



**COUNTY OF HUMBOLDT**  
PLANNING AND BUILDING DEPARTMENT

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

Hearing Date: December 5, 2019  
To: Humboldt County Planning Commission  
From: John H. Ford, Director of Planning and Building Department  
Subject: **Diana Lavelle-Usrey Parcel Map Subdivision and Coastal Development Permit**  
Case Number PLN-2018-15181  
Assessor Parcel Number 510-231-027  
880 Eucalyptus Road, McKinleyville

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

**AGENDA ITEM TRANSMITTAL**

<b>Meeting Date</b> December 5, 2019	<b>Subject</b> Parcel Map Subdivision and Coastal Development Permit	<b>Contact</b> Trevor Estlow
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**Project Description:** A Minor subdivision to divide an approximately 2.5-acre parcel into four parcels and a Remainder, all approximately 0.5 acres in size. The parcel is currently developed with a single-family residence and barn that will remain on the Remainder parcel. Pursuant to Section 325-9, the applicant is requesting an exception to the 50-foot right of way width and proposes a 35-foot right of way. The parcels will be served with community water and sewer provided by the McKinleyville Community Services District. The northwest portion of the property is within the Coastal Zone, therefore a Coastal Development Permit is required.

**Project Location:** The project site is located in the McKinleyville area, on the south side of Eucalyptus Road, just west of the intersection of Eucalyptus Road and Daffodil Avenue, on the property known as 880 Eucalyptus Road.

**Present Plan Land Use Designation:** Coastal Zone: Residential Estates (RE); McKinleyville Area Plan (MCAP); Inland: Residential Low Density (RL); Humboldt County General Plan; McKinleyville Community Plan (MCCP); density: RE: 0 – 2 units per acre; RL: 1 - 7 units per acre. Slope Stability: Relatively Stable.

**Present Zoning:** Coastal Zone: Residential Single Family with a 20,000 square foot minimum parcel size and combining zones for Manufactured Homes and Alquist-Priolo Fault Hazard (RS-20-M/G). Inland: Residential One-Family with a 20,000 square foot minimum parcel size and a combining zone for Noise Impacts (R-1-B-3-N).

**Case Number:** PLN-2018-15181

**Assessor Parcel Number:** 510-231-027

**Applicant**

Diana Lavelle-Usrey  
880 Eucalyptus Road  
McKinleyville, CA 95519

**Owner**

Same and John Usrey

**Agent**

Omsberg and Preston  
Julie Williams  
402 E Street  
Eureka, CA 95501

**Environmental Review:** Environmental review is required.

**Major Issues:** None.

**State Appeal Status:** Project is appealable to the California Coastal Commission.

## LAVELLE-USREY PARCEL MAP SUBDIVISION AND COASTAL DEVELOPMENT PERMIT

Case Number PLN-2018-15181  
Assessor Parcel Number 510-231-027

### **Recommended Planning Commission Action**

1. Describe the application as part of the Consent Agenda.
2. Survey the audience for any person who would like to discuss the application.
3. If no one requests discussion, make the following motion to approve the application as a part of the consent agenda:

*Adopt the Mitigated Negative Declaration and make all of the required findings for approval of the Parcel Map Subdivision and Coastal Development Permit, including the exception request to allow a reduced right of way, based on evidence in the staff report and public testimony, and adopt the Resolution approving the Lavelle-USrey project subject to the recommended conditions.*

**Executive Summary:** The applicant is proposing the subdivision of an approximately 2.5-acre parcel into four parcels and a Remainder, all approximately 0.5 acres in size. The parcel is currently developed with a single-family residence and barn that will remain on the Remainder parcel. Proposed Parcels 1-4 will be vacant and suitable for residential development. The northwest portion of the property is within the Coastal Zone, therefore a Coastal Development Permit is required. An exception to the right of way width has been requested by the applicant. All parcels will be served with water and sewer by the McKinleyville Community Services District.

The parcel currently has access off of Eucalyptus Road, a non-County road. The subdivision design would create an interior road off of Eucalyptus Road that would serve all parcels. The applicant has submitted an exception request, pursuant to County Code Section 325-9, to request a reduced right of way width for this interior road due to the number of lots being served (Attachment 3). Public Works has reviewed this exception and supports the request as identified in their memo dated January 18, 2019 in Attachment 5.

A preliminary drainage report was prepared and reviewed by Public Works and they recommended as a condition of approval that the applicant submit a complete hydraulic report and drainage plan for their approval. The applicant has proposed Low Impact Development techniques to comply with the State Water Board's Phase II Small Municipal Separate Storm Sewer System (MS4) Program. In addition, the project will comply with Section 3310.5 of the McKinleyville Community Plan which states: "Development shall only be allowed in such a manner that the downstream peak flows will not be increased."

The project site is partially located within the Alquist-Priolo Special Studies Zone. The Special Studies Zone encompasses approximately one-half of the Remainder parcel and less than one-quarter of proposed Parcel 4. The Alquist-Priolo Act requires a Fault Evaluation Report for subdivisions when future development is contemplated. In this case, the development has already occurred within the Special Studies Zone as it was exempt from the "Act". Therefore, a Fault Evaluation Report was not required because the area contemplated for future development is outside the Special Studies Zone. The Development Plan required for this project will map the Special Studies Zone and if any non-exempt development is proposed within this zone, a Fault Evaluation Report will be required.

This parcel is located within the Noise Impact combining zone due to the proximity to Highway 101. The parcel begins approximately 400 feet from Highway 101 and the EIR for the McKinleyville Community Plan established a distance of 525 feet from the noise source to be outside the area

of concern. Given the proximity to the highway, the McKinleyville Community Plan requires barriers to be installed between the site and prominent noise sources to make the outdoor environment tolerable. Currently, there are numerous homes and landscaping between the subject parcel and the highway that act as a buffer to reduce noise levels to an acceptable level.

The site is in a developed part of McKinleyville that straddles the Coastal Zone in an area zoned for single family residential development on larger lots. The site is relatively flat, with a less than one percent slope towards the northwest. The geologic hazards map for this area shows the soils to be relatively stable. There are no flood hazards on the property, no mapped archaeological resources, and no mapped biological resources.

Based upon the on-site inspection, a review of Planning Division reference sources, and comments from all involved referral agencies, Planning staff has found that the project will not result in a significant impact on the environment as proposed, and that the applicant has submitted evidence in support of making all of the required findings for approving the proposed subdivision per the Recommended Commission Action.

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

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

**Case Number PLN-2018-15181  
Assessor Parcel Number 510-231-027**

**Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Lavelle-Usrey Parcel Map Subdivision and Coastal Development Permit.**

**WHEREAS**, Julie Williams, on behalf of the owners, submitted an application and evidence in support of approving the Parcel Map Subdivision and Coastal Development Permit; 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**, Attachment 2 in the Planning Division staff report includes evidence in support of making all of the required findings for approving the proposed Parcel Map Subdivision and Coastal Development Permit (Case Number: PLN-2018-15181); and

**WHEREAS**, a public hearing was held on the matter before the Humboldt County Planning Commission on December 5, 2019.

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

1. The Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program in Attachment 4 is adopted; and
2. The findings in Attachment 2 of the Planning Division staff report for Case Number FMS-18-001 support approval of the project based on the submitted evidence; and
3. The Parcel Map Subdivision and Coastal Development Permit Case Number PLN-2018-15181 is approved as recommended and conditioned in Attachment 1.

Adopted after review and consideration of all the evidence on December 5, 2019.

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

AYES: Commissioners:

NOES: Commissioners:

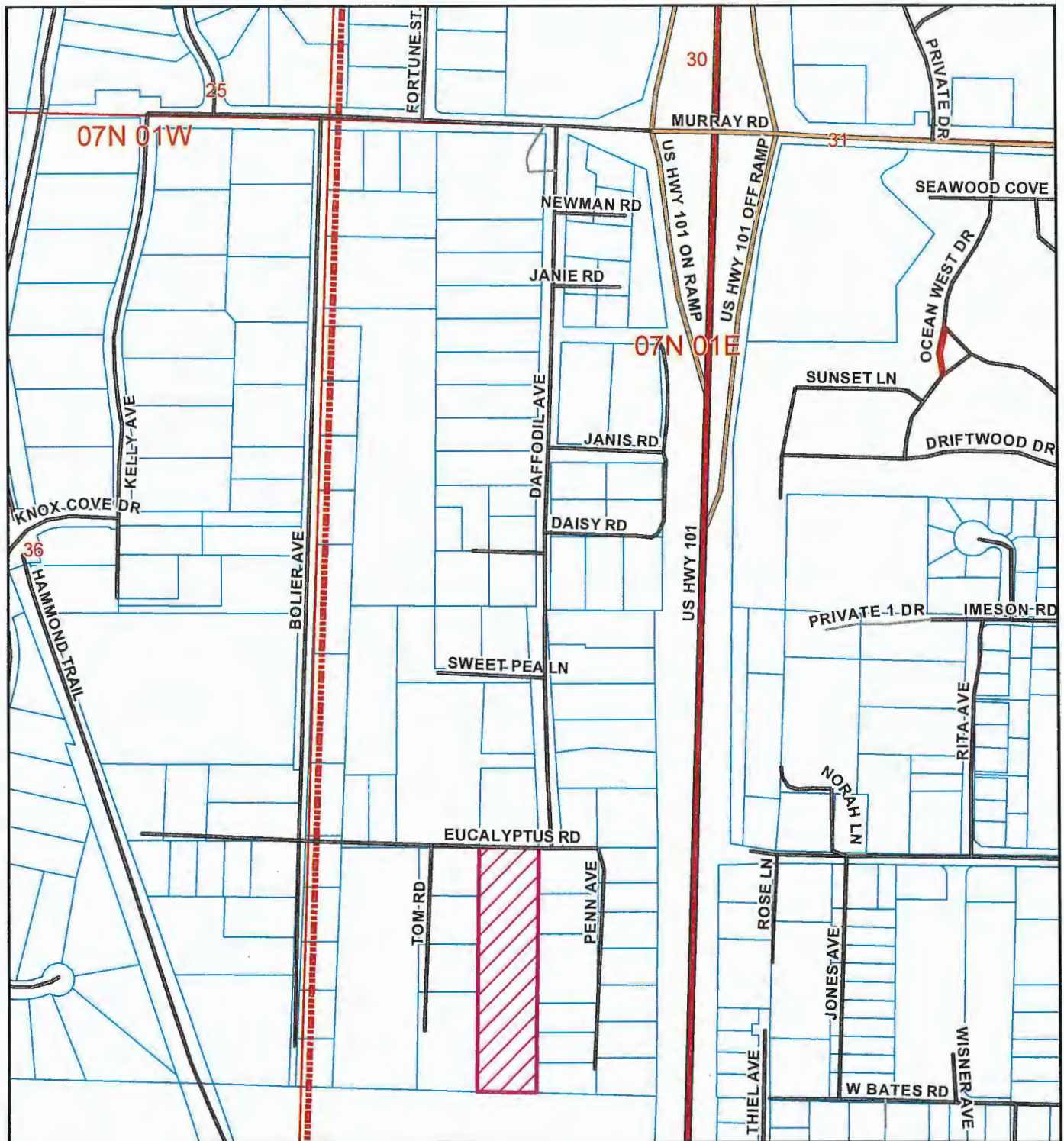
ABSTAIN: Commissioners:

ABSENT: Commissioners:

DECISION:

I, John Ford, Secretary to the Planning Commission of the County of Humboldt, do hereby certify the foregoing to be a true and correct record of the action taken on the above entitled matter by said Commission at a meeting held on the date noted above.

\_\_\_\_\_  
John H. Ford  
Director, Planning and Building Department



**LOCATION MAP**

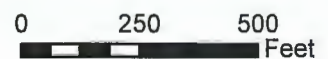
**PROPOSED USREY  
PARCEL MAP SUBDIVISION &  
COASTAL DEVELOPMENT PERMIT  
MCKINLEYVILLE AREA**

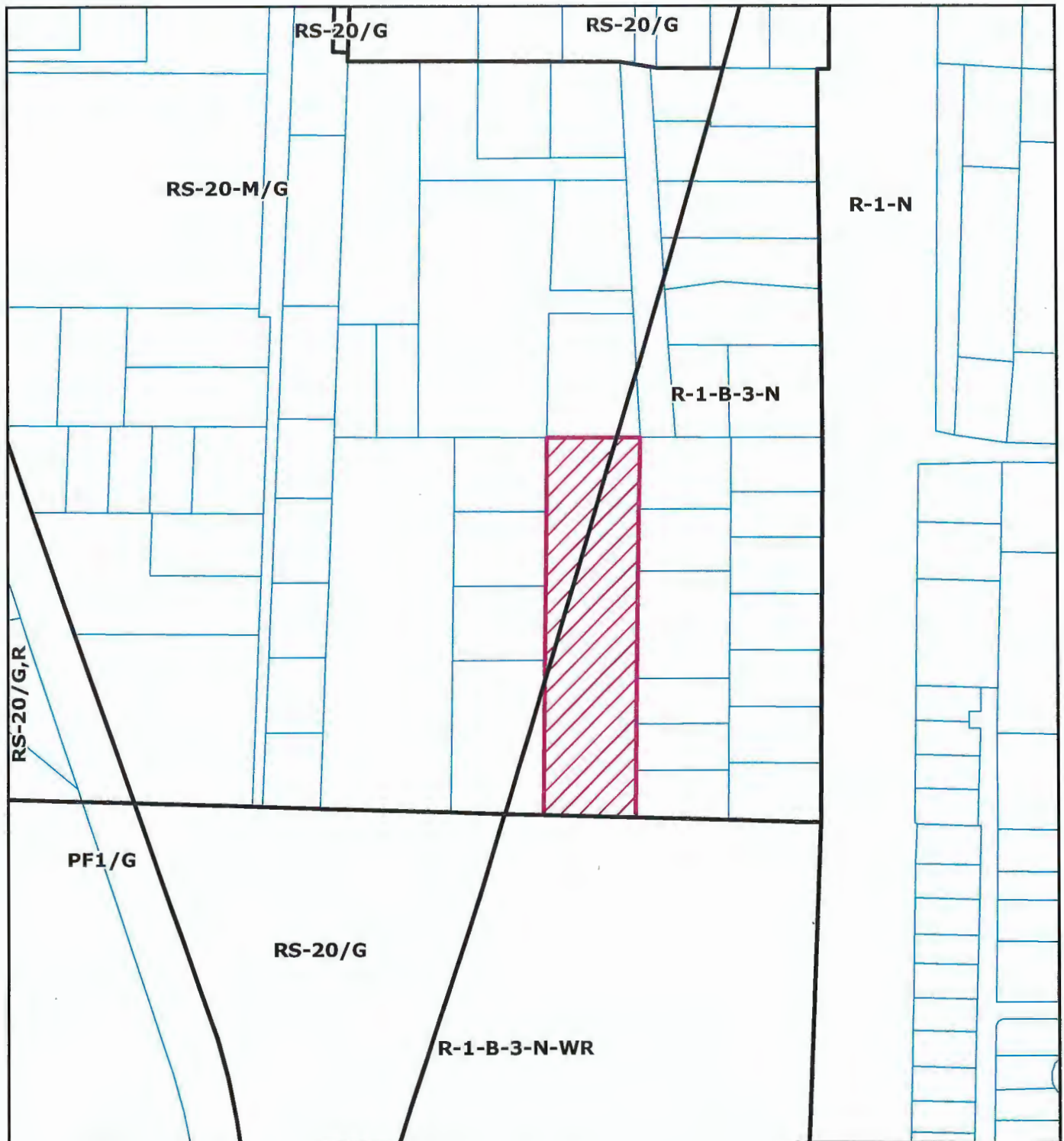
**PLN-2018-15181  
APN: 510-231-027**

**T07N R01E S31 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 USREY  
PARCEL MAP SUBDIVISION &  
COASTAL DEVELOPMENT PERMIT  
MCKINLEYVILLE AREA**

**PLN-2018-15181  
APN: 510-231-027**

**T07N R01E S31 HB&M (Arcata North)**

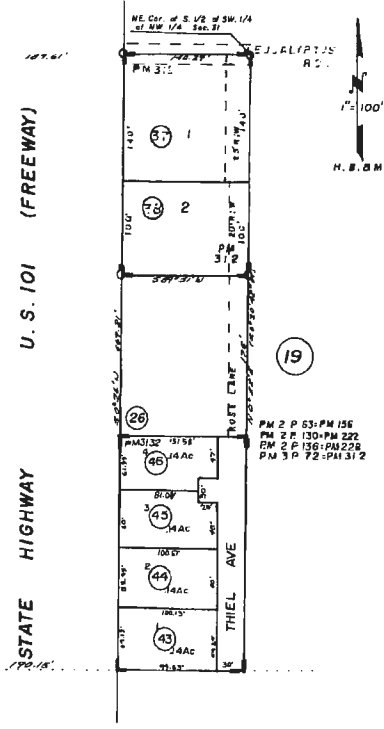
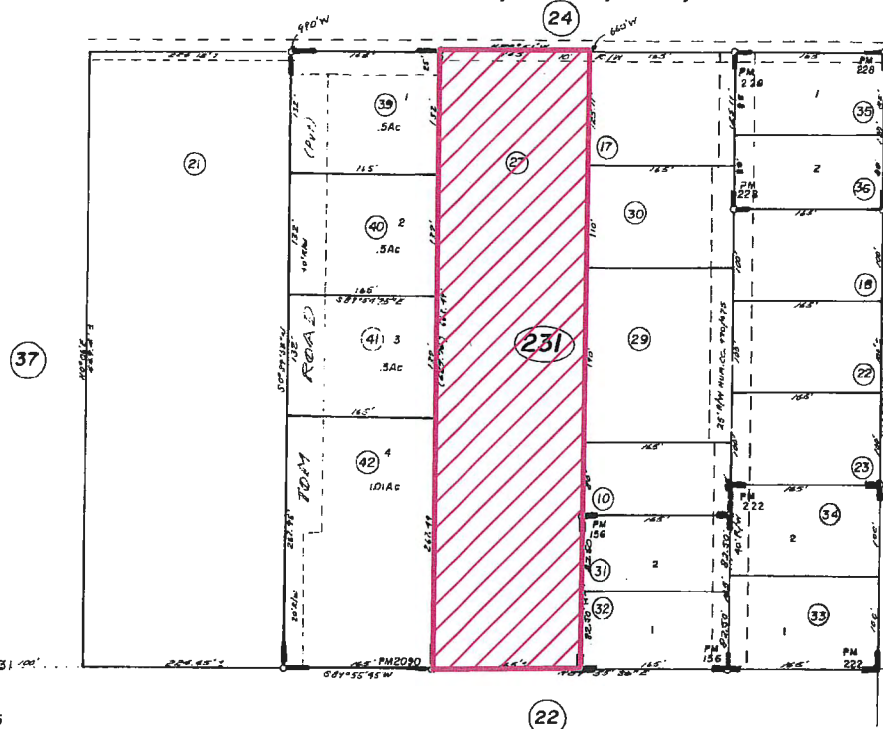
Project Area = 

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.



POR. NW 1/4, SEC. 31, T.7N., R.1E.

510-23



L.S. 10 Pg. 64  
 PM 2090 of PM Bk. 18, Pg. 64  
 PM 3132 of PM Bk. 29, Pgs. 46-47

Assessor's Maps Bk. 510 - Pg. 23  
 County of Humboldt, Calif.

NOTE - Assessor's Block Numbers Shown in Ellipses  
 Assessor's Parcel Numbers Shown in Circles

**ASSESSOR PARCEL MAP**

**PROPOSED USREY  
 PARCEL MAP SUBDIVISION &  
 COASTAL DEVELOPMENT PERMIT  
 MCKINLEYVILLE AREA  
 PLN-2018-15181  
 APN: 510-231-027  
 T07N R01E S31 HB&M (Arcata North)**

Project Area = 



MAP NOT TO SCALE

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.





**AERIAL MAP**

**PROPOSED USREY  
PARCEL MAP SUBDIVISION &  
COASTAL DEVELOPMENT PERMIT  
MCKINLEYVILLE AREA**

**PLN-2018-15181  
APN: 510-231-027**

**T07N R01E S31 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  250 Feet



## ATTACHMENT 1

### CONDITIONS OF APPROVAL

Approval of the tentative map is conditioned on the following terms and requirements which must be satisfied before the parcel map may be recorded.

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 **January 18, 2019** 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. A map revision fee as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$110.00 per parcel) as required by the County Assessor's Office shall be paid to the County Planning Division, 3015 H Street, Eureka. The check shall be made payable to the "Humboldt County Planning Division". The fee is required to cover the Assessor's cost in updating the parcel boundaries.
5. Parkland dedication fees of \$7,669.80 shall be paid to the Humboldt County Planning and Building Department, 3015 "H" Street, Eureka. Alternately, a parkland dedication fee of \$3,834.90 may be paid, provided the applicant enters into a Conveyance and Agreement of development rights with the County of Humboldt for Accessory Dwelling Units on Parcels 1-4 and the Remainder. Release from the Conveyance and Agreement may be pursued upon payment of the \$3,834.90 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 an Accessory 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 \$415.00) will be required.
6. 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 1-foot contour intervals;

- (2) The location of all drainage improvements and related easements, including areas designated as treatment areas for Low Impact Development techniques demonstrating compliance with the MS4 program;
- (3) Development standards including setbacks, maximum lot coverage, maximum height and two (2) parking spaces on all parcels consistent with Section 314-109.1 Humboldt County Code;
- (4) The area encompassed by the Alquist-Priolo Special Studies Zone labeled "No residential development allowed until a Fault Evaluation Report is performed. "

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) "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."
- (3) "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."
  - (4) If applicable "Development rights for Accessory 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 an Accessory 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."
  - (5) "The subdivision is considered a Regulated Project under the State Water Board's Phase II Small Municipal Separate Storm Sewer System (MS4) Program. Areas identified as treatment areas shall be maintained for the life of the project. Development of low impact development techniques other than those included on the improvement plans shall require a site-specific analysis to demonstrate conformance with this standard."
  - (6) "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."
  - (7) "The area identified within the Alquist-Priolo Special Studies Zone shall not be used for construction of any structure for residential development until such time a Fault Evaluation Report has been prepared for the site."
  - (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



If human remains are encountered: 1. All work shall stop and per CA Health and Safety Code Section 7050.5: 2. Call the Humboldt County Coroner at (707) 445-7242; 3. The Coroner will determine if the remains are of prehistoric/historic Native American origin. If the remains are Native American Heritage Commission within 24 hours. 4. The NAHC is responsible under CA PRC 5097.98. (a) for identifying the most likely descendent (MLD) immediately and providing contact information. The MLD may, with the permission of the owner of the land, or his or her authorized representative, inspect the site of the discovery of the Native American human remains and may recommend to the owner or the person responsible for the excavation work means for treatment or disposition, with appropriate dignity, of the human remains and any associated grave goods. The descendants shall complete their inspection and make recommendations or preferences for treatment within 48 hours of being granted access to the site.

3. 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.
4. The term of the approved Tentative Map and Special Permit 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 1 – EXHIBIT A**  
**PUBLIC WORKS SUBDIVISION REQUIREMENTS**



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  
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

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

RE: SUBDIVISION REQUIREMENTS - IN THE MATTER OF THE  
APPLICATION OF USREY, APPLICATION #15181-PMS, APN 510-231-027,  
FOR APPROVAL OF A TENTATIVE MAP, CONSISTING OF 2.5 ACRES  
INTO 4 PARCELS AND A REMAINDER.

DATE: 01/18/2019

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

**These recommendations are based on the tentative map prepared by Omsberg & Preston dated December 10, 2018, and dated as received by the Humboldt County Planning Division on December 11, 2018.**

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

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

1.0 MAPPING

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

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

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

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

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

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

- 1.3 DEPOSIT:** Applicant shall be required to place a security deposit with this Department for inspection and administration fees as per Humboldt County Code Section 326-13 prior to review of the improvement plans, review of the subdivision map, or the construction of improvements, whichever occurs first.
- 1.4 PROOF OF LEGAL ACCESS:** Applicant shall provide, to the satisfaction of this Department, proof of recorded access from a publicly maintained road to the subject property. The width of the access shall be a minimum of 40 feet and shall be shown on the subdivision map. [Reference: Roadway design standards/classification plats in Section 4.2 of Appendix A of the County Subdivision Ordinance]
- 1.5 EASEMENTS:** All easements that encumber or are appurtenant to the subdivision shall be shown graphically on the subdivision map. Those easements that do not have a metes and bounds description shall be noted on the subdivision map and shown as to their approximate location.
- 1.6 PRIVATE ROADS:** Pursuant to County Code Section 324-2(c)(3), the subdivision map shall show the lanes clearly labeled "Non-County Maintained Lane" or "Non-County Maintained Road". Pursuant to County Code Section 324-2(c)(5), the following note shall appear on the map or instrument of waiver, which shall read substantially as follows:

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

- 1.7 **LINES OF OCCUPATION:** Applicant shall provide prospective buyers with notice of any fences that are not on the property line.
- 1.8 **DEDICATIONS:** The following shall be dedicated on the subdivision map, or other document as approved by this Department:

**(a) PRIVATE ROAD (EUCALYPTUS ROAD):**

Public Road (future): Applicant shall cause to be irrevocably dedicated on the subdivision map to the County of Humboldt an easement for public road purposes lying within 25 feet of the center line of the Eucalyptus Road to match the dedication made on Parcel Map No. 2090, 18PM84. The applicant is only responsible to cause to be dedicated lands that are included within the boundary of the proposed subdivision.

Access: Applicant shall cause to be dedicated on the subdivision map a non-exclusive easement for ingress, egress, and public utilities for the benefit of the parcels within the subdivision in a manner approved by this Department. The easement shall be 40 feet in width.

Sidewalks: Applicant shall cause to be dedicated on the subdivision map to the County of Humboldt a 10 foot wide easement for public sidewalk purposes lying adjacent to the right of way of the County road. The applicant is only responsible to cause to be dedicated lands that are included within the boundary of the proposed subdivision. This easement may overlap a public utility easement.

Public Sidewalks (future): Applicant shall cause to be irrevocably dedicated on the subdivision map a non-exclusive 10 foot wide easement for sidewalk purposes lying adjacent to the right of way of the access roads within the subdivision. Said easement shall be for the benefit of the parcels within the subdivision and shall be dedicated in manner, width, and location as approved by this Department. This easement may overlap a public utility easement.

PUE: Applicant shall cause to be dedicated to the County of Humboldt on the subdivision map a 10 foot wide public utility easement (PUE) adjacent to the right of way for the road or as otherwise approved by this Department. Additional PUEs shall be dedicated in a manner, width, and location approved by this Department.

**(b) PRIVATE ROAD (UNNAMED ACCESS ROAD):**

Access: Applicant shall cause to be dedicated on the subdivision map a non-exclusive easement for ingress, egress, and public utilities for the benefit of the parcels/lots within the subdivision in a manner approved by this Department. The easement shall be 40 feet in width.

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

PUE: Applicant shall cause to be dedicated to the County of Humboldt on the subdivision map a 10 foot wide public utility easement (PUE) adjacent to the right of way for the road or as otherwise approved by this Department. Additional PUEs shall be dedicated in a manner, width, and location approved by this Department.

Sidewalks: Applicant shall cause to be dedicated on the subdivision map a non-exclusive 10 foot wide easement for sidewalk purposes lying adjacent to the right of way of the access roads within the subdivision. Said easement shall be for the benefit of the parcels/lots within the subdivision and shall be dedicated in manner, width, and location as approved by this Department. This easement may overlap a public utility easement.

- (c) **DRAINAGE EASEMENT:** Applicant shall cause to be dedicated on the subdivision map a non-exclusive easement for drainage purposes for the benefit of the parcels within the subdivision in a manner approved by this Department.
- (d) **DEVELOPMENT RIGHTS:** Applicant shall cause to be conveyed to the County of Humboldt the rights to construct a secondary dwelling unit(s) on Parcels 1 through 4 and the remainder parcel until such time as (Unnamed Access Road) is improved to a minimum Category 4 road standard. This shall be noted on the development plan to be filed with the Planning & Building Department. A notice of the development plan must be recorded. The content of the notice must be in a manner approved by this Department.
- (e) **SUBDIVISION RIGHTS:** Applicant shall cause to be conveyed to the County of Humboldt the rights to further subdivide the parcels created by this subdivision until such time as (insert road name) is improved to a minimum standards outlined in the fire safe regulations. Per Fire Safe Regulations, a category 3 road is required for roads serving 3 to 8 parcels; a category 4 road is required for roads serving 9 or more parcels. This shall be noted on the development plan to be filed with the Planning & Building Department. A notice of the development plan must be recorded. The content of the notice must be in a manner approved by this Department.
- (f) **NEIGHBORHOOD BOX UNIT (NBU) MAILBOXES:** Prior to submittal of the subdivision map, provide a sign-off from the Post Office on the location of the neighborhood box unit. Applicant shall cause to be dedicated on the subdivision map additional sidewalk easements as necessary to accommodate the NBU.

Note: The Post Office may not require a NBU for this project.

## 2.0 IMPROVEMENTS

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

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

Construction plans shall be tied into elevation datum approved by this Department. Projects located within McKinleyville Community Services District (MCSD) area shall be tied to MCSD elevation datum unless waived by this Department.

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

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

**2.3 ADA FACILITIES:** All pedestrian facilities shall be ADA compliant. This includes, but is not limited to, providing curb ramps at intersections and sidewalks behind driveway aprons (or ADA compliant driveway aprons).

Fire hydrants, neighborhood box units for mail, utility poles (including down guys), street lights, or other obstructions will not be allowed in sidewalks unless approved by this Department.

Applicant shall replace/retrofit to meet current standards any non-ADA compliant pedestrian improvements within the public right of way (or access easements that the subject property has a legal right to use) contiguous to the project.

**2.4 ROAD NAMES:** The access road(s)/street(s) shall be named as approved by the Planning & Building Department - Planning Division.

**2.5 TRAFFIC CONTROL DEVICES & SIGNS:** Traffic control devices and signs may need to be placed as required and approved by this Department. All signs and striping on County maintained roads shall be installed by the County at the expense of the developer, unless otherwise approved by the Department.

(a) A stop sign shall be installed on Unnamed Road at its intersection with Eucalyptus Road. When the road is paved, a "stop" pavement marking and limit line shall be installed.

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

(b) Street name signs shall be provided at all road intersections. In State Responsibility Areas, street name signs shall also comply with County Code Section 3113-11.

(c) Fire hydrants shall be identified with a retroreflective blue colored raised pavement marker. In State Responsibility Areas, street name signs shall also comply with County Code Section 3114-5.

(d) Additional signing and striping may be required by the Department upon review of the improvement plans. This includes, but is not limited to, centerline striping, two way left turn lane striping, bicycle lane striping, edge lines, dead end road signs, no outlet signs, speed limit signs, warning signs, etc...

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

- (a) **UNNAMED ACCESS ROAD (NOT COUNTY MAINTAINED):** The Unnamed Access Road shall be constructed having a 24' wide paved road (16' wide travel lane and 8' wide parking lane) with Caltrans Type A2-6 curb & gutter, a 4 foot wide landscape area/infiltration trench, and a 5' wide sidewalk.

A turnaround area as approved by this Department shall be constructed at the end of the access road serving the subdivision. It shall have the same structural section as the roadway serving the parcels.

- (b) **EUCALYPTUS ROAD (NOT COUNTY MAINTAINED):** Eucalyptus Road shall be constructed having a 28' wide paved road (two 10' wide travel lanes and 8' wide parking lane) with Caltrans Type A2-6 curb & gutter, a 5' wide landscape strip (4.5' useable) and a 5' wide sidewalk.

Existing utility poles within the parking lane may remain and be protected by curb bulb-outs.

- (c) The applicant may design the intersection with Eucalyptus Road with standard curb returns or an Urban Driveway No. 1. If curb returns are provided, intersection corner radii shall be provided at the intersection of roads based upon the following, unless otherwise approved by this Department:

<b>Intersection Corner Radii AASHTO, Chapter 9, "Corner Radii into Local Urban Streets"</b>				
		<b>Road Classification – Road "A"</b>		
		<b>local roads</b>	<b>collector roads &amp; arterial roads</b>	<b>collector roads &amp; arterial roads</b>
<b>Road Classification – Road "B"</b>	<b>local roads</b>	15'	20'	N/A
	<b>collector roads &amp; arterial roads</b>	20'	25'	40'
	<b>industrial use areas &amp; truck routes</b>	N/A	40'	40'

- (d) The widening of Eucalyptus Road, may require the reconstruction of the existing road to provide a uniform centerline grade compatible with the proposed curb grade. This is necessary in order to provide an adequate cross slope to the proposed gutter. Engineering plans showing existing and proposed conditions for both the centerline grade and roadway cross sections will be necessary to ensure proper drainage. In addition, existing utilities may need to be adjusted and/or relocated at the expense of the applicant.
- (e) Nothing is intended to prevent the applicant from constructing the improvements to a greater standard.
- (f) Nothing is intended to prevent this Department from approving alternate typical sections, structural sections, drainage systems, and road geometrics based upon sound engineering principals as contained in, but not limited to, the Humboldt County Roadway Design Manual, Caltrans Highway Design Manual, Caltrans Local Programs Manual, Caltrans Traffic Manual, California Manual on Uniform Traffic Control Devices (MUTCD), and AASHTO's A Policy of Geometric Design of Highways and Streets (AKA "The Green

Book”). Engineering must not be in conflict with Humboldt County Code or County adopted guidelines and policies.

- (g) The surface of the access road(s) shall conform to the *Structural Section* requirements within this document.

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

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

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

- (b) Access roads and driveways may include decorative accent treatments such as, but not limited to, stamped concrete or decorative brick pavers. Decorative accent treatments must provide appropriate traction for pedestrians, bicycles, and vehicles. **Decorative access treatments are not permitted within the public right of way**, unless approved in writing by this Department.

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

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

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

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

**2.10 PERMITS:** An encroachment permit is required to be obtained prior to construction from this Department for all work within the right of way of a County maintained road.

**2.11 NEIGHBORHOOD BOX UNIT (NBU) MAILBOXES.** When clustered mailboxes (neighborhood box units) are required by the Post Office, applicant shall obtain approval for the location of the mailbox unit from the Post Master. The pad for the mailbox unit shall be constructed as part of the subdivision and shall be encompassed by a sidewalk easement or other easement, as approved by this Department. If the NBU's will not be installed by the Post Office, the subdivider shall install the NBUs as part of the subdivision.

Note: The Post Office may not require an NBU for this project.

**2.12 COMPLETION OF SIDEWALK IMPROVEMENTS:** Sidewalk improvements may be deferred until such time as a building permit is pulled. Each building permit pulled will require that an ADA accessible sidewalk be constructed to connect the subject lot to the existing pedestrian network outside of the subdivision. Depending on the lot being built upon, this may include constructing sidewalk in front of numerous vacant lots within the subdivision. Sidewalk improvements must be completed prior to the "final" of the building permit. Any sidewalk damaged during construction will need to be replaced prior to the "final" of the building permit.

**2.13 PARCEL MAP SUBDIVISION AGREEMENT:** When a parcel map is to be filed with the County Recorder and the construction of improvements will be deferred to a later date, the following shall apply:

- (a) For parcel map subdivisions projects with a subdivision agreement, include the following note on the development plan: "This subdivision was approved with requirements to construct improvements. At the time the parcel map was filed, the improvements were not completed. The developer has entered into a subdivision agreement with the County to defer construction of these improvements. **Subdivision improvements must be completed within the timelines specified in the subdivision agreement. In general, building permits cannot be obtained until the required improvements are constructed to the satisfaction of the County.** The improvements required in the subdivision agreement are shown on the improvement plans prepared by \_\_\_\_\_, dated \_\_\_\_\_, and are signed as approved by the County on \_\_\_\_\_. Contact the Land Use Division of the Department of Public Works for details."
- (b) For parcel map subdivisions without a subdivision agreement and improvements have not been constructed prior to the filing of the map, include the following note on the development plan: "This subdivision was approved with requirements to construct improvements. At the time the parcel map was filed, the improvements were not completed. The developer has elected to not enter into a subdivision agreement with the County that would specify the timing of when the deferred improvements must be constructed. **Building permits cannot be obtained until the required improvements are constructed to the satisfaction of the County.** The improvements required in the subdivision are shown on the improvement plans prepared by \_\_\_\_\_, dated \_\_\_\_\_, and are signed as approved by the County on \_\_\_\_\_. Contact the Land Use Division of the Department of Public Works for details."
- (c) The Department shall cause to be recorded at the time of filing of the parcel map with the County Recorder a *Notice of Construction Requirements*.



### 3.0 DRAINAGE

- 3.1 DRAINAGE ISSUES:** Applicant shall be responsible to correct any involved drainage problems associated with the subdivision to the satisfaction of this Department.
- 3.2 DRAINAGE REPORT:** Applicant must submit a complete hydraulic report and drainage plan regarding the subdivision for review and approval by this Department. This may require the construction of drainage facilities on-site and/or off-site in a manner and location approved by this Department.
- 3.3 STORM WATER QUALITY:** Applicant shall include within the project site the implementation of Best Management Practices (BMPs) to prevent storm water pollution. BMPs include, but are not limited to, stenciling drainage inlets.
- 3.4 DETENTION FACILITIES:** Pursuant to McKinleyville Community Plan Policy 3310 (5), this project is required to construct detention facilities in a manner and location approved by this Department. In general, storm flows from the 100-year ( $Q_{100}$ ) storm shall be detained so as to release water from the site at a rate no greater than the predevelopment 2-year ( $Q_2$ ) storm flows. Contact this Department regarding any questions.

If the site conditions do not allow for detention, then infiltration may be considered by the Department as an alternative.

- 3.5 DRAINAGE FEES:** Applicant must conform to Humboldt County Code Section 328.1-16 regarding McKinleyville Drainage Area Fees.
- 3.6 LOW IMPACT DEVELOPMENT (LID):** The subdivision is required to comply with County Code Section 337-13. The applicant shall submit a Storm Water Information Sheet for review and approval by the County. The improvement plans must incorporate LID strategies for the entire subdivision, including roads, lots, and other areas.

At the time that the subdivision improvements are constructed, the LID elements related to an individual lot may be deferred until such time as the lot is developed. It is intended that any deferred LID strategies shown on the improvement plans for a lot are conceptual in nature and subject to adjustment/refinement at the time that the building permit is applied for. Any deferred LID improvements must be shown and identified on the Development Plan.

When there will be deferred LID improvements, a separate sheet in the improvement plans shall be provided for the LID concepts proposed for the individual lots. It is intended that this sheet will be attached to the development plan to facilitate issuance of a building permit at a later time.

Each lot in the subdivision is considered a regulated project

### 4.0 GRADING

- 4.1 GRADING PLAN:** Pursuant to Humboldt County Code Section 331-14 (H)(6)(b)(1), the applicant shall submit an engineered preliminary (rough) grading plan addressing the entire project construction area to this Department for review and approval. The purpose of the grading plan is to establish building pads that will drain to the roads (or other approved drainage course) without creating lot drainage from one lot to flow across the buildable area of adjacent lots.

**4.2 GRADING CRITERIA:** Each lot shall have a building pad graded to a maximum of 2% per Humboldt County Code Section 331-14 (H)(3)(d), unless waived by this Department. Building pads shall be of a sufficient size to accommodate anticipated future structures.

The elevation of the building pad shall be established so that a driveway from the building pad to the back of sidewalk will have a minimum slope of 1% and a maximum slope of 16%.

If sidewalk is not required, then the driveway slope will be measured to the back of driveway apron.

**4.3 CONSTRUCTION TIMING:** Grading within the subdivision or off-site rights of way shall **not** occur prior to approval of a grading plan by this Department. Construction of improvements or grading for this project will not be allowed to occur between October 15 and April 15 without permission of this Department.

**4.4 DATUM:** Grading plans shall be tied into elevation datum approved by this Department. Projects located within McKinleyville Community Services District (MCSD) area shall be tied to MCSD elevation datum unless waived by this Department.

**4.5 EROSION CONTROL:** Pursuant to Humboldt County Code Section 331-14 (H)(6)(d)(1) and 337-13(c), an erosion control plan (aka, sediment control plan, Storm Water Pollution Prevention Plan, etc.) addressing erosion from storm water runoff and wind shall accompany the grading plan.

For construction sites equal to or greater than one (1) acre of ground disturbance, a Notice of Intent (NOI) and permit registration documents are required to be filed with the State Water Quality Control Board. A copy of the State's receipt of the approved NOI shall be provided to this Department prior to the start of construction.

## **5.0 MAINTENANCE**

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

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

A maintenance plan for the non-county maintained road known as Unnamed Access Road

A maintenance plan for the non-county maintained road known as Eucalyptus Road.

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

A maintenance plan for projects that contain detention facilities shall include, but is not limited to, the following:

- (a) A schedule for the periodic monitoring of the detention facilities. At a minimum, the detention facilities shall be monitored at least once each year between April 15 and October 15.
- (b) A system to monitor the basins in a timely manner after significant rain fall events.
- (c) Monitoring shall be done by a qualified professional as approved by this Department.
- (d) Monitoring shall include an annual written report identifying (1) the condition of the facilities; (2) the recommended maintenance needed for the facilities to function as originally constructed or as required by subsequent regulation; and (3) certification that the maintenance was completed to the satisfaction of a qualified professional. The report shall be submitted no later than October 31 of each year to this Department.
- (e) A financially secured procedure that will ensure that maintenance is identified and subsequently performed in a timely manner.
- (f) For infiltration basins, wet weather testing of the percolation rate of the basin consistent with Department of Environmental Health standards for determining the percolation rates for septic systems. Percolation rate testing shall be done every five (5) years.

**5.2 MAINTENANCE AGREEMENTS:** Any agreements regarding the maintenance of the detention facilities between the applicant and a public entity or Homeowners Association may be required to be approved by County Counsel and the County Risk Manager.

**6.0 DEVELOPMENT PLAN:**

<NONE>

**7.0 LANDSCAPING:**

<NONE>

// END //

## ATTACHMENT 2

### STAFF ANALYSIS OF THE EVIDENCE SUPPORTING THE REQUIRED FINDINGS

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

**A. Subdivision Findings:** Section 66474 of the State Subdivision Map Act and Title III Division 2 of the Humboldt County Code (HCC) specify the findings that must be made to approve tentative subdivision maps. Basically, the Hearing Officer may approve a tentative map if the applicants have submitted evidence which supports making all of the following 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 or substantially and avoidably injure fish or wildlife or their habitat.
5. The proposed development does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law, unless the following written findings are made supported by substantial evidence: 1) the reduction is consistent with the adopted general plan including the housing element; and 2) the remaining sites identified in the housing element are adequate to accommodate the County share of the regional housing need; and 3) the property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions of the site has been maximized.
6. Proper environmental document has been accepted and officially posted for the time limits required by the California Environmental Quality Act (CEQA).

**B. Coastal Development Permit Findings:** Section 312-17 of the Zoning Regulations found in Chapter 2 of Division 1 of Title III of the Humboldt County Code (HCC), (Required Findings for All Permits and Variances) specifies the findings that are required to grant a Coastal Development Permit:

1. The proposed development is in conformance with the County General Plan.
2. The proposed development is consistent with the purposes of the existing zone in which the site is located, or when processed in conjunction with a zone reclassification, is consistent with the purposes of the proposed zone.
3. The proposed development conforms with all applicable standards and requirements of the zoning regulations.
4. The proposed development and conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

5. The proposed development does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law, unless the following written findings are made supported by substantial evidence: 1) the reduction is consistent with the adopted general plan including the housing element; and 2) the remaining sites identified in the housing element are adequate to accommodate the County share of the regional housing need; and 3) the property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions of the site has been maximized.

**C. CEQA:** In addition, 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:

- a) The project is categorically or statutorily exempt; or
- b) There is no substantial evidence that the project will have a significant effect on the environment and a negative declaration has been prepared; or
- c) An environmental impact report (EIR) has been prepared and all significant environmental effects have been eliminated or substantially lessened, or the required findings in Section 15091 of the CEQA Guidelines have been made.

**A.1./B.1. General Plan Consistency.** The following table identifies the evidence which supports finding that the proposed subdivision is in conformance with all applicable policies and standards in the Humboldt County General Plan (HCGP), the McKinleyville Community Plan (MCCP) and the McKinleyville Area Plan (MCAP).

Plan Section(s)	Summary of Applicable Goal, Policy, or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Land Use Designations Residential Low Density (RL) §4.8 (HCGP)</p> <p>Residential Estates (RE) §5.10 (MCAP)</p>	<p>Residential Low Density (RL) Primary and compatible uses include single family residential use. Density Range – 1 - 7 dwelling units per acre.</p> <p>Residential Estates (RE) Primary and compatible uses include single family residential use. Density Range 0 – 2 dwelling units per acre</p>	<p>The existing parcel is currently developed with a single-family residence that will remain on the Remainder parcel. Proposed Parcels 1 – 4 will be vacant and suitable for residential development. All parcels will be served with community water and sewer provided by the McKinleyville Community Services District.</p>
<p>Urban Limits: §2600 (MCCP)</p> <p>§3.21 (MCAP)</p>	<p>New development shall be located within existing developed areas or in areas with adequate public services.</p>	<p>All proposed parcels are within the Urban Limit line and are served by public water and sewer. The parcels will be served by a private road off of Eucalyptus Road.</p>
<p>Housing: §2400 (MCCP)</p> <p>§3.25 (MCAP)</p>	<p>Housing shall be developed in conformity with the goals, policies and standards of the Humboldt County Housing Element.</p>	<p>The proposal results in four additional building sites for residential development. The site was not utilized by the Department of Housing and Community Development in determining compliance with housing element law. Therefore, the parcels created by this subdivision are in addition to those identified in the most recent Housing Element.</p>
<p>Hazards: §3200 (MCCP)</p> <p>§3.28 (MCAP)</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 site is within Geologic Hazard Rating 0 - "Relatively Stable" and is partially within the Alquist-Priolo Fault Hazard Area. Given that no proposed development is within the Special Studies Zone, a Fault Evaluation Report was not required. The Special Studies Zone will be mapped on the Development Plan and labeled as unsuitable for residential development until such time a Fault Evaluation Report is performed.</p> <p>The proposed subdivision site is in an area of low fire hazard. The Arcata Fire Department has reviewed the subdivision design and recommended approval.</p> <p>The parcel does not have any flood hazards as shown on FIRM Map 680.</p>

<p>Sensitive and Critical Habitats: §3420 (MCCP)</p> <p>Resource Protection §3.40 (MCAP)</p>	<p>To protect designated sensitive and critical resource habitats.</p>	<p>The parcel does not have any mapped constraints as shown on the biological resource map. It is located within a developed residential area which is not known to possess wetlands, natural drainages or other types of Sensitive or Critical Habitats. The project was referred to the California Department of Fish and Wildlife, however, they did not respond with any concerns.</p>
<p>Cultural Resource Protection: §3500 (MCCP)</p> <p>Archaeological and Paleontological Resources §3.29 (MCAP)</p>	<p>New development shall protect cultural, archeological and paleontological resources.</p>	<p>The project was referred to the Northwest Information Center (NWIC), the Blue Lake Rancheria, the Bear River Band of the Rohnerville Rancheria and the Wiyot Tribe. Although the response from the NWIC recommended a study, further consultation with the Blue Lake Rancheria and the Wiyot Tribe recommended approval with no further study provided a note regarding inadvertent discovery is included in the recorded Development Plan. This is included in the Conditions of Approval.</p>
<p>Parkland: §4420 (MCCP)</p> <p>§3.24 (MCAP)</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 or: <math>5(2(130 \times 2.57/43,560)) \times \\$100,000 = \\$7,669.80</math> without the conveyance of secondary dwelling unit rights; or \$3,834.90 with the conveyance of secondary dwelling unit rights on all parcels.</u></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	5	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
	\$7,669.80	<b>Parkland Dedication In-lieu Fee for the Lavelle-Usrey Subdivision</b>

**A.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.	The project will result in four parcels and a Remainder all approximately one-half acre in size. All parcels will be suitable for single-family residential development.
Access and Drainage 324-1	Improvements shall be required for the safe and orderly movement of people and vehicles.	The parcel has frontage on the private portion of Eucalyptus Road. All parcels will be served by a private roadway off of Eucalyptus Road. The applicant has submitted an exception request, pursuant to County Code Section 325-9, to request a reduced right of way width for this interior road due to the number of lots being served (Attachment 3). Public Works supports this exception and has provided Subdivision Requirements for the subdivision (Attachment I, Exhibit A). The applicant has proposed Low Impact Development techniques to comply with the State Water Board's Phase II Small Municipal Separate Storm Sewer System (MS4) Program. In addition, the project will comply with Section 3310.5 of the McKinleyville Community Plan which states: "Development shall only be allowed in such a manner that the downstream peak flows will not be increased." Public Works has required a complete hydraulic report and drainage plan as a condition of approval.
Sewer & Water 324-1 (d)	Sewer and water systems shall be constructed to appropriate standards.	Resultant parcels are served by community water and sewer provided by the McKinleyville Community Services District (MCSD). MCSD has stated that they have the capacity to serve the subdivision.



<p>322-3.1 Housing Element Densities</p> <p>The proposed development does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law, except where: 1) the reduction is consistent with the adopted general plan including the housing element; and 2) the remaining sites identified in the housing element are adequate to accommodate the County share of the regional housing need; and 3) the property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions of the site has been maximized.</p>	<p>The proposal results in four additional building sites for residential development. This parcel was not identified as providing any additional dwelling units in the most recent Housing Inventory, therefore, the four parcels created by this subdivision will provide additional units above and beyond those identified in the Housing Element.</p>
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Further, pursuant to H.C.C. Section 325-9, in order to grant the exception to the Subdivision Regulations for right of way width, the Planning Commission must find the following:

<b>Summary of Applicable Requirement</b>	<b>Evidence That Supports the Zoning Finding</b>
<p>That there are special circumstances or conditions affecting said property.</p>	<p>As stated in the applicant's request for exception, the existing long and narrow parcel configuration requires a flag design in order to optimize the residential density potential allowed under the zoning and General Plan designation. The physical configuration of the property and the minimal number of homes to be served warrants a reduced right of way. The private road allows for two travel ways and minimizes the amount of impervious surfaces. The exception would allow for division of the parcel such that (1) the maximum number of lots can be created, (2) suitable building sites are provided on each, and (3) the build out promoted by the Plan and Zoning may be achieved.</p>
<p>That the exception is necessary for the preservation and enjoyment of a substantial property right of the petitioner.</p>	<p>Based on the number of parcels served, it is unnecessary to provide a 50-foot right of way to serve the parcels. The proposed subdivision will result in four (4) parcels and a Remainder consistent with the General Plan and the zoning. The lots will be similar to other lots within the neighborhood, and the subdivision is in keeping with the existing pattern of development, and the character of the immediate area.</p>
<p>That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the territory in which the subject property is located.</p>	<p>The exception would allow subdivision of the subject parcel similar to others in the immediate vicinity. There is no indication that the development of the surrounding lands will be adversely impacted by this exception. All referral agencies have recommended approval of the subdivision.</p>

**A.3./B.2./B.3. Zoning Compliance and Development Standards.** The following table identifies the evidence which supports finding that the proposed development is in conformance with all applicable policies and standards in the Humboldt County Zoning Regulations.

Zoning Section	Summary of Applicable Requirement	Evidence that Supports the Zoning Finding
Residential Single-Family (RS) (Coastal)  Residential One-Family (R-1) (Inland)	One-family dwellings are compatible uses.	The subdivision results in four parcels and a Remainder, all suitable for residential development.
Minimum Parcel Size	20,000 square feet	The subdivision results in four parcels and a Remainder, all approximately one-half acre or 21,780 square feet in size.
Minimum Yard Setbacks per Zoning:	Front: 20 feet Side: 5 feet Rear: 10 feet	Development on the Remainder parcel complies. Future development must comply with standards of the zone.
Minimum Lot Width	75 feet	All parcels are approximately 135 feet wide.
Maximum Lot Depth	3 times lot width	All parcels are approximately 165 feet deep.
Maximum Ground Coverage	35%	Development of the Remainder parcel complies. Future development must comply with standards of the zone.
Maximum Structure Height	35 feet	Development of the Remainder parcel complies. Future development must comply with standards of the zone.
<b>Combining Zones (Coastal)</b>		
313-28.1 <b>M:</b> Manufactured Homes	Where the development standards are modified for the sole purpose of allowing manufactured homes.	No manufactured homes exist on the property, nor are any proposed.
313-22.1 <b>G:</b> Alquist-Priolo Fault Hazard	The purpose of these provisions is to implement the Alquist-Priolo Special Studies Zones Act (Public Resources Code, Section 2621 and following) in order to address potential hazards resulting from surface faulting or fault creep.	The project site is partially located within the Alquist-Priolo Special Studies Zone. The Special Studies Zone encompasses approximately one-half of the Remainder parcel and less than one-quarter of proposed Parcel 4. A Fault Evaluation Report was not required because the area contemplated for future development is outside the Special Studies Zone. The Development Plan required for this project will map the Special Studies Zone and if any non-exempt development is proposed within this zone, a Fault Evaluation Report will be required.

**Combining Zones (Inland)**

<p>314-29.1 N – NOISE IMPACT</p>	<p>The purpose of these provisions is to establish regulations to maintain, within single family and multi-family structures and within structures designed for transient habitation, low exposure levels to noise associated with airports and major roads.</p>	<p>This parcel is located within the Noise Impact combining zone due to the proximity to Highway 101. The parcel begins approximately 400 feet from Highway 101 and the EIR for the McKinleyville Community Plan established a distance of 525 feet from the noise source to be outside the area of concern. Given the proximity to the highway, the McKinleyville Community Plan requires barriers to be installed between the site and prominent noise sources to make the outdoor environment tolerable. Currently, there are numerous homes and landscaping between the subject parcel and the highway that act as a buffer to reduce noise levels to an acceptable level.</p>
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**A.4./B.4. Public Health, Safety and Welfare.**

<b>The project will not be detrimental to the public health, safety and welfare nor will it be materially injurious to properties or improvements in the area because:</b>	<b>Evidence supporting the finding</b>
All reviewing referral agencies have approved or conditionally approved the proposed project design.	See Attachment 5, Referral 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.

**A.5./B.5. Impact on Residential Density Target.** See discussion under Section 2 above

**A.6./C. 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 (Attachment 4) evaluated the project for any adverse effects on the environment. Based on a site inspection, information in the application, and a review of relevant references in the Department, staff has determined that there is no evidence before the Department that the project will have any potential adverse effect, either individually or cumulatively, on the environment. The environmental document on file in the Department includes a detailed discussion of all relevant environmental issues.

**Because the project was found subject to CEQA and a Mitigated Negative Declaration was prepared, the provisions of Section 711.4 of the California Fish and Game Code apply to this project.** The applicant shall submit a check to the Planning Division payable to the Humboldt County Recorder in the amount of \$2,404.75. [Note: In order to comply with the time limits for filing the Notice of Determination per CEQA, this payment will be requested from the applicant prior to hearing and will be held by the Planning Division pending a decision on the permit.] Pursuant to Section 711.4 of the Fish and Game Code, the amount includes the Department of Fish and Wildlife (DFW) fee plus the \$50 document handling fee. This fee is effective through December 31, 2019 at such time the fee will be adjusted pursuant to Section 713 of the Fish and Wildlife Code. Alternatively, the applicant may contact DFW by phone at (916) 651-0603 or through the DFW website at [www.dfg.ca.gov](http://www.dfg.ca.gov) for a determination stating the project will have *no effect* on fish and wildlife. If DFW concurs, a form will be provided exempting the project from the \$2,354.75 fee payment requirement. In this instance, only a copy of the DFW form and the \$50.00 handling fee is required. This requirement appears as Condition #10 of Attachment 1.

**ATTACHMENT 3**

**APPLICANT'S EVIDENCE IN SUPPORT OF THE REQUIRED FINDINGS**

<b>Document</b>	<b>Location</b>
Tentative Subdivision Map	Attached in Maps Section
Application Form	On file with Planning
Preliminary Title Report	On file with Planning
Preliminary Drainage Report	On file with Planning
Exception Request dated December 10, 2018	Attached



December 10, 2018

18-2028

Trevor Estlow, Planner  
Humboldt County Planning Division  
3015 H Street  
Eureka, CA 95501

RE: Two Application Exception Requests for the Usrey Minor Subdivision,  
Off Eucalyptus Road in McKinleyville - APN 510-231-027



Dear Trevor:

Pursuant to Humboldt County Code Section 325-9, we are requesting two exceptions to the road right of way width as specified in the Appendix to Title IV, Division 2, H.C.C. Section 7-2, administered by the Public Works Land Use Division for the above tentative map. A flag lot design is incorporated using a reduced 35-foot right of way width for all proposed parcels off of Eucalyptus Road that is a private road in this location, west of US Highway 101.

Exceptions to the requirements and regulations of the Code may be granted if the following conditions exist:

- 1) That there are special circumstances or conditions affecting said property;
- 2) That the exception is necessary for the preservation and enjoyment of a substantial property right of the petitioner; or
- 3) That the granting of the exception will not be detrimental to the public welfare or injurious to the property in the neighborhood in which said property is situated.

In addition, in granting such exceptions, the Advisory Agency must secure, substantially, the objectives of the regulations to which the exceptions are granted as to light, air, and public health, safety, convenience and general welfare.

**Exception request 1.** The special circumstances of the property (the existing long and narrow parcel configuration) requires a flag design in order to optimize the residential density potential that is permitted under the existing Zoning and General Plan. Because there is insufficient room to allow for a 40-foot right of way, we are respectfully requesting an exception from the standard 40 feet and are proposing a 35-foot right of way as shown on the tentative map.

Access to all the Parcels will be via a 24-foot travel way within the 35-foot right-of-way and will include an 8-foot wide parking lane. Per the County Department of Public Works Land Use Division, the 35-foot right of way with an 8-foot wide parking lane with a hammerhead turn around are sufficient for providing emergency access to the parcels. The 35-foot right-of-way provides ample space for the physical requirements. There is an existing fire hydrant directly opposite the proposed subdivision access road on Eucalyptus Road.

**Exception request 2.** To allow Parcel 1 to be developed to the fullest extent possible, we are requesting to pave our Eucalyptus Rd. frontage with a 20-foot 2-lane travel way within the existing 40-foot right of way as opposed to a 2-lane 22-foot travel way. We are proposing to incorporate a 1-foot non-vehicular easement over the northern most boundary of Parcel 1 along the frontage of Eucalyptus Rd. to ensure no vehicular access onto Parcel 1 directly from

Eucalyptus Rd. The property subdivision is off of the non-county maintained private road portion of Eucalyptus Road, a dead-end street with low traffic volumes. Eucalyptus Road is comprised of a combination of gravel roadway and paved roadway that includes a speed bump without curbs, gutters or sidewalks constructed for the length of Eucalyptus Road.

To support our 2<sup>nd</sup> exception request, we completed a neighborhood circulation survey. Neighborhood circulation is as follows: The immediate neighborhood access is provided by Daffodil Ave. (County road 4M110), and Bolier Ave. (a non-county private road), leading south off of Murray Road (County Road C3M020).

- A total of 12 residences (including our proposed subdivision) will use Eucalyptus Road as their primary access out of the neighborhood.
- Primary access from those residences on Penn Avenue to the East use Daffodil Avenue as their primary access road out of the neighborhood.
- Primary access from those residences on Tom Road to the West and the 2 residences on the north side of Eucalyptus Road can use either Daffodil Avenue or Boiler Avenue to the west for their access out of the neighborhood.
- Primary access from those residences to the West on Boiler Avenue (non-county-maintained road) and those residences at the western dead-end portion of Eucalyptus Road use Bolier Avenue as their access out of the neighborhood.

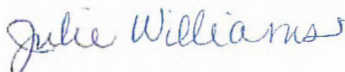
The proposed lots, as shown on the Tentative Map, are consistent with prescribed density, minimum parcel sizes, parking regulations and other development criteria of the regulations. This proposed subdivision is consistent with planned growth of the area, and is Plan supported in-fill development. This application does not request approval from the County for unusual or dangerous lot designs; flag lots have historically been approved in Humboldt County for quite some time.

Since the project, as proposed, satisfies other requirements for subdivisions, granting these exceptions do not appear to be providing special privileges not available to others, but rather are upholding the preservation and enjoyment of a substantial property right of the land owner. Denying the exception requests would deprive the property owner of the ability to utilize the subject property to the maximum potential as described in the existing General Plan and zoning regulations.

The granting of the exceptions does not appear to be detrimental to the public welfare or injurious to other properties in the vicinity. Based on the above, we respectfully petition that the exception request be granted.

Sincerely,

OMSBERG & PRESTON



Julie Williams  
Planner/Project Manager

cc: Diana Usrey  
Bob Bronkall

**ATTACHMENT 4**

**INITIAL STUDY AND DRAFT MITIGATED NEGATIVE DECLARATION**



## **Project Information**

**Project Title:** Lavelle-Usrey Parcel Map Subdivision and Coastal Development Permit

### **Lead Agency**

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

### **Property Owner**

Diana Lavelle-Usrey and John Usrey  
880 Eucalyptus Road  
McKinleyville, CA 95519

### **Project Applicant**

Same as owner

### **Project Location**

The project site is located in the McKinleyville area, on the south side of Eucalyptus Road, just west of the intersection of Eucalyptus Road and Daffodil Avenue, on the property known as 880 Eucalyptus Road.

### **General Plan Designation**

Coastal Zone: Residential Estates (RE); McKinleyville Area Plan (MCAP); Inland: Residential Low Density (RL); Humboldt County General Plan; McKinleyville Community Plan (MCCP); density: RE: 0 – 2 units per acre; RL: 1 - 7 units per acre.

### **Zoning**

Coastal Zone: Residential Single Family with a 20,000 square foot minimum parcel size and combining zones for Manufactured Homes and Alquist-Priolo Fault Hazard (RS-20-M/G). Inland: Residential One-Family with a 20,000 square foot minimum parcel size and a combining zone for Noise Impacts (R-1-B-3-N).

### **Project Description**

A Minor subdivision to divide an approximately 2.5-acre parcel into four parcels and a Remainder, all approximately 0.5 acres in size. The parcel is currently developed with a single-family residence and barn that will remain on the Remainder parcel. Pursuant to Section 325-9, the applicant is requesting an exception to the 50-foot right of way width and proposes a 35-foot right of way. The parcels will be served with community water and sewer provided by the McKinleyville Community Services District. The northwest portion of the property is within the Coastal Zone, therefore a Coastal Development Permit is required.

### **Baseline Conditions: Surrounding Land Uses and Setting**

The project site is located on the south side of Eucalyptus Road, west of State Highway 101, approximately 1.5 miles south of the California Redwood Coast – Humboldt County Airport. It is in a developed neighborhood and surrounded by other similarly sized residential parcels.

**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.

**Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1?** No. If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.? n/a

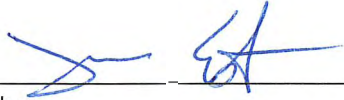
*Note: Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process. (See Public Resources Code section 21080.3.2.) Information may also be available from the California Native American Heritage Commission's Sacred Lands File per Public Resources Code section 5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that Public Resources Code section 21082.3(c) contains provisions specific to confidentiality.*

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

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> Aesthetics                      | <input type="checkbox"/> Agricultural and Forestry Resources | <input type="checkbox"/> Air Quality                        |
| <input checked="" type="checkbox"/> Biological Resources | <input checked="" type="checkbox"/> Cultural Resources       | <input type="checkbox"/> Energy                             |
| <input checked="" 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"/> Noise                           | <input type="checkbox"/> Population/Housing                  | <input type="checkbox"/> Public Services                    |
| <input type="checkbox"/> Recreation                      | <input type="checkbox"/> Transportation                      | <input type="checkbox"/> Tribal Cultural Resources          |
| <input type="checkbox"/> Utilities/Service               | <input type="checkbox"/> Wildfire                            | <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

10-14-19  
 \_\_\_\_\_  
 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 question. 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 off-site as well as on-site, 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, 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. (California Code of Regulations, title 14 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. **N/A**
  - 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. **N/A**
  - 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. **N/A**

## Environmental Checklist

**Checklist and Evaluation of Environmental Impacts:** An explanation for all checklist responses is included, and all answers take into account the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts. The explanation of each issue identifies (a) the significance criteria or threshold, if any, used to evaluate each question; and (b) the mitigation measure identified, if any, to reduce the impact to less than significance. In the **Checklist**, the following definitions are used:

**"Potentially Significant Impact"** means there is substantial evidence that an effect may be significant.

**"Potentially Significant Unless Mitigation Incorporated"** means the incorporation of one or more mitigation measures can reduce the effect from potentially significant to a less than significant level.

**"Less Than Significant Impact"** means that the effect is less than significant and no mitigation is necessary to reduce the impact to a lesser level.

**"No Impact"** means that the effect does not apply to the proposed project, or clearly will not impact nor be impacted by the project.

I. <b>Aesthetics.</b> Except as provided in Public Resources Code Section 21099, would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage points). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?			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-d) Less Than Significant Impact:** The project site is not within an area mapped or designated with scenic vistas or resources. A portion of the parcel is within the Coastal Zone but not in a location where specified areas of scenic values are mapped and certified by the state. The proposed subdivision infills an established development pattern, and is consistent with the planned build-out of the area. The parcels will be served by a private road off of Eucalyptus Road, a non-County road. There are few trees on the parcel that may be removed in the future when homes are ultimately constructed on the new lots. These trees are not mapped or identified as any type of scenic resource. The Department finds no evidence that the creation of four parcels and a Remainder within an area characterized as urban residential will have a substantial adverse aesthetic impact. There is no indication that the future development likely to occur on the site will significantly increase light or glare or effect nighttime views in the vicinity.

<p><b>II. Agriculture and Forestry Resources.</b> In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:</p>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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 Public Resources Code 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 forest land to non-forest use?				X

**Discussion:**

**(a-e) No Impact:** Neither the subject property nor adjacent lands are within a Williamson Act contract. Although the site is mapped as prime agricultural soils, the lands were converted to residential uses with prior General Plans decades ago. The site does not contain unique farmland and is not used for agricultural purposes. The neighborhood is characterized by urban residential development with services provided by the McKinleyville Community Services District. The proposed subdivision infills an established development pattern. One-family residential is a primary and compatible use within the RE (Coastal) and RL (Inland) designation and is principally permitted in the RS (Coastal) and R-1 (Inland) zoning district. General agriculture is not a use allowed in the RS or R-1 zone, nor are there any intensive agricultural uses in the immediate vicinity. The Department finds no evidence that the project will result in a significant adverse impact on agricultural resources.

<b>III. Air Quality.</b> Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?			X	
b) 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?			X	
c) Expose sensitive receptors to substantial pollutant concentrations?			X	
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?			X	

**Discussion:**

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

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

IV. <b>Biological Resources.</b> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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 state or federally protected wetlands (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:**

**(b, c, e, f) Less Than Significant:** Per County resource maps and the California Natural Diversity Database, the site is mapped as potential habitat for western snowy plover. Given the disturbed nature of the site and the distance from the coastline, the site does not contain suitable habitat for this species. There are no wetlands or wetland habitat present on the site. The project does not involve any development within a streamside management area. The project site is not within an adopted or proposed habitat conservation plan. The project was referred to the Eureka office of the California Department of Fish and Wildlife which did not respond with concerns. The area is developed to urban residential levels. The Department finds no evidence that the project will result in a significant adverse impact on biological resources.

**(a, d) Less Than Significant with Mitigation Incorporated:** The site does contain several trees; however, they are not proposed to be removed at this time. In order to comply with the Migratory Bird Treaty Act and Fish and Game Code, should tree removal and/or brush clearing be necessary, it must be conducted outside of the nesting season. This measure is included in Mitigation Measure No. 1.



**Mitigation Measure No.1.** The Development Plan shall include the following language: "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."

V. Cultural Resources. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?				X
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?		X		
c) Disturb any human remains, including those interred outside of formal cemeteries?		X		

**Discussion:**

**(a) No Impact:** No historical resources have been documented on site. The site is currently developed with a single family residence and accessory buildings that show no evidence of being considered a historical resource, therefore, the project will have no impact on historical resources defined in California Environmental Quality Act (CEQA) §15064.5.

**(b,d) Less Than Significant with Mitigation Incorporated:** The project was referred to the Northwest Information Center (NWIC), the Blue Lake Rancheria, the Bear River Band of the Rohnerville Rancheria and the Wiyot Tribe. Although the response from the NWIC recommended a study, further consultation with the Blue Lake Rancheria and the Wiyot Tribe recommended approval with no further study provided a note regarding inadvertent discovery is included in the project. If archaeological resources are encountered during construction activities, the contractor will execute Mitigation Measure No. 2. by halting construction and coordinating with a professional archaeologist, who meets the Secretary of the Interior's Standards and Guidelines and appropriate tribes so resources can be evaluated so that there is not a substantial adverse change in the significance of an archaeological resource. The project is not expected to disturb any human remains, including those interred outside of formal cemeteries. However, implementation of Mitigation Measure No. 2 has been included in the event that human remains are accidentally discovered during construction.

**(c) No Impact:** No paleontological, geologic, or physical features are known to exist on the proposed project site; therefore, the project will not directly or indirectly destroy a unique paleontological resource, site, or unique geologic feature.

**Mitigation Measure No. 2.** The following note shall be placed on the Development Plan and carried out through project implementation: "If suspected archaeological resources are encountered during the

project: 1. Stop work within 100 feet of the find; 2. Call a professional archaeologist, the representatives from the Blue Lake Rancheria, Bear River Band of the Rohnerville Rancheria and the Wiyot Tribe, the Calfire project representative (if applicable) and the County Planning and Building Department; 3. The professional historic resource consultant, Tribes and Calfire officials will coordinate and provide an assessment of the find and determine the significance and recommend next steps.

"If human remains are encountered: 1. All work shall stop and per CA Health and Safety Code Section 7050.5: 2. Call the Humboldt County Coroner at (707) 445-7242; 3. The Coroner will determine if the remains are of prehistoric/historic Native American origin. If the remains are Native American Heritage Commission within 24 hours. 5. The NAHC is responsible under CA PRC 5097.98. (a) for identifying the most likely descendent (MLD) immediately and providing contact information. The MLD may, with the permission of the owner of the land, or his or her authorized representative, inspect the site of the discovery of the Native American human remains and may recommend to the owner or the person responsible for the excavation work means for treatment or disposition, with appropriate dignity, of the human remains and any associated grave goods. The descendants shall complete their inspection and make recommendations or preferences for treatment within 48 hours of being granted access to the site."

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

VI. Energy. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?			X	
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?			X	

**Discussion:**

**(a-b) Less Than Significant Impact:** The project will result in short-term energy consumption during the construction phase, with long-term energy consumption associated with the ongoing occupancy of the homes. The construction phase is not anticipated to utilize excessive energy and the homes will be constructed compliant with the energy requirements of Title 24 of the Building Code. Therefore, a less than significant impact will occur.

VII. Geology and Soils. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.		X		
ii) Strong seismic ground shaking?		X		
iii) Seismic-related ground failure, including liquefaction?		X		
iv) Landslides?		X		
b) Result in substantial soil erosion or the loss of topsoil?			X	
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site 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 direct or indirect 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
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				X

**Discussion:**

**(a) Less Than Significant Impact with Mitigation Incorporated:** The Alquist-Priolo Special Studies area is located in the southwestern corner of the parcel. The existing residence is located within this area, however, no new residential development is proposed in this area. In order to comply with the Alquist-Priolo Act, any future residential development would require the preparation of a Fault Evaluation Report. Therefore, the Development Plan will map this area and label it "unbuildable" as well as indicate the requirements for future residential development in this area. This measure is included in Mitigation Measure No. 3. With this mitigation measure the impact will be less than significant.

**(b) Less Than Significant impact:** Any future home construction or road improvements will utilize appropriate Best Management Practices (BMPs) which will prevent soil erosion and loss of topsoil.

**(c) No impact:** The proposed homesite locations are not located on geologic units or soils that are unstable or that will become unstable as a result of the project. The project will not result in the creation of new unstable areas either on or off site due to physical changes in a hill slope affecting mass balance or material strength.

**(d) No Impact:** The project site is not located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994); therefore, the project will not create substantial risks to life or property.

**(e) No Impact:** The project will connect to community sewer provided by the McKinleyville Community Services District.

**(f) No Impact:** There are no known paleontological resources or unique geologic features on site.

**Mitigation Measure No. 3.** The Development Plan shall identify the Alquist-Priolo Special Studies area and label it as "residential development prohibited. Future residential development in this area will require the preparation of a Fault Evaluation Report".

VIII. Greenhouse Gas Emissions. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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) Less Than Significant Impact:** 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 total of five parcels, all suitable for residential development. The eventual residential construction on the vacant lots would contribute temporary, short-term increases in air pollution from equipment usage. Because of the temporary nature of the greenhouse gas contributions, coupled with the modest quantity of emission, the proposed project would not have a significant impact on the environment, nor conflict with applicable plan, policy, or regulation for the purposes of reducing greenhouse gas emissions. Future residential use would emit limited greenhouse gases.

IX. Hazards and Hazardous Materials. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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) Impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan?			X	
g) Expose people or structures, either directly or indirectly to a significant risk of loss, injury or death involving wildland fires?			X	

**Discussion:**

**(a-g) Less Than Significant impact:** The project site is not included on a list of hazardous material sites, nor does the proposed subdivision involve routine transport, use or disposal of hazardous materials. The project site is approximately 1.5 miles from the nearest airport and located outside of any compatibility zone of the California Redwood Coast – Humboldt County Airport. There are no private airstrips within the vicinity of the project site. The site will not result in unanticipated risk to the occupants of the site. The Department finds no evidence that the project will create, or expose people or property to, hazardous materials, or impair implementation of, or physically interfere with, an adopted emergency response plan. The site is within the Arcata Fire Protection District. Future development of the site will require compliance with the Uniform Fire Code and UBC. According to the Fire Hazard map, the parcel is located in a low fire hazard area. Arcata Fire Protection District approved the proposed project. For these reasons, the Planning Division expects that the subdivision will not result in significant impacts in terms of hazardous materials.

X. Hydrology and Water Quality. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?			X	
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?			X	
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner, which would:				
(i) result in substantial erosion or siltation on- or off-site;			X	
(ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;			X	
(iii) 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; or			X	
(iv) impede or redirect flood flows?			X	
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?			X	
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?			X	

**Discussion:**

**(a-e) Less than significant Impact:** The proposed subdivision infills an established development pattern and is consistent with the planned build-out of the area, in terms of both the County's Housing Element, the McKinleyville Area Plan (MCAP), the McKinleyville Community Plan (MCCP) and the recently adopted Humboldt County General Plan 2017. The project site is an area served by community water and sewer. The McKinleyville Community Services District (MCS D) has indicated that it is able to provide water and sewer service to the proposed subdivision upon the payment of the appropriate fees. MCS D has not identified any concerns with regard to the project interfering with groundwater recharge. The Department finds no evidence indicating that the subdivision will violate any water quality or waste discharge standards, or otherwise substantially degrade water quality. According to the Flood Insurance Rate Map, the project site is located in Flood Zone C, which is defined as "areas of minimal flooding", and is outside the 100- and 500-year floodplains. The project site is not within a mapped dam or levee inundation area, and is outside the areas subject to tsunami run-up. The site is at an elevation of approximately 80 feet.

A preliminary drainage report was prepared and reviewed by Public Works and they recommended as a condition of approval that the applicant submit a complete hydraulic report and drainage plan for their approval. The applicant has proposed Low Impact Development techniques to comply with the State Water Board's Phase II Small Municipal Separate Storm Sewer System (MS4) Program. In addition, the project will comply with Section 3310.5 of the McKinleyville Community Plan which

states: "Development shall only be allowed in such a manner that the downstream peak flows will not be increased." No streams, creeks or other waterways will be altered as a result of this subdivision. The Department finds no evidence that the proposed project will result in significant hydrologic or water quality impacts.

XI. Land Use and Planning. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Physically divide an established community?			X	
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?			X	

**Discussion:**

**(a-b) Less Than Significant Impact:** The project site is bisected by the Coastal Zone and is designated Residential Low Density (RL) both by the Humboldt County General Plan 2017 in the inland area and the McKinleyville Area Plan in the coastal area. The parcel is zoned Residential Single-Family with a 20,000 square foot minimum parcel size in both the inland and coastal zones. Single-family residential is a primary and compatible use within both the RL designation (inland) and RE designation (coastal). Single-family residential is principally permitted in the R-1 zoning district (inland) and the RS zoning district (coastal). The neighborhood is characterized as urban residential. The creation of four parcels and a Remainder, suitable for residential development is consistent with the zoning and land use density. The proposed subdivision infills an established development pattern, is consistent with the planned build-out of the area and is consistent with the policies and regulations specified in the McKinleyville Community Plan, McKinleyville Area Plan and the Humboldt County General Plan. There are no habitat conservation or natural community conservation plans proposed or adopted for this area. The Department finds there is no evidence that the project will result in significant adverse impact with regard to land use and planning.

XII. Mineral Resources. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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 and b) No Impact:** On-site soils and geologic resources are not suitable as commodity materials that would be of value to the region or the state. The site is not designated as an important mineral resource recovery site by a local general plan, specific plan, or other land use plan.

XIII. Noise. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			X	
b) Generation of excessive groundborne vibration or ground borne noise levels?			X	
c) For a project located within the vicinity of a private airstrip or 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	

**Discussion:**

**(a) Less Than Significant Impact:** This parcel is located within the Noise Impact combining zone due to the proximity to Highway 101. The parcel begins approximately 400 feet from Highway 101 and the EIR for the McKinleyville Community Plan established a distance of 525 feet from the noise source to be outside the area of concern. Given the proximity to the highway, the McKinleyville Community Plan requires barriers to be installed between the site and prominent noise sources to make the outdoor environment tolerable. Currently, there are numerous homes and landscaping between the subject parcel and the highway that act as a buffer to reduce noise levels to an acceptable level.

**(b) Less Than Significant Impact:** Noises generated by the proposed project will result in a temporary increase during construction because the proposed project may require the use of heavy equipment (excavator, grader, loader and backhoe). The construction does not include equipment that would result in ground borne vibration. These activities are consistent with the current uses at the site and no permanent change in noise from the existing conditions would result from this project.

**(c) Less Than Significant Impact:** The project area is approximately 1.5 miles from the California Redwood Coast – Humboldt County Airport. The site is outside of any compatibility planning area. The noise impacts associated with the airport are not anticipated to be excessive. Therefore, noise impacts will remain less than significant.



XIV. Population and Housing. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Induce substantial unplanned population growth in an area, either directly (e.g., by proposing new homes and/or businesses) or indirectly (e.g., through extension of roads or other infrastructure)?			X	
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?			X	

**Discussion:**

**(a, b) Less Than Significant Impact.** The proposed project divides a parcel into four parcels and a Remainder. Single-family residential uses are primary and compatible uses within the plan designation and zoning district. The subdivision is consistent with the planned density of the area. The Department finds no evidence that the project will result in a significant adverse impact on population and housing.

XV. Public Services. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for 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:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Fire protection?			X	
b) Police protection?			X	
c) Schools?			X	
d) Parks?			X	
e) Other public facilities?			X	

**Discussion:**

**(a-e) Less Than Significant:** The parcels will be accessed via a private road easement off of Eucalyptus Road, a non-County maintained road. The Department of Public Works has recommended improvements to the access road to meet current standards. The Arcata Fire Protection District did not identify any fire protection issues. The Department finds no evidence that the project will result in a significant adverse impact on public services.

XVI. Recreation. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) 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) 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) Less Than Significant Impact:** 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.

XVII. Transportation. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?			X	
b) Would the project conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?			X	
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			X	
d) Result in inadequate emergency access?			X	

**Discussion:**

**(a-d) Less Than Significant Impact:** The property is accessed by Eucalyptus Road, a non-County maintained road. The Land Use Division of Public Works has recommended standard conditions of approval including the improvement of Eucalyptus Road and the private access road. The Department finds there is no evidence that the project will exceed the level of service standard, will result in a change in air traffic patterns, will result in vehicle miles traveled beyond that expected, will result in inadequate emergency access, inadequate access to nearby uses or inadequate parking capacity; or will conflict with adopted policies supporting transportation. The project site is approximately 1.5 miles south of the California Redwood Coast – Humboldt County Airport, the closest airport.

XVIII. Tribal Cultural Resources.	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) 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:				
i) 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	
ii) 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) Less Than Significant Impact:** The project was referred to the Northwest Information Center (NWIC), the Blue Lake Rancheria, the Bear River Band of the Rohnerville Rancheria and the Wiyot Tribe. Although the response from the NWIC recommended a study, further consultation with the Blue Lake Rancheria and the Wiyot Tribe recommended approval with no further study provided a note regarding inadvertent discovery is included in the project. The standard condition of inadvertent discovery has been included as Mitigation Measure No. 2.

XIX. Utilities and Service Systems. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?			X	
b) Have insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?			X	
c) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?			X	

d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?			X	
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?			X	

**Discussion:**

**(a-e) Less than significant:** The Department finds there is no evidence that the project will be inconsistent with the planned build-out of the area or will result in a significant adverse to utilities and service systems. The parcel is not zoned for commercial or industrial uses. The lots will be served by community water and sewer provided by the McKinleyville Community Services District. The Department of Environmental Health has recommended approval of the project. The parcel is relatively flat with all drainage remaining onsite. Given the lack of drainage facilities around the site, the proposed development will be required to retain and infiltrate all runoff generated by the 100-year, 24-hour storm event onsite. Stormwater detention as well as Low Impact Development (LID) techniques will be utilized as part of the improvement plans submitted to Public Works in order to comply with the McKinleyville Community Plan requirement of no increase in downstream flows and the Regional Water Board's MS4 program. The Division of Public Works reviewed the project and did not identify any drainage issues. The applicant will be required to provide a complete hydraulic report and drainage plan. The Department finds the project impact to be less than significant.

<b>XX. Wildfire.</b> If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?			X	
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of wildfire?			X	
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?			X	
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?			X	

**Discussion:**

**(a-d) Less than significant:** The project is located within the Local Responsibility Area (LRA) for fire protection and served by the Arcata Fire Protection District. State responsibility lands are located approximately one mile to the west with the majority of these lands owned and managed by Green Diamond Resource Company. The project is within an urbanized area of McKinleyville and not subject to substantial wildfire risk. The Department finds the project impact to be less than significant.

<b>XXI. Mandatory Findings of Significance:</b>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Does the project have the potential to substantially 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, substantially 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	
<p><b>Discussion:</b>  <b>(a through c) Less Than Significant Impact:</b> The proposed project divides one parcel into four parcels and a Remainder. Staff finds no evidence that the proposed project will significantly degrade the quality of the environment, nor will it have impacts that are individually limited but cumulatively considerable. Based on the project as described in the administrative record, comments from reviewing agencies, a review of the applicable regulations, and discussed herein, the Department finds there is no significant evidence to indicate the proposed project as mitigated will have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly.</p>				

## Biological Resources

**Mitigation Measure No. 1.** The Development Plan shall include the following language: "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."

*Timing for Implementation/Compliance:* Throughout project construction

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

*Monitoring Frequency:* Throughout construction

*Evidence of Compliance:* Visible evidence

## Cultural Resources

**Mitigation Measure No. 2.** The following note shall be placed on the Development Plan and carried out through project implementation: "If suspected archaeological resources are encountered during the project: 1. Stop work within 100 feet of the find; 2. Call a professional archaeologist, the representatives from the Blue Lake Rancheria, Bear River Band of the Rohnerville Rancheria and the Wiyot Tribe, the Calfire project representative (if applicable) and the County Planning and Building Department; 3. The professional historic resource consultant, Tribes and Calfire officials will coordinate and provide an assessment of the find and determine the significance and recommend next steps.

"If human remains are encountered: 1. All work shall stop and per CA Health and Safety Code Section 7050.5: 2. Call the Humboldt County Coroner at (707) 445-7242; 3. The Coroner will determine if the remains are of prehistoric/historic Native American origin. If the remains are Native American Heritage Commission within 24 hours. 5. The NAHC is responsible under CA PRC 5097.98. (a) for identifying the most likely descendent (MLD) immediately and providing contact information. The MLD may, with the permission of the owner of the land, or his or her authorized representative, inspect the site of the discovery of the Native American human remains and may recommend to the owner or the person responsible for the excavation work means for treatment or disposition, with appropriate dignity, of the human remains and any associated grave goods. The descendants shall complete their inspection and make recommendations or preferences for treatment within 48 hours of being granted access to the site."

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

*Timing for Implementation/Compliance:* Throughout project construction

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

*Monitoring Frequency:* Throughout construction

*Evidence of Compliance:* Visible evidence

## Geology and Soils

**Mitigation Measure No. 3.** The Development Plan shall identify the Alquist-Priolo Special Studies area and label it as "residential development prohibited. Future residential development in this area will require the preparation of a Fault Evaluation Report".

*Timing for Implementation/Compliance:* Throughout project construction

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

*Monitoring Frequency:* Throughout construction

*Evidence of Compliance:* Visible evidence

**ATTACHMENT 5**

**REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS**

<b>Referral Agency</b>	<b>Response</b>	<b>Recommendation</b>	<b>Attached</b>	<b>On File</b>
County Building Inspection	X	Approval		X
County Public Works, the Land Use Division	X	Conditional approval (Exhibit A of Attachment 1)	X	
County Public Works, the Land Use Division	X	Memo dated January 18, 2019	X	
County Division of Environmental Health	X	Approval		X
Northwest Information Center	X	Comments		X
Arcata Fire Protection District	X	Approval		X
McKinleyville Community Services District	X	Conditional Approval		X
California Department of Fish and Wildlife				
Wiyot Tribe	X	Conditional Approval		X
Blue Lake Rancheria	X	Conditional Approval		X
Bear River Band of the Rohnerville Rancheria				
PG&E	X	Comments		X





DEPARTMENT OF PUBLIC WORKS  
**C O U N T Y O F H U M B O L D T**

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 445-7389

AVIATION	839-5401	ADMINISTRATION	445-7491	NATURAL RESOURCES	445-7741	LAND USE	445-7205
		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 DIVISION INTEROFFICE MEMORANDUM**

TO: Trevor Estlow, Senior Planner

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

DATE: 01/18/2019

RE: URSEY, APN 510-231-027, APPS# 15181-PMS

**EUCALYPTUS AVENUE:** Section BB shown on the tentative map points the wrong direction and does not show the relationship of the improvements to the right of way lines. It is not known how the roadway will fit in with the existing improvements. The Department recommends that this be addressed prior to the project being presented to the Planning Commission.

**PROPOSED UNNAMED ACCESS ROAD:** The tentative map does not show a curb along the unnamed access road. The Department's subdivision requirements call for a Caltrans Type A2-6 curb and gutter. The curb and gutter will need to have periodic gaps in it to allow water to enter the adjacent infiltration area.

The applicant is proposing permeable pavement for the access road. The applicant may choose to not construct permeable pavement and instead provide additional infiltration areas on the parcels.

**LOW IMPACT DEVELOPMENT (LID):** The subject property is located within the municipal separate storm sewer system (MS4) boundary area. The applicant has not submitted any documentation showing the project has met and can meet MS4 requirements. Due to the size of the lots (0.5 acre), it appears that the subdivision will be able to meet LID requirements.

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

**EXCEPTION REQUEST FOR RIGHT OF WAY WIDTH (UNNAMED ACCESS ROAD):** The Department can support the proposed exception request.

**EXCEPTION REQUEST FOR RIGHT OF WAY WIDTH (EUCALYPTUS ROAD):** The Department can support the proposed exception request to reduce the width of the travel lanes from 11 feet to 10 feet. A dedication of a non-vehicular access strip is not required.

**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.

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