



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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Hearing Date: June 1, 2017

To: Humboldt County Planning Commission

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

Subject: **Jeffrey Pimentel General Plan Amendment, Zone Reclassification, Parcel Map Subdivision**
Application Number 13422
Case Numbers GPA-17-003, ZR-17-003, PMS-17-002
Assessor Parcel Number (APN) 511-501-012-000
2746 Elizabeth Road, McKinleyville area

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

AGENDA ITEM TRANSMITTAL

Hearing Date June 1, 2017	Subject General Plan Amendment, Zone Reclassification and Parcel Map Subdivision	Contact Trevor Estlow
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Project: A General Plan Amendment and Zone Reclassification to facilitate the subdivision of an approximately 15 acre parcel into two parcels of 10 and 5 acres. The General Plan designation is proposed to change from Agriculture Rural with a density of one unit per 10 acres (AR10) to Agriculture Rural with a density of one unit per 5 acres (AR5). The Board of Supervisors has already "straw-voted" a change to Rural Residential Agriculture with a density of one unit per 5 to 20 acres (RA5-20) which is consistent with the AR5 designation. The zone classification is proposed to change from Agricultural General with a 10-acre minimum parcel size (AG-B-5(10)) to Agriculture General with a 5-acre minimum parcel size (AG-5-5(5)). The parcel is currently developed with a single family residence and will be sited on proposed Parcel 2. Proposed Parcel 1 will be vacant and suitable for residential development. The parcels are or will be served with on-site water (shared well) and on-site wastewater treatment systems. Pursuant to Section 333-8 of Humboldt County Code, the applicant has requested a Variance to allow development within the Horizontal Surface boundary area of the California Redwood Coast – Humboldt County Airport (ACV).

Project Location: The project site is located in McKinleyville, on the west side of Elizabeth Road, approximately 1,000 feet northwest of the intersection of Elizabeth Road and Murray Road, on the property known as 2746 Elizabeth Road.

Present Plan Designation: Agricultural Rural (AR-Rural), McKinleyville Community Plan (MCCP), Slope Stability: Low Instability (1), Density: one dwelling per 10 acres.

Present Zoning: AG-B-5(10)-WR, Agriculture General (AG), Special Building Site (B), Streamside Management Areas and Wetlands (WR).

Application Number: 13422

Case Numbers: GPA-17-003, ZR-17-003, PMS-17-002

Assessor Parcel Number: 511-501-012-000

Applicant

Jeffrey Pimentel
2414 Hawks View Court
McKinleyville, CA 95519

Owner(s)

Tony Pimentel
2746 Elizabeth Road
McKinleyville, CA 95519

Environmental Review: Project requires environmental review.

Major Issues: None

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

PIMENTEL GENERAL PLAN AMENDMENT, ZONE RECLASSIFICATION, PARCEL MAP SUBDIVISION

Case Numbers GPA-17-003, ZR-17-003, PMS-17-002

Assessor Parcel Number 511-501-012-000

Recommended Planning Commission Action

1. Describe the application as a public hearing;
2. Allow staff to present the project;
3. Open the public hearing; and
4. After receiving testimony, close the public hearing and make the following motion to approve the application:

Make all of the required findings for approval of the General Plan Amendment, Zone Reclassification and Parcel Map Subdivision, based on evidence in the staff report and public testimony, and recommend that the Board of Supervisors adopt the Mitigated Negative Declaration and approve the Pimentel project subject to the recommended conditions.

Executive Summary: The applicant is proposing a General Plan Amendment to change the density of the plan designation from Agricultural Rural with a density of one unit per ten acres (AR10) to Agricultural Rural with a density of one dwelling unit per five acres (AR5), and an associated Zone Reclassification from Agriculture General with a ten-acre minimum parcel size (AG-B-5(10)) to Agriculture General with a five-acre minimum parcel size (AG-B-5(5)). The parcel also has a combining zone for Streamside Management Areas and Wetlands (WR) which will remain. The change in the land use and Zone Reclassification to facilitate the subdivision of an approximately 15-acre into two parcels of approximately 5 and 10 acres in size. Proposed Parcel 1 will be approximately 5 acres in size and is developed with an existing well. Proposed Parcel 2 will be approximately 10 acres in size and is currently developed with a single family residence on-site sewage disposal system and utilizes the existing well located within the boundaries of proposed Parcel 1.

General Plan Amendment

The General Plan Amendment proposes to change the designation of approximately 15 acres of land planned AR10 to AR5. This will be consistent with the corresponding zoning designation proposed (AG-B-5(5)). The parcel is within a larger area (approximately 840 acres) proposed to be changed from AR10 to Rural Residential Agriculture with a density of one dwelling unit per 5 – 20 acres (RA5-20) under the General Plan Update (GPU). Because the Board of Supervisors has "straw-voted" this change, a General Plan Petition was not required for this amendment request.

Additionally, the amendment is necessary because base information or physical conditions have changed. Historically, property owners in this area have been subdividing 20-acre parcels into parcels of 5 and 15 acres utilizing Lot Size Modification with the expectation of the General Plan designation changing in the future. The amendment is also necessary to maintain established uses otherwise consistent with a comprehensive view of the plan. In order to allow for subdivision, the amendment is necessary.

Zone Reclassification

The Zone Reclassification proposes to reclassify the property from Agriculture General with a ten-acre minimum parcel size (AG-B-5(10)) to Agriculture General with a five-acre minimum parcel size (AG-B-5(5)).

The rezone is in the public interest and is consistent with General Plan policies. The rezone facilitates the subdivision into two parcels of approximately 5 and 10 acres each. The change to the minimum parcel size allowed under zoning is the driver of the two amendment requests. If the applicant were to wait for the GPU to change the plan density (from AR10 to AR5--20) there would still be the need for a follow-on zone reclassification before the land could be subdivided.

Were the GPU to be finalized before this amendment is considered and adopted, the zone reclassification would still be in position to be finalized allowing for the subdivision to proceed.

Both parcels will be served by Elizabeth Road (a private road with a 50 foot right of way) off of Murray Road (a County maintained road). The project site is located approximately 1,000 feet from the intersection of Elizabeth Road and Murray Road. The Department of Public Works (DPW) has provided subdivision requirements that are consistent with the Firesafe Ordinance. A preliminary drainage study was not required for the subdivision given the large parcel sizes, however, the Department of Public Works has made the submittal of a complete hydrologic report and drainage plan and the correction of any drainage problems associated with the subdivision a condition of approval.

The site is in an area of larger-lot rural development on the outskirts of McKinleyville. There are predominantly similarly sized rural residential lots due to the absence of community services. The parcel has varied topography with the headwaters of Duke Creek flowing through the northeasterly corner. The geologic hazards map for this area shows that all development including building sites, septic areas and road construction has a low instability rating. There are no mapped flood hazards on the property.

Pursuant to SB 18 (California Government Code Section 65352.3), notice was sent on February 9, 2017 to potentially affected tribes to request consultation regarding the proposed General Plan Amendment. Blue Lake Rancheria accepted consultation and recommended a cultural resource study. The applicant retained the services of William Rich and Associates who prepared a cultural resource study (February 2017). The report found that no significant archaeological or historic period cultural resources that, for the purposes of CEQA, would be considered an historical resource exist in the limits of the project area. The local Tribal Historic Preservation Officers (THPOs) were satisfied with the results of the survey and recommended no further study or consultation. Nonetheless, the standard condition of approval regarding inadvertent discovery has been included in the project. This is included as a mitigation measure in the Mitigated Negative Declaration and on the Development Plan.

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.

ALTERNATIVES: The Planning Commission could elect not to approve the project. This alternative should be implemented if the 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 17-**

**Case Numbers GPA-17-003, ZR-17-003, PMS-17-002
Assessor Parcel Number 511-501-012-000**

Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Pimentel General Plan Amendment, Zone Reclassification and Parcel Map Subdivision.

WHEREAS, Jeffrey Pimentel submitted an application and evidence in support of approving a General Plan Amendment from AR10 to AR5, a Zone Reclassification from AG-B-5(10) to AG-B-5(5) and a Parcel Map Subdivision; and

WHEREAS, the proposed amendments may be approved if it can be found that: (1) The proposed change is in the public interest; (2) The proposed change is consistent with the General Plan; and (3) The amendment 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; and

WHEREAS, the County Planning Division has reviewed the submitted application and evidence and has referred the application and evidence to involved reviewing agencies for site inspections, comments and recommendations; and

WHEREAS, the Planning Division, the Lead Department pursuant to Section 202 of Resolution No. 77-29, has prepared a draft Mitigated Negative Declaration for the subject proposal in accordance with the California Environmental Quality Act (CEQA); and

WHEREAS, the County Planning Department has prepared, posted for public review, and filed with the Planning Commission reports with evidence, findings, and conclusions showing that evidence does exist in support of making the required findings for approving the project (Case Nos.: GPA-17-003, ZR-17-003, PMS-17-002); and

WHEREAS, the Planning Commission has reviewed and considered said reports and other written evidence and testimony presented to the Commission; and

WHEREAS, the Planning Commission held a public hearing on this matter to receive other evidence and testimony;

NOW, THEREFORE, be it resolved, determined, and ordered by the Humboldt County Planning Commission that the following findings be and are hereby made:

1. The Planning Commission finds that there is no substantial evidence that the proposed project will have a significant effect on the environment; and
2. The proposed General Plan Amendment and Zone Reclassification are in the public interest;
3. The proposed General Plan Amendment and Zone Reclassification are consistent with the General Plan;
4. The amendment 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;
5. The Planning Commission makes the findings in Attachment 2 of the Planning Division staff report for Case Nos.: GPA-17-003, ZR-17-003, PMS-17-002 based on the submitted evidence; and

6. The Planning Commission approves the proposed project as recommended and conditioned in the Planning Division Staff Report for Case Nos.: GPA-17-003, ZR-17-003, PMS-17-002.
7. The Planning Commission has considered the variance request pursuant to H.C.C. Section 333-8 to penetrate the airspace of the California Redwood Coast - Humboldt County Airport and the memorandum from the Department of Public Works and recommends that the Board of Supervisors grant the variance subject to such reasonable conditions and restrictions as the Board may deem necessary.

BE IT FURTHER RESOLVED that the Planning Commission recommends that the Board of Supervisors of the County of Humboldt:

1. Hold a public hearing in the manner prescribed by law.
2. Adopt the Mitigated Negative Declaration and necessary findings prepared by Planning Staff.
3. Approve the variance request pursuant to H.C.C. Section 333-8 to penetrate the airspace of the California Redwood Coast - Humboldt County Airport subject to such reasonable conditions and restrictions as the Board may deem necessary.
4. Approve the General Plan Amendment, Zone Reclassification and Parcel Map Subdivision.
5. Adopt Resolution ___ amending the McKinleyville Community Plan to change the land use designation of one parcel totaling approximately 15 acres in the McKinleyville area [GPA-17-003] to Agriculture Rural with a density of one dwelling unit per five acres (AR5).
6. Adopt Ordinance No. _____ amending Section 311-7 of the Humboldt County Code by reclassifying approximately 15 acres in the McKinleyville area [ZR-17-003] into Agriculture General with a five acre minimum parcel size and combining zone for Streamside Management Areas and Wetlands (AG-B-5(5)-WR).
7. Direct the Planning Staff to prepare and file a Notice of Determination with the County Clerk and Office of Planning and Research.

Adopted after review and consideration of all the evidence on June 1, 2017.

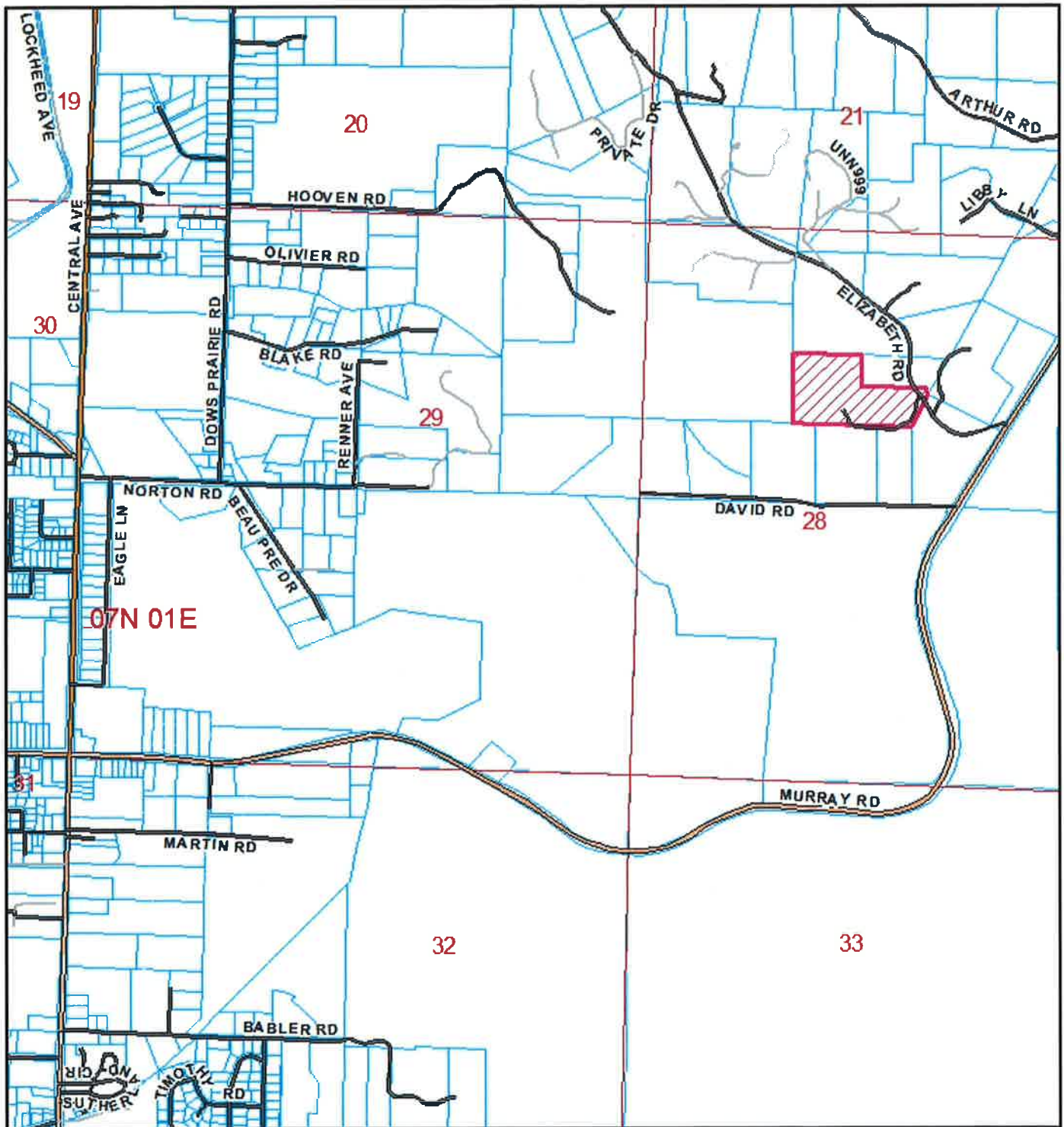
The motion was made by COMMISSIONER and second by COMMISSIONER and the following ROLL CALL vote:

AYES:
 NOES:
 ABSTAIN:
 ABSENT:

 Robert Morris, Chair

I, Suzanne Hegler, Clerk 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.

 Suzanne Lippre, Clerk



LOCATION MAP

**PROPOSED PIMENTEL
GENERAL PLAN AMENDMENT,
ZONE RECLASSIFICATION &
PARCEL MAP SUBDIVISION
MCKINLEYVILLE AREA**

GPA-17-003/ZR-17-003/PMS-17-002

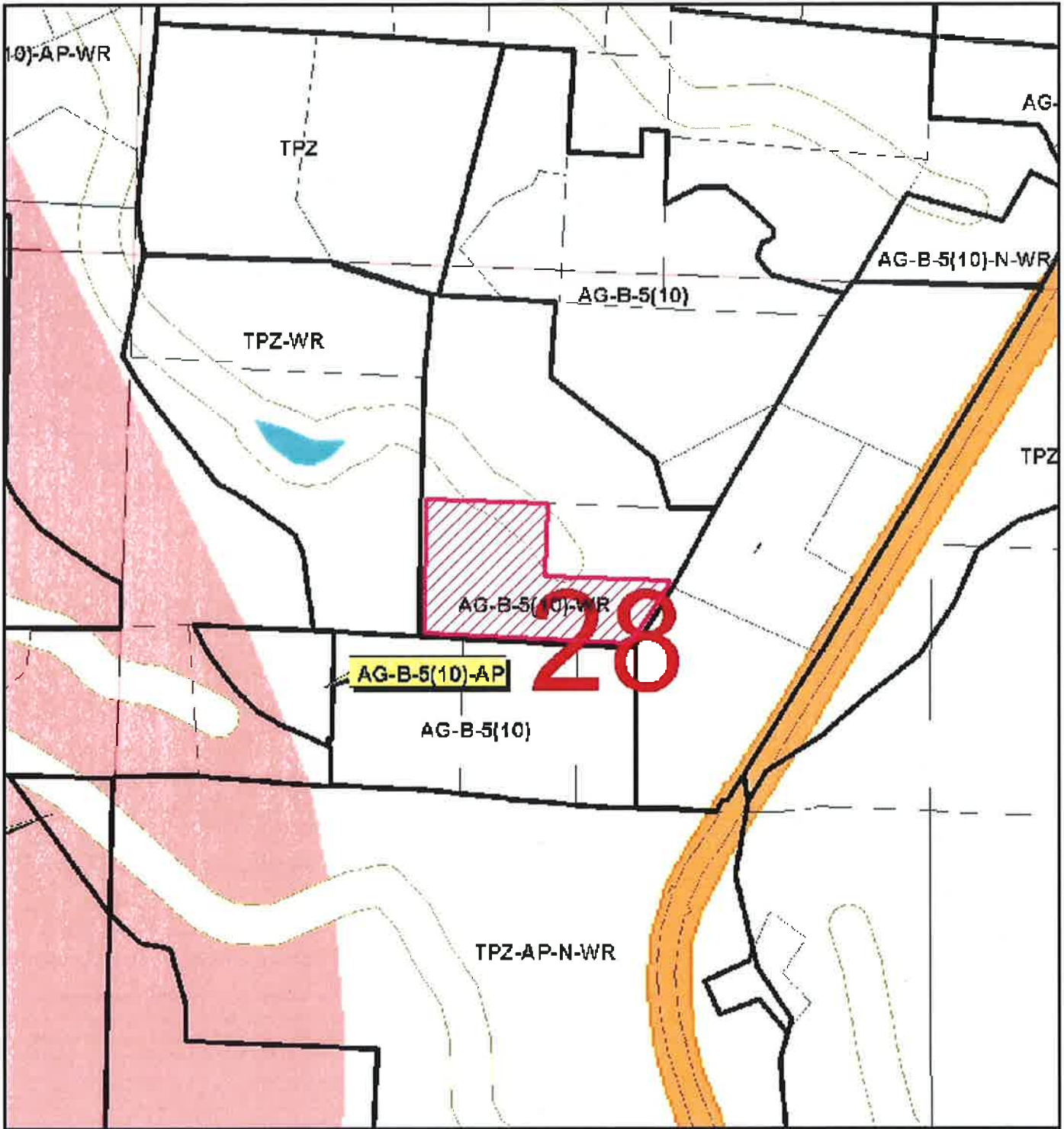
APN: 511-501-012

T07N R01E S28 HB&M (Arcata North)

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 PIMENTEL
 GENERAL PLAN AMENDMENT,
 ZONE RECLASSIFICATION &
 PARCEL MAP SUBDIVISION
 MCKINLEYVILLE AREA
 GPA-17-003/ZR-17-003/PM S-17-002
 APN: 511-501-012
 T07N R01E S28 HB&M (Arcata North)**

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.



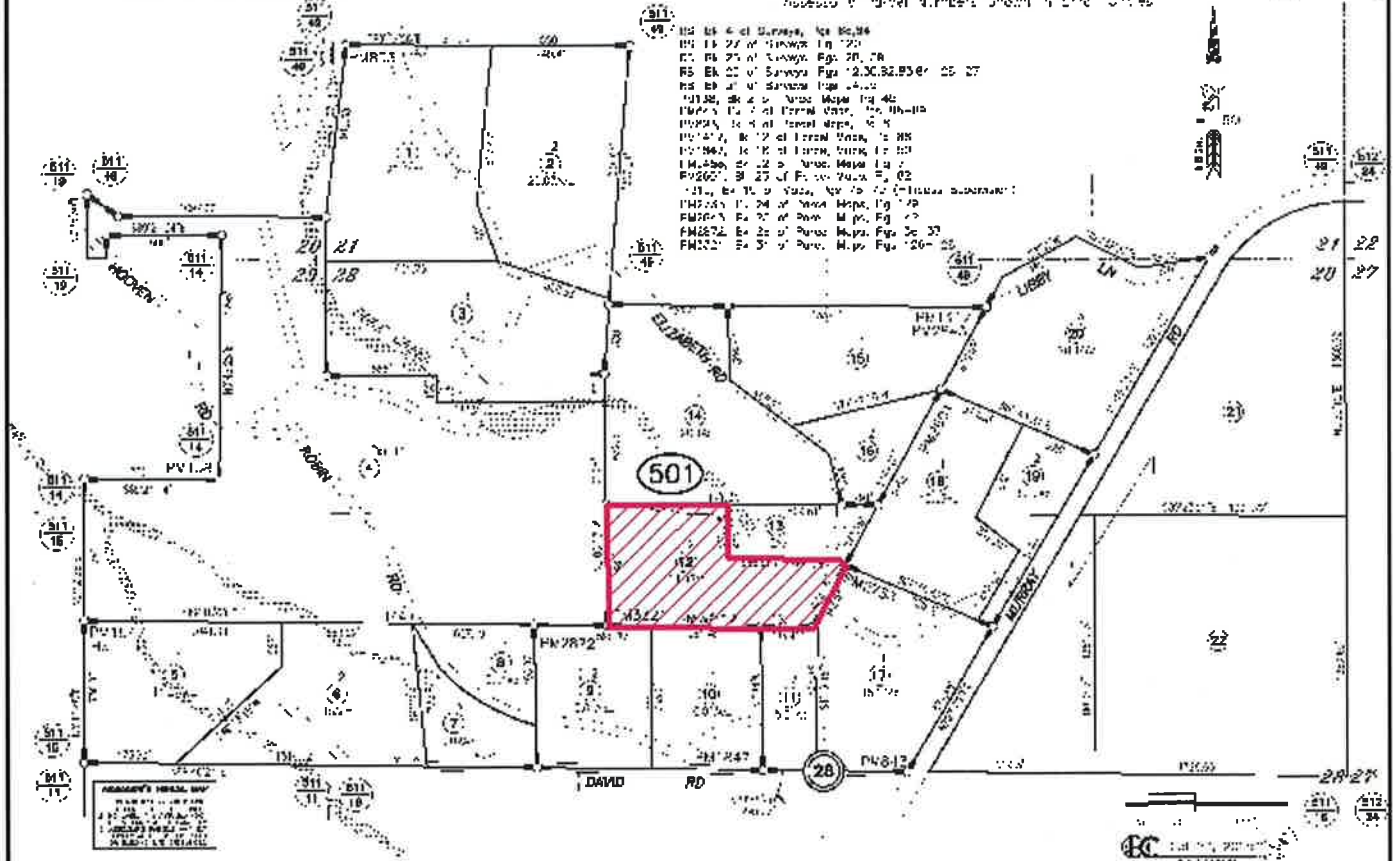
MAP NOT TO SCALE

Assessor's Map Bk. 511, Pg. 50
County of Humboldt, CA.

PTN SECS 20, 21, 28 & 29, T7N R1E, HBM

511-50

APN: Assessor's Parcel Number Section 511-50
Assessor's Parcel Number Group 511-50-01



ASSESSOR PARCEL MAP

**PROPOSED PIMENTEL
GENERAL PLAN AMENDMENT,
ZONE RECLASSIFICATION &
PARCEL MAP SUBDIVISION
MCKINLEYVILLE AREA**

GPA-17-003/ZR-17-003/PM S-17-002

APN: 511-501-012

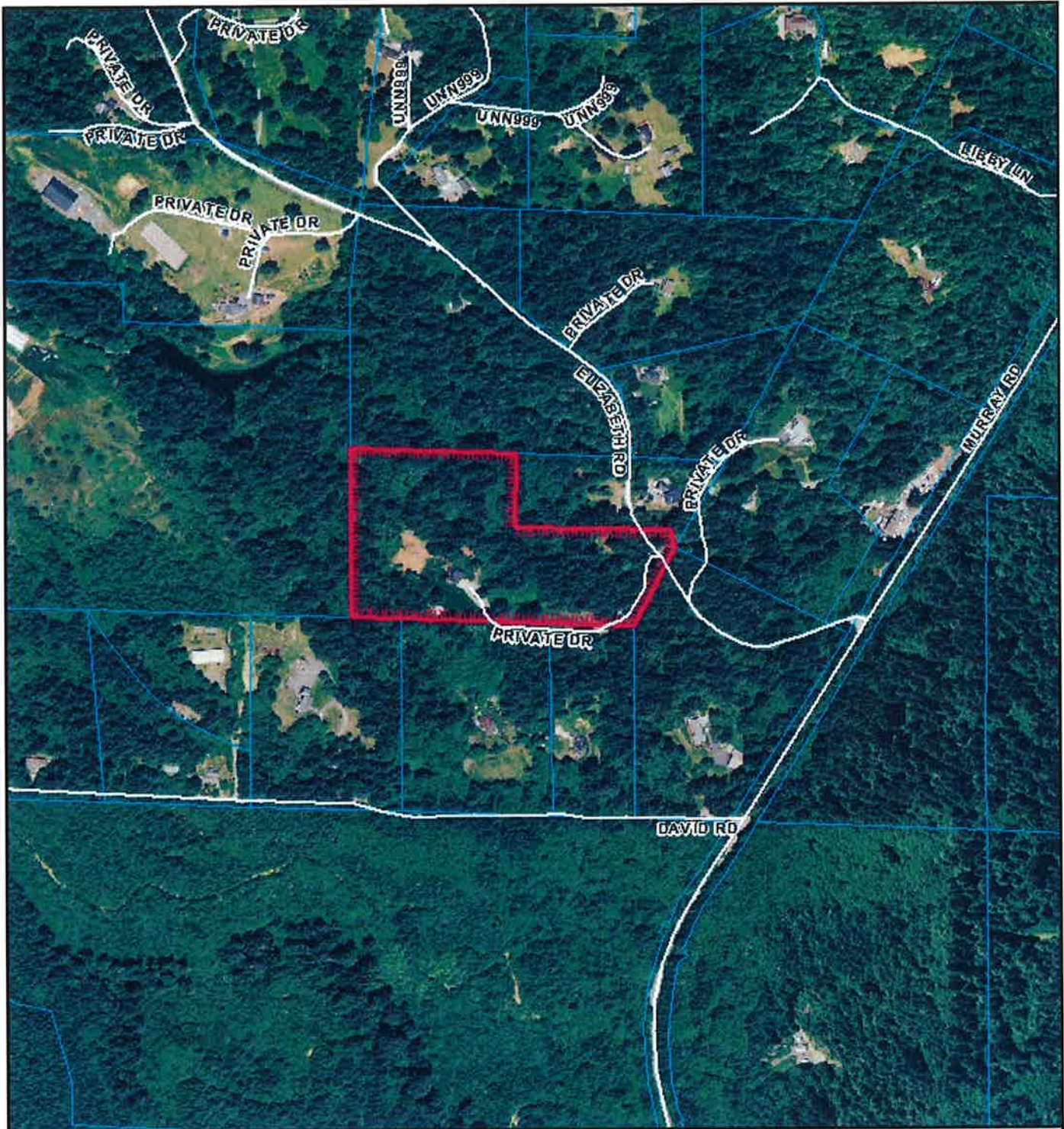
T07N R01E S28 HB&M (Arcata North)

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.



MAP NOT TO SCALE



AERIAL MAP

**PROPOSED PIMENTEL
GENERAL PLAN AMENDMENT,
ZONE RECLASSIFICATION &
PARCEL MAP SUBDIVISION
MCKINLEYVILLE AREA**

GPA-17-003/ZR-17-003/PMS-17-002

APN: 511-501-012

T07N R01E S28 HB&M (Arcata North)

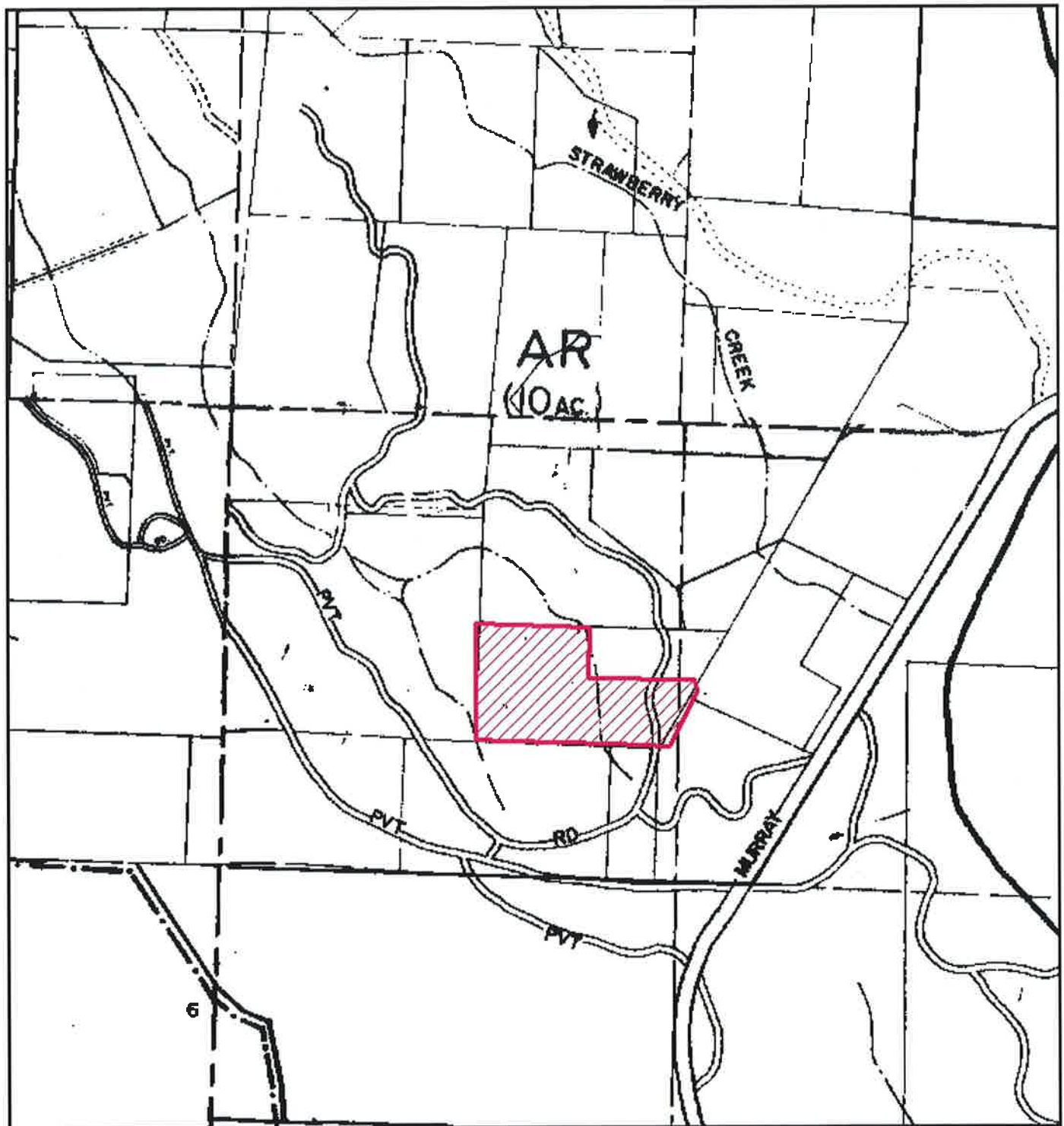
Project Area = 

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.



0 500 Feet





LAND USE MAP

**PROPOSED PIMENTEL
GENERAL PLAN AMENDMENT,
ZONE RECLASSIFICATION &
PARCEL MAP SUBDIVISION
MCKINLEYVILLE AREA**

GPA-17-003/ZR-17-003/PM S-17-002

APN: 511-501-012

T07N R01E S28 HB&M (Arcata North)

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.



MAP NOT TO SCALE

Attachment 1A

Recommended Conditions of Approval for the General Plan Amendment and Zone Reclassification

Approval of the General Plan Amendment and Zone Reclassification are conditioned on the following terms and requirements that must be satisfied before the project can be scheduled for action by the Board of Supervisors.

Conditions of Approval:

1. The applicant shall submit a legal description of the areas to be amended for review and approval by the County Land Surveyor. The applicable review fee (currently \$211) must accompany the legal description. The legal description must be approved by the County Land Surveyor prior to the project being scheduled for a decision by the Board of Supervisors.

Attachment 1B

Recommended Conditions of Approval for the Parcel Map Subdivision

Approval of the tentative map is conditioned on the following terms and requirements which must be satisfied before the parcel 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 **February 6, 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 Parcel Map be submitted for review and approval. Gross and net lot area shall be shown for each parcel.
4. Prior to recordation of the Parcel Map, the applicant shall submit a letter from the Arcata Fire Protection District stating that the project meets their requirements. This condition shall be administered by the Department of Public Works.
5. 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 \$102.00 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.
6. A review fee for Conformance with Conditions as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$125.00) shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka. This fee is a deposit, and if actual review costs exceed this amount, additional fees will be billed at the County's current burdened hourly rate. Please see Informational Note 1. below for suggestions to reduce the cost for this review.
7. Parkland dedication fees of \$3,067.92 shall be paid to the Humboldt County Planning and Building Department, 3015 "H" Street, Eureka. Alternately, a parkland dedication fee of \$1,533.96 may be paid, provided the applicant enters into a Conveyance and Agreement of development rights with the County of Humboldt for second or secondary dwelling units on Parcels 1 and 2. Release from the Conveyance and Agreement may be pursued upon payment of the \$1,533.96 parkland dedication fee balance. A copy of the Conveyance and Agreement form with *pro-rata* dedication payments amounts for each lot calculated will be provided by the Planning Department upon the election of this option by the applicant once the Parcel Map is prepared and approved for recordation. These fees may be paid for by individual lot owners on a *pro-rata* basis at the time individual lot owners apply for a permit to construct a second or secondary dwelling unit. Should the applicant elect to enter into a Conveyance and Agreement, legal 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 \$322.00) will be required.

8. 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 5-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 drainage improvements and related easements, including water line easement to Parcel 2;
- (4) Four (4) off-street parking spaces on all lots consistent with Section 314-109.1 Humboldt County Code;
- (5) Streamside Management Area (SMA) labeled "non-buildable".
- (6) Leachfield areas for proposed 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 archaeological 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 and successors are ultimately responsible for ensuring compliance with this condition."

- (2) "To ensure continued compliance, property owners are responsible for annual maintenance of the parcels to Firesafe 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 5:00 p.m. on Saturday. All proposed uses must comply with the noise standards identified in Figure 3-2 of the General Plan."
- (5) If applicable: "Development rights for secondary dwelling units have been conveyed by the subdivider to the County of Humboldt. The terms and conditions of the Conveyance and Agreement must be satisfied in order for the County to accept an application for a secondary dwelling unit on any of the involved parcels. Please refer to the recorded Conveyance and Agreement for the specific requirements. Questions regarding this note should be directed to the Humboldt County Planning Division."
- (6) "Development within Streamside Management Areas shall be limited to the following uses:
 - a. Development permitted within stream channels pursuant to Section 3432.6 of the General Plan (Volume I, Framework).
 - 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) "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. "
 - (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."
9. 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 \$322.00 plus applicable recordation fees) will be required. The Development Plan shall also be noticed on the Parcel Map.
 10. **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 \$2,266.25. 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, 2017 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 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 \$2,216.25 fee payment requirement. In this instance, only a copy of the DFW form and the \$50.00 handling fee is required.
 11. The owners of the subject parcel shall execute and file the statement titled "Notice and Acknowledgment Regarding Agricultural Activities in Humboldt County" as required by Section 314-43.2 of the Humboldt County Code. A copy of the required form will be provided in the final approval packet.
 12. This project is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. Any and all outstanding Planning fees to cover the processing of the subdivision shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka. The Department will provide a bill to the applicant upon file close out after the Planning Commission decision.

Informational Notes:

1. To reduce costs the applicant is encouraged to bring in written evidence^{*} of compliance with all of the items listed as conditions of approval in this Exhibit that are administered by the Planning Division (Namely: Condition(s) 3-12). The applicant should submit the listed item(s) for review as a package as soon as possible before the desired date for final map checking and recordation. Post application assistance by the Planner

on Duty, or by the Assigned Planner, with prior appointment, will be subject to a review fee for Conformance with Conditions billed at the County's current burdened hourly rate with an initial deposit as set forth in the Planning Division's schedule of fees and charges (currently \$95.00). Copies of all required forms and written instructions are included in the final approval packet.

* Each item evidencing compliance should note in the upper right hand corner:

Assessor's Parcel No. _____, Exhibit "A", Condition _____.
(Specify) (Specify) \

2. Under state planning and zoning law (CGC §66000 et seq.), a development project applicant who believes that a fee or other exaction imposed as a condition of project approval is excessive or inappropriately assessed may, within 90 days of the applicable date of the project's approval, file a written statement with the local agency stating the factual basis of their payment dispute. The applicant may then, within 180 days of the effective date of the fee's imposition, file an action against the local agency to set aside or adjust the challenged fee or exaction
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 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. Required Findings for General Plan Amendments/Zone Reclassifications

The General Plan of Humboldt County is a dynamic document that can be modified to reflect changing social, economic or environmental conditions, or changes in state law. These changes include changing property from one plan designation or zone to another. Per Section 1452.2, *Findings Required*, of the McKinleyville Community Plan and the Framework Plan, an amendment may be approved if:

1. Base information or physical conditions have changed; or
2. Community values and assumptions have changed; or
3. There is an error in the plan; or
4. To maintain established uses otherwise consistent with a comprehensive view of the plan.

B. State Planning and Zoning Law (Government Code §65300 et seq.) and Sections 312-50.3 and 312-50.8 of the Humboldt County Code Zoning Regulations, Required Findings for All Amendments, may be approved only if the following applicable findings are made:

1. The amendment is in the public interest;
2. The amendment is consistent with the General Plan;
3. The amendment 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.

C. 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 (the mid point of the density range specified in the plan designation), 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.

Finally, the California Environmental Quality Act (CEQA) states that one of the following findings must be made prior to approval of any development which is subject to the regulations of CEQA:

- The project either is categorically or statutorily exempt; or
- There is no substantial evidence that the project will have a significant effect on the environment or any potential impacts have been mitigated to a level of insignificance and a negative declaration has been prepared pursuant to Section 15070 of the CEQA Guidelines; or
- An environmental impact report (EIR) has been prepared and all significant environmental

effects have been eliminated or mitigated to a level of insignificance, or the required findings in Section 15091 of the CEQA Guidelines are made.

Evidence to support the findings

(Findings for Undertaking Plan Amendments)

A. Base Information and Community Assumptions and Values have Changed

The amendment affects one parcel of approximately 15 acres in size. The property is currently developed with a single family residence and associated outbuildings.

The project warrants consideration based on the fact that base information and physical conditions as well as community values and assumptions have changed. The site is in an area that has seen many subdivisions in the past. A number of 20-acre parcels have been divided into 5 and 15 acre parcels utilizing Lot Size Modification in anticipation of the ultimate change to a density of one dwelling unit per 5 acres under the GPU.

Based on the above facts, the Board of Supervisors has "straw-voted" the change to a density of one dwelling unit per 5 to 20 acres (RA5-20) in the current General Plan Update. The current proposal is consistent with the proposed change. The applicant has chosen to move forward with the land use change as proposed in order to facilitate subdivision of the parcel.

(Findings for Consideration of Plan and Zoning Amendments)

B.1. The project is in the public interest: As mentioned above, the area has seen many subdivisions in the past that create parcels five acres in size. The change to the plan designation and zone will allow additional housing opportunities which can benefit the public in general.

B.2./C.1. The project is consistent with the General Plan: The following table identifies the evidence which supports finding that the proposed project is in conformance with all applicable policies and standards in Chapter 2-4 of the Framework Plan (FRWK) and the McKinleyville Community Plan (MCCP).

Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Proposed Land Use (proposed): Agriculture Rural (AR5) Land Use: §2732 (MCCP)	Primary and compatible uses include single family residential use and general agriculture. Density: 1 dwelling unit per 5 acres.	The existing parcel is developed with a single family residence, on-site wastewater treatment system and well. The single family residence will remain on proposed Parcel 2. Proposed Parcel 1 will be available for residential development and served by the existing well. A new on-site wastewater treatment system will be required for development on proposed Parcel 1. The subdivision will result in a density of one unit per 7.5 acres.
Urban Limits: §2600 (MCCP)	New development shall be located within existing developed areas or in areas with adequate public services.	Both proposed parcels are outside the Urban Limit line and are served by on site water systems and on-site sewage disposal systems. The parcels will be served by Elizabeth Road which is privately maintained.

<p>Housing: §2400 (MCCP)</p>	<p>Housing shall be developed in conformity with the goals, policies and standards of the Humboldt County Housing Element.</p>	<p>The project will divide an approximately 15 acre parcel into two lots. Two units on approximately 15 acres results in a density of 1 dwelling unit per 7.5 acres consistent with the proposed AR5 plan designation and consistent with the proposed RA5-20 designation proposed under the General Plan Update.</p>
<p>Hazards: §3200 (MCCP)</p>	<p>New development shall minimize risk to life and property in areas of high geologic, flood and fire hazards.</p> <p>Geologic Fire Flood Hazards</p>	<p>The area of the proposed building sites, leachfield areas and driveways are within Geologic Hazard Rating 1 - "Low Instability" and not within the Alquist-Priolo Fault Hazard Area. A Soils Report was prepared by Jeffrey Pimentel, P.E. and determined that there are adequate building sites for the proposed parcels.</p> <p>The proposed subdivision site is in an area of high fire hazard.</p> <p>According to FIRM Map #625, the parcel is within Flood Zone C, areas of minimal flood hazards.</p>
<p>Noise: §3240 (MCCP)</p>	<p>New development shall maintain low exposure levels to noise.</p>	<p>The parcel is not located within a noise combining zone and is outside the area of concern regarding noise for the Arcata/Eureka Airport.</p>
<p>Sensitive and Critical Habitats: §3420 (MCCP)</p>	<p>To protect designated sensitive and critical resource habitats.</p>	<p>Duke Creek flows through the northeastern corner of the parcel, however, all development will be well outside the required 100 foot Streamside Management Area (SMA). A site visit conducted by a representative from the California Department of Fish and Wildlife found no impacts to sensitive resources, although they did recommend that tree or brush removal be conducted outside of the bird breeding season and that adequate buffers be maintained on the streams on the property. These recommendations will be memorialized on the Development Plan.</p>

<p>Cultural Resource Protection: §3500 (FP)</p>	<p>New development shall protect cultural, archeological and paleontological resources.</p>	<p>Pursuant to SB 18 (California Government Code Section 65352.3), notice was sent on February 9, 2017 to potentially affected tribes to request consultation regarding the proposed General Plan Amendment. The Blue Lake Rancheria accepted consultation and recommended that an archaeological survey be conducted on the property. The applicant retained the services of William Rich and Associates to conduct the survey. The survey found that no significant archaeological or historic period cultural resources exist in the limits of the project area. It was recommended that the standard condition of approval regarding inadvertent discovery be included in the project. This is included as a mitigation measure in the Mitigated Negative Declaration. The Blue Lake Rancheria concurred with the inadvertent discovery language which included their consultation with the County. In addition, the Bear River Band of the Rohnerville Rancheria and the Wiyot Tribe were satisfied with the inclusion of the inadvertent discovery language (see Referral Agency Comments in Attachment 6).</p>
<p>Parkland: §4420 (MCCP)</p>	<p>To establish recreational facilities to meet the needs of Eureka residents.</p>	<p><u>Parkland dedication in-lieu fees were calculated by the Assessor's Office to be \$100,000/acre</u> or: $2(2(130 \times 2.57/43,560)) \times \\$100,000 = \\$3,067.92$ without the conveyance of secondary dwelling unit rights; or \$1,533.96 with the conveyance of secondary dwelling unit rights on all parcels.</p>

Parkland Dedication Fee Calculations

	130.00	McKinleyville Community Plan requires 130 square feet of parkland dedication per person for new subdivisions
X	<u>2.57</u>	Persons per average McKinleyville household (Source: 2000 U.S. Census)
	334.10	Parkland dedication per average household in square feet
/	<u>43,560</u>	Square feet per acre
	0.007	Parkland dedication per average household in acres
X	2	Number of parcels being created by the subdivision,
X	2	Number of dwellings per legal parcel or lot, including potential second units
X	100%	Percentage of these parcels within the McKinleyville Community Planning Area
X	<u>\$100,000</u>	Value of one acre of land in the vicinity of the subdivision project
	\$3,067.92	Parkland Dedication In-lieu Fee for the Pimentel Subdivision

B.3./C.5 Impact on Residential Density Target: The following table identifies the evidence which supports finding that the proposed project will 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.

Code Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
312-17.1.5 and 322-3.1 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 (the mid point of the density range specified in the plan designation), 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 15 acre parcel into two lots. Two units on approximately 15 acres results in a density of 1 dwelling unit per 7.5 acres consistent with the proposed AR5 plan designation and consistent with the proposed RA5-20 designation proposed under the General Plan Update. Therefore, the project is consistent with this policy.</p>

C.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 322-3	All lots shall be suitable for their intended uses.	For the subdivision, one single family residence will remain on proposed Parcel 2. Evidence submitted by the applicant, staff site inspections and referral agency comments indicate that the proposed lot will be a suitable residential location. The minimum parcel size is five acres. One parcel will be approximately 5 acres in size and one will be approximately 10 acres in size.
Access and Drainage 324-1	Improvements shall be required for the safe and orderly movement of people and vehicles.	<p>The parcel is served by a private road (Elizabeth Road) within a 50 foot right of way. The Department of Public Works (DPW) has provided conditions of approval that ensures that the project is consistent with the Firesafe Ordinance.</p> <p>No drainage study was required due to the large parcel size, however, DPW has made a condition of approval that requires the submittal of a complete hydrologic report and drainage plan, and that the applicant correct any involved drainage problems associated with the subdivision.</p>
Sewer & Water 324-1 (d)	Sewer and water systems shall be constructed to appropriate standards.	The parcels will be served by an existing well and on-site sewage disposal systems. The Division of Environmental Health has reviewed and approved the proposed septic tank and leach field location as well as the volumetric testing of the existing well.
Access Road Appendix 4-1	Roadway design must incorporate a 40-foot right of way unless an exception is granted.	See above.

C.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
Agriculture General (AG) §314-7.2	One family dwellings are principally permitted uses.	The proposed subdivision divides one parcel already developed with a single family residence and provides one new additional parcel for residential development.
Development Standards		
Minimum Parcel Size (proposed):	5 acres	Parcel 1: 5 acres Parcel 2: 10 acres
Minimum Yard Setbacks per Zoning: SRA Setbacks apply	Front: 30' Side: 30' Rear: 30'	All existing development on proposed Parcel 2 currently meets the required setbacks. Setbacks for development on proposed Parcel 1 will be required to meet standards at time of Building Permit. Future development will be required to meet current standards.
Maximum Ground Coverage	35%	Proposed Parcel 2 will be developed at less than 1%. Future development will be required to meet current standards.
Maximum Structure Height	35 ft.	The existing structures do not exceed the 35' height limit. Future development will be required to meet current standards.
§314-38.1 Streamside Management Areas and Wetlands combining zone		
Requirements:	To assist in the application of minimum standards pertaining to the use and development of land located within streamside management areas, wetlands and other wet areas.	Duke Creek flows through a northern segment of the parcel, however, all development will be well outside the required 100 foot Streamside Management Area (SMA). A site visit conducted by a representative from the California Department of Fish and Wildlife found no impacts to sensitive resources, although they did recommend that tree or brush removal be conducted outside of the bird breeding season and that adequate buffers be maintained on the streams on the property. These recommendations will be memorialized on the Development Plan.

Variance Discussion: The following table identifies evidence which supports the approval of the proposed variance.

Humboldt County Code Section	Discussion
<p>333-4 – Height Limits Except as otherwise provided in this chapter, no structure shall be erected or altered, or tree maintained in any airport approach zone, airport turning zone or airport transition zone to a height which would project above the approach surface, the horizontal surface, the conical surface or the transitional surfaces as defined in this chapter.</p>	<p>This project is not compliant with County Code Section 333-4 (Airport Approach Zone Building Height Regulations - Height Limits) and seeks to obtain a variance. The project site is within the Horizontal Surface boundary area of The California Redwood Coast - Humboldt County Airport (ACV). The Horizontal Surface is a plane, circular in shape, with its height 150 feet above the established airport elevation. The established elevation of ACV is 223 feet, which sets the Horizontal Surface plane at an elevation of 373 feet.</p> <p>The proposed building site of the subject parcels is approximately 480 feet, which extends 107 feet above the Horizontal Surface of ACV. Most existing residential development along private roads in close proximity to Elizabeth Road including David Road, Libby Lane and Arthur Lane are not compliant with County Code Section 333-4.</p> <p>This project is unable to meet the regulations of County Code Section 333-4. Enforcement of the regulation would result in a hardship to the property owner for residential development.</p>
<p>333-8 – Variances Any person desiring to erect any structure or increase the height of any structure, or permit the growth of any tree, or use his property not in accordance with the regulations prescribed in this chapter, may apply to the Planning Commission for a variance therefrom. The variance may be granted by the Board of Supervisors following receipt of a report of the findings made by the Planning Commission. Such variance shall be allowed where a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship, and the relief granted would not be contrary to the public interest but would do substantial justice and would be in accordance with the spirit of this chapter; provided, however, that any variance may be subject to such reasonable conditions and restrictions as the Board of Supervisors may deem necessary. (Ord. 331, § 7, 8/29/55)</p>	<p>The applicant is seeking a Variance to penetrate the airspace surrounding the California Redwood Coast – Humboldt County Airport (see Variance Request in Attachment 3). The Department of Public Works has reviewed the request and can support the request as submitted (see DPW Memo dated May 8, 2017 in Attachment 6). Their support is summarized below.</p> <p>DPW staff measured the location of the subject property along the prolongation of Runway 34 centerline from the runway endpoint to a perpendicular offset of where the proposed house will be built. It appears that the building site on the subject property is located approximately 7,500 feet along the prolongation of the runway centerline for Runway 34 and offset approximately 6,600 feet.</p> <p>The May 2013 Airport Layout Plan for the California Redwood Coast – Humboldt County Airport shows an area with known ground penetrations into the airspace surrounding the airport. The subject property is located within this area. The Department of Public Works can support the variance subject to the following:</p> <ol style="list-style-type: none"> 1. The Applicant shall submit Form 7460-1 to the Federal Aviation Administration (FAA). 2. That the proposed project shall be subject to conditions, if any, set forth by the FAA. 3. That the Airport Land Use Commission review the project pursuant to ALUCP section 1.3.3(c). This can be done at the same time as the Board of Supervisors considers the Variance.

Public Health, Safety and Welfare:

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:	Evidence supporting the finding:
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

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 5) 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. Within five (5) days of the effective date of the approval of this tentative map, the applicant shall submit a check to the Planning Division payable to the Humboldt County Recorder in the amount of \$2,266.25. 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, 2017 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 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 \$2,216.25 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 #10 of Attachment 1.

ATTACHMENT 3
Applicants' Evidence In Support of the Required Findings

Document	Date Received by Planning	Location
Tentative Subdivision Map	January 13, 2017	Attached
Application Form	January 13, 2017	On file with Planning
Preliminary Title Report	January 13, 2017	On file with Planning
Variance Request	April 5, 2017	Attached
Soils Report	January 13, 2017	On file with Planning
Sewage disposal testing	January 13, 2017	On file with Planning
Well testing information	January 13, 2017	On file with Planning
Cultural Resources Study	March 6, 2017	On file with Planning
General Plan Update Land Use Designation Map	May 12, 2017	Attached



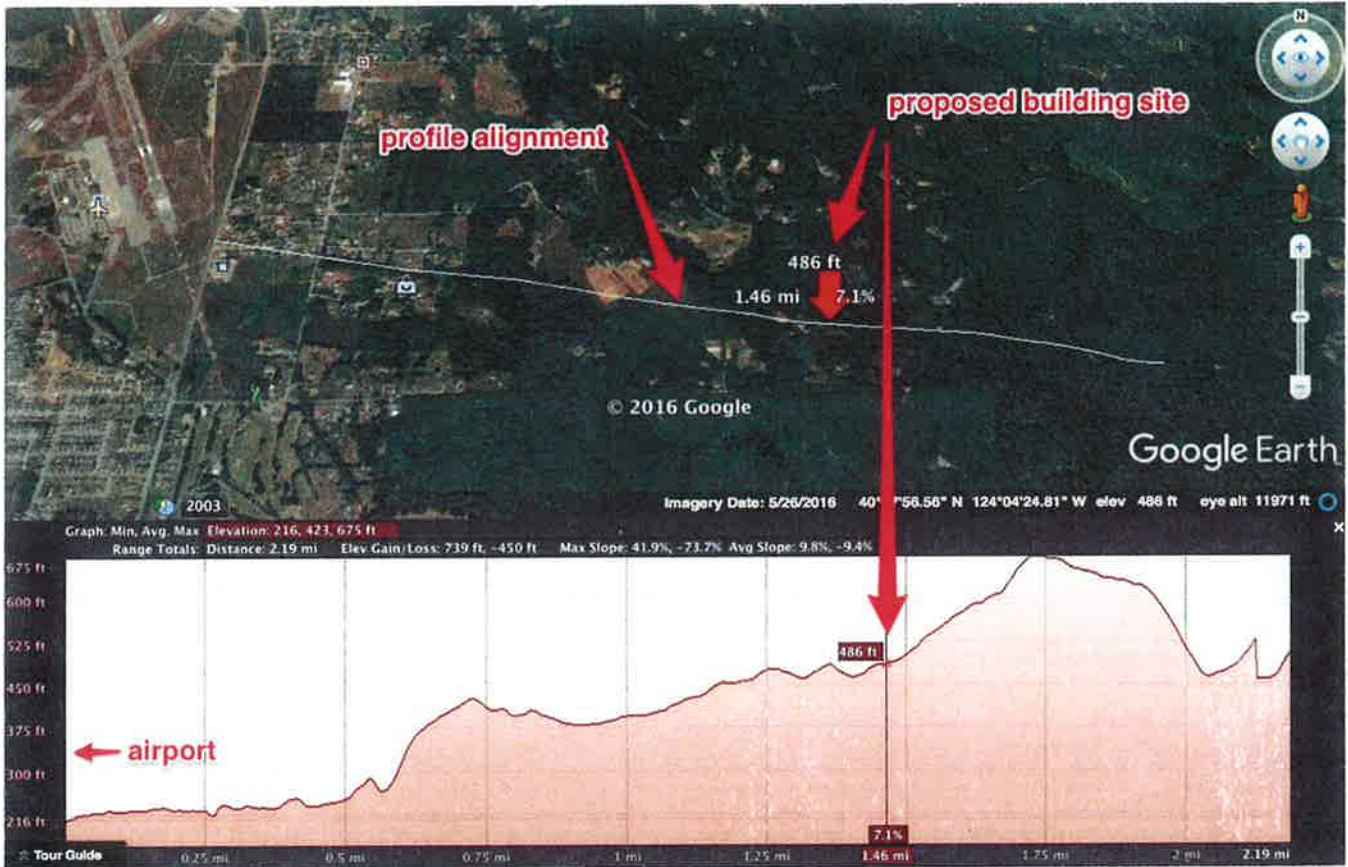
VARIANCE LANGUAGE FOR APN 511-501-012

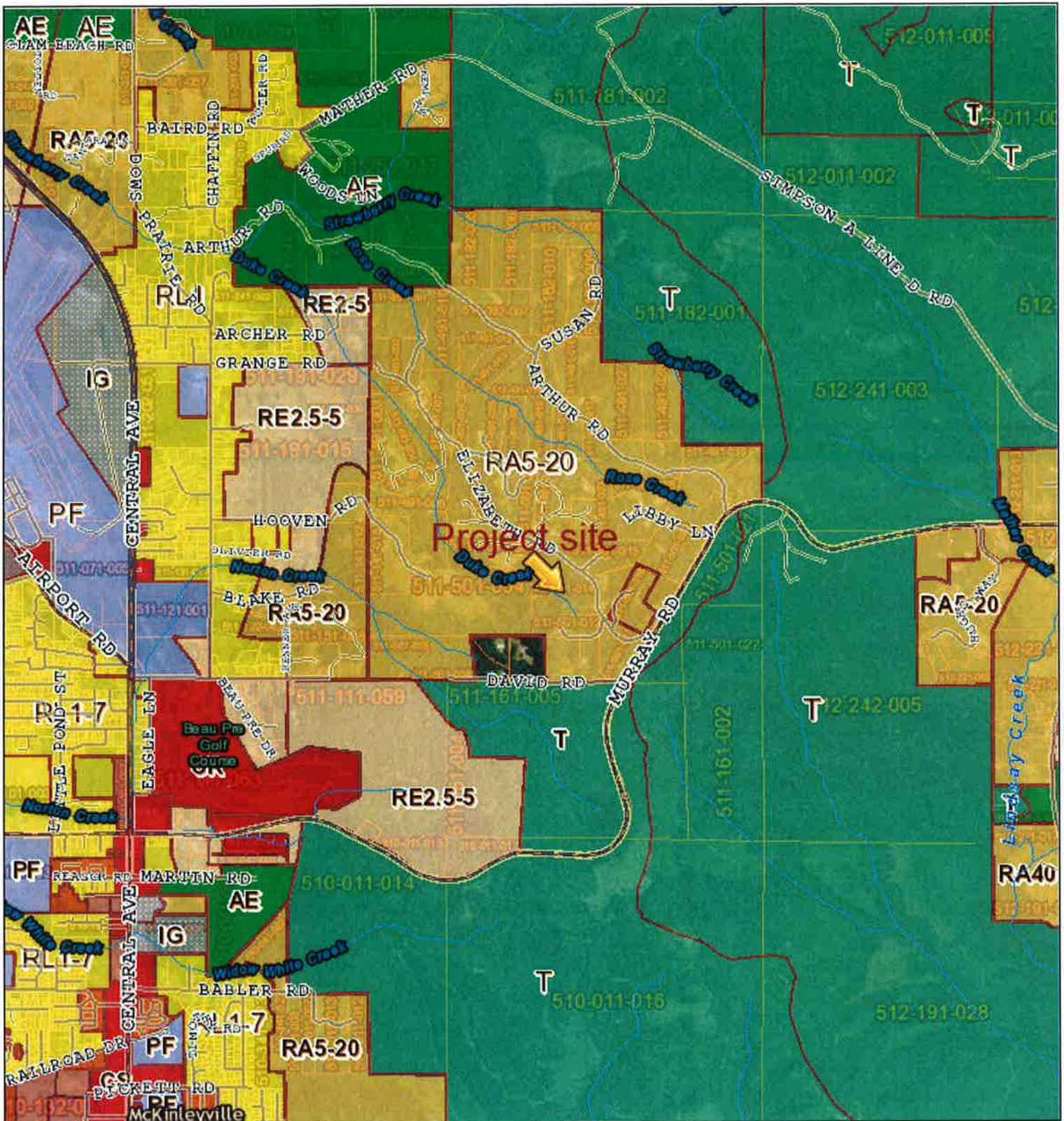
This project is not compliant with County Code Section 333-4 Airport Approach Zone Building Height Regulations - Height Limits and seeks to obtain a variance. The project site is within the Horizontal Surface boundary area of The California Redwood Coast - Humboldt County Airport (ACV). The Horizontal Surface is a plane, circular in shape, with its height 150 feet above the established airport elevation. The established elevation of ACV is 223 feet, which sets the Horizontal Surface plane at an elevation of 373 feet.

The proposed building site of the subject parcels is approximately 480 feet, which extends 107 feet above the Horizontal Surface of ACV. Most existing residential development along private roads in close proximity to Elizabeth Road including David Road, Libby Lane and Arthur Lane are not compliant with County Code Section 333-4.

This project is unable to meet the regulations of County Code Section 333-4. Enforcement of the regulation would result in a hardship to the property owner for residential development. Granting a variance would not be contrary to public interest nor would it put public health, safety or general welfare of the inhabitants of the county at risk for the following reasons:

- Existing Redwood, Sitka Spruce and Douglas Fir trees extend as high as 200 ft above the existing ground surface elevation of the subject parcels, which places many of the existing tree tops at an elevation of approximately $480 \text{ ft} + 200 \text{ ft} = 680 \text{ ft}$.
- The terrain continues to climb in elevation as you travel southeast from the subject parcels, which shadow/block the parcels from a conflicting aircraft flight path.
- The parcels are outside of the ACV approach surface boundary.
- Existing utility poles and lines extend as high as 50 feet above the existing ground surface elevation.
- Existing residences exist on all sides of the subject parcels.
- The maximum allowed elevation for a structure on the subject parcels is 35 feet based on county standards for land in AG zone, which is well below the height of existing tree canopies and utilities.





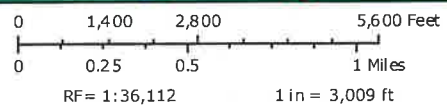
General Plan Update designation

Humboldt County Planning and Building Department

- Highways and Roads**
 - Private or Unclassified
 - Intermittent
 - Principal Arterials
 - Major River or Stream
 - Subsurface
 - Minor Arterials
- Blue Line Streams**
 - Major Collectors
 - Perennial 1-3
 - Minor Collectors
 - Perennial >4
 - Local Roads

GPA 17-003 Pimentel 13422

June 1, 2017



Printed: May 12, 2017

Web AppBuilder 2.0 for ArcGIS

Map Disclaimer:

While every effort has been made to assure the accuracy of this information, it should be understood that it does not have the force & effect of law, rule, or regulation. Should any difference or error occur, the law will take precedence.

Source: NRCS, Humboldt County GIS, Healthy Rural Roads, Esri, HERE, DeLorme, MapmyIndia, © OpenStreetMap contributors, and the GIS user community, Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, FRAP, FEMA, USGS

ATTACHMENT 4

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

ORDINANCE NO. _____

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF HUMBOLDT AMENDING SECTION 311-7 OF THE HUMBOLDT COUNTY CODE BY REZONING PROPERTY IN THE MCKINLEYVILLE AREA (ZR-17-0003, PIMENTEL)

The Board of Supervisors of the County of Humboldt do ordain as follows:

SECTION 1. ZONE AMENDMENT. Section 311-7 of the Humboldt County Code is hereby amended by reclassifying 15 acres in the McKinleyville area from Agricultural General with a Building Site Combining Zone specifying a minimum parcel size of ten acres (AG-B-5(10)) to Agricultural General with a Building Site Combining Zone specifying a minimum parcel size of five acres (AG-B-5(5)), as described in the attached Exhibit A.

The area described is also shown on the Humboldt County Zoning Map [mckzone] and on the map attached as Exhibit A.

SECTION 2. EFFECTIVE DATE. This ordinance shall become effective thirty (30) days after the date of its passage.

Chair, Humboldt County Board of Supervisors

PASSED, APPROVED AND ADOPTED this _____ day of _____, 2017, on the following vote, to wit:

AYES: Supervisors:

NOES: Supervisors:

ABSENT: Supervisors:

(SEAL)

ATTEST:
Kathy Hayes
Clerk of the Board of Supervisors
Of the County of Humboldt, State of California

ATTACHMENT 5

Draft Initial Study and Mitigated Negative Declaration

Project Information

Project Title: Pimentel General Plan Amendment, Zone Reclassification and Minor Subdivision

Lead Agency

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

Property Owner

Tony Pimentel
2746 Elizabeth Road
McKinleyville, CA 95519

Project Applicant

Jeffrey Pimentel
2414 Hawks View Court
McKinleyville, CA 95519

Project Location

The project site is located in McKinleyville, on the west side of Elizabeth Road, approximately 1,000 feet northwest of the intersection of Elizabeth Road and Murray Road, on the property known as 2746 Elizabeth Road.

General Plan Designation

Agricultural Rural (AR-Rural), McKinleyville Community Plan (MCCP), Slope Stability: Low Instability (1), Density: one dwelling per 10 acres.

Zoning

AG-B-5(10)-WR, Agriculture General (AG), Special Building Site (B), Streamside Management Areas and Wetlands (WR).

Project Description

A General Plan Amendment and Zone Reclassification to facilitate the subdivision of an approximately 15 acre parcel into two parcels of 10 and 5 acres. The General Plan designation is proposed to change from Agriculture Rural with a density of one unit per 10 acres (AR10) to Agriculture Rural with a density of one unit per 5 acres (AR5). This change in the plan has already been "straw-voted" by the Board of Supervisors and is the recommendation in the General Plan Update. The zone classification is proposed to change from Agricultural General with a 10-acre minimum parcel size (AG-B-5(10)) to Agriculture General with a 5-acre minimum parcel size (AG-5-5(5)). The parcel is currently developed with a single family residence and will be sited on proposed Parcel 2. Proposed Parcel 1 will be vacant and suitable for residential development. The parcels are or will be served with on-site water (shared well) and on-site wastewater treatment systems. Pursuant to Section 333-8 of Humboldt County Code, the applicant has requested a Variance to allow development within the Horizontal Surface boundary area of the California Redwood Coast – Humboldt County Airport (ACV).

Baseline Conditions: Surrounding Land Uses and Setting

The project site is located in the rural part of McKinleyville, along Elizabeth Road, approximately 1,000 feet northwest of the intersection of Murray Road and Elizabeth Road. The parcel is surrounded by similar wooded 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.

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

4-17-17

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
AESTHETICS: 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 McKinleyville on Elizabeth Road. Elizabeth Road is a private road off of Murray Road. The project site contains an existing residence, hidden from the private road due to the forested nature of the site. The existing residence will be sited on proposed Parcel 2. The building site for proposed Parcel 1 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 developed with a residential structure. The parcel consists of mostly forested hillsides with a cleared area around the existing residence. 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 one new lot 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
AGRICULTURE AND FOREST RESOURCES: 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 Agriculture General with a ten-acre minimum parcel size (AG-B-5(10)). The General Plan Amendment (GPA) and Zone Reclassification included in the project will change the zoning to Agriculture General with a five-acre minimum parcel size (AG-B-5(5)). Although zoned AG, the site is heavily timbered and does not lend itself to agricultural uses. 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 Agricultural Rural (AR) land use designation and is principally permitted in the AG zone. The project includes changing the density associated with the AR plan designation from one unit per ten acres (AR10) to one unit per five acres (AR5). The project would not convert Prime Farmland, Unique Farmland or Farmland of Statewide Importance to non-agriculture use or conflict with existing or proposed 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. A "Less than 3-Acre Conversion Exemption" was previously completed for this parcel that included the tree removal which is principally permitted in the zone. The tree removal 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 area has already completed a "Less than 3-Acre Conversion Exemption" from Calfire prior to the application for subdivision. The loss of timberland is not considered significant as the area was reviewed for this level of development under the McKinleyville Community 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
AIR QUALITY: 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 (PM₁₀). To address this, the NCUAQMD adopted a Particulate Matter Attainment Plan in 1995. This plan presents available information about the nature and causes of PM₁₀ standard exceedance, and identifies cost-effective control measures to reduce PM₁₀ 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 one new parcel 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 one new parcel for residential development and allow one additional residence to be constructed. 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 PM₁₀. Because future development is consistent with planned uses the proposed project would not contribute to this non-attainment for PM₁₀ 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
BIOLOGICAL RESOURCES: 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, b) The project site is developed with a single family residence. Duke Creek flows northerly and westerly through a northern segment of the property. A Streamside Management Area (SMA) will be mapped on the Development Plan and labeled unbuildable.

Sensitive resources or species were not identified. In order to avoid a "take" as defined and prohibited by Fish and Game Code (FGC) Sections 3503, 3503.5, 3513, and by the Federal Migratory Bird Treaty Act, any brush clearing or tree removal associated with the project must be conducted outside of the bird breeding season (March 1 – August 15). This will be noted on the Development Plan.

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. This impact would be **less than significant with mitigation incorporated.**

c) The only wetlands identified on-site were those associated with the riparian corridor of the stream on the property. These will be protected by buffers indicated on the Development Plan. 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. This impact would be **less than significant with mitigation incorporated.**

d) Duke Creek flows northerly and westerly through a northern segment of the property. Adequate buffers (minimum of 50 feet at intermittent segments and 100 feet at perennial segments) will be maintained on these watercourses. Additionally, any tree removal will

be restricted within the bird breeding season. These measures are included in Mitigation Measure No. 1. This impact would be **less than significant with mitigation incorporated.**

- e, f) The proposed subdivision would not conflict with local policies protecting biological resources. The project site is subject to the County's Streamside Management Area Ordinance, which requires adequate buffers to watercourses. This impact would be **less than significant with mitigation incorporated.**

Mitigation Measure No.1. The Development Plan shall map the Streamside Management Area (50 feet along intermittent segments and 100 feet along perennial segments on both sides of the watercourse) and label it as "unbuildable." In addition, the following language shall appear on the Development Plan: "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
CULTURAL RESOURCES: 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 has the potential to contain archaeological and/or historical resources. Therefore, a Cultural Resource Investigation was performed by William Rich and Associates (February 2017). The report found that the site was unlikely to contain significant cultural resources. The County's standard condition regarding the applicant's responsibility should remains or artifacts be unearthed during any development will be an on-going requirement. Therefore impacts would be **less than significant with mitigation incorporated.**

Mitigation Measure No.2. 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
GEOLOGY AND SOILS: Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:			X	
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	

Issues and Supporting Information	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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	
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 zone is located approximately one mile southwest of the project site. 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 low instability. A Soils Report was prepared by Jeffrey Pimentel, P.E. (March 2016) 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 vacant parcel that will be suitable for residential development is 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 – other than those associated with the restricted Streamside Management Area – 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) The existing residence is served by on-site wastewater disposal systems and any future development would also require on-site wastewater disposal systems. A soils evaluation was conducted by Jeffrey Pimentel, P.E. and a series of percolation test pits were dug to determine the appropriate location for a future on-site wastewater system on Parcel A. 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
GREENHOUSE GAS EMISSIONS: 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 a new residential lot. 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
HAZARDS AND HAZARDOUS MATERIALS: 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
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

Issues and Supporting Information	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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) The project is just over one mile from the California Redwood Coast – Humboldt County Airport and is located within the Horizontal Surface boundary area. The Horizontal Surface is a plane, circular in shape, with its height 150 feet above the established airport elevation. The established elevation of the Airport is 223 feet, which sets the Horizontal Surface plane at an elevation of 373 feet. The proposed building site of the subject parcels is approximately 480 feet, which extends 107 feet above the Horizontal Surface of the Airport. Because of this penetration, a Variance is required pursuant to Section 333-8 of Humboldt County Code. The applicant has provided evidence to support the Variance including the fact that existing trees extend as high as 200 feet above the existing ground surface of the project site, existing terrain climbs in elevation beyond the site and the proposed residence will extend no more than 35 feet above the existing ground surface. The Department of Public Works has reviewed the request and can support the Variance. Therefore, a **less than significant impact** would occur.
- f) The project site is not located within the vicinity of a private airstrip. **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 Elizabeth Road, either directly (Parcel A) or via a shared driveway (Parcel B). 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
HYDROLOGY AND WATER QUALITY: 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 or planned uses for which permits have been granted)?			X	
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	

Issues and Supporting Information	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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 a new rural residential parcel. 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. The new parcel will have shared use of the existing well, which is located within the boundary of proposed Parcel 1. The additional use of the existing well by a single family residence 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 400 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
LAND USE AND PLANNING: 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 two parcels consistent with the proposed density associated with the General Plan Amendment (as recommended by the Board of Supervisors); (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 town of McKinleyville and is subject to the Humboldt County Framework General Plan, McKinleyville Community Plan (MCCP), and County zoning regulations. The project site totals approximately 15 acres. The property is planned and zoned for rural residential development with a density of one unit per 10 acres.

The proposed subdivision would result in the following two parcels: Parcel 1 (5 acres) and Parcel 2 (10 acres).

The proposed project is consistent with the comprehensive view of the MCCP and Framework General Plan as it concerns land use, hazards, biological resources, hydrology and water quality, circulation, and public facilities. With approval of a Special Permit for reducing the minimum lot size 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
MINERAL RESOURCES: Would the project:				
MINERAL RESOURCES: 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
NOISE: 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	

Issues and Supporting Information	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			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 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 Framework General Plan for residential areas. The project site is located adjacent to Elizabeth Road, a privately maintained road.

The proposed project would create one new lot for residential development. 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 approximately one mile from the Arcata-Eureka Airport, however, it 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
POPULATION AND HOUSING: Would the project:				

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

Discussion

- a) The proposed subdivision would create one new lot with the construction of a residence on proposed Parcel 1 consistent with the proposed land use and zoning designations. The subdivision is consistent with the proposed 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
PUBLIC SERVICES: 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 one new parcel. All parcels will have access from Elizabeth Road. 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
RECREATION:				
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 project has been conditioned upon payment of parkland dedication fees in lieu of creating a neighborhood park on the site. 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
TRANSPORTATION/TRAFFIC: 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	
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 Elizabeth Road off of Murray Road. The proposed project would create one new lot 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 approximately one mile from the California Redwood Coast – Humboldt County Airport, however, it 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 two parcels would have access off of Elizabeth Road. Access to the new parcel 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 Elizabeth Road, and is already served by an existing street system. All lots would have access to Elizabeth Road. 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
TRIBAL CULTURAL RESOURCES: 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, the Blue Lake Rancheria, the Wiyot Tribe and the Bear River Band of the Rohnerville Rancheria. In addition, pursuant to SB18 and AB52, the County contacted the various Tribes to offer consultation. Consultation was accepted by the Tribes and a Cultural

Resource Investigation was performed by William Rich and Associates (February 2017). The investigation concluded that no significant archaeological or historic period cultural resources that, for the purposes of CEQA, would be considered an historical resource exist in the limits of the project area. Nonetheless, the standard condition of inadvertent discovery has been included as Mitigation Measure No. 3. The Tribes reviewed the report and were satisfied with the results. This concluded the Tribe's consultation with the County pursuant to SB18 and AB52. 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
UTILITIES AND SERVICE SYSTEMS: 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	
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 existing residence on the project site is served by an on-site wastewater treatment system. The new parcel would also be served by an on-site wastewater treatment system. 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 by an existing well and shared between the resulting two parcels. The site is served by an on-site wastewater treatment system and the Division of Environmental Health has approved the designs for the newly created lot. 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 an existing well 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 one new residence 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
MANDATORY FINDINGS OF SIGNIFICANCE:				

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 PM₁₀ reduction goals set forth in the NCUAQMD's PM₁₀ 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 map the Streamside Management Area (50 feet along intermittent segments and 100 feet along perennial segments on both sides of the watercourse) and label it as "unbuildable." In addition, the following language shall appear on the Development Plan: "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 Parcel Map.

Cultural Resources

Mitigation Measure No. 2. 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 Parcel Map.

ATTACHMENT 6

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.

Referral Agency	Response	Recommendation	Attached	On File
County Building Inspection	X	Approval		X
County of Public Works, Land Use Division Subdivision Requirements dated February 6, 2017	X	Conditional approval (Exhibit A of Attachment 1)	X	
County of Public Works, Land Use Division memo dated February 6, 2017	X	Comments	X	
County of Public Works, Land Use Division memo dated May 8, 2017	X	Comments	X	
County Division of Environmental Health	X	Approval	X	
NWIC	X	Recommend study	X	
Arcata Fire Department	X	Comments	X	
McKinleyville Municipal Advisory	X	No Comment		X
Calfire	X	Approval	X	
California Department of Fish and Wildlife	X	Conditional Approval	X	
Wiyot Tribe	X	Conditional Approval	X	
Blue Lake Rancheria	X	Conditional Approval	X	
Bear River Band of the Rohnerville Rancheria	X	Conditional Approval	X	
PG&E				



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, Planning & Building Department

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

DATE: 02/06/2017

RE: PIMENTEL, APN 511-501-012, PMS 17-002



PRELIMINARY SUBDIVISION REPORT: A preliminary report was submitted in lieu of a preliminary subdivision report as specified in County Code Section 323-6(c).

PROOF OF LEGAL ACCESS: The Department recommends that the project not be presented to the Planning Commission until proof of legal access has been provided.

NON-COUNTY MAINTAINED ROAD NOTE: The project will be taking access from an existing non-county maintained road. If a road maintenance association currently exists, this Department recommends that the applicant secure an agreement for annexation prior to the project being presented to the Planning Commission. If an agreement for annexation cannot be reached, then the issue of road maintenance should be discussed/addressed at the Planning Commission meeting.

AIRPORT: The subject property is located near the California Redwood Coast Humboldt County Airport. The Airport is maintained by County of Humboldt. The Department of Public Works assists the Airport Land Use Commission in determining if a project is compatible with the Airport Land Use Compatibility Plan (ALUCP). In Humboldt County, the Airport Land Use Commission consists of the Board of Supervisors (see Board of Supervisors Agenda item for 05/19/1981 *Airport Land Use Commission; Approved Recommendations*). The Department typically reviews three items for compliance with the ALUCP:

1. **ALCUP compatibility.** The subject property is not located within an Airport Land Use Compatibility Zone.
2. **Avigation Easement/Overflight Easement/Deed Notice.** The project does not require an avigation easement, overflight easement, or deed notice.
3. **Compliance with County Code Section 333-1 et seq. Airport Approach Zone Building Height Limitations.** The subject property is located within the area covered by County Code section 333-1 et seq. The applicant shall submit evidence that the project complies or will comply with County Code Section 333-4.

[References: Sections 3291(6)(C) and 3291(6)(E) Humboldt County General Plan, Volume I, Framework Plan, Adopted December 10, 1984; Section 3.3 Airspace Protection, Airport Land Use Compatibility Plan Humboldt County Airports, dated March 1993, adopted January 27, 1998; County Code 333-3 et seq.]

// END //



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
BUSINESS 445-7652
ENGINEERING 445-7377
FACILITY MAINTENANCE 445-7493

NATURAL RESOURCES 445-7741
NATURAL RESOURCES PLANNING 267-9540
PARKS 445-7651
ROADS & EQUIPMENT MAINTENANCE 445-7421

LAND USE 445-7205

LAND USE DIVISION INTEROFFICE MEMORANDUM

TO: Trevor Estlow, Senior Planner, Planning & Building Department

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

DATE: 05/08/2017

RE: **PIMENTEL, APN 511-501-012, PMS 17-002
VARIANCE TO COUNTY CODE SECTION 333-4
PURSUANT TO COUNTY CODE SECTION 333-8**



The Department is in receipt of the undated variance for the above project which is date stamped as received by the Humboldt County Planning Commission on 04/05/2017. The variance is seeking to penetrate the airspace surrounding the California Redwood Humboldt County Airport (formerly Arcata-Eureka airport). The location of the subject property with respect to the runway is shown in the diagram below. It lies to the south and east of Runway 34.

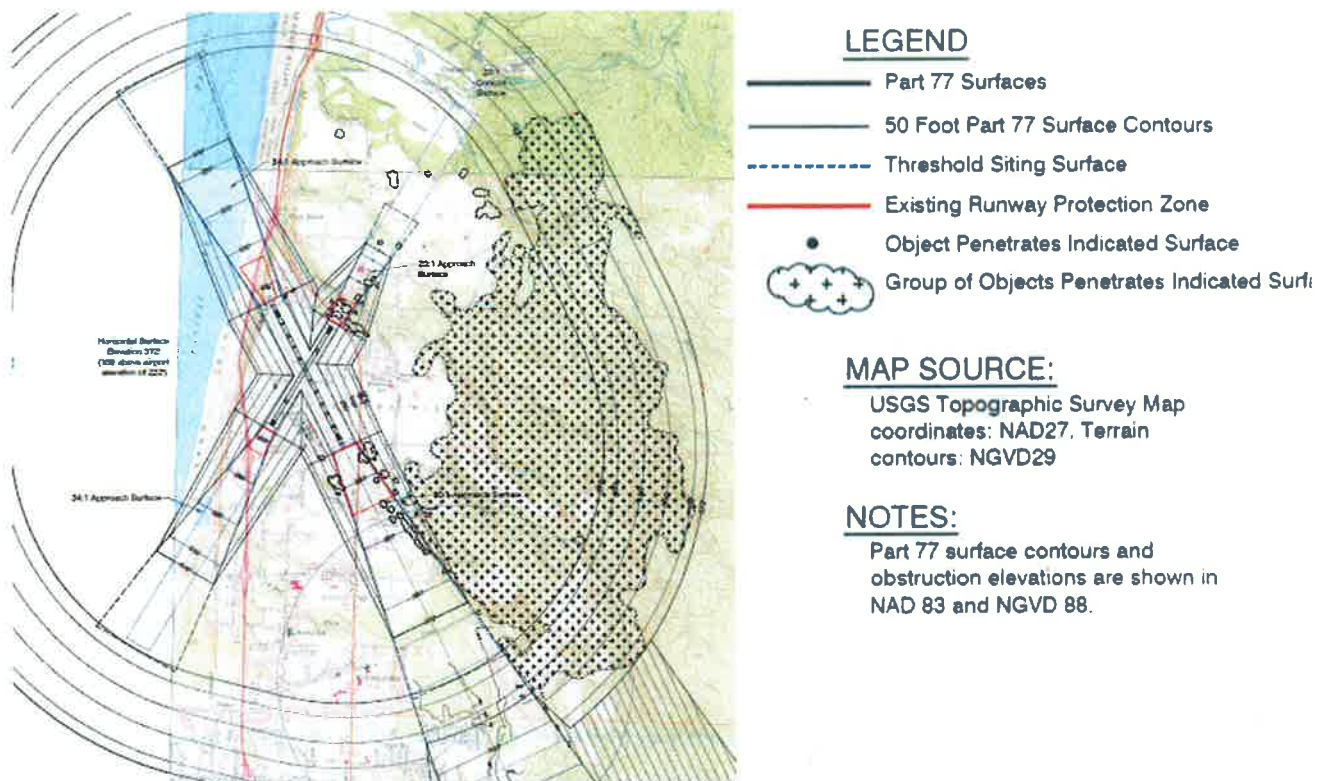


Above: subject property shown in red.

Using the measuring tools in the GIS, staff measured the location of the subject property along the prolongation of Runway 34 centerline from the runway endpoint to a perpendicular offset of where the proposed house will be built. It appears that the building site on the subject property is located approximately 7,500 feet along the prolongation of the runway centerline for Runway 34 and offset approximately 6,600 feet.

The submitted cross section shows that the subject property is shadowed by existing landforms that are closer to the runway centerline. In addition, the height of the proposed structure will be below the height of mature trees in and around the subject property. The subject property is located in a heavily forested area with mature trees.

The 5/2013 Airport Layout Plan for the California Redwood Humboldt County Airport shows an area with known ground penetrations into the airspace surrounding the airport. The subject property is located within this area.



Above: Excerpt from the 5/2013 Airport Layout Plan for the California Redwood Humboldt County Airport.

The Department can support the variance subject to the following:

1. The Applicant shall submit Form 7460-1 to the Federal Aviation Administration (FAA).
2. That the proposed project shall be subject to conditions, if any, set forth by the FAA.
3. That the Airport Land Use Commission review the project pursuant to ALUCP section 1.3.3(c). This can be done at the same time as the Board of Supervisors considers the variance.

County Code Section 333-1 et seq. has been codified since 1955. I have requested that the Clerk of the Board research prior variances; particularly a blanket variance for the region identified in the diagram above.

// END //



VARIANCE LANGUAGE FOR APN 511-501-012

This project is not compliant with County Code Section 333-4 Airport Approach Zone Building Height Regulations - Height Limits and seeks to obtain a variance. The project site is within the Horizontal Surface boundary area of The California Redwood Coast - Humboldt County Airport (ACV). The Horizontal Surface is a plane, circular in shape, with its height 150 feet above the established airport elevation. The established elevation of ACV is 223 feet, which sets the Horizontal Surface plane at an elevation of 373 feet.

The proposed building site of the subject parcels is approximately 480 feet, which extends 107 feet above the Horizontal Surface of ACV. Most existing residential development along private roads in close proximity to Elizabeth Road including David Road, Libby Lane and Arthur Lane are not compliant with County Code Section 333-4.

This project is unable to meet the regulations of County Code Section 333-4. Enforcement of the regulation would result in a hardship to the property owner for residential development. Granting a variance would not be contrary to public interest nor would it put public health, safety or general welfare of the inhabitants of the county at risk for the following reasons:

- Existing Redwood, Sitka Spruce and Douglas Fir trees extend as high as 200 ft above the existing ground surface elevation of the subject parcels, which places many of the existing tree tops at an elevation of approximately 480 ft + 200 ft = 680 ft.
- The terrain continues to climb in elevation as you travel southeast from the subject parcels, which shadow/block the parcels from a conflicting aircraft flight path.
- The parcels are outside of the ACV approach surface boundary.
- Existing utility poles and lines extend as high as 50 feet above the existing ground surface elevation.
- Existing residences exist on all sides of the subject parcels.
- The maximum allowed elevation for a structure on the subject parcels is 35 feet based on county standards for land in AG zone, which is well below the height of existing tree canopies and utilities.





APR 12

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

RECEIVED

FEB 1 2017



HUMBOLDT CO. DIVISION
OF ENVIRONMENTAL HEALTH

1/31/2017

PROJECT REFERRAL TO: Health and Human Services Environmental Health 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, Pacific Gas and Electric, Arcata Fire Protection District

16/17-0737

Applicant Name Jeff Pimentel Key Parcel Number 511-501-012-000

Application (APPS#) 13422 Assigned Planner Trevor Estlow (707) 268-3740 Case Number(s) GPA17-003
ZR17-003
PMS17-002

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 Zpning 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 2/15/2017

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: 04/05/17

PRINT NAME: MARIO KALSON

CALIFORNIA
HISTORICAL
RESOURCES
INFORMATION
SYSTEM



ALAMEDA
COLUSA
CONTRA COSTA
DEL NORTE

HUMBOLDT
LAKE
MARIN
MENDOCINO
MONTEREY
NAPA
SAN BENITO

SAN FRANCISCO
SAN MATEO
SANTA CLATA
SANTA CRUZ
SOLANO
SONOMA
YOLO

Northwest Information Center
Sonoma State University
150 Professional Center Drive, Suite E
Rohnert Park, California 94928-3609
Tel: 707.588.8455
nwic@sonoma.edu
<http://www.sonoma.edu/nwic>

December 5, 2016

File No.: 16-0812

Planning Commission Clerk
County of Humboldt
Planning and Building Department
3015 H Street
Eureka, CA 95501
PlanningClerk@co.humboldt.ca.us

re: County File Number SP16-201 / 2746 Elizabeth Rd., McKinleyville / Jeff Pimentel / Stephen Umbertis

Dear Mr. Umbertis:

Records at this office were reviewed to determine if this project could adversely affect cultural resources. Please note that use of the term cultural resources includes both archaeological sites and historical buildings and/or structures. The review for possible historic-era building/structures, however, was limited to references currently in our office and should not be considered comprehensive.

The project entails constructing a second dwelling unit above a garage on a 15-acre parcel in McKinleyville. The unit will use an existing well and septic system already present on the property.

Previous Studies:

XX This office has no record of any previous cultural resource studies for the proposed project area (*see recommendation below*).

Archaeological and Native American Resources Recommendations:

XX The proposed project area is located within an environmental setting that, based on prior research, tends to be sensitive for cultural resources. For this reason, the proposed project area has a moderate possibility of containing unrecorded archaeological site(s). However, as noted above, the proposed project entails constructing a unit atop an already existing structure. If the proposed construction does not have the potential to impact non-disturbed soils, then no further study for archaeological resources is recommend at this time. If the proposed construction does have the potential to impact non-disturbed soils, then further study for archaeological resources is recommended. Field study may include, but is not limited to, hand auger sampling, shovel test units, or geoarchaeological analyses as well as other common methods used to identify the presence of archaeological resources. Please refer to the list of consultants who meet the Secretary of Interior's Standards at <http://www.chrisinfo.org>.

XX We recommend the lead agency contact the local Native American tribe(s) regarding traditional, cultural, and religious heritage values. For a complete listing of tribes in the vicinity of the project, please contact the Native American Heritage Commission at (916)373-3710.

Built Environment Recommendations:

XX Since the Office of Historic Preservation has determined that any building or structure 45 years or older may be of historical value, if the project area contains such properties, it is recommended that prior to commencement of project activities, a qualified professional familiar with the architecture and history of Humboldt County conduct a formal CEQA evaluation.

Due to processing delays and other factors, not all of the historical resource reports and resource records that have been submitted to the Office of Historic Preservation are available via this records search. Additional information may be available through the federal, state, and local agencies that produced or paid for historical resource management work in the search area. Additionally, Native American tribes have historical resource information not in the California Historical Resources Information System (CHRIS) Inventory, and you should contact the California Native American Heritage Commission for information on local/regional tribal contacts.

The California Office of Historic Preservation (OHP) contracts with the California Historical Resources Information System's (CHRIS) regional Information Centers (ICs) to maintain information in the CHRIS inventory and make it available to local, state, and federal agencies, cultural resource professionals, Native American tribes, researchers, and the public. Recommendations made by IC coordinators or their staff regarding the interpretation and application of this information are advisory only. Such recommendations do not necessarily represent the evaluation or opinion of the State Historic Preservation Officer in carrying out the OHP's regulatory authority under federal and state law.

For your reference, a list of qualified professionals in California that meet the Secretary of the Interior's Standards can be found at <http://www.chrisinfo.org>. If archaeological resources are encountered during the project, work in the immediate vicinity of the finds should be halted until a qualified archaeologist has evaluated the situation. If you have any questions please give us a call (707) 588-8455.

Sincerely,

Jessika Akmenkalns
Researcher

enc: Humboldt County project cover letter

cc: Jeff Pimentel
2414 Hawks View Court
McKinleyville, CA 95519



**HUMBOLDT COUNTY
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION
3015 H STREET, EUREKA, CA 95501 ~ PHONE (707) 445-7544**

**RECEIVED
FEB - 9 2017
Arcata Fire District**

**RECEIVED
FEB - 9 2017
Humboldt County
Building Services Division**

1/31/2017

PROJECT REFERRAL TO: Arcata Fire Protection District

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, Pacific Gas and Electric, Arcata Fire Protection District

Applicant Name Jeff Pimentel **Key Parcel Number** 511-501-012-000

Application (APPS#) 13422 **Assigned Planner** Trevor Estlow (707) 268-3740 **Case Number(s)** GPA17-003
ZR17-003
PMS17-002

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 2/15/2017 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: Fire department access

DATE: Feb 9 2017 PRINT NAME: Ed Lairdlaw

DEPARTMENT OF FORESTRY AND FIRE PROTECTION

Humboldt – Del Norte Unit

118 Fortuna Blvd.
Fortuna, CA 95540

Website: www.fire.ca.gov
(707) 726-1272



Ref: 7100 Planning
Date: February 2, 2017

John Ford, Director
Humboldt County Community Development Services Department
3015 H Street
Eureka, CA 95501

Attention: Trevor Estlow
Applicant: Pimentel, Jeff / Pimentel, Tony & Vidalia
APN: 511-501-012-000
Area: McKinleyville
Case Numbers: GPA17-003
ZR17-003
PMS17-002

Humboldt County Application #: 13422
Type of Application: General Plan Amendment, Zoning Reclassification, Parcel Map Subdivision
Date Received: 1/30/2017
Due Date: 2/15/2017
Project Description: A General Plan Amendment and Zone Reclassification to facilitate the subdivision of an approximately 15 acre parcel into two parcels of 10 and 5 acres. The General Plan designation is proposed to change from Agriculture Rural with a density of one unit per 10 acres (AR10) to Agriculture Rural with a density of one unit per 5 acres (AR5). This change in the plan has already been "straw-voted" by the Board of Supervisors and is the recommendation in the General Plan Update. The Zone Classification is proposed to change from Agricultural General with a 10-acre minimum parcel size (AG-B-5(10)) to Agricultural General with a 5-acre minimum parcel size (AG-B-5(5)). The parcel is currently developed with a single family residence and will be sited on proposed Parcel 2. Proposed Parcel 1 will be vacant and suitable for residential development. The parcels are or will be served with on-site water (shared well) and on-site wastewater treatment systems.

Mr. Ford,

The California Department of Forestry and Fire Protection (CALFIRE) provides these standard project review comments on the above noted project.

FIRE SAFE

General:

CALFIRE has responsibility for enforcement of Fire Safe Standards as required by Public Resources Code (PRC) 4290 and 4291. However CALFIRE is not the lead agency in planning development and project permitting. CALFIRE provides input as a contributing agency, generally limited to plan review, and is not the approving agency for these projects.

Local Responsibility Areas:

Should this project include Local Responsibility Area (LRA) lands, CALFIRE has no direct fire safe input on those parcels. However, in those areas with LRA parcels adjacent to State Responsibility Area (SRA) land, CALFIRE recommends that local standards be applied that are consistent with those CALFIRE makes for SRA lands.

State Responsibility Areas:

Should this project include State Responsibility Area (SRA) lands, the following are CALFIRE's Fire Safe minimum input and recommendation for any and all development.

1. In Humboldt County, developments must meet minimum fire safe standards by constructing the project in conformance with County Code Title III, Division 11, Fire Safe Regulations Ordinance, which the California Board of Forestry and Fire Protection has accepted as functionally equivalent to PRC 4290. The County Fire Safe Regulations Ordinance provides specific standards for roads providing ingress and egress, signing of streets and buildings, minimum water supply requirements, and setback distances for maintaining defensible space.
2. New buildings located in any Fire Hazard Severity Zone within State Responsibility Areas shall comply with the 2007 California Building Code (CBC) Section 701A.3.2. This requires roofing assemblies, attic and eave ventilation, exterior siding, decking and deck enclosure, windows and exterior doors, and exposed under floor areas that are approved "ignition resistive" in design.
3. All development, especially commercial or industrial development, should be designed to comply with the most current versions of the following standards:
 - a) California Fire Code (CFC) — for overall design standards
 - b) Public Utilities Commission (PUC) General Order 103 — for design of water systems
 - c) National Fire Protection Association Standards (NFPA) for fire flow minimums and other design questions not specifically covered by CFC and PUC
 - d) Housing and Community Development Codes and Standards —for mobile home parks and recreational camps
4. For Department of Real Estate reporting purposes, fire protection coverage in SRA is generally described as follows:
 - During the declared fire season (usually June through October) CALFIRE responds to all types of fires and emergencies in SRA. During the remainder of the year (winter period), CALFIRE responds to emergency requests with the closest available fire engine, if a response can reasonably be expected to arrive in time to be effective. A fire engine is usually available somewhere in the Unit, but may have an extended response time.
 - There are many hazards confronting fire protection agencies in most subdivisions on SRA lands. Steep terrain and heavy wildland fuels contribute to fire intensity and spread. The distances from fire stations and road grades encountered usually create an excessive response time for effective structure fire suppression purposes.
 - Subdivisions increase fire risks from additional people and increase probable dollar losses in the event of fire due to added structures and improvements.
5. If the project expects to produce densities consistent with a major subdivision, the impacts on all infrastructures should be mitigated. Local government more appropriately provides the responsibility for high-density area protection and services. Annexation or inclusion into Local Responsibility Area should be studied as well.
6. CALFIRE does not support development in areas where there is no local agency fire service for structure fires and emergency medical response. Fire services should be extended into service gap areas as a condition of development. New development can adversely impact existing fire services. Careful consideration must be given where development may overload the local fire service's ability to respond.

RESOURCE MANAGEMENT

CALFIRE has enforcement responsibility for requirements of the Z'berg—Nejedly Forest Practice Act of 1973. CALFIRE is also the lead agency for those parts of projects involving the scope of the Forest Practice Act. The following basic input will cover the majority of projects. **Each project will be reviewed with additional input sent at a later date, if needed.**

The following comments reflect the basic Resource Management policies of the Board of Forestry and Fire Protection and CALFIRE on CEQA review requests. These policies apply to both Local and State Responsibility Areas.

1. If this project reduces the amount of timberland, by policy, the Board of Forestry and CALFIRE cannot support any project that will reduce the timberland base of California. "Timberland" means land which is available for, and capable of, growing a crop of trees of any commercial species used to produce lumber and other forest products, including Christmas trees regardless of current zoning (PRC 4526). However, if the zoning and intended use are consistent with the county's general plan; and if no land other than timberland can be identified to site the project; then CALFIRE may choose not to oppose the project.
2. If **any** commercial timber operations are involved with a project, the timber operations cannot be conducted without a CAL FIRE permit. Commercial timber operations include the cutting or removal of trees offered for sale, barter, exchange, or trade or the conversion of timberlands to land uses other than the growing of timber (PRC 4527). Contact your nearest CAL FIRE Resource Management office for guidance on obtaining the necessary permits.
3. If **any** timberlands are being converted to a non-timber growing use by this project, the conversion operations cannot be conducted without a CAL FIRE permit (PRC 4621). Conversion of timberland takes place when trees are removed and the land use changes, even without the sale, barter, exchange, or trade of the trees. Contact your nearest CAL FIRE Resource Management office for guidance on obtaining the necessary permits.
4. If timberland is in the viewshed of a project, the current and future owners should be overtly notified that changes will occur to their views due to timber management activities. Further, no project should be allowed to negatively affect access to timberland for timber management purposes; neither on the project parcel(s) nor any other timberland parcels.
5. If timber harvesting has occurred and post-harvest restocking and prescribed erosion control maintenance obligations have not been met on a parcel, future owners should be overtly notified (14 CCR 1042). The current owner of a parcel is responsible for restocking requirements and maintenance of roads whether or not they were involved in the actual harvest plan.
6. If the project involves the development of parcels zoned as Timber Production Zone (TPZ), CALFIRE cannot support the project. Dividing TPZ land into parcels of less than 160 acres requires a Joint Timber Management plan prepared by a Registered Professional Forester (RPF), recorded as a deed restriction for a minimum of 10-years on all affected parcels, and approved by a four – fifths vote of the full board (Govt. Code 51119.5). TPZ may be rezoned using a "Ten Year Phase Out," which precludes the need for a Timberland Conversion Permit. CALFIRE opposes immediate rezoning of TPZ land.

If CALFIRE staff develops additional comment on this project, it will be forwarded in an additional response letter.

By: Planning Battalion
CALFIRE Humboldt – Del Norte Unit

For **Hugh Scanlon**, Unit Chief

Estlow, Trevor

From: Olson, Jennifer@Wildlife <Jennifer.Olson@wildlife.ca.gov>
Sent: Wednesday, February 22, 2017 4:46 PM
To: Estlow, Trevor
Subject: Pimentel subdivision APPS 13422

Good afternoon Trevor,

Thank you for referring the subject project to CDFW for review and comment. CDFW offers the following comments on this Project in our role as a Trustee and Responsible Agency pursuant to the California Environmental Quality Act (CEQA; California Public Resource Code section 21000 et seq.). These are informal comments intended to assist the Lead Agency in making informed decisions early on (pre-consultation).

- Tree removal and vegetation clearing associated with the Project should be conducted outside of the bird breeding season (the nesting season is generally considered to be March 1 – August 15) in order to avoid ‘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 work must be conducted during the bird nesting season, a qualified ornithologist (someone who is able to identify Northern California birds, and who has experience in nest-searching for passerines and raptors) should thoroughly survey the area no more than seven days prior to tree/vegetation removal to determine whether active nests (nests containing eggs or nestlings) are present. If active nests are found, appropriate buffers should be developed in consultation with CDFW to avoid take.

Thank you for the opportunity to comment on this Project. Feel free to contact me if you have any questions.

Sincerely,
Jennifer Olson

Jennifer Olson
Environmental Scientist – Coastal Conservation Planning
California Department of Fish and Wildlife
619 2nd Street
Eureka, CA 95501
(707) 445-5387
jennifer.olson@wildlife.ca.gov

From: Tom
To: "Janet Eidsness"; Estlow, Trevor; Planning Clerk
Cc: erikacooper@brb-nsn.gov; "Bill Rich"
Subject: RE: Blue Lake THPO final recommendations for Pimental GPA, Zone Reclassification & Subdivision
Date: Tuesday, March 14, 2017 4:03:38 PM

Hi Trevor,

I also find that inadvertent discovery will be adequate for this project. No additional consultation is needed.

Thank you,
Tom

From: Janet Eidsness [mailto:JEidsness@bluelakerancheria-nsn.gov]
Sent: Tuesday, March 14, 2017 1:10 PM
To: Estlow, Trevor; PlanningClerk@co.humboldt.ca.us
Cc: erikacooper@brb-nsn.gov; Tom Torma (tom@wiyot.us); Bill Rich
Subject: Blue Lake THPO final recommendations for Pimental GPA, Zone Reclassification & Subdivision

Dear Trevor;

After reviewing the cultural resources survey report by Bill Rich, I find it adequate in supporting negative cultural resource findings on the property. My final recommendation is for the standard inadvertent archaeological discovery protocol as a project condition.

This correspondence concludes Blue Lake Rancheria's consultation with the County under SB 18 and AB 52/CEQA.

Thanks for your assistance.

Regards,

Janet P. Eidsness, M.A.
Tribal Heritage Preservation Officer (THPO)
Blue Lake Rancheria
P.O. Box 428 (428 Chartin Road)
Blue Lake, CA 95525
Office (707) 668-5101 ext. 1037
Fax (707) 668-4272
jeidsness@bluelakerancheria-nsn.gov
cell (530) 623-0663 jpeidsness@yahoo.com

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From: [Janet Eidsness](#)
To: [Estlow, Trevor](#); [Planning Clerk](#)
Cc: erikacooper@brb-nsn.gov; [Tom Torma \(tom@wiyot.us\)](mailto:Tom.Torma@wiyot.us); [Bill Rich](#)
Subject: Blue Lake THPO final recommendations for Pimental GPA, Zone Reclassification & Subdivision
Date: Tuesday, March 14, 2017 1:29:10 PM

Dear Trevor;

After reviewing the cultural resources survey report by Bill Rich, I find it adequate in supporting negative cultural resource findings on the property. My final recommendation is for the standard inadvertent archaeological discovery protocol as a project condition.

This correspondence concludes Blue Lake Rancheria's consultation with the County under SB 18 and AB 52/CEQA.

Thanks for your assistance.

Regards,

Janet P. Eidsness, M.A.
Tribal Heritage Preservation Officer (THPO)
Blue Lake Rancheria
P.O. Box 428 (428 Chartin Road)
Blue Lake, CA 95525
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jeidsness@bluelakerancheria-nsn.gov
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From: [Erika Cooper](#)
To: [Tom](#)
Cc: [Janet Eidsness](#); [Estlow, Trevor](#); [Planning Clerk](#); [Bill Rich](#)
Subject: Re: Blue Lake THPO final recommendations for Pimental GPA, Zone Reclassification & Subdivision
Date: Wednesday, March 15, 2017 9:41:46 AM

Trevor,

Like Janet and Tom, after reviewing Bill Rich's survey report, I also recommend the standard inadvertent discovery language for this project.

Thank you.

On Tue, Mar 14, 2017 at 4:03 PM, Tom <tom@wiyot.us> wrote:

Hi Trevor,

I also find that inadvertent discovery will be adequate for this project. No additional consultation is needed.

Thank you,
Tom

From: Janet Eidsness [mailto:JEidsness@bluelakerancheria-nsn.gov]
Sent: Tuesday, March 14, 2017 1:10 PM
To: Estlow, Trevor; PlanningClerk@co.humboldt.ca.us
Cc: erikacooper@brb-nsn.gov; Tom Torma (tom@wiyot.us); Bill Rich
Subject: Blue Lake THPO final recommendations for Pimental GPA, Zone Reclassification & Subdivision

Dear Trevor:

After reviewing the cultural resources survey report by Bill Rich, I find it adequate in supporting negative cultural resource findings on the property. My final recommendation is for the standard inadvertent archaeological discovery protocol as a project condition.

This correspondence concludes Blue Lake Rancheria's consultation with the County under SB 18 and AB 52/CEQA.

Thanks for your assistance.

Regards,

Janet P. Eidsness, M.A.

Tribal Heritage Preservation Officer (THPO)

Blue Lake Rancheria

P.O. Box 428 (428 Chartin Road)

Blue Lake, CA 95525

Office (707) 668-5101 ext. 1037

Fax (707) 668-4272

jpeidsness@bluelakerancheria-nsn.gov

cell (530) 623-0663 jpeidsness@yahoo.com

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--

Erika Cooper, M.A.
Tribal Historic Preservation Officer
Bear River Band of Rohnerville Rancheria
266 Keisner Road
Loleta, CA 95551
707-733-1900 x233 Office
707-502-5233 Cell
707-733-1727 Fax
erikacooper@brb-nsn.gov

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VICINITY MAP
NOT TO SCALE

DIRECTIONS TO SITE:
 FROM EUREKA, CA
 -NORTHBOUND ON US-101
 -TAKE EXIT 721 FOR MURRAY RD
 -TURN RIGHT ONTO MURRAY RD
 -TURN LEFT ONTO ELIZABETH RD
 -TURN LEFT ONTO ELIZABETH RD
 (APPROX. 2 MILES)
 -SITE DRIVEWAY ON LEFT

PROJECT INFORMATION:

PROPERTY OWNER:
 TONY & YDALIA PIMENTEL
 2746 ELIZABETH RD
 MCKINLEYVILLE, CA 95519
 SITE ADDRESS:
 APN: 511-501-012
 2746 ELIZABETH RD
 MCKINLEYVILLE, CA 95519

EXISTING PARCEL SIZE = 14.89 ACRES
 PROPOSED PARCEL 1 = 5 ACRES
 PROPOSED PARCEL 2 = 9.89 ACRES
 ZONING = AG-B-5(10)-WR
 GENERAL PLAN DESIGNATION = AR10 (MCCP)
 BUILDING SETBACKS:

SRA	AG	FRONT	REAR
30'	20'	30'	30'
30'	6'	30'	30'

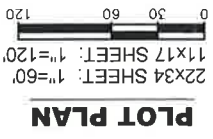
MAX BLDG HT. = 35'
 SRA AREA: YES = NO
 IN 100 YR FLOOD ZONE: YES = NO

CO - PARCEL SUBDIVISION TENTATIVE MAP,
 VICINITY MAP AND PROJECT NOTES

SHEET INDEX:

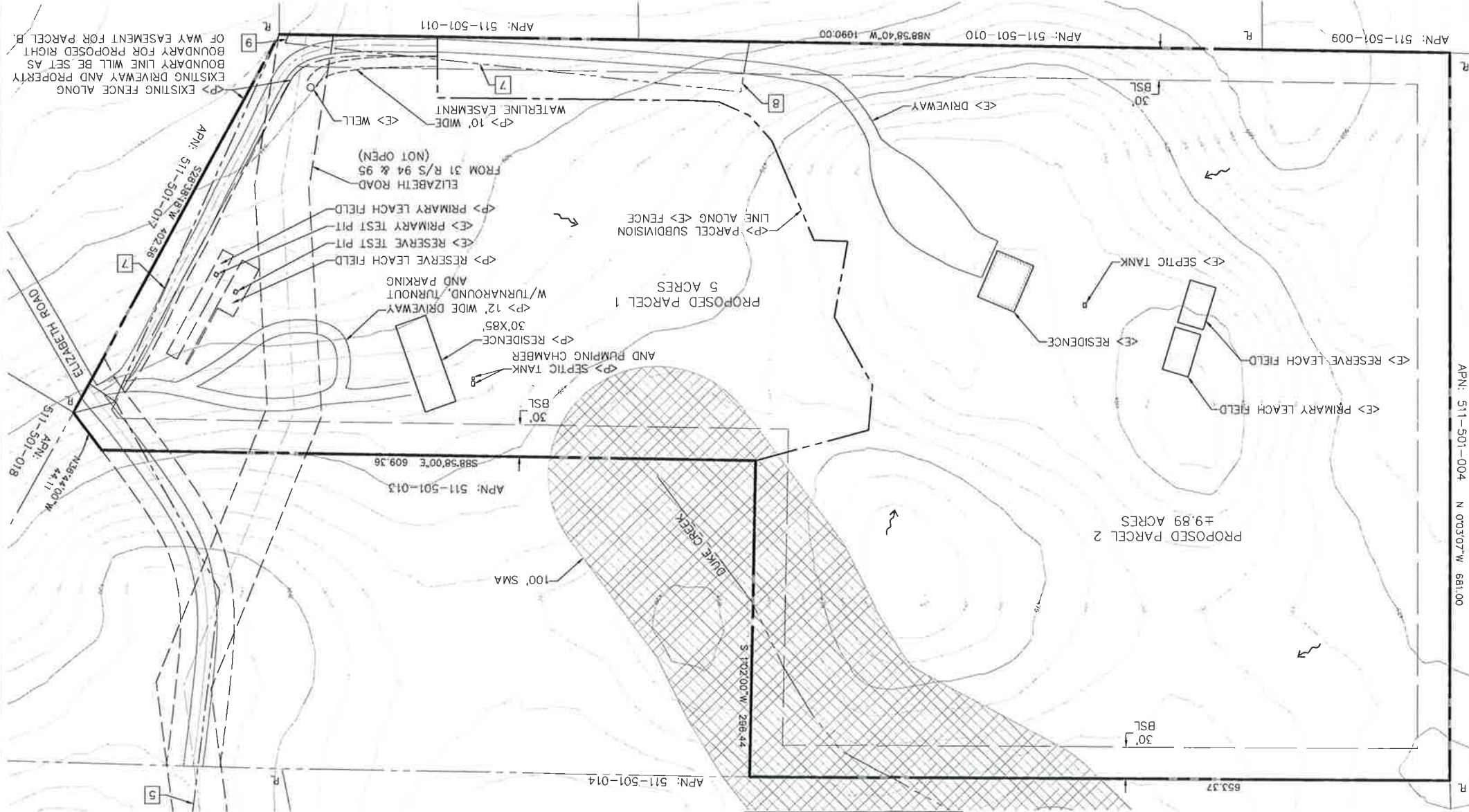
- 1 BOOK 31 SURVEYS, PAGES 94 & 95 - EASEMENT FOR ACCESS KNOWN AS ELIZABETH ROAD.
- 2 BOOK 1301 O.R., PAGE 235 - ELIZABETH ROAD EASEMENT RESERVATION.
- 3 BOOK 1480 O.R., PAGE 246, BOOK 1525 O.R., PAGE 200 - ROAD MAINTENANCE AGREEMENTS.
- 4 BOOK 12 PARCEL MAPS, PAGE 88 - ROAD AND ROAD NOTES REGARDING ELIZABETH ROAD.
- 5 BOOK 1665 O.R., PAGE 112 - UTILITY EASEMENTS GRANTED TO PG&E AND PACIFIC BELL.
- 6 BOOK 1822 O.R., PAGE 562 - ELIZABETH ROAD EASEMENT RESERVATION.
- 7 INSTRUMENT NO. 1991-5776-4 - UTILITY EASEMENT GRANTED TO PG&E AND PACIFIC BELL.
- 8 INSTRUMENT NO. 1992-20125-3 - UTILITY EASEMENT GRANTED TO PG&E AND PACIFIC BELL.
- 9 INSTRUMENT NO. 1993-26601-3 - UTILITY EASEMENT GRANTED TO PG&E AND PACIFIC BELL.

THIS PROPERTY MAY BE ENCUMBERED BY THE FOLLOWING RECORDED INSTRUMENTS:



PIMENTEL PARCEL SUBDIVISION TENTATIVE MAP

APN: 511-501-012



LEGEND

	OVERLAND FLOW
	ROAD EASEMENT CENTER LINE
	ROAD EASEMENT SETBACK
	UTILITY EASEMENT
	WATERCOURSE
	USGS CONTOUR
	PROPOSED
	EXISTING
	STREAMSIDE MANAGEMENT AREA (HUMBOLDT COUNTY WEB GIS)



SCALE: AS SHOWN
 DATE: 01/23/17
 DRAWN BY: TJS

TONY PIMENTEL / APN: 511-501-012
 2746 ELIZABETH RD, MCKINLEYVILLE, CA 95519
 PARCEL SUBDIVISION TENTATIVE MAP, VICINITY MAP AND PROJECT NOTES

DATE	REVISION	DRAWN BY