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process. (See Public Resources Code section 21083.3.2.) Information may also be available from the California Native American Heritage Commission's Sacred Lands File per Public Resources Code section 5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that Public Resources Code section 21082.3(c) contains provisions specific to confidentiality.

**Environmental Factors Potentially Affected:** The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- |  |  |  |
|--|--|--|
| <input type="checkbox"/> Aesthetics                      | <input type="checkbox"/> Agricultural and Forestry Resources | <input type="checkbox"/> Air Quality               |
| <input checked="" type="checkbox"/> Biological Resources | <input checked="" type="checkbox"/> Cultural Resources       | <input type="checkbox"/> Geology/Soils             |
| <input type="checkbox"/> Greenhouse Gas Emissions        | <input type="checkbox"/> Hazards/Hazardous Materials         | <input type="checkbox"/> Hydrology/Water Quality   |
| <input type="checkbox"/> Land Use/Planning               | <input type="checkbox"/> Mineral Resources                   | <input type="checkbox"/> Public Services           |
| <input type="checkbox"/> Noise                           | <input type="checkbox"/> Population/Housing                  | <input type="checkbox"/> Tribal Cultural Resources |
| <input type="checkbox"/> Recreation                      | <input type="checkbox"/> Transportation/Traffic              |  |
| <input type="checkbox"/> Utilities/Service               | <input type="checkbox"/> Mandatory Findings of Significance  |  |

**Determination:** On the basis of this initial evaluation:

- I find that the proposed project **could not** have a significant effect on the environment, and a **Negative Declaration** will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A **Mitigated Negative Declaration** will be prepared.
- I find that the proposed project **may** have a significant effect on the environment, and an **Environmental Impact Report (EIR)** is required.
- I find that the proposed project **may** have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An **Environmental Impact Report** is required, but it must analyze only those effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier **EIR** or **Negative Declaration** pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier **EIR** or **Negative Declaration**, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

  
 \_\_\_\_\_  
 Signature

DEC 17, 2018  
 \_\_\_\_\_  
 Date

Trevor Estlow, Senior Planner  
 Printed Name

Humboldt County Planning  
 and Building Department  
 For

## EVALUATION OF ENVIRONMENTAL IMPACTS

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each questions. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including offsite as well as onsite, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
  - a) Earlier Analysis Used. Identify and state where they are available for review.
  - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
  - c) Mitigation Measures. For effects that are "Less Than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
- 9) The analysis of each issue should identify:
  - a) the significance criteria or threshold used to evaluate each question; and
  - b) the mitigation measure identified, if any, to reduce the impact to less than significance.

**ENVIRONMENTAL CHECKLIST**

| Issues and Supporting Information  | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------|--|------------------------------|-----------|
| <b>AESTHETICS:</b> Would the project:  |                                |  |                              |           |
| a) Have a substantial adverse effect on a scenic vista?  |                                |  | X                            |           |
| b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? |                                |  | X                            |           |
| c) Substantially degrade the existing visual character or quality of the site and its surroundings?  |                                |  | X                            |           |
| d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?                                    |                                |  | X                            |           |

**Discussion**

- a, b) The project site is located in a rural residential area east of Arcata on Idylbear Lane. Idylbear Lane is a private road that takes access off of Buttermilk Lane to the west and connects to Fickle Hill Road to the northeast. The project site is currently developed with a single family residence. The building sites for the proposed parcels will be minimally visible from the private road. The site is not located within a Coastal Scenic area and not within the Coastal Zone. The proposed project would have a **less than significant impact** on a scenic vista or scenic highway.
- c) The existing visual character of the project vicinity consists of rural residential development within a forested area. The project site consists of one parcel currently developed with a single family residence. The parcel consists of mostly forested hillsides with some cleared areas. The proposed subdivision would not substantially degrade the existing visual character or quality of the site or surrounding area. Therefore, a **less than significant impact** would occur.
- d) The subdivision would create two new lots for residential development. Any future residential lighting would be consistent with the surrounding residential community. Therefore there would be no new sources of substantial light or glare and a **less than significant impact** would occur.

| Issues and Supporting Information                           | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|--------------------------------|--|------------------------------|-----------|
| <b>AGRICULTURE AND FOREST RESOURCES:</b> Would the project: |                                |  |                              |           |

|   |  |  |   |  |
|---|--|--|---|--|
| a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?                          |  |  | X |  |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?  |  |  | X |  |
| c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g), timberland (as defined by PRC section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? |  |  | X |  |
| d) Result in the loss of forest land or conversion of forest land to non-forest use?  |  |  | X |  |
| e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forestland to non-forest use?   |  |  | X |  |

**Discussion**

a, b, e) The project site is not designated Unique Farmland or Farmland of Statewide Importance and is not within a Williamson Act contract. The parcel is currently zoned Unclassified and is planned to be zoned Residential Agriculture (RA) as part of the zone changes implementing the General Plan Update. The subject property is bordered by similar wooded, rural residential lots. The proposed subdivision would allow additional residential development which is compatible with existing adjacent uses. Single family residential is a primary and compatible use in the Residential Agriculture land use designation and is principally permitted in the RA zone. The proposed subdivision would not change the land use or zoning designations and therefore would not convert Prime Farmland, Unique Farmland or Farmland of Statewide Importance to non-agriculture use or conflict with existing zoning for agriculture use; and would not involve changes in the existing environment which, due to its location or nature, could result in conversion of Farmland to non-agricultural use. The project may result in conversion of forestland through "Less than 3-Acre Conversion Exemptions," however, this is not considered significant in an area planned for this level of residential density. A **less than significant** impact would occur.

c, d) The project will require individual "Less than 3-Acre Conversion Exemptions" from Calfire when the parcels are developed. The loss of timberland is not considered significant as the area was reviewed for this level of development under the Humboldt County General Plan. Therefore, the proposed project will have a **less than significant** impact.

| Issues and Supporting Information   | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|--------------------------------|--|------------------------------|-----------|
| <b>AIR QUALITY:</b> Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:   |                                |  |                              |           |
| a) Conflict with or obstruct implementation of the applicable air quality plan?   |                                |  | X                            |           |
| b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?  |                                |  | X                            |           |
| c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? |                                |  |                              | X         |
| d) Expose sensitive receptors to substantial pollutant concentrations?  |                                |  | X                            |           |
| e) Create objectionable odors affecting a substantial number of people?   |                                |  | X                            |           |

**Discussion**

a,b,d,e) The project site is located within the North Coast Air Basin and the jurisdiction of the North Coast Unified Air Quality Management District (NCUAQMD). The North Coast Air Basin generally enjoys good air quality, but has been designated non-attainment (does not meet federal minimum ambient air quality standards) for particulate matter less than ten microns in size (PM<sub>10</sub>). To address this, the NCUAQMD adopted a Particulate Matter Attainment Plan in 1995. This plan presents available information about the nature and causes of PM<sub>10</sub> standard exceedance, and identifies cost-effective control measures to reduce PM<sub>10</sub> emissions, to levels necessary to meet California Ambient Air Quality Standards. These include transportation measures (e.g., public transit, ridesharing, vehicle buy-back programs, traffic flow improvements, bicycle incentives, etc.), land use measures (infill development, concentration of higher density adjacent to highways, etc.), and combustion measures (open burning limitations, hearth/wood burning stove limitations; NCUAQMD 1995).

The proposed subdivision results in two new parcels suitable for residential development and would not: (1) obstruct implementation of the applicable air quality plan; (2) violate air quality standards; (3) contribute substantially to an existing or projected air quality violation; (4) expose sensitive receptors to substantial pollutant concentrations; or (5) create objectionable odors. A **less than significant impact** would occur.

c) The proposed subdivision would create two new parcels for residential development. The proposed development, when constructed, would generate limited construction and operational emissions that would contribute to cumulative emissions of pollutants within the North Coast Air Basin. As indicated above, the North Coast Air Basin is in non-attainment for PM<sub>10</sub>. Because future development is consistent with planned uses the proposed project would not contribute to this non-attainment for PM<sub>10</sub> beyond levels

considered in approved land use plans, and thus would result in a **less than significant impact**.

| Issues and Supporting Information  | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------|--|------------------------------|-----------|
| <b>BIOLOGICAL RESOURCES:</b> Would the project:  |                                |  |                              |           |
| a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? |                                | X  |                              |           |
| b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?   |                                | X  |                              |           |
| c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?   |                                | X  |                              |           |
| d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?   |                                | X  |                              |           |
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?  |                                | X  |                              |           |
| f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?   |                                | X  |                              |           |

**Discussion**

a - c, e - f) The project site is currently developed with a single family residence. An unnamed intermittent stream flows through the property. All development must maintain a 50 foot setback from the top of bank or edge of riparian dripline, whichever is greater. The Streamside Management Area (SMA) associated with the stream will be mapped and depicted on the Development Plan which will be recorded on title. This measure is



included as Mitigation Measure No. 1. A site visit was conducted with a representative from the California Department of Fish and Wildlife and no sensitive species or other resource issues were identified. The proposed subdivision would not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service. The proposed project would not have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act through direct removal, filling, hydrological interruption, or other means. The proposed subdivision would not conflict with local policies protecting biological resources. These impacts would be **less than significant with mitigation incorporated.**

- d) The project area is located in a wooded area with some clearings. It may be necessary to remove trees with a Less Than 3-Acre Conversion Exemption through Calfire. In order to comply with the Migratory Bird Treaty Act and Fish and Game Code, tree removal and brush clearing must be conducted outside of the nesting season. This measure is included in Mitigation Measure No. 2. This impact would be **less than significant with mitigation incorporated.**

**Mitigation Measure No.1.** The Development Plan shall graphically depict the Streamside Management Area associated with the unnamed intermittent stream and label it "unbuildable". A Notice of Development Plan shall be recorded on title to alert future owners of this requirement.

**Mitigation Measure No.2.** The Development Plan shall include the following language: "any brush clearing or tree removal must be conducted outside of the bird breeding season (March 1 – August 15) in order to avoid a "take" as defined and prohibited by Fish and Game Code (FGC) §3503, 3503.5, 3513, and by the Federal Migratory Bird Treaty Act (16 U.S. Code 703 et seq.). If any brush or trees must be removed within the breeding season, the Project proponent shall consult with CDFW prior to removal in order to assess the potential for take of active bird nests."

| Issues and Supporting Information   | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|--------------------------------|--|------------------------------|-----------|
| <b>CULTURAL RESOURCES:</b> Would the project:   |                                |  |                              |           |
| a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?    |                                | X  |                              |           |
| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? |                                | X  |                              |           |
| c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?       |                                | X  |                              |           |
| d) Disturb any human remains, including those interred outside of formal cemeteries?                          |                                | X  |                              |           |

**Discussion**

- a-d) Referral comments indicated that the site is not located in an area that is culturally sensitive. Nonetheless, in order to comply with State law, a standard mitigation measure has been included should ground disturbing activities uncover any cultural resources. Therefore impacts would be **less than significant with mitigation incorporated**.

**Mitigation Measure No.3.** The following note shall be placed on the Development Plan: "If cultural resources are encountered during construction activities, the contractor on site shall cease all work in the immediate area and within a 50 foot buffer of the discovery location. A qualified archaeologist as well as the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

The Native American Heritage Commission (NAHC) can provide information regarding the appropriate Tribal point(s) of contact for a specific area; the NAHC can be reached at 916-653-4082. Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, shellfish or faunal remains, and human burials. If human remains are found, California Health and Safety Code 7050.5 requires that the County Coroner be contacted immediately at 707-445-7242. If the Coroner determines the remains to be Native American, the NAHC will then be contacted by the Coroner to determine appropriate treatment of the remains pursuant to PRC 5097.98. Violators shall be prosecuted in accordance with PRC Section 5097.99

The applicant is ultimately responsible for ensuring compliance with this condition."

| Issues and Supporting Information  | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------|--|------------------------------|-----------|
| <b>GEOLOGY AND SOILS:</b> Would the project:   |                                |  |                              |           |
| a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:   |                                |  |                              |           |
| i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. |                                |  | X                            |           |
| ii) Strong seismic ground shaking?   |                                |  | X                            |           |
| iii) Seismic-related ground failure, including liquefaction?   |                                |  | X                            |           |
| iv) Landslides?  |                                |  | X                            |           |
| b) Result in substantial soil erosion or the loss of topsoil?  |                                |  | X                            |           |
| c) Be located on a geologic unit or soil that is unstable or that would become unstable as a result of the project, and potentially result in onsite or offsite landslide, lateral spreading, subsidence, liquefaction or collapse?  |                                |  | X                            |           |

| Issues and Supporting Information  | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------|--|------------------------------|-----------|
| d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?                                   |                                |  | X                            |           |
| e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater? |                                |  | X                            |           |

**Discussion**

a) i-ii) The project site is not located within an Alquist-Priolo (A-P) Earthquake Fault Zone. The nearest A-P zones are located approximately one and one-half mile to the northwest and one and one-half mile to the northeast. Northwestern California is the most seismically active region in the continental United States, making the probability of strong seismic ground shaking at some time in the future high. While the proposed project could potentially be subject to ground shaking from these or other Northern California faults, it would be comparable to all other development in this seismically active region. Compliance with standard state and local building codes would provide foundation and structural strengthening applicable to this zone.

iii, iv) Liquefaction is described as the sudden loss of soil shear strength due to a rapid increase of soil pore water pressures caused by cyclic loading from a seismic event. According to the County geologic hazard maps, the project site is not located in a potential liquefaction area. There is no evidence of recent active landslides and the potential for slope stability hazard associated with the proposed project is considered negligible. According to the Framework Plan Geologic Hazards Map, the project site has a rating of moderate to high instability. A Soils Report was prepared by Busch Geotechnical Consultants for the proposed subdivision. The report found that the site was suitable for the intended use (residential).

Therefore, the proposed project would not expose people or structures to potential substantial adverse effect involving: the rupture of a known earthquake fault as delineated on the most recent Alquist-Priolo Fault Zoning Map; strong-seismic ground shaking, seismic related ground failure including liquefaction and landslides; **a less than significant impact** would occur.

b,c,d) The newly created parcels that will be suitable for residential development are located on the flatter portions of the parcel and would not result in soil erosion, landslide, lateral spreading, or liquefaction. There are no significant on-site slopes and no major grading proposed for the development of future homesites. The project is not located on expansive soils. Therefore, **a less than significant impact** would occur.

e) Any future development would require on-site wastewater disposal systems. A soils evaluation was reviewed by the Division of Environmental Health and satisfactory leachfield locations were identified on site. The parcel map shows the test pit locations where the soils are capable of adequately supporting wastewater disposal systems.

Future development of wastewater disposal systems would be in accordance with the soils evaluation. A permit from the Humboldt County Department of Environmental Health will be required for all new on-site septic systems. A **less than significant impact** would occur.

| Issues and Supporting Information  | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------|--|------------------------------|-----------|
| <b>GREENHOUSE GAS EMISSIONS:</b> Would the project:  |                                |  |                              |           |
| a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?      |                                |  |                              | X         |
| b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? |                                |  |                              | X         |

**Discussion**

a, b) In 2002 the California legislature declared that global climate change was a matter of increasing concern for the state's public health and environment, and enacted law requiring the California Air Resources Board (CARB) to control GHG emissions from motor vehicles (Health & Safety Code §32018.5 et seq.). In 2006, the California Global Warming Solutions Act (Assembly Bill 32) definitively established the state's climate change policy and set GHG reduction targets (health & Safety Code §38500 et sec.), including setting a target of reducing GHG emissions to 1990 levels by 2020. AB 32 requires local governments to take an active role in addressing climate change and reducing greenhouse gas (GHG) emissions. While methodologies to inventory and quantify local GHG emissions are still being developed, recommendations to reduce residential GHG emissions include promoting energy efficiency in new development.

The proposed project involves creation of two new residential lots. Future residential use would emit limited greenhouse gases. The proposed project is consistent with planned densities and land use in the area and would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases; a **less than significant impact** would occur.

| Issues and Supporting Information   | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|--------------------------------|--|------------------------------|-----------|
| <b>HAZARDS AND HAZARDOUS MATERIALS:</b> Would the project:  |                                |  |                              |           |
| a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? |                                |  |                              | X         |

| Issues and Supporting Information  | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------|--|------------------------------|-----------|
| b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?  |                                |  |                              | X         |
| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?  |                                |  |                              | X         |
| d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?                                   |                                |  |                              | X         |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? |                                |  |                              | X         |
| f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?  |                                |  |                              | X         |
| g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?  |                                |  |                              | X         |
| h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?   |                                |  |                              | X         |

**Discussion**

- a) The project does not propose any change in the transport, use, or disposal of hazardous materials. These activities are controlled by County code provisions and state regulations. New owners would be subject to these same provisions and regulations and thus the subdivision itself would not create a significant hazard to the public associated with these activities. **No impact** would occur.
- b) The proposed project would not create a significant hazard to the public or the

environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. **No impact** would occur.

- c) The proposed project would not emit hazardous emissions or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school (e.g., the project would not emit such materials, and there is no school located within one-quarter (0.25) mile of the project site). **No impact** would occur.
- d) The project site is not located on a site that is included on any list compiled pursuant to Government Code Section 65962.5 (Cortese List <http://www.calepa.ca.gov/sitecleanup/corteselist/>). Hence, the proposed project would not create a significant hazard to the public or the environment. **No impact** would occur.
- e-f) The project is over eight miles from the Eureka-Arcata Airport and is not located within the airport land use plan associated with the airport. The project would not result in a safety hazard for people residing or working in the project area. **No impact** would occur.
- g) Emergency response and evacuation in the project area is the responsibility of the Humboldt County Sheriff's Office of Emergency Services. The proposed project would not impair implementation of or physically interfere with the County's Emergency Response Plan, including the evacuation aspects of the plan, because the project : (1) would not alter or block existing streets; (2) would not increase the number of people exposed to potential emergencies; (3) would not generate significant traffic congestion during an emergency; and (4) would not include uses that would require amendment of the County's emergency planning (such as a chemical storage facility or large industrial plant). **No impact** would occur.
- h) The project site served by Arcata Fire Protection District for structural fire protection. According to the County's Fire Hazard Map, the site is located in a high fire hazard area. All proposed parcels would have access from Idylbear Lane. Idylbear Lane connects with Buttermilk Lane to the southwest and Fickle Hill Road to the northeast, providing two points of access. Therefore the proposed project would not expose people or structures to a significant risk of loss, injury or death involving wildland fires. **No impact** would occur.

| Issues and Supporting Information   | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|--------------------------------|--|------------------------------|-----------|
| <b>HYDROLOGY AND WATER QUALITY:</b> Would the project:  |                                |  |                              |           |
| a) Violate any water quality standards or waste discharge requirements?   |                                |  | X                            |           |
| b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses |                                |  | X                            |           |

| Issues and Supporting Information   | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|--------------------------------|--|------------------------------|-----------|
| or planned uses for which permits have been granted)?   |                                |  |                              |           |
| c) Substantially alter the existing drainage pattern of the site or area, including through stream or river course alteration, in a manner which would result in substantial erosion or siltation onsite or offsite?  |                                |  | X                            |           |
| d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding onsite or offsite? |                                |  | X                            |           |
| e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?   |                                |  | X                            |           |
| f) Otherwise substantially degrade water quality?   |                                |  | X                            |           |
| g) Place housing within a 100-year flood hazard Area 1 as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?  |                                |  | X                            |           |
| h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?   |                                |  | X                            |           |
| i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?  |                                |  | X                            |           |
| j) Inundation by seiche, tsunami, or mudflow?   |                                |  | X                            |           |

**Discussion**

a,c-f) The proposed project would create two new rural residential parcels. A majority of the project site is undeveloped. The parcels accommodate stormwater runoff onsite and there is no proposed change in direction of stormwater runoff. Therefore, the proposed project would not violate water quality standards, alter the existing drainage pattern of the parcel, alter the course of a stream or river, substantially increase the rate or amount of surface runoff, result in flooding on- or off-site, provide substantial additional sources of polluted runoff, or otherwise substantially degrade water quality. **A less than significant impact** would occur.

- b) Under the proposed project there would be minimal increase in impervious surfaces so the change in potential groundwater recharge on the parcel will be minimal. Water is provided by a shared water system that is capable of providing sufficient water to all parcels. The system has demonstrated sufficient production such that use of the well will not significantly deplete the groundwater. Therefore, the proposed project would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level. A **less than significant impact** would occur.
  
- g-j) The parcel is located entirely outside the 100-year FEMA mapped floodplain and at approximately 750 feet in elevation. The project is well outside of any tsunami inundation area. Therefore, the proposed project would not impede or redirect flood flows, and would not expose people or structures to a significant risk involving flooding. A **less than significant impact** would occur.

| Issues and Supporting Information   | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|--------------------------------|--|------------------------------|-----------|
| <b>LAND USE AND PLANNING:</b> Would the project:  |                                |  |                              |           |
| a) Physically divide an established community?  |                                |  | X                            |           |
| b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? |                                |  | X                            |           |
| c) Conflict with any applicable habitat conservation plan or natural community conservation plan?   |                                |  |                              | X         |

**Discussion**

- a) The proposed subdivision would not physically divide an established community, because the project: (1) site is located in a rural residential area; (2) involves the subdivision of one parcel into three parcels consistent with the prescribed density; (3) would not block or remove any existing streets; and (4) would not change the use of the site. Therefore, a **less than significant impact** would occur.
  
- b) The project site is located in an unincorporated area east of the city of Arcata and is subject to the Humboldt County General Plan, Jacoby Creek Community Planning policies, and County zoning regulations. The project site totals approximately 85 acres. The property is planned and zoned for rural residential development with a density of one unit per 5 – 20 acres.

The proposed subdivision would result in the following three parcels: Parcel 1 (12 acres), Parcel 2 (10.5 acres) and Parcel 3 (51 acres).



The proposed project is consistent with the comprehensive view of the General Plan as it concerns land use, hazards, biological resources, hydrology and water quality, circulation, and public facilities. The proposed project would not conflict with applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. A **less than significant** impact would occur.

- c) The project site is not subject to an existing habitat conservation plan or natural community conservation plan. **No impact** would occur.

| Issues and Supporting Information   | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|--------------------------------|--|------------------------------|-----------|
| <b>MINERAL RESOURCES:</b> Would the project:  |                                |  |                              |           |
| <b>MINERAL RESOURCES:</b> Would the project:  |                                |  |                              |           |
| a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?                                |                                |  |                              | X         |
| b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? |                                |  |                              | X         |

**Discussion:**

- a-b) No mineral resources are known to be located within the project site. Therefore, the proposed project would not affect the availability of a known mineral resource that would be of value to the region, nor would the project result in the loss of availability of a locally important mineral resource, recovery site delineated on a specific, general plan or other land use plan. **No impact** would occur.

| Issues and Supporting Information   | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|--------------------------------|--|------------------------------|-----------|
| <b>NOISE:</b> Would the project:  |                                |  |                              |           |
| a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? |                                |  | X                            |           |
| b) Exposure of persons to or generation of excessive groundborne noise levels?  |                                |  | X                            |           |
| c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?  |                                |  | X                            |           |
| d) A substantial temporary or periodic increase in ambient noise levels in the  |                                |  | X                            |           |

| Issues and Supporting Information   | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|--------------------------------|--|------------------------------|-----------|
| project vicinity above levels existing without the project?   |                                |  |                              |           |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? |                                |  | X                            |           |
| f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?  |                                |  | X                            |           |

**Discussion**

a-d) The proposed project would be subject to the noise standards contained in the General Plan for rural residential areas. The project site is located adjacent to Idylbear Lane, a privately maintained road. The site is over eight miles from the Arcata-Eureka Airport and is outside of the area affected by the Airport Land Use Compatibility Plan.

The proposed project would create two new lots for residential development and planned for residential use. The proposed subdivision would not expose persons to or generate noise levels in excess of general plan standards, would not involve blasting, or other activities that could create excessive ground born noise levels or vibration, and would not create a substantial permanent, temporary or periodic increase in ambient noise levels in the project vicinity. **A less than significant impact** would occur.

e, f) The site is over eight miles from the Arcata-Eureka Airport and is outside of the area affected by the Airport Land Use Compatibility Plan. The site would not expose people working or residing in the area due to excessive noise levels. **A less than significant impact** would occur.

| Issues and Supporting Information  | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------|--|------------------------------|-----------|
| <b>POPULATION AND HOUSING: Would the project:</b>  |                                |  |                              |           |
| a) Induce substantial population growth in the area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? |                                |  | X                            |           |
| b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?  |                                |  |                              | X         |

| Issues and Supporting Information   | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|--------------------------------|--|------------------------------|-----------|
| c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? |                                |  |                              | X         |

**Discussion**

- a) The proposed subdivision would create two new lots for a total of three, with the eventual construction of a residence on the two vacant parcels consistent with the existing land use and zoning designations. The subdivision is consistent with the planned density of the area and would not directly or indirectly induce substantial population growth. Therefore, a **less than significant impact** would occur.
- b, c) The proposed project would not displace existing housing or people, and would not necessitate the construction of replacement housing elsewhere. **No impact** would occur.

| Issues and Supporting Information  | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------|--|------------------------------|-----------|
| <b>PUBLIC SERVICES:</b> Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: |                                |  |                              |           |
| a) Fire protection?  |                                |  | X                            |           |
| b) Police protection?  |                                |  | X                            |           |
| c) Schools?  |                                |  | X                            |           |
| d) Parks?  |                                |  | X                            |           |
| e) Other public facilities?  |                                |  | X                            |           |

**Discussion**

- a- e) Emergency response in the project area is the responsibility of Arcata Fire Protection District, Calfire and the Humboldt County Sheriff's Office. The proposed project will create two new parcels. All parcels will have access from Idylbear Lane. The proposed project would not impair fire or police protection services, because the project would not: alter or block existing streets, result in development, or include uses that would require amendment of the County's emergency planning (such as a chemical storage facility or large industrial plant).

No new or physically altered government facilities are required as a result of the project. The project would not result substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for fire protection, police protection, schools, parks, or other public facilities. Therefore, a **less than significant impact** would occur.

| Issues and Supporting Information  | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------|--|------------------------------|-----------|
| <b>RECREATION:</b>   |                                |  |                              |           |
| a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? |                                |  | X                            |           |
| b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?                        |                                |  | X                            |           |

**Discussion**

a-b) The project does not include recreational facilities. The Department finds no evidence that the project will require construction or expansion of recreational facilities which might have an adverse physical effect on the environment. Therefore, **a less than significant impact** would occur.

| Issues and Supporting Information  | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------|--|------------------------------|-----------|
| <b>TRANSPORTATION/TRAFFIC:</b> Would the project:  |                                |  |                              |           |
| a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation systems, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit. |                                |  | X                            |           |
| b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?   |                                |  | X                            |           |

| Issues and Supporting Information  | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------|--|------------------------------|-----------|
| c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?                        |                                |  | X                            |           |
| d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?                                 |                                |  | X                            |           |
| e) Result in inadequate emergency access?  |                                |  | X                            |           |
| f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities? |                                |  | X                            |           |

**Discussion**

- a, b) The project site is accessed from Idylbear Lane off of Buttermilk Lane. It can also be accessed from Simmons Lane off of Fickle Hill Road. The proposed project would create two new lots for rural residential development. Traffic trips to/from the site are not expected to change significantly as a result of the proposed project. Therefore, the circulation system of the area would not be affected. The subdivision would not conflict with applicable plans, policies, or ordinances establishing measures of effectiveness for the performance of the circulation system and would not conflict with a level of service standard established by the county congestion management agency for designated roads or highways. **A less than significant impact** would occur.
- c) The proposed project is over eight miles from the Arcata-Eureka Airport and would have no impact on air traffic patterns, would not substantially increase air traffic levels, and would not result in substantial safety risks. **A less than significant impact** would occur.
- d) The project would allow continued rural residential use of the site and is compatible with the existing adjacent similar uses. The three parcels would have access off of Idylbear Lane and Simmons Lane. Access to the new parcels would not substantially increase hazards due to a design feature or incompatible uses. **A less than significant impact** would occur.
- e) The project site is located adjacent to Idylbear Lane, and is already served by an existing street system. All lots would have access to Idylbear Lane. Adequate emergency access to the project site already exists from this street, and would continue to exist under the proposed project. Therefore, **a less than significant impact** would occur.
- f) The proposed project would not conflict with policies, plans, or programs, regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities. **A less than significant impact** would occur.

| Issues and Supporting Information  | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------|--|------------------------------|-----------|
| <b>TRIBAL CULTURAL RESOURCES:</b> Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resource Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is: |                                |  |                              |           |
| a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resource Code section 5020.1(k), or  |                                |  | X                            |           |
| b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?  |                                |  | X                            |           |

**Discussion**

a- b) The project was referred to the Northwest Information Center at Sonoma State University (SSU), however, they did not respond with comments. The previous subdivision of these lands was reviewed by SSU and indicated that these lands have a low likelihood of containing archaeological resources. In addition, referral comments received for a subdivision of the adjacent lands in 2015, and more recently, a Lot Line Adjustment on the adjoining property, found that the lands have a low likelihood of containing archaeological resources. Therefore, the standard condition regarding inadvertent discovery has been included in the conditions of approval and included as Mitigation Measure No. 3. Therefore, **a less than significant impact** would occur.

| Issues and Supporting Information  | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------|--|------------------------------|-----------|
| <b>UTILITIES AND SERVICE SYSTEMS:</b> Would the project:   |                                |  |                              |           |
| a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?  |                                |  | X                            |           |
| b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? |                                |  | X                            |           |

| Issues and Supporting Information   | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|--------------------------------|--|------------------------------|-----------|
| c) Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?                                      |                                |  | X                            |           |
| d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?  |                                |  | X                            |           |
| e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? |                                |  | X                            |           |
| f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?  |                                |  | X                            |           |
| g) Comply with federal, state, and local statutes and regulations related to solid waste?   |                                |  | X                            |           |

**Discussion**

- a) The parcel is currently developed with a single family residence and is served by an on-site wastewater treatment system. The applicant has submitted soils testing and percolation tests that have been approved by the Environmental Health Division. Therefore, the proposed project would not exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board. **A less than significant impact** would occur.
- b, e) The proposed subdivision would be served with a shared water system approved by the County Division of Environmental Health. The site will be served by on-site wastewater treatment systems and the Division of Environmental Health has approved the designs of these systems. Therefore, the project would not result in the need for the construction of new water or wastewater treatment facilities or the expansion of existing facilities. **A less than significant impact** would occur.
- c) The proposed project would not require the construction of new storm water drainage facilities or the expansion of existing such facilities, the construction of which could cause significant environmental effects (see Response c-d under the "Hydrology and Water Quality" for analysis). **A less than significant impact** would occur.
- d) The project site receives water service from a shared water system that has demonstrated adequate volumetric capacities. The proposed project is consistent with existing land use and zoning designations and any incremental increase in demand would not be significant. Therefore, the water system would have sufficient water

supplies available to serve the project from existing entitlements and resources. **A less than significant impact** would occur.

- f, g) The proposed subdivision would create two new residential parcels which would generate minimal solid waste. The residential use of the site would not change and any potential future development would be required to comply with federal, state, and local solid waste regulations. Therefore, **a less than significant impact** would occur.

| Issues and Supporting Information   | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|--------------------------------|--|------------------------------|-----------|
| <b>MANDATORY FINDINGS OF SIGNIFICANCE:</b>  |                                |  |                              |           |
| a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory? |                                |  | X                            |           |
| b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)  |                                |  | X                            |           |
| c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?   |                                |  | X                            |           |

**Discussion:**

Certain mandatory findings of significance must be made to comply with CEQA Guidelines §15065. The proposed project has been analyzed, and it has been determined that it would not:

- Substantially degrade environmental quality;
- Substantially reduce fish or wildlife habitat;
- Cause a fish or wildlife population to fall below self-sustaining levels;



- Threaten to eliminate a plant or animal community;
- Reduce the numbers or range of a rare, threatened, or endangered species;
- Eliminate important examples of the major periods of California history or pre-history;
- Achieve short term goals to the disadvantage of long term goals;
- Have environmental effects that will directly or indirectly cause substantial adverse effects on human beings; or
- Have possible environmental effects that are individually limited but cumulatively considerable when viewed in connection with past, current, and reasonably anticipated future projects.

- a) The project would not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, or reduce the number or restrict the range of a rare or endangered plant or animal. See Biological Resources Section for a specific discussion of biological resources supporting this finding.

The proposed project would not have the potential to eliminate important examples of the major periods of California history or prehistory because no significant impacts to historic and cultural resources would occur. See Cultural Resources Section for a specific discussion of historic resources supporting this finding.

- b) The project would not have impacts that are individually limited, but cumulatively considerable, because: (1) Given the nature of the project site, the project would not contribute to the cumulative loss of prime farmland, special-status species or their habitat, wetlands or other natural community, mineral resources, or other cumulative impacts to natural resources; (2) Given the relative small size of the proposed project, it would not add appreciably to cumulative utilities or service demand, park demand, water demand, energy consumption, or other growth-related cumulative impacts; (3) The project site is already designated for rural residential use under the County's General Plan and Zoning Ordinance. Hence, some degree of growth at the site has already been assumed in County planning; and (4) The project would not interfere with the ability of the region to attain the PM<sub>10</sub> reduction goals set forth in the NCUAQMD's PM<sub>10</sub> Attain Plan.
- c) The proposed project has been designed to be consistent with General Plan policies and zoning requirements, and measures to reduce project related impacts to the environment have been incorporated into the project design wherever possible to ensure compliance. Based on the project as described in this Initial Study and a review of applicable regulations there is no evidence that the proposed project as mitigated will cause substantial adverse effects on human beings, either directly or indirectly.

## Proposed Mitigation Measures, Monitoring, and Reporting Program

### Biological Resources

#### Mitigation Measure No. 1.

The Development Plan shall graphically depict the Streamside Management Area associated with the unnamed intermittent stream and label it "unbuildable". A Notice of Development Plan shall be recorded on title to alert future owners of this requirement.

*Timing for Implementation/Compliance:* Noted on Development Plan and required throughout project construction.

*Person/Agency Responsible for Monitoring:* Applicant and successors

*Monitoring Frequency:* Throughout construction

*Evidence of Compliance:* Prior to filing Final Map.

#### Mitigation Measure No. 2.

The Development Plan shall include the following language: "any brush clearing or tree removal must be conducted outside of the bird breeding season (March 1 – August 15) in order to avoid a "take" as defined and prohibited by Fish and Game Code (FGC) §3503, 3503.5, 3513, and by the Federal Migratory Bird Treaty Act (16 U.S. Code 703 et seq.). If any brush or trees must be removed within the breeding season, the Project proponent shall consult with CDFW prior to removal in order to assess the potential for take of active bird nests."

*Timing for Implementation/Compliance:* Noted on Development Plan and required throughout project construction.

*Person/Agency Responsible for Monitoring:* Applicant and successors

*Monitoring Frequency:* Throughout construction

*Evidence of Compliance:* Prior to filing Final Map.

### Cultural Resources

**Mitigation Measure No. 3.** The following note shall be placed on the Development Plan: "If cultural resources are encountered during construction activities, the contractor on site shall cease all work in the immediate area and within a 50 foot buffer of the discovery location. A qualified archaeologist as well as the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

The Native American Heritage Commission (NAHC) can provide information regarding the appropriate Tribal point(s) of contact for a specific area; the NAHC can be reached at 916-653-4082. Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, shellfish or faunal remains, and human burials. If human remains are found, California Health and Safety Code 7050.5 requires that the County Coroner be contacted immediately at 707-445-7242. If the Coroner determines the remains to be Native American, the NAHC will then be contacted by the Coroner to determine appropriate treatment of the remains pursuant to PRC 5097.98. Violators shall be prosecuted in accordance with PRC Section 5097.99

The applicant is ultimately responsible for ensuring compliance with this condition."

*Timing for Implementation/Compliance:* Noted on Development Plan and required throughout project construction.

*Person/Agency Responsible for Monitoring:* Applicant and successors

*Monitoring Frequency:* Throughout construction

*Evidence of Compliance:* Prior to filing Final Map.

**ATTACHMENT 5**

**Referral Agency Comments and Recommendation**

All referral agencies that the proposed project was sent to for review and comment are listed below. Those agencies that provided written comments are checked off.

| <b>Referral Agency</b>   | <b>Response</b> | <b>Recommendation</b>   | <b>Attached</b>                | <b>On File</b> |
|--|-----------------|-------------------------|--------------------------------|----------------|
| County Building Inspection   | X               | Approval                | X                              |                |
| County Public Works, Land Use Division<br>Subdivision Requirements | X               | Conditional<br>Approval | (Exhibit A of<br>Attachment 1) |                |
| County Division of Environmental Health                            | X               | Approval                | X                              |                |
| Arcata Fire Protection District                                    |                 |                         |                                |                |
| NWIC   |                 |                         |                                |                |
| Calfire  | X               | Conditional<br>Approval |                                | X              |
| California Dept. of Fish & Wildlife                                | Site visit      | Conditional<br>Approval |                                |                |
| Wiyot Tribe  |                 |                         |                                |                |
| Bear River Band of the Rohnerville<br>Rancheria                    |                 |                         |                                |                |
| Blue Lake Rancheria  | X               | Comments                |                                | X              |
| PG&E   |                 |                         |                                |                |



**HUMBOLDT COUNTY  
PLANNING AND BUILDING DEPARTMENT  
CURRENT PLANNING DIVISION  
3015 H STREET, EUREKA, CA 95501 ~ PHONE (707) 445-7541**

RECEIVED  
MAY 22 2017  
Humboldt County  
Planning Division

**5/16/2017**

**PROJECT REFERRAL TO: Building Inspection Division**

**Project Referred To The Following Agencies:**

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, Supervising Planner, Current Planning Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Blue Lake Rancheria, Wiyot Tribe, Pacific Gas and Electric, Arcata Fire Protection District

**Applicant Name** John Hornstein **Key Parcel Number** 500-091-047-000

**Application (APPS#)** 11586 **Assigned Planner** Trevor Estlow (707) 268-3740 **Case Number(s)** FMS16-006  
LLA16-030

Please review the above project and provide comments with any recommended conditions of approval. To help us log your response accurately, please include a copy of this form with your correspondence.

Questions concerning this project may be directed to the assigned planner for this project between 8:30am and 5:30pm Monday through Friday.

County Zoning Ordinance allows up to 15 calendar days for a response. If no response or extension request is received by the response date, processing will proceed as proposed.

If this box is checked, please return large format maps with your response.

**Return Response No Later Than 5/31/2017** Planning Commission Clerk  
County of Humboldt Planning and Building Department  
3015 H Street  
Eureka, CA 95501  
**E-mail:** PlanningClerk@co.humboldt.ca.us **Fax:** (707) 268-3792

**We have reviewed the above application and recommend the following (please check one):**

Recommend Approval. The Department has no comment at this time.

Recommend Conditional Approval. Suggested Conditions Attached.

Applicant needs to submit additional information. List of items attached.

Recommend Denial. Attach reasons for recommended denial.

Other Comments: \_\_\_\_\_

DATE: 5-19-17

PRINT NAME: Gustin Dumlac



HUMBOLDT COUNTY  
 PLANNING AND BUILDING DEPARTMENT  
 CURRENT PLANNING DIVISION  
 3015 H STREET, EUREKA, CA 95501 ~ PHONE (707) 445-7541

RECEIVED

5/16/2017

MAY 18 2017

**PROJECT REFERRAL TO: Health and Human Services Environmental Health Division**

HUMBOLDT CO. DIVISION OF ENVIRONMENTAL HEALTH

**Project Referred To The Following Agencies:**

16/17-1163

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, Supervising Planner, Current Planning Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Blue Lake Rancheria, Wiyot Tribe, Pacific Gas and Electric, Arcata Fire Protection District

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Recommend Conditional Approval. Suggested Conditions Attached.

Applicant needs to submit additional information. List of items attached.

Recommend Denial. Attach reasons for recommended denial.

Other Comments: \_\_\_\_\_

**DISTRIBUTED**  
8-13-18

DATE: 8/13/18

PRINT NAME: Adam Molofsky