



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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<http://www.humboldt.gov>

Hearing Date: August 18, 2016

To: Robert S. Wall, Humboldt County Zoning Administrator

From: Steve Werner, Supervising Planner

Subject: **Roland Zee Coastal Development and Special Permit Modification**
Application number 9383
Case Numbers CDP-04-94XMXDXXXM/SP-05-87XMXDXXXM
Assessor Parcel Number 400-121-007-000
Manila Area

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Please contact Karen Meynell, Planner II, at (707) 268-3731, or by email at kmeynell@co.humboldt.ca.us if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
August 18, 2016	Coastal Development Permit and Special Permit Modification	Karen Meynell

Project: An extension and modification of a Coastal Development Permit and Special Permit originally approved on July 6, 2006 and modified on March 1, 2007. This is the fifth application to extend the project and the second application to modify the project. The previously approved modification authorized development of a 30-foot tall single-family residence built to a maximum of 1,085 square feet in addition to a maximum of 504 square feet of decking. The modified permit also authorized construction of approximately 320 feet of fencing not over 6 feet in height and an approximately 291 square foot circular observation deck. Subsequently, a Minor Deviation to the plot plan was approved by the Planning Director, pursuant to Section 312-11.1 of the Zoning Regulations, increasing the square footage of the residence to 1,190 and the height to 33 feet.

The proposed modification is to consider allowing the building footprint to be 1,650 square feet, with a total of 2,590 square feet of living space. The Special Permit was required to reduce the wetland setback for placement of the residence. While the square footage of the residence is proposed to increase, the originally-approved 81-foot setback to the wetland will be maintained. Due to the passage of time the biological report for the project has been updated and confirms that the site conditions have not significantly changed since the original survey in 2006. The approximately 3-acre parcel is currently developed with a shed. No trees are proposed to be removed and minimal grading is required for this project. The Manila Community Services District will provide water and sewer services. As part of the project proposal the applicant is voluntarily contributing to the Tsunami Ready Program for the Manila area. If approved, the permit will be valid until August 4, 2017. An Addendum to the Mitigated Negative Declaration of Environmental Impact (SCH# 2006062069) adopted July 6, 2006 had been prepared. A previous addendum to the document was adopted March 1, 2007.

Project Location: The project site is located in the Manila area, at the end of Orange Drive, approximately 420 feet west from the intersection of Orange Drive with Peninsula Drive, on the property known as 425 Orange Drive.

Present Plan Land Use Designations: Residential Estates (RE). Humboldt Bay Area Plan (HBAP). Density: 0 to 2 units per acre. Slope Stability: Moderate and Low Instability (A0;A2). Note: All proposed development is within the low instability area.

Present Zoning: Residential Single Family specifying a minimum lot size of 20,000 square feet, in addition to the Manufactured Home and the Beach/Dune area combining zones (RS-20-M/B).

Case Numbers: CDP 04-94XMXDXXXM, SP 05-87XMXDXXXM

Application Number: 9383

Assessor Parcel Numbers: 400-121-007-000

Applicant
Roland Zee
PO Box 273
Eureka, CA 95502

Owner
Zee Roland & Roxana
PO BOX 273
Eureka, CA 95502

Agent
None

Environmental Review: Yes

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

Major Issues: None

ROLAND ZEE COASTAL DEVELOPMENT PERMIT AND SPECIAL PERMIT MODIFICATION

Case Number: CDP-04-94XMXDXXXM, SP-05-87XMXDXXXM

APN: 400-121-007

Recommended Zoning Administrator Action

1. Describe the application as part of the Consent Agenda;
2. Call for public testimony regarding the agenda item;
3. If no one requests discussion, take the following action:

Make all of the required findings, based on evidence in the staff report, and approve the Roland Zee project on the Consent Agenda subject to the recommended conditions.

4. Close the consent item.

Executive Summary: A modification of a Coastal Development Permit and Special Permit originally approved on July 6, 2006 and modified on March 1, 2007. This is the fifth application to extend the project and the second application to modify the project. Section 312-11.3 of Humboldt County Code allows any number of extensions to be granted, but each extension shall be for no more than a total of two years. The current applicant for two-year extension is valid until final action is taken by the Hearing Officer. Due to changes made in the project after application, the need to send a second round of referrals and the "seasonally appropriate" biological study required, the permit processing timeframe has taken nearly two years. The current two-year extension request would normally extend the permit to August 4, 2016. This pre-dates the project going before the Hearing Officer on August 18, 2016. In short, the two year extension is not long enough. To resolve the issue, Condition of Approval #11 has been applied which will extend the permit validity to August 4, 2017.

The previously approved modification authorized development of a 30-foot tall single-family residence built to a maximum of 1,085 square feet in addition to a maximum of 504 square feet of decking. The modified permit also authorized construction of approximately 320 feet of fencing not over 6 feet in height and an approximately 291 square foot circular observation deck. Subsequently, a Minor Deviation to the plot plan was approved by the Planning Director, pursuant to Section 312-11.1 of the Zoning Regulations, increasing the square footage of the residence to 1,190 and the height to 33 feet.

The proposed modification is to consider allowing the building footprint to be 1,650 square feet, with a total of 2,590 square feet of living space. The Special Permit was required to reduce the wetland setback for placement of the residence. While the square footage of the residence is proposed to increase, the originally-approved 81-foot setback to the wetland will be maintained. Due to the passage of time the biological report for the project has been updated and confirms that the site conditions have not significantly changed since the original survey in 2006.

The approximately 3-acre parcel is currently developed with a shed. No trees are proposed to be removed and minimal grading is required for this project. The Manila Community Services District will provide water and sewer services. As part of the project proposal the applicant is voluntarily contributing to the Tsunami Ready Program for the Manila area. If approved, the permit will be valid until August 4, 2017. An Addendum to the Mitigated Negative Declaration of Environmental Impact (SCH# 2006062069) adopted July 6, 2006 had been prepared. A previous addendum to the document was adopted March 1, 2007.

The parcel is located at the terminus of Orange Drive in the Manila area. Orange drive is an unimproved road serving six parcels. The road is not maintained by the county. The area is zoned

Residential Estates. Orange drive is developed with single family residences built in a variety of styles. The project is in a Beach and Dunes Combining zone and there are dune and wetland habitats at the site. As required by the California Environmental Quality Act, the draft Mitigated Negative Declaration (2006) and two addendums (2007 and 2016) prepared by the Planning Division (Attachment 4) evaluated impacts and describe mitigation measures for those impacts identified in the Initial Study as potentially significant unless mitigation incorporated. Based on a site inspection, information in the application, and a review of relevant references in the Department, staff has determined that the mitigation measures identified within the Mitigated Negative Declaration will decrease the level of impact the project would have upon the environment below the level of "significant." The environmental document on file in the Department includes a detailed discussion of all relevant issues.

This parcel, as well as all others on the Samoa Peninsula, are shown on the Planning Scenario for a Great Earthquake on the Cascadia Subduction Zone (CSZ, CDMG, 1995, Map S-1) as being within the zone of potential inundation by a tsunami. The scenario earthquake is assumed to generate a local tsunami that will arrive just minutes after the earthquake occurs. Strong shaking should be taken as a warning of a potential tsunami, and individuals should immediately move to higher ground. Much of Manila lies east of a 1.5 mile long by 300 foot wide ridge of wooded dunes which may afford refuge from a potential tsunami; however, the degree of protection for individual properties is unknown and direct and indirect effects of tsunami run-up (e.g., flooding, wave and debris impacts, and access disruption) could result in significant adverse impacts to persons and property. Studies prepared for the Samoa Town Master Plan EIR show that relative risk is greatest for lands at or below the 30 foot elevation above mean sea level (msl). To mitigate for these impacts, the National Weather Service and the County Office of Emergency Services (OES) are working to establish an active warning system and evacuation plans for tsunami hazard areas, including Manila. As part of the project proposal, the applicant is voluntarily contributing to the Tsunami Ready Program Fund administered through OES.

The project is consistent with the Humboldt County Framework Plan, the Humboldt Bay Area Plan, and the Humboldt County Zoning Code (H.C.C.) for the following reasons: 1) the project is for the construction of a single family residence and accessory structure which is principally permitted on a vacant lot; 2) the proposed development complies with all development standards of the zone, and 3) the proposed residence will not have any adverse impacts on the neighborhood or the environment

Based on the on-site inspection, a review of Planning Division reference sources, and comments from all involved referral agencies, Planning staff believes that the applicant has submitted evidence in support of making all of the required findings for approving the Coastal Development Permit and Special Permit Modification.

Alternatives: Several alternatives may be considered: 1) The Zoning Administrator could elect not to hear this item and put the decision making in front of the Planning Commission. Any decision to place this matter before the Planning Commission must be done before opening the public hearing on this project; 2) The Zoning Administrator could elect to add or delete conditions of approval; 3) The Zoning Administrator could deny approval of the requested permits if unable to make all of the required findings. Planning Division staff is confident that the required findings can be made based on the submitted evidence and subject to the recommended conditions of approval. Consequently, planning staff does not recommend further consideration of these alternatives.

**RESOLUTION OF THE ZONING ADMINISTRATOR
OF THE COUNTY OF HUMBOLDT
Resolution Number 16-**

**CASE NUMBER CDP-04-94XMXDXXXM, SP-05-87XMXDXXXM
ASSESSOR PARCEL NUMBER: 400-121-007**

MAKING THE REQUIRED FINDINGS FOR CERTIFYING COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND CONDITIONALLY APPROVING THE ZEE COASTAL DEVELOPMENT PERMIT AND SPECIAL PERMIT MODIFICATION

WHEREAS, Roland Zee submitted an application and evidence in support of approving a Coastal Development Permit and Special Permit Modification for the development of the parcel with a single family residence, observation deck and fencing; 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 project is subject to environmental review pursuant to the California Environmental Quality Act (CEQA); and

WHEREAS, the County Planning Division prepared an Addendum to the adopted Mitigated Negative Declaration, included as Attachment 4, which indicates that the project meets all requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15074 of the Public Resources Code; 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 Coastal Development Permit and Special Permit Modification (Case Numbers CDP-04-94XMXDXXXM and SP-05-87XMXDXXXM).

NOW, THEREFORE, be it resolved, determined, and ordered by the Zoning Administrator that:

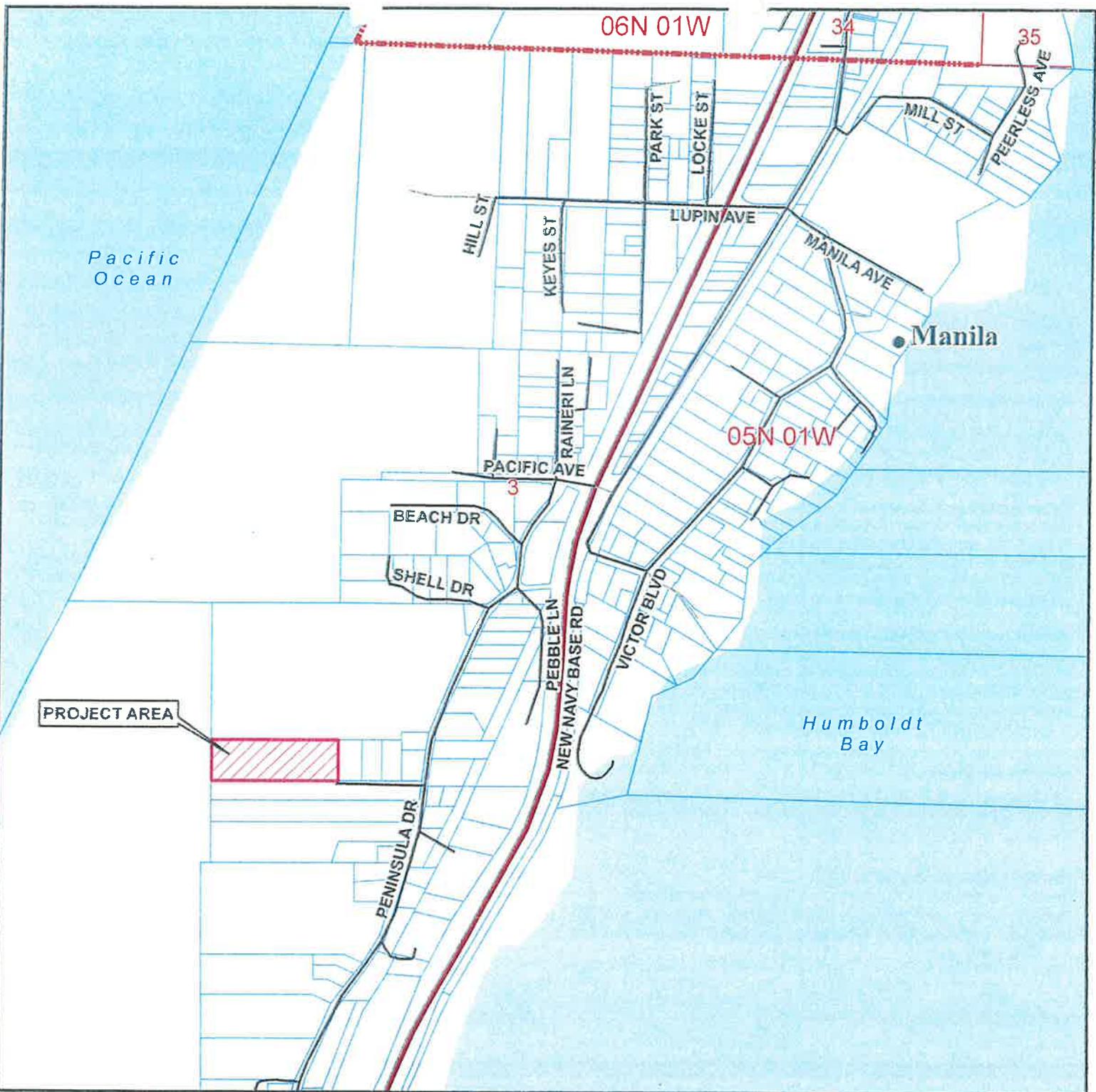
1. The Zoning Administrator approves the proposed Addendum to the adopted Mitigated Negative Declaration in Attachment 4, as required by Section 15074(b) of the CEQA guidelines, and finds that there is no substantial evidence that the proposed project will have a significant effect on the environment; and
2. The Zoning Administrator makes the findings in Attachment 2 of the Planning Division staff report for Case No.: CDP-04-94XMXDXXXM and SP-05-87XMXDXXXM based on the submitted evidence; and
3. The Zoning Administrator conditionally approves the proposed Coastal Development Permit and Special Permit Modification as recommended in the Planning Division staff report for Case Nos.: CDP-04-94XMXDXXXM and SP-05-87XMXDXXXM.

Adopted after review and consideration of all the evidence on _____.

Robert S. Wall
Zoning Administrator
Planning and Building Department

I, Suzanne Hegler, Clerk to the Zoning Administrator of the Planning and Building Department of the County of Humboldt, do hereby certify the foregoing to be a true and correct record of the action taken on the entitled matter by said Zoning Administrator at a meeting held on the date noted above.

Suzanne Hegler, Clerk



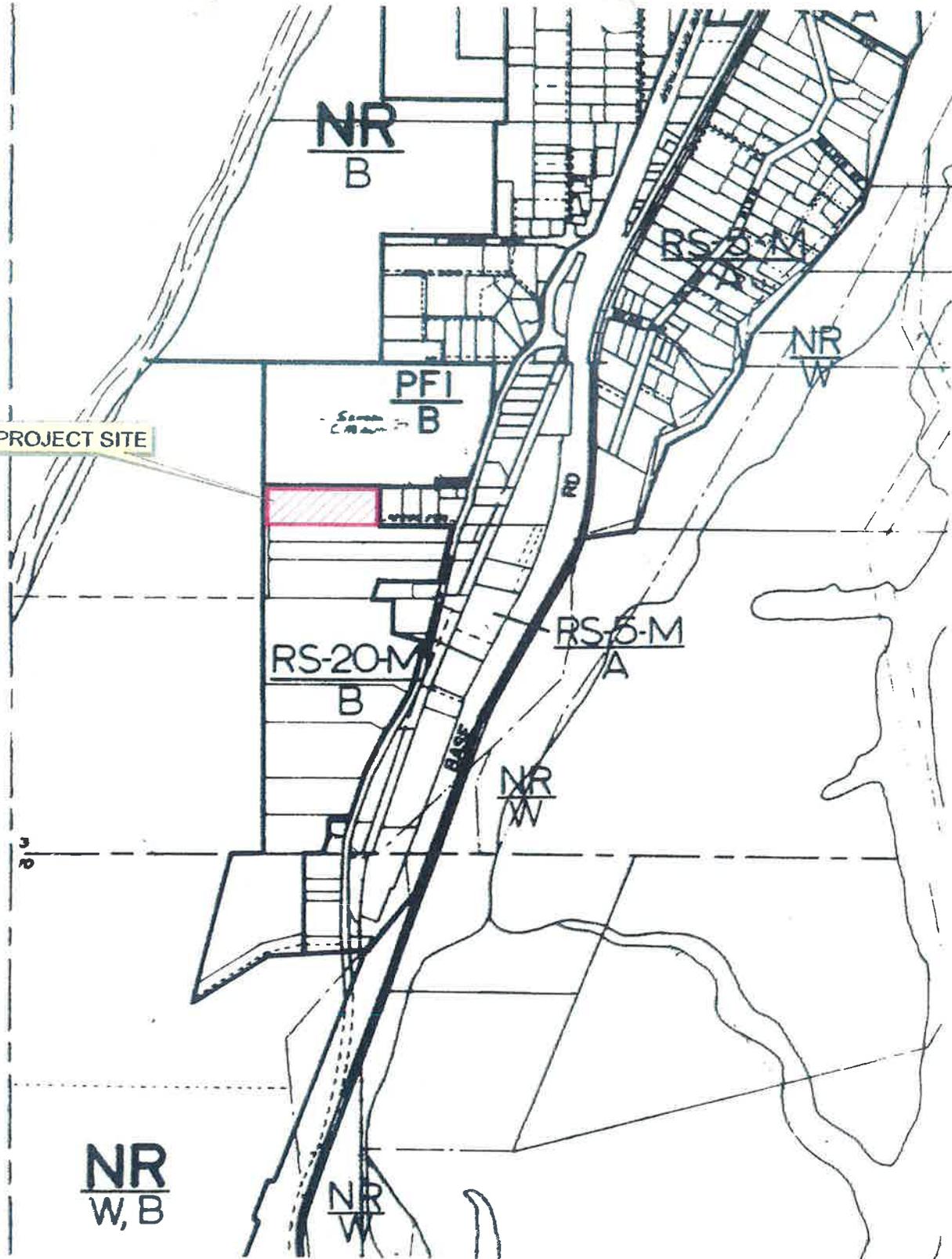
LOCATION MAP
PROPOSED ZEE
COASTAL DEVELOPMENT PERMIT &
SPECIAL PERMIT EXTENSION
MANILA AREA
CDP-04-94-XXXXX/SP-05-87XXXXX
APN: 400-121-007
T05N R01W S03 HB&M (Eureka)

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.



PROJECT SITE



ZONING MAP

**PROPOSED ZEE
 COASTAL DEVELOPMENT PERMIT &
 SPECIAL PERMIT EXTENSION
 MANILA AREA
 CDP-04-94-XXXXX/SP-05-87XXXXX
 APN: 400-121-007
 T05N R01W S03 HB&M (Eureka)**

PROJECT AREA = 



MAP NOT TO SCALE



AERIAL MAP

**PROPOSED ZEE
COASTAL DEVELOPMENT PERMIT &
SPECIAL PERMIT EXTENSION
MANILA AREA**

CDP-04-94-XXXXX/SP-05-87XXXXX

APN: 400-121-007

T05N R01W S03 HB&M (Eureka)

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.





TOPO MAP

**PROPOSED ZEE
COASTAL DEVELOPMENT PERMIT &
SPECIAL PERMIT EXTENSION
MANILA AREA**

CDP-04-94-XXXXX/SP-05-87XXXXX

APN: 400-121-007

T05N R01W S03 HB&M (Eureka)

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.



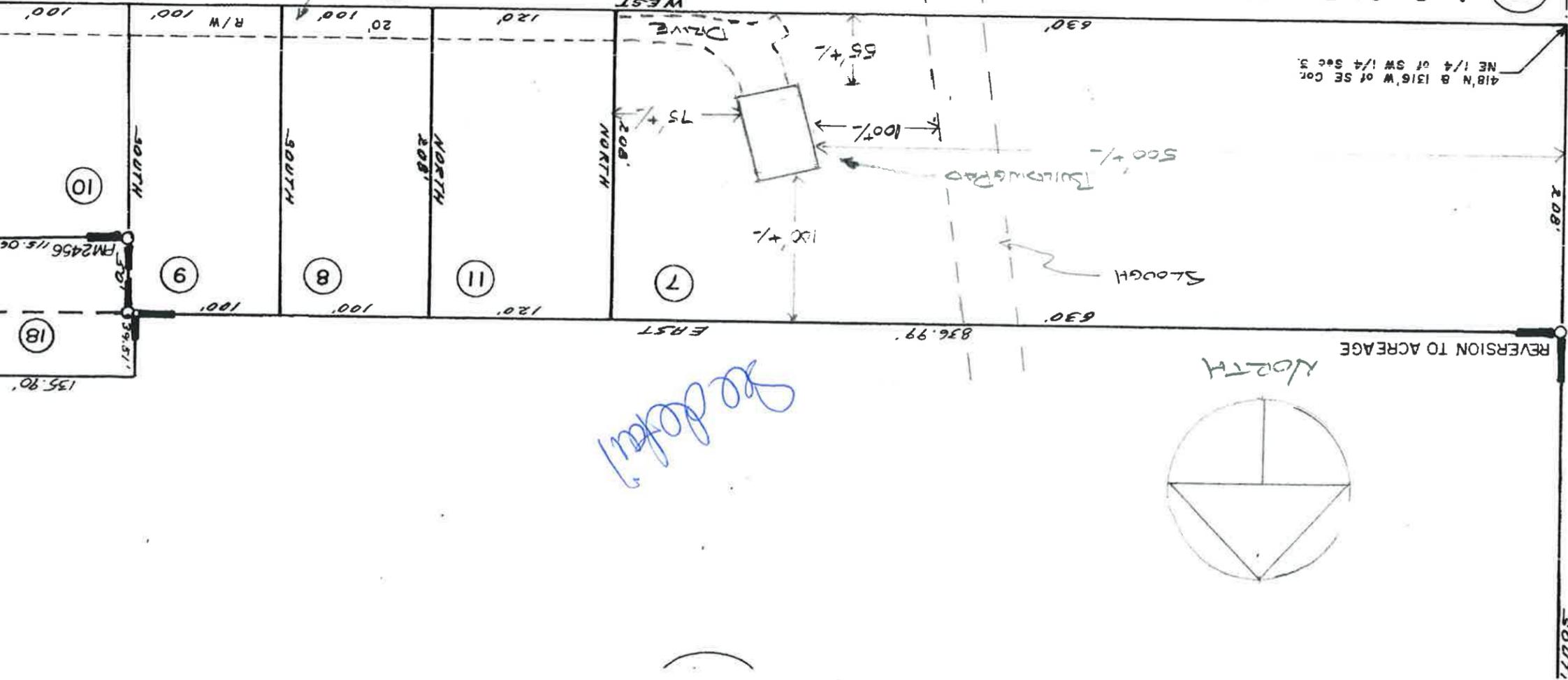
Assessor's
County of

11

PENINSULA

526'

53'



ORANGE AVE.

13

10

9

8

11

7

18

L.S. 21 Pg. 27

13

16

418' N. & 1316' W. of SE COR.
NE 1/4 of SW 1/4 Sec 3.

500 +/-

BUILDING PAD

100 +/-

55 +/-

208'

NORTH

208'

NORTH

208'

NORTH

208'

NORTH

208'

NORTH

FM 2456 1/5.05'

122'

39.51'

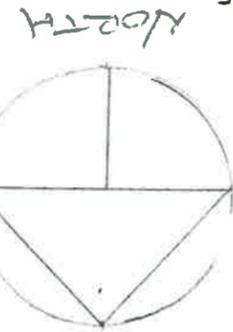
135.90'

40'

103.01'

132.62'

850' x



REVERSION TO ACREAGE

SOUTH

SLOUGH

See Detail

SLOUGH AREA TO BE
LEFT UNDISTURBED
MIN. SETBACK 81'

SITE PLAN, LOCATION MAP

NO SCALE

ZEE HOUSE, AP# 400-121-007 ORANGE AVE. MARIETTA

PROPOSED SINGLE FAMILY RESIDENCE

2278[#] 252, 2 1/2[#] 25A, 69[#] GARAGE, 26[#] DECK

CONTRACTOR: WEST END BUILDERS INC.

5075 FORESTWAY, ALICATA GA 95521

767-822-2112, LIC# G99035

ATTACHMENT 1
RECOMMENDED CONDITIONS OF APPROVAL

Approval of the Coastal Development Permit and Special Permit Modification is conditioned upon the following terms and requirements which must be fulfilled before work is initiated. The original Conditions of Approval with corrective updates are below:

1. Applicant shall submit verification of connection to community water and sewer from the Manila Community Services District prior to occupancy of the structure.
2. Four (4) non-tandem, independently accessible parking spaces, outside of the front yard setback, shall be constructed on-site before a "final" is issued for the building permit. This requirement shall be clearly identified on the plot plan submitted for the building permit.
3. Driveway access shall be improved with a surface of gravel or better in order to support a 58,000 pound fire apparatus and shall be maintained for the life of the project.
4. All portions of the residence must be within 150 feet of access road.
5. The applicant shall provide two (2) copies of a site mitigation plan to be approved by the Planning Director in consultation with the California Department of Fish and Wildlife. The plan shall identify a qualified specialist who will monitor construction activities to insure that the following mitigation measures have been incorporated:
 - Recommendations contained in the geologic evaluation;
 - Minimized disturbances to vegetated dunes;
 - Planting of native trees to increase the vegetation buffer of the slough wetland areas;
 - Exterior lighting is not illuminating the dune areas beyond the site improvement;

The plan shall also contain a provision for a report to be filed with the Planning Division after completion of each construction phase stating that the work has been performed in compliance with the mitigation plan. Approval of this report by the Planning Division shall satisfy this requirement.

6. Within five (5) days of the effective date of the approval of this permit, the applicant shall submit a check to the Planning Division in the amount of \$50.00 (document handling fee) pursuant to Section 711.4 of the Fish and Game Code.
7. The applicant shall make an irrevocable Offer to Dedicate to the County of Humboldt for public use the portions of the Peninsula Drive trail as depicted in Attachment 6 consistent with Section 313-95.1 of the Coastal Zoning Regulations. In order to allow for pedestrian and equestrian use, the easement may have a width of 20 feet.
8. All recommendations in the R-2 Engineering and Geologic Report (LACO Associates, 2005) shall be followed to the satisfaction of the Building Inspections Division.
9. This parcel, as well as all others in the Manila area, are shown on the Planning Scenario for a Great Earthquake on the Cascadia Subduction Zone (CSZ, CDMG, 1995, Map S-1) as being within the zone of potential inundation by a tsunami. As part of the project proposal, the applicant is voluntarily contributing to the Tsunami Ready Program Fund for the Manila area. Evidence of applicant's contribution to the Tsunami Ready Fund administered by the County Office of Emergency Services (OES) and the National Weather Service shall be provided prior to building permit issuance. Use of the funds shall include but not be limited

to installation of an active warning system (i.e., warning sirens) or for other Tsunami Ready activities such as tsunami education, identification of evacuation routes, and signage.

10. The applicant shall submit an engineering report/letter demonstrating compliance with the following mandatory mitigation measures for development in Coastal Wetland Buffer areas: 1) the release rate of stormwater shall not exceed natural rate for runoff for a 50 year storm of 10 minute duration; 2) stormwater outfalls to be dissipated; and 3) development to minimize cut and fill and provide erosion/sediment controls. This requirement shall be clearly identified on the plot plan submitted for the building permit.
11. **The applicant filed a request for a two-year extension in 2014. The two year extension period would have extended the permit to August 4, 2016. Per HCC Section 312-11.3.1, the application extends the permit until final action is taken by the hearing officer. Due to the lengthy processing time for this project (due to project changes and seasonal biological reports required) this modification will make the current permit valid for a period of three years ending on August 4, 2017.**

On-going Requirements/Development Restrictions Which Must Continue to be Satisfied for the Life of the Project:

1. All new and existing outdoor lighting shall be compatible with the existing setting and directed within the property boundaries. Exterior lighting shall be shielded so as to not illuminate the dune areas beyond the site improvement.
2. Where feasible, new utilities shall be underground or sited unobtrusively if above ground.

Informational Notes:

1. If cultural resources are encountered during construction activities, the contractor on site shall cease all work in the immediate area and within a 50 foot buffer of the discovery location. A qualified archaeologist as well as the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

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

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

2. The applicant is responsible for receiving all necessary permits and/or approvals from other state and local agencies.

3. This permit shall expire and become null and void at the expiration of **August 4, 2017** (see Condition 11 above); except where construction under a valid building permit or use in reliance on the permit has commenced prior to such anniversary date. The period within which construction or use must be commenced may be extended as provided by Section 312-11.3 of the Humboldt County Code.
4. The January 1, 2004 document, "Project Review Input Basic to All Development Projects" is considered part of any input from the California Department of Forestry and Fire Protection (CDF) regarding this project. CDF suggests that the applicant have access to that document's input at the earliest contact possible. Handouts which describe that document are available from the Planning Division.
5. NEW DEVELOPMENT TO REQUIRE PERMIT. Any new development as defined by Section 313-139 of the Humboldt County Code (H.C.C.), shall require a coastal development permit or permit modification, except for Minor Deviations from the Plot Plan as provided under Section 312-11.1 of the Zoning Regulations.
6. Nothing in this permit shall be construed to constitute a waiver of any public rights established through use which may exist on the parcel itself or on the designated easement.
7. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant after the decision. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.

ATTACHMENT 2
Staff Analysis of the Evidence Supporting the Required Findings

Required Findings: To approve this project, the Hearing Officer must determine that the applicant has submitted evidence in support of making **all** of the following required findings.

The Zoning Ordinance, Section 312-17.1 of the Humboldt County Code (Required Findings for All Discretionary Permits) 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;
3. The proposed development conforms with all applicable standards and requirements of these regulations; and
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 property 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 (the mid point of the density range specified in the plan designation) unless the following written findings are made supported by substantial evidence: 1) the reduction is consistent with the adopted general plan including the housing element; and 2) the remaining sites identified in the housing element are adequate to accommodate the County share of the regional housing need; and 3) the property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions of the site has been maximized.
6. 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. The project either:
 - a) is categorically or statutorily exempt; or
 - b) has no substantial evidence that the project will have a significant effect on the environment and a negative declaration has been prepared; or
 - c) has had an environmental impact report (EIR) 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.

1. General Plan Consistency: The following table identifies the evidence which supports finding that the proposed development is in conformance with all applicable policies and standards in the Framework Plan (FP) and the Humboldt Bay Area Plan (HBAP).

Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Land Use §4.10 (HBAP)	Residential Estates: Residential Development with limited density. Density: 0-2 units per acre.	The proposed project is for the development of a single-family residence on a vacant lot. The modification increases the footprint of the residence from 1,190 square feet to 1,650 square feet with 291 square feet of deck and 291 square foot observation deck.
Housing §3.16 (HBAP)	New housing in the Coastal Zone shall be consistent with the standards, policies, and goals of the Humboldt County Housing Element.	The project meets the goals and policies of the Housing Element because it adds one additional home to the housing inventory.

<p>Hazards (HBAP)</p>	<p>§3.17 Minimize risks to life and property in areas of high geologic, flood, and fire hazard.</p>	<p>Based on County hazard maps, the property is located in an area of no fire hazard risk. It is in an area of moderate to low geologic instability. The development is to occur in the area of low geologic instability. A geologic report has been submitted and the recommendations of this report have been incorporated into the conditions of approval for this project. The project site is located in an area of minimal flooding (per FIRM Map # 060060 0775C). All referral agencies have reviewed the proposed project and recommended approval.</p> <p>The parcel is located in an area of potential tsunami hazard. Although it is not within the 100 year tsunami run-up elevation described in <u>Tsunami Predictions for the West Coast of the Continental United States</u>, it is shown on the Planning Scenario for a Great Earthquake on the Cascadia Subduction Zone (CSZ, CDMG, 1995, Map S-1) as being within the zone of potential inundation by a tsunami. This parcel, as well as all others on the Samoa Peninsula, are shown on the Planning Scenario for a Great Earthquake on the Cascadia Subduction Zone (CSZ, CDMG, 1995, Map S-1) as being within the zone of potential inundation by a tsunami. The scenario earthquake is assumed to generate a local tsunami that will arrive just minutes after the earthquake occurs. Strong shaking should be taken as a warning of a potential tsunami, and individuals should immediately move to higher ground. Much of Manila lies east of the 1.5 mile long by 300 foot wide ridge of wooded dunes which may afford refuge from a potential tsunami; however, the degree of protection for individual properties is unknown and direct and indirect effects of tsunami run-up (e.g., flooding, wave and debris impacts, and access disruption) could result in significant adverse impacts to persons and property. Studies prepared for the Samoa Town Master Plan EIR show that relative risk is greatest for lands at or below the 30 foot elevation above mean sea level (msl). To mitigate for these impacts, the National Weather Service and the County Office of Emergency Services (OES) are working to establish an active warning system and evacuation plans for tsunami hazard areas, including Manila. As part of the project proposal, the applicant is voluntarily contributing to the Tsunami Ready Program Fund administered through OES.</p>
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<p>Biological Resource §3.30 (HBAP)</p>	<p>Protect designated sensitive and critical resource habitats.</p>	<p>There are established and stable wetlands in the project area. The project area falls within the 100 foot wetland buffer. A biological report has been prepared and found that although development is proposed within the buffer there will not be a negative impact on the wetland resource due to the character of the wetlands and the small scale of the proposed development. Although the footprint of the residence is proposed to increase, the originally approved 81-foot setback to the wetland will be maintained. Due to the passage of time the biological report for the project has been updated and confirms that the site conditions have not significantly change since the original survey in 2006. There are no known species of special concern located on the project site. An Addendum to the Mitigated Negative Declaration has been prepared as part of this project.</p>
<p>Archaeological and Paleontological Resources §3.18 (HBAP)</p>	<p>Protect cultural, archeological and paleontological resources.</p>	<p>The North Coast Information Center (NCIC) was referred for original permit. For this modification the Bear River Band of the Rohnerville Rancheria and the Blue Lake Rancheria were referred. Previous site visits by the tribal representatives did not indicate the presence of cultural resources. An informational note has been added to the conditions for this project in case of the unlikely event that archaeological resources are uncovered during construction activities. The informational note requires work to be stopped and a qualified archeologist be contacted.</p>
<p>Visual Resource §3.40 (HBAP)</p>	<p>Protect and conserve scenic and visual qualities of coastal areas.</p>	<p>The subject parcel is not located within a designated coastal view/scenic area on any County land use maps.</p>

<p>Access 3.50 (HBAP)</p>	<p>New development shall not interfere with the public's right of access to the shoreline.</p>	<p>Two segments of Peninsula Drive trail bisect the subject property. This trail extends northwest from Peninsula Drive into the dunes area. It crosses several parcels of private property. This trail falls under the provisions of the Coast Act pertaining to access established through public use; no recorded easement currently exists. Although this access was originally deleted from the Humboldt Bay Area Plan, the access was reinstated in the Access Inventory with adoption of the Beach and Dune Management Plan amendments in 1994, with the recommendation to <i>"Develop a pedestrian/equestrian trail with additional signing and interpretative improvements."</i> The applicant is willing to make an irrevocable Offer to Dedicate an easement for public access across the property where a commonly used trail already exists. (See Attachment 6 air photo).</p>
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2. The proposed development is consistent with the purposes of the existing zone in which the site is located; and 3. The proposed development conforms with all applicable standards and requirements of these regulations. 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 Coastal Zoning Regulations.

Zoning Section	Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
§313-6.1 Residential Single Family	Single family residential use is principally permitted.	A single family residence is proposed.
Min. Lot Size	20,000 square feet	Approximately 3 acres
Min. Lot Width	75 feet	Approximately 208 feet
Max. Density	One dwelling unit per lot or two dwelling units per lot with approval of a Special Permit.	The project is for the development of a single family residence on a vacant lot.
Max. Lot Depth	3 x 208 feet = 642 feet	Approximately 630 feet
Yard Setbacks	Front: 20 feet Rear: 10 feet Interior Side: 5 feet Exterior Side: 20 feet or 10 feet if the main building is at least 25 feet from the rear lot line.	Front: ± 75 feet Rear: ± 500 feet Interior Side: ± 100 feet Exterior Side: ± 55 feet
Max. Lot Coverage	35%	Less than 1 %
Max. Bldg. Height	35 feet	30 feet maximum
Parking §313-109.1	Four (4) off-street parking spaces required, or two (2) on-site and the development of a parking lane along the frontage of the lot.	Four (4) on-site parking spaces are indicated on the revised plot plan.
§313-28.1 Manufactured Homes Combining Zone		
To allow manufactured homes as permitted building types.		A manufactured home is not proposed.

§313-17.1 Beach and Dune Area Combining Zone

Protect beach and dune areas to ensure that development will not detract from the areas natural resource value or the potential for recreational opportunities.

The biological report that was prepared indicates that the proposed development will not adversely impact the natural resources of the area. **Due to the passage of time the biological report for the project has been updated and confirms that the site conditions have not significantly change since the original survey in 2006.** The applicant is willing to make an irrevocable Offer to Dedicate an easement for public access across the property where a commonly used trail already exists (A portion of the Peninsula Drive Trail, see attached air photo). With the Offer to Dedicate this access, the proposed development will not result in a loss of potential recreation opportunities.

Zoning Section	Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
§313-125 Coastal Wetland Buffer Areas	<p>To ensure that development permitted in land adjacent to coastal wetlands will not degrade the wetland or detract from its natural resource value, and will incorporate such features into the development site design to minimize impacts on wetland areas</p> <p>Required mitigation for development in wetland buffer:</p> <ul style="list-style-type: none"> • coverage to be less than 25% of lot area • release rate of stormwater to not exceed natural rate for runoff for a 50 year storm of 10 minute duration • stormwater outfalls to be dissipated • areas disturbed during construction to be promptly replanted • development to minimize cut and fill and provide erosion/sediment controls 	<p>The property is located between the Pacific Ocean and Humboldt Bay. The elevation of the proposed project site is 30 feet at the location of the proposed residence and 40 feet at the proposed location of the observation deck. The required wetland buffer is 100'.</p> <p>According to the biological report (LBJ Enterprises 2006 and updated 2016), the observation deck will be sited 102 feet from the wetland and does not require a reduction to the wetland buffer. The proposed location of the residence will require a reduction of the wetland buffer to 81 feet. The proposed increase in building floor area will not reduce this buffer setback.</p> <p>The project will not exceed 25% lot coverage; coverage will be less than 1%.</p> <p>The site has established and stable wetland areas. The slough marked on the plot plan has a vegetation buffer between it and the proposed residence that will be left undisturbed. There should not be a significant increase in the natural rate of runoff on the site.</p> <p>The impact from the proposed development will be limited because of the modest size of the residence and observation deck. No trees will be removed and minimal grading is required for the project.</p> <p>As an additional measure the applicant will plant native trees on the edge of the slough to enhance the buffer vegetation and further protect the wetland from foot traffic, building and residential activities.</p> <p>Based on the above, the Department finds that the project will be consistent with the provisions for development in wetland buffer areas.</p>

Zoning Ordinance Sections	Summary of Applicable Requirement	Evidence Which Supports Making the Zoning Compliance Finding
§313-95.3 Access Protection	Where there is substantial evidence of historic public use of the accessway, the proposed development shall be sited and designed so as not to block or interfere with the use of such accessway or an equivalent access shall be provided, including the dedication of an easement.	<p>The applicant will offer to dedicate one branch of the Peninsula Drive Trail that goes through the property (See Attachment 6 Air Photo). Another branch, which appears to cross the property to meet up with trails that lead to the Manila Community Center, will not be offered through dedication. Although no offer of dedication will be made, this permit does not allow for any development that would prevent access.</p> <p>The applicant has expressed an interest in restoring dune habitat along the branch of the trail that will not be dedicated. Any management strategy that would limit the use of the trail including signage would need to be considered under a modification to this permit.</p>
§312-39.2 Public Access	Dedication of Public access Required by the Coastal Land Use Plan. Protect Coastal Access ways with substantial evidence of historic public use.	<p>The applicant is willing to make an irrevocable offer to dedicate the most heavily used branch of the Peninsula Drive Trail. This trail is on the access inventory of the Humboldt Bay Area Plan.</p> <p>The more lightly used branch of the Peninsula Drive Trail will not be dedicated as an easement. However, this permit does not allow any development that would obstruct use of this branch of the trail. Any development that would restrict the use of this portion of the trail would need to be considered under a modification to this permit.</p> <p>The Orange Drive Trail, which also crosses the property, has been deleted from the access inventory due to potential conflicts with sensitive dune habitat areas, and the presence of adequate access nearby. The wetland review submitted with this application confirms that wetlands are in the general vicinity of this trail. The</p>

		<p>Humboldt Bay Area Plan does not require that this access be secured, and no offer to dedicate is proposed.</p> <p>The following Informational Note has been added to the Conditions of Approval: "Nothing in this permit shall be construed to constitute a waiver of any public rights established through use which may exist on the parcel itself or on the designated easement."</p>
<p>§312-39.15 Supplemental Impact Findings - Coastal Wetland Buffers</p>	<p>Development will be sited and designed to prevent impacts which would significantly degrade wetland habitat area, and shall be compatible with the continuance of such habitat areas</p> <p>The biological productivity and quality of coastal waters, streams, wetlands, estuaries and lakes appropriate to maintain optimum populations of marine organisms shall be maintained, and where feasible, restored.</p>	<p>Although the proposed location of the residence is within the wetland buffer, it is situated in such a way to minimize potential impacts. The home will be sited in a fairly level grassy area. The area has been disturbed in the past, and currently is not supporting native species. The location is near the access road will not require intrusion or construction into a wetland.</p> <p>With the inclusion of the Wetland Buffer Mitigation per Section 313-125 (see above) and the recommendations in the biological report, it is believed that the construction of a single family residence will have no adverse impact on the quality of the wetland.</p>

4. Public Health, Safety and Welfare, and 6. Environmental Impact: The following table identifies the evidence which supports finding that the proposed development will not be detrimental to the public health, safety and welfare or materially injurious to properties or improvements in the vicinity, and will not adversely impact the environment.

Code Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
§312-17.1.4	The proposed development will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.	All reviewing referral agencies have approved the proposed development. As conditioned, the project is consistent with the general plan and zoning ordinances and the project will not cause significant environmental damage. All utilities are available to the site and all parking is provided on-site. The proposed structure will be compatible with the immediate neighborhood in terms of building size, height and design.
CEQA	Environmental review is required.	As lead agency, the Department prepared and noticed the Mitigated Negative Declaration for the original project. An Addendum to the Mitigated Negative Declaration (SCH# 2006062069) adopted July 6, 2006 has been prepared. A previous addendum to the document was adopted March 1, 2007. The initial study evaluated the project for any adverse effects on fish and wildlife resources. Based on the 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 fish and wildlife resources or the habitat upon which wildlife depends. The environmental document on file includes a detailed discussion of all relevant environmental issues. Staff has also determined that the project, as approved and conditioned, will not result in a change to any of the resources listed in subsections (A) through (G) of Section 753.5(d) of the California Code of Regulations [Title 14, Chapter 4]. Therefore, staff is supportive of a <i>de minimis</i> finding regarding the waiver of environmental review fees

		<p>subject to Section 711.4 of the Fish and Game Code. The Department will file a "Certificate of Fee Exemption" with the County Clerk pursuant to Section 753.5(c) of the California Code of Regulations. The \$50.00 document handling fee required by the statute will be paid by the applicant.</p> <p>NOTE: An addendum to the adopted Mitigated Negative Declaration has been prepared. There are no significant changes to the project that would result in adverse impacts not already discussed in the adopted Mitigated Negative Declaration.</p>
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5. Residential Density Target: The following table identifies the evidence which supports finding that the proposed project will not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.

Code Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
312-17.1.5 Housing Element Densities	The proposed development shall not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law (the midpoint of the density range specified in the plan designation), except where: 1) the reduction is consistent with the adopted general plan including the housing element; and 2) the remaining sites identified in the housing element are adequate to accommodate the County share of the regional housing need; and 3) the property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions of the site has been maximized.	The parcel is currently planned and zoned for residential uses and the proposed project will allow for construction of the single family residence. The parcel was included in the 2014 Housing Inventory used to determine compliance with Housing Element law. Therefore, the project is in conformance with the standards in the Housing Element.

ATTACHMENT 3
Applicant's Evidence In Support of the Required Findings

Attachment 3 includes a listing of all written evidence which has been submitted by the applicant in support of making the required findings. Except where otherwise noted, the following materials are on file with the Planning Division:

1. Application Form [in file]
2. Plot Plan [attached]
3. Elevations [in file]
4. Floor Plans [in file]
5. Soils Report [in file]
6. Updates 2016 Biological Report [attached]

BOTANICAL REVIEW
FOR THE ZEE PROPERTY, 425 ORANGE DRIVE, MANILA,
HUMBOLDT COUNTY, CA
A.P.N. 400-121-007

Prepared by Robert W. Hewitt
LBJ Enterprises, 3144 Broadway #114, Eureka, CA 95501
May 2016



INTRODUCTION

The property is a three acre parcel owned by Roland Zee, and it is located west of Highway 255, off Peninsula Drive in Manila, Humboldt County, California. A recent wetland and botanical review of the project site (A.P.N. 400-121-007) was conducted by LBJ Enterprises on April 11, 2016. Wetlands biologist Robert Hewitt accompanied the botanist Joseph Saler. Mr. Hewitt is familiar with the site as he reviewed the location in 2006 for the previous landowner. The proposed development is a "single-family residence." This parcel has been principally permitted as residential by the Humboldt County Planning Department. The landowner is applying for the county planning permit as a prerequisite for a building permit. This additional botanical review is importantly re-checking the site during the appropriate blooming periods for R,T&E plant species.

LOCATION and SETTING

The property is located in USGS 7.5' Eureka Quadrangle in the southwest corner of Section 3, Township SN, Range 1W at 425 Orange Drive in Manila, Humboldt County, California (Figure 1). The elevation of the project site is approximately 20 feet at the proposed residence.

The biogeographic location can be described, following *The Jepson Manual* (Hickman 1993), within a three-tiered hierarchy of province, region, and subregion. Thus the plan area lies within the California Floristic Province, the Northwestern California region, and the North Coast Ranges subregion. The North Coast Ranges subregion is characterized by "truly coastal communities: coastal prairie predominates, along with coastal marsh, closed-cone-pine/cypress forest, and grand fir/Sitka-spruce forest" (Hickman 1993).

The vegetation consists predominantly of shore pine (*Pinus contorta* var. *contorta*), willows (*Salix* sp.), California blackberry (*Rubus ursinus*), and silk tassel (*Garrya elliptica*). The slough is located to the west of the proposed building site with more extensive wetlands on the back dunes to the south.

HUMBOLDT COUNTY GENERAL PLAN

The Humboldt County General Plan defines Streamside Management Areas (Chapter 3, Section 3432.5.A), the outer boundary of which is 100 feet measured as the horizontal distance from the stream transition line on either side of perennial streams, and 50 feet on either side of intermittent streams. The purpose of the Streamside Management Area (SMA) is to protect sensitive fish and wildlife habitats and to minimize erosion, runoff and interference with surface water flows (Section 3431.4). Sensitive habitats may include: Streams, and Streamside Areas (Section 3432.4.E) and natural ponds, springs, vernal pools, marshes and wet meadows exhibiting standing water year round, or riparian vegetation (Section 3432.4.F). Developments within stream channels the SMA are permitted as described in Sections 3431.5 and 3432.6 & 7, provided mitigation and erosion control measures are provided as described in Standards 8 and 9 (Sections 3423.8 & 9) to minimize adverse environmental effects. The land owner proposes to construct the project within the SMA. This requires approval by a qualified biologist and the regulatory agencies that there will be no significant impact as a result of this project.

METHODS

The initial wetland review was conducted on February 17, 2006, by botanist/wetlands biologist Jessica Peak for LBJ Enterprises. A second site visit was conducted on April 11, 2106 by biologist Robert Hewitt and botanist Joseph Saler. A third visit is planned for mid-June 2016 to meet the timing of late blooming species. The Army Corps of Engineers (COE) Wetlands Delineation Manual states that a wetland determination requires positive indicators of wetland conditions to be present in three criteria: vegetation, soils, and hydrology (Environmental Laboratory 1987). The California Department of Fish and Wildlife (CDFW), which acts in an advisory capacity with regard to alteration of wetlands, uses the same criteria, but requires that only one criteria be met for an area to be considered a wetland. In this case, the wetland area is defined by the presence of hydrophytic vegetation. As before the dense willow thicket on the west of the property grows up from the slough, and provides the basis for the hydrophytic plant community. The extent of the wetland area has not changed significantly during the past 10 years. The project site remains in a very similar condition as during the previous biological evaluation.

The botanical review considered plant species included on Lists 1 and 2 of the *California Native Plant Society's* (CNPS) *Inventory of Rare and Endangered Vascular Plants of California*, 6th Edition (Skinner and Pavlik 1994). The following list of potentially occurring rare plant species was compiled based on current records in the *CNPS Inventory*, and the *California Natural Diversity Database* (CNDDDB). Positive sightings within these databases for the Eureka Quadrangle were considered. Initial screening considered all possible species, however, lack of suitable habitat eliminates further concern for certain species. Species that do not have appropriate habitat due to elevation, substrate or community have been listed in a smaller font. A list of 22 sensitive species was developed that covered the entire 7 x 10 mile Eureka Quadrangle. However, considering the small area of the project and the harsh sand dune habitat conditions not all are expected on

site.

Ahronia umbellata ssp. *breviflora* "pink sand-verbena"

Family: Nyctaginaceae

Life Form: Perennial herb
CNPS List: [IB] R/T/E in CA and elsewhere
State: [None] No state status
Federal: [None] No federal status

Blooms: June-October
R-E-0: 2-3-2

Counties: Del Norte, Humboldt, Mendocino, Marin, Sonoma [extirpated], Oregon

Habitat: Coastal dunes

Elevation: 0-10 m.

Notes: Most occurrences have few plants. Threatened by vehicles, non-native plants, and foot traffic. State-listed as Endangered in OR.

Astragalus pycnostachyus var. *pycnostachyus* "coastal marsh milk-vetch"

Family: Fabaceae

Life Form: Perennial herb
CNPS List: [IB] R/T/E in CA and elsewhere
State: [None] No state status
Federal: [None] No federal status
Counties: Humboldt [extirpated], Marin, San Mateo

Blooms: April-October
R-E-D: 3-2-3

Habitat: Coastal dunes (mesic), Marshes and Swamps (coastal salt, streamsides)

Elevation: 0-30 m.

Notes: Known from fewer than ten occurrences. Possibly threatened by cattle trampling and erosion.

Carex arcta "northern clustered sedge"

Family: Cyperaceae

Life Form: Perennial herb
CNPS List: [2] R/T/E in CA, more common elsewhere
State: [None] No state status
Federal: [None] No federal status

Blooms: June-August
R-E-D: 2-2-1

Counties: Del Norte, Humboldt, Mendocino [?], Mariposa, Tulare, Idaho, Oregon, Washington, widespread outside of California

Habitat: Bogs and fens, North Coast coniferous forest (mesic) Elevation: 60-1,400 m.

Carex lyngbyei "Lyngbye's sedge"

Family: Cyperaceae

Life Form: Perennial herb (rhizomatous)
CNPS List: [2] R/T/E in CA, more common elsewhere
State: [None] No state status
Federal: [None] No federal status

Blooms: May-August
R-E-D: 2-2-1

Counties: Del Norte, Humboldt, Mendocino, Marin, Oregon, widespread outside of California

Habitat: Marshes and Swamps (brackish or freshwater)

Elevation: 0-10 m.

Carex praticola "meadow sedge"

Family: Cyperaceae

Life Form: Perennial herb

Blooms: May-July

CNPS List: [2] R/T/E in CA, but more common elsewhere R-E-D: 2-2-1

State: [None] No state status

Federal: [None] No federal status

Counties: Del Norte, Humboldt, Madera, Mono, Tuolumne, Idaho, Oregon, Washington,
widespread outside of California

Habitat: Meadows (mesic)

Elevation: 0-3,200 m.

Castilleja affinis ssp. *litoralis* "Oregon coast Indian paintbrush"

Family: Scrophulariaceae

Life Form: Perennial herb

Blooms: June

CNPS List: [2] R/T/E in CA, more common elsewhere R-E-D: 2-2-1 State:

[None] No state status

Federal: [None] No federal status

Counties: Del Norte, Humboldt, Mendocino, Oregon

Habitat: Coastal bluff scrub, Coastal dunes, Coastal scrub / sandy

Elevation: 15-100 m.

Notes: Threatened by development and recreational activities.

Castilleja ambigua ssp. *humboldtensis* "Humboldt Bay owl's-clover" Family:

Scrophulariaceae

Life Form: Annual herb, hemiparasitic CNPS

Blooms: April-August

List: [IB] R/T/E in CA and elsewhere State:

R-E-D: 2-2-3

[None] No state status

Federal: [None] No federal status Counties:

Humboldt, Mendocino, Marin Habitat:

Marshes and Swamps (coastal salt)

Elevation: 0-3 m.

Notes: Threatened by coastal development.

Cordylanthus maritimus ssp. *palustris* "Point Reyes bird's-beak"

Family: Scrophulariaceae

Life Form: Annual herb, hemiparasitic

Blooms: June-October

CNPS List: [18] R/T/E in CA and elsewhere

R-E-D: 2-2-2

State: [None] No state status

Federal: [None] No federal status

Counties: Alameda [extirpated], Humboldt, Marin, Santa Clara [extirpated], San Mateo

[extirpated], Sonoma, Oregon

Habitat: Marshes and Swamps (coastal salt) Elevation:

0-10 m.

Notes: Once rather common in appropriate habitat; now greatly reduced by development.

Threatened by foot traffic, non-native plants, altered hydrology, and cattle grazing and trampling. State listed as Endangered in OR.

Erysimum menziesii ssp. *eurekense* "Humboldt Bay wallflower" Family:
Brassicaceae

Life Form: Perennial herb
CNPS List: [1B] R/T/E in CA and elsewhere
State: [CE] State listed as Endangered (09/84)

Blooms: March-April
R-E-D: 3-3-3

Federal: [FE] Federally listed as Endangered (06/22/92)
Counties: Humboldt
Habitat: Coastal dunes
Elevation: 0-10 m.

Notes: Known from five occurrences in the Humboldt Bay area. Threatened by development, vehicles, and non-native plants. Protected in part at Manila Dunes (BLM).

Erythronium revolutum "coast fawn lily"
Family: Liliaceae

Life Form: Perennial herb (bulbiferous)
CNPS List: [2] R/T/E in CA, more common elsewhere
State: [None] No state status
Federal: [None] No federal status

Blooms: March-June
R-E-D: 2-2-1

Counties: Del Norte, Humboldt, Mendocino, Siskiyou, Sonoma, Oregon, Washington, and other states
Habitat: Bogs and fens, Broadleaved upland forest, North Coast coniferous forest / mesic, streambanks
Elevation: 0-1,065 m.

Gilia capita/a ssp. *pacifica* "Pacific gilia"
Family: Polemoniaceae

Life Form: Annual herb
CNPS List: [1B] R/T/E in CA and elsewhere
State: [None] No state status
Federal: [None] No federal status

Blooms: May-August
R-E-D: 2-2-2

Counties: Del Norte, Humboldt, Mendocino, Oregon
Habitat: Coastal bluff scrub, Coastal prairie
Elevation: 5-300m.

Notes: Threatened by development and recreational activities.

Gilia millefoliata "dark-eyed gilia"
Family: Polemoniaceae

Life Form: Annual herb
CNPS List: (18) R/T/E in CA and elsewhere
State: [None] No state status
Federal: [None] No federal status

Blooms: April-July
R-E-D: 2-2-2

Counties: Del Norte, Humboldt, Mendocino, Marin, San Francisco [extirpated], Sonoma, Oregon
Habitat: Coastal dunes
Elevation: 2-20 m.

Notes: Threatened by development, vehicles, foot traffic, grazing, and non-native plants. Endangered in OR.

Lilium occidentale "western lily"

Family: Liliaceae

Life Form: Perennial herb (bulbiferous)

CNPS List: [18] R/T/E in CA and elsewhere

State: [CE] State listed as Endangered (01/82)

Blooms: June-July

R-E-D: 3-3-2

Federal: [FE] Federally listed as Endangered (09/16/94)

Counties: Del Norte, Humboldt, Oregon

Habitat: Bogs and fens, Coastal bluff scrub, Coastal prairie, Coastal scrub,

Marshes and Swamps (freshwater), North Coast coniferous forest (openings)

Elevation: 2-185 m.

Monotropa unijlora "Indian-pipe"

Family: Ericaceae

Life Form: Perennial herb

Blooms: June-July

CNPS List: [2] R/T/E in CA, more common elsewhere R-E-D: 2-2-1

State: [None] No state status

Federal: [None] No federal status

Counties: Del Norte, Humboldt, Oregon, Washington, widespread outside of California

Habitat: Broadleaved upland forest, North Coast coniferous forest

Elevation: 10-425 m.

Montia howellii "Howell's montia"

Family: Portulacaceae

Life Form: Annual herb

Blooms: March-May

CNPS List: [2] R/T/E in CA, more common elsewhere R-E-D: 3-2-1

State: [None] No state status

Federal: [None] No federal status

Counties: Del Norte (?), Humboldt, Trinity, Oregon, Washington, and other states

Habitat: Meadows, North Coast coniferous forest, Vernal pools / vernal mesic

Elevation: 0-595m.

Sidalcea malachroides "maple-leaved checkerbloom"

Family: Malvaceae

Life Form: Perennial herb

Blooms: April-August

CNPS List: [IB] R/T/E in CA and elsewhere

R-E-D: 2-2-2

State: [None] No state status

Federal: [None] No federal status

Counties: Del Norte, Humboldt, Mendocino, Monterey, Santa Clara, Santa Cruz

Habitat: Broadleaved upland forest, Coastal prairie, Coastal scrub, North Coast coniferous

forest / often in disturbed areas

Elevation: 2-700 m.

***Spergularia canadensis* var. *occidentalis* "western sand-spurrey"**

Family: Caryophyllaceae

Life Form: Annual herb

Blooms: June-August

CNPS List: [2] R/T/E in CA, more common elsewhere R-E-D: 3-3-1

State: [None] No state status

Federal: [None] No federal status

Counties: Humboldt, Oregon, Washington, and other states Habitat:

Marshes and Swamps (coastal salt)

Elevation: 0-3 m.

Notes: Known in CA only from Humboldt Bay.

***Viola palustris* "marsh violet" Family:**

Violaceae

Life Form: Perennial herb (rhizomatous)

Blooms: March-August

CNPS List: [2] R/T/E in CA, more common elsewhere R-E-D: 3-2-1 State:

[None] No state status

Federal: [None] No federal status

Counties: Del Norte, Humboldt, Mendocino, Oregon, Washington, widespread outside of California

Habitat: Coastal scrub (mesic), Bogs and fens (coastal) Elevation:

0-150 m.

Notes: Known in CA from only four occurrences; often overlooked and rarely collected.

Although no plant species of significant concern were noted during the initial review of the property additional field surveys during blooming periods were necessary to ensure that no potentially special-status species are present at the project site. The first additional survey was completed in April of 2016 (bloom period one). No sensitive plant species were noted. An additional survey is planned for June in 2016 (bloom period two) to complete the required series of seasonally appropriate botanical surveys. The occurrence of sensitive plant species within the building footprints is considered unlikely. Remaining areas will be undisturbed and sensitive plants if present will not be impacted.

Survey methods follow Nelson (1986) and California Department of Fish and Game's *Guidelines for assessing the effects of proposed developments on rare, threatened, and endangered plants and plant communities* (May 2001). An intuitive meander method is employed, with intensive searches of all areas of potentially suitable habitat for the target rare plants within the plan area and immediate surroundings. All plants encountered are identified to a taxonomic level (genus, species, or subspecies) as necessary to determine the presence of any rare plants. Nomenclature for scientific names follows *The Jepson Manual* (Hickman 1993). Common names are derived from a variety of sources. The complete surveys need to be conducted at an appropriate time, when the rare plants will be evident and identifiable.

CONCLUSION and RECOMMENDATIONS

This preliminary report is provided to establish that no sensitive plant species have yet to be found, and that conditions remain very similar to the habitat that was previously observed during site visits in 2006. After the final site visit this June (bloom period two), designed to catch late blooming species, a complete botanical report will be provided. Operations cannot begin until this final survey is completed and it is confirmed that there are no sensitive species in need of protection. Based on the preliminary review of the property it has been determined that the site has an established and stable wetlands area. The slough has a vegetation buffer, consisting primarily of willows and California blackberry, between it and the proposed building area for the residence. This buffer shall be maintained and not reduced in size. No trees are to be removed during development. Impact from the proposed development will be limited due to the small size of the residence. Building will be completed over a short period of time. The proposed building area is not located on dune mat and is vegetated in some areas primarily by European Beach Grass (*Ammophila arenaria*) which is an introduced, invasive species. Though this site is zoned for residential development, the proposed project falls within the 100 foot wetland setback recommended by the California Coastal Commission and the COE. Despite this, a 100 foot setback is not necessary due to the protection provided by the dense vegetation buffer present along the edge of the slough and the small scale of the proposed development. Planting native trees such as willows (*Salix* sp.) and wax myrtle (*Myrica californica*) close to the edge of the slough is recommended to enhance the vegetation buffer. The planting of additional trees will provide a physical barrier that will protect the sandy slough edge and provide a setback for building activities and foot traffic. Due to the small size of the proposed structures and the fact that the majority of the property is to remain undisturbed the potential impact to this site has been lessened to the greatest extent possible.

REFERENCES

- California Department of Fish and Game. 2001. *Guidelines for Assessing the Effects of Proposed Projects on Rare, Threatened, and Endangered Plants and Natural Communities*. <http://www.dfg.ca.gov/whdab/assets/docs/guicleplt.pdf>
- California Native Plant Society. 2003. *Inventory of Rare and Endangered Vascular Plants of California*. <http://www.northcoast.com/cnps/cgi-bin/cnps/sensinv.cgi>
- Environmental Laboratory. 1987. "Corps of Engineers Wetlands Delineation Manual," Technical Report Y-87-1, US Army Engineer Waterways Experiment Station, Vicksburg, Mississippi.
- Hickman, J.C. 1993. *The Jepson Manual: Higher Plants of California*. University of California Press. Berkeley, CA. (Third printing 1996).
- Humboldt County General Plan (Adopted 12/ 10/84, Amended 02/09/98). <http://vv.vv.co.humboldt.ca.usiplannine>

Meynell, Karen

From: Roland Zee <rolandzee01@gmail.com>
Sent: Wednesday, July 13, 2016 2:40 PM
To: Meynell, Karen
Subject: Zee CDPM & X Fwd: Orange Drive

Karen,

I received this from the biologist. Hope this suffices for now. Been after him for a month to get me something in writing.

Roland Zee
(916) 768-5705

----- Forwarded message -----

From: **Roland Zee** <rolandzee01@gmail.com>
Date: Wed, Jul 13, 2016 at 11:37 AM
Subject: Orange Drive
To: Roland Zee <rolandzee01@gmail.com>

Here is the all clear from botanist. It should meet your needs.
Yours Rob

Sent from my iPhone

Begin forwarded message:

From: "Joseph Saler" <joseph@streamlineplanning.net>
Date: July 12, 2016 at 1:23:35 PM PDT
To: "Robert William Hewitt" <rwbirdman@googlemail.com>
Subject: Orange Drive Botany

Hello Rob, I wanted to confirm that both the early and late season botanical surveys have been completed within the property at the end of Orange Drive in Manila. No listed botanical species, or species of special concern were observed, or expected to occur within the project site. I am currently working on the brief report and expect to have it completed by the end of the week.

Best,
Joseph Saler Botanist

Sent from my iPhone

ATTACHMENT 4

**Draft Addendum to Adopted Mitigated Negative Declaration
& Mitigated Negative Declaration adopted July 6, 2006**

ADDENDUM TO THE MITIGATED NEGATIVE DECLARATION

ROLAND ZEE REDUCTION OF WETLAND SETBACKS

SCH NO. 2006062069

APN: 400-121-007

DRAFT

**Prepared By
Humboldt County Planning & Building Department – Planning Division
3015 H Street, Eureka, CA 95501**

July 2016

Background

Modified Project Description and Project History – The current project is for the modification of a Coastal Development Permit and Special Permit originally approved on July 6, 2006 and modified on March 1, 2007.

The previously approved modification authorized development of a 30-foot tall single-family residence built to a maximum of 1,085 square feet in addition to a maximum of 504 square feet of decking. The modified permit also authorized construction of approximately 320 feet of fencing not over 6 feet in height and an approximately 291 square foot circular observation deck.

The proposed modification is to consider allowing the building footprint to be 1,650 square feet, with a total of 2,590 square feet of living space. The Special Permit was required to reduce the wetland setback for placement of the residence. While the square footage of the residence is proposed to increase, the originally-approved 81-foot setback to the wetland will be maintained. Due to the passage of time the biological report for the project has been updated and confirms that the site conditions have not significantly changed since the original survey in 2006.

The approximately 3-acre parcel is currently developed with a shed. No trees are proposed to be removed and minimal grading is required for this project. The Manila Community Services District will provide water and sewer services. As part of the project proposal the applicant is voluntarily contributing to the Tsunami Ready Program for the Manila area. If approved, the extension will expire on August 4, 2017. A Mitigated Negative Declaration of Environmental Impact (SCH# 2006062069) adopted July 6, 2006. An addendum to the document was adopted March 1, 2007.

Purpose - Section 15164 of the California Environmental Quality Act (CEQA) provides that the lead agency shall prepare an addendum to a previously adopted Mitigated Negative Declaration (MND) if some changes or additions are necessary but none of the conditions described in Section 15162 calling for a subsequent MND have occurred. Section 15162 states that when an MND has been adopted for a project, no subsequent MND shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

1. *Substantial changes are proposed in the project which require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;*
2. *Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or*
3. *New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous MND was certified as complete, shows any of the following: A) the project will have one or more significant effects not discussed in the previous MND; B) significant effect previously examined will be substantially more severe than shown in the previous MND; C) mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or D) mitigation measures or alternatives which are considerably different from those analyzed in the*

previous MND would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

- No substantial changes are proposed which would require major revisions to the previously approved MND. None of the proposed changes to the project will increase the severity of previously identified significant effects.
- No substantial changes to the project will result in a new environmental effect. Any potential impacts of significance have been mitigated through the project design currently proposed.
- All feasible mitigation measures have been incorporated into the project design. No additional mitigation is required. Since the project has been modified to effectively mitigate for all identified potential impacts, an addendum remains appropriate.

The purpose of this Addendum is to provide an analysis of the currently proposed structures which are larger than the previously approved structures and were not discussed as an alternative to the approved project in the adopted MND. Although the revised project represents an increase to the size of the proposed structures on the parcel, the wetland setbacks will remain as previously approved and examined in the adopted Mitigated Negative Declaration. Furthermore, an updated biological report was submitted which indicates site conditions have not significantly changed since original approval.

Summary of Significant Project Effects and Mitigation Recommended

The change in the scope of the project does not generate any significant effects that require mitigation.

Other CEQA Considerations

Staff suggests no further changes to the project as currently proposed.

EXPLANATION OF DECISION NOT TO PREPARE A SUPPLEMENTAL MITIGATED NEGATIVE DECLARATION

Every impact category analyzed in this review, the projected consequences of the current project proposal are either the same or less than significantly increased than the initial project for which the MND was adopted. Based upon this review, the following findings are supported:

FINDINGS

1. For the modified project there are no substantial changes proposed in the project which require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.
2. For the modified project no substantial changes have occurred with respect to the circumstances under which the project is undertaken which will require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.
3. For the modified project there has been no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous MND was adopted as complete. Furthermore, it is concluded that: the current project will not have one or more significant effects not

discussed in the previous MND. Also, significant effects previously examined will not be substantially more severe than shown in the previous MND. There are no mitigation measures or alternatives previously found not to be feasible that would in fact be feasible and would substantially reduce one or more significant effects of the project. Finally, there are no mitigation measures or alternatives identified in this analysis which are considerably different from those analyzed in the previous MND, and which would substantially reduce one or more significant effects on the environment.

CONCLUSION

Based on these findings it is concluded that an Addendum to the adopted Mitigate Negative Declaration is appropriate to address the requirements under CEQA for the current project proposal. All of the findings and mitigation requirements of the MND are applicable to the current project proposal.

APPENDICES

- Appendix A. Project description
- Appendix B. Humboldt County Planning Commission Resolution Adopting the Mitigated Negative Declaration
- Appendix C. Initial Study and Draft Mitigated Negative Declaration including Mitigation Measures and Monitoring Program

NOTICE OF COMPLETION

SCH # 2006062069

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95814-3044 (916) 445-0613

Project Title: Rogers reduction of wetland setbacks for residential development.

Lead Agency: Humboldt County Community Development Services - Planning Division, 3015 H Street, Eureka, CA 95501

Contact Person: Elizabeth Burks, Planner I, Phone: (707) 268-3708 Fax: (707) 445-7446 Email: eburks@co.humboldt.ca.us

Project Location:

County: Humboldt City/Nearest Community: Manila Zip Code: 95521

Cross Streets: The project site is located in the Manila area, at the end of Orange Drive, approximately 420 feet west from the intersection of Orange Drive with Peninsula Drive, on the property known as 425 Orange Drive.

Acres of Project: 3 acres Assessor's Parcel Nos. 400-121-07

Section: 3; T5N R1W; Base; H.B.& M.

Within 2 Miles: Manila Waterways: coastal wetland Airports: n/a Railways: n/a Schools: n/a

Document Type:

- | | | | |
|--|--|---|---|
| CEQA: <input type="checkbox"/> NOP | <input type="checkbox"/> Supplement/Subsequent | NEPA: <input type="checkbox"/> NOI | Other: <input type="checkbox"/> Joint Document |
| <input type="checkbox"/> Early Cons | <input type="checkbox"/> EIR (Prior SCH No.) _____ | <input type="checkbox"/> EA | <input type="checkbox"/> Final Document |
| <input checked="" type="checkbox"/> Mit. Neg. Dec. | <input type="checkbox"/> Other _____ | <input type="checkbox"/> Draft EIS | <input type="checkbox"/> Other _____ |
| <input type="checkbox"/> Draft EIR | | <input type="checkbox"/> FONSI | |

Local Action Type Coastal Development Permit and Special Permit

Development Type

Wetland setback reduction

Project Issues Discussed in Document

- | | | | |
|---|--|--|--|
| <input type="checkbox"/> Aesthetic/Visual | <input type="checkbox"/> Flood Plain/Flooding | <input type="checkbox"/> Schools/Universities | <input type="checkbox"/> Water Quality |
| <input type="checkbox"/> Agricultural Land | <input type="checkbox"/> Forest Land/Fire Hazard | <input type="checkbox"/> Septic Systems | <input type="checkbox"/> Water Supply/Grndwtr |
| <input type="checkbox"/> Air Quality | <input type="checkbox"/> Geologic/Seismic | <input type="checkbox"/> Sewer Capacity | <input checked="" type="checkbox"/> Wetland/Riparian |
| <input type="checkbox"/> Archeological/Historical | <input type="checkbox"/> Minerals | <input type="checkbox"/> Erosion/Comp/Grading | <input type="checkbox"/> Wildlife |
| <input type="checkbox"/> Coastal Zone | <input type="checkbox"/> Noise | <input type="checkbox"/> Solid Waste | <input type="checkbox"/> Growth Inducing |
| <input type="checkbox"/> Drainage/Absorption | <input type="checkbox"/> Population/Housing | <input type="checkbox"/> Toxic/Hazardous | <input type="checkbox"/> Land Use |
| <input type="checkbox"/> Economic/Jobs | <input type="checkbox"/> Public Service/Facilities | <input type="checkbox"/> Traffic/Circulation | <input type="checkbox"/> Cumulative Effects |
| <input type="checkbox"/> Fiscal | <input type="checkbox"/> Recreation/Parks | <input checked="" type="checkbox"/> Vegetation | <input type="checkbox"/> Other _____ |

Present Land Use/Zoning/General Plan Use

Present Land Use: The parcel is developed with only a shed. A wetland buffer of 100 feet applies to wetlands located on the property.

General Plan Designation: Residential Estates (RE). Humboldt Bay Area Plan (HBAP).

Zoning: Residential Single Family specifying a minimum lot size of 20,000 square feet, in addition to the Manufactured Home and the Beach/Dune area combining zones (RS-20-M/B).

Description of project:

The project consists of development of a single-family residence built to a maximum of 850 square feet in addition to a maximum of 75 feet of decking. The average height of the structure will be to a maximum of 30 feet. The applicant also proposes to construct approximately 320 feet of fencing not over 6 feet in height and an approximately 201 square foot circular observation deck. A Coastal Development Permit is required for all development in the Coastal Zone. A Special Permit is required to reduce the wetland setback from 100 feet to 81 feet for placement of the residence. The approximately 3-acre parcel is currently developed with a shed. No trees are to be removed and minimal grading is required for this project. The Manila Community Services District will provide water and sewer services.

Resources Agency

- Boating & Waterways
- Coastal Commission
- Coastal Conservancy
- Colorado River Board
- Conservation
- Fish & Game (Redding office)
- Forestry
- Office of Historic Preservation
- Parks & Recreation
- Reclamation
- S.F. Bay Conservation & Develop. Comm.
- Water Resources

Business, Transportation & Housing

- Aeronautics
- California Highway Patrol
- CALTRANS District #1
- Department of Transportation Planning (HQ)
- Housing & Community Development
- Food & Agriculture

Health & Welfare

- Health Services

State & Consumer Services

- General Services
- OLA (Schools)

KEY

S = Document sent by lead agency
 X = Document sent by SCH
 ✓ = Suggested distribution

Cal-EPA

- Air Resources Board
- APCD/AQMD (North Coast)
- California Waste Mgmt Board
- SWRCB: Clean Water Grants
- SWRCB: Delta Unit
- SWRCB: Water Quality
- SWRCB: Water Rights
- Regional WQCB #1 Northcoast

Youth & Adult Corrections

- Corrections

Independent Commissions & Offices

- Energy Commission
- Native American Heritage Comm.
- Public Utilities Commission
- Santa Monica Mountains Conservancy
- State Lands Commission
- Tahoe Regional Planning Agency

Other: _____

Public Review Period (to be filled in by the lead agency)

Starting Date: June 12, 2006 Ending Date: July 12, 2006

Signature: Elizabeth Burke Date: 6/21/06

Applicant: Jane Rogers
 Address: 1825 Highland Street
 City/State/Zip: Bayside, CA 95524
 Phone: (707) 8455499

For SCH Use Only:
 Date Received at SCH _____
 Date Review Starts _____
 Date to Agencies _____
 Date to SCH _____
 Clearance Date _____
 Notes:

Environmental Review

1. **Project Title:** Rogers reduction of wetland setbacks for residential development. (Jane Rogers Coastal Development Permit (CDP-04-94) and Special Permit (SP-05-87) on APN: 400-121-07)
2. **Lead Agency:** Humboldt County Planning Division
3015 H Street
Eureka, CA 95501-4484
3. **Contact Person:** Elizabeth Burks: (707) 268-3708 Fax: (707) 445-7446
4. **Project Location:** The project site is located in the Manila area, at the end of Orange Drive, approximately 420 feet west from the intersection of Orange Drive with Peninsula Drive, on the property known as 425 Orange Drive. (Section 3, T5N, R1W)
5. **Project Sponsor's Name and Address:**
Jane Rogers
1825 Hyland Street
Bayside, CA 95524
Phone: (707)- 845-5499
6. **General Plan Designation:** Residential Estates (RE). Humboldt Bay Area Plan (HBAP).
7. **Zoning:** Residential Single Family specifying a minimum lot size of 20,000 square feet, in addition to the Manufactured Home and the Beach/Dune area combining zones (RS-20-M/B).
8. **Description of Project:** The project consists of development of a single-family residence built to a maximum of 850 square feet in addition to a maximum of 75 feet of decking. The average height of the structure will be to a maximum of 30 feet. The applicant also proposes to construct approximately 320 feet of fencing not over 6 feet in height and an approximately 201 square foot circular observation deck. A Coastal Development Permit is required for all development in the Coastal Zone. A Special Permit is required to reduce the wetland setback from 100 feet to 81 feet for placement of the residence. The approximately 3-acre parcel is currently developed with a shed. No trees are to be removed and minimal grading is required for this project. The Manila Community Services District will provide water and sewer services.
9. **Surrounding Land Uses and Setting:** The project site is located in a coastal residential area. The site contains beach and dune habitat. The Manila Community Center owns the land to the west and north of the property, the land use designation for these lands is Public Facilities and Natural Resources.
10. **Other public agencies whose approval is (may be) required** (e.g. permits, financing approval, or participation agreement.): Division of Environmental Health, Land Use Division of the Department of Public Works, Building Division and Manila Community Services District.

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.

- Land Use and Planning
- Population and Housing
- Geological Problems
- Water
- Air Quality
- Mandatory Findings of Significance
- Transportation/Circulation
- Biological Resources
- Energy & Mineral Resources
- Hazards
- Noise
- Public Services
- Utilities & Service Systems
- Aesthetics
- Cultural Resources
- Recreation

DETERMINATION: (To be completed by the Lead Agency)

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 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 the 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.

Elizabeth Burks
Signature

6/21/06
Date

Elizabeth Burks Planner I
Printed name

For

EVALUATION OF ENVIRONMENTAL IMPACTS:

- 1) A brief explanation is included in Section XVII (at the end of the checklist) for all answers except "No Impact" answers. "No Impact" answers are adequately supported by the information sources cited in the parenthesis in the "Source" column. 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) A source list is cited below.
- 4) "Potentially Significant Unless Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less than Significant Impact." The mitigation measures that reduce the effect to a less than significant level are referenced in the "Source" list column and/or described in Section XVIII at the end of the checklist.
- 4) "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect is significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 5) Earlier analysis 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 (CEQA Guidelines Section 15063 (c)(3)(D)). Earlier analyses are discussed in Section XIX at the end of the checklist.
- 6) 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.

	Potentially Significant	Potentially Significant Unless Mitigation Incorp.	Less Than Significant Impact	No Impact
1. AESTHETICS . Would the project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. AGRICULTURE RESOURCES. 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. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. AIR QUALITY. Where available, the significant criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create objectionable odors affecting a substantial number of	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

people?

4. BIOLOGICAL RESOURCES. Would the project:

	Potentially Significant	Potentially Significant Unless Mitigation Incorp.	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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

5. CULTURAL RESOURCES. Would the project:

a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

6. GEOLOGY AND SOILS. Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
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	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant	Potentially Significant Unless Mitigation Incorp.	Less Than Significant Impact	No Impact
Geology Special Publication 42?				
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

7. HAZARDS AND HAZARDOUS MATERIALS. Would the project:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

adjacent to urbanized areas or where residences are intermixed with wildlands?

8. HYDROLOGY AND WATER QUALITY. Would the project:

	Potentially Significant	Potentially Significant Unless Mitigation Incorp.	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

9. LAND USE AND PLANNING. Would the project:

a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant	Potentially Significant Unless Mitigation Incorp.	Less Than Significant Impact	No Impact
community conservation plan?				
10. MINERAL RESOURCES. Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
11. NOISE. Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
12. POPULATION AND HOUSING. Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
13. PUBLIC SERVICES.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a) 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:				
i. Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant	Potentially Significant Unless Mitigation Incorp.	Less Than Significant Impact	No Impact
ii. Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii. Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv. Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
v. Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
14. RECREATION.				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
15. TRANSPORTATION/TRAFFIC. Would the project:				
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
16. UTILITIES AND SERVICE SYSTEMS. Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant	Potentially Significant Unless Mitigation Incorp.	Less Than Significant Impact	No Impact
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

17. MANDATORY FINDINGS OF SIGNIFICANCE.

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

DISCUSSION OF CHECKLIST RESPONSES

1.a), b) & d) Aesthetics- No Impact

Finding: The proposal will not have a substantial adverse effect on a scenic vista and will not substantially damage scenic resources, including but not limited to, trees, rock outcroppings and historical buildings within a state scenic highway. The project will not create a new source of glare or light that will adversely affect day or nighttime views in the area.

Discussion: The project site is not within a specifically designated scenic area. The location of the home site is not viewable from the coast. Only a regular porch light will be used for out door lighting. The observation deck will not be constructed with windows that produce glare.

1.c) Aesthetics- Less Than Significant Impact

Finding: The proposal may degrade the existing visual character of the site.

Discussion: From the coast the observation deck will be within view. However, the observation deck is a small circular structure (maximum 201 square feet) that will not produce a glare. Although the observation deck will be visible from the coast it should not significantly degrade the visual character of the site.

2.) Agricultural Resources- No Impact

Finding: The proposal would not a) convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to Non agricultural use; b) substantially conflict with existing zoning for agricultural use; or c) involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use.

Discussion: The project location is not in an area shown on maps to contain prime agricultural soil. The parcel is zoned Residential Single Family and has a landuse designation of Residential Estates, thus it does not conflict with any existing agricultural zones. The project will not result in any conversion of farmland.

3.) a), c)- d), Air Quality- No Impact

Finding: The project will have no impact on the environment with regards to the following air quality issues: conflict with or obstruct implementation of the applicable air quality plan; or result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors). The project has a limited potential to expose sensitive receptors to substantial pollutant concentrations; or to create objectionable odors affecting a substantial number of people unless mitigation measures are incorporated.

Discussion: There is no reason to believe that the construction of a single family residence and accessory structures will obstruct implementation of an air quality plan, expose sensitive receptors to substantial pollutant concentrations or result in a considerable increase of any pollutant. Additionally, the construction and habitation of a single family residence will not create objectionable odors. Therefore, Staff finds that with regard to the air quality findings listed above the project will have no impact.

3.) b) Air Quality- Less than Significant Impact

Finding: The project will have a less than significant impact on the environment with regards to the following air quality issue: violate any air quality standard or contribute substantially to an existing or projected air quality violation.

Discussion: According to the North Coast Unified Air Quality Management District (NCUAQMD), all of the Humboldt County is in non-attainment of the State's PM-10 (particulate matter of 10 microns in size) standard, but complies with all other State and Federal air quality standards. According to recent studies by the NCUAQMD, the most significant contributors to PM-10 are residential wood burning stoves. It is

unlikely that the proposed residence, which may contain a wood burning stove would result in a significant increase in particular matter. Furthermore, any impacts to air quality while the residence is under construction would be temporary. Staff finds that the potential for even a temporary increase in pollutants negligible.

4. a) & b): BIOLOGICAL RESOURCES: POTENTIALLY SIGNIFICANT UNLESS MITIGATED

Finding: The project could significantly impact riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the DFG or USFWS unless mitigated and could impact either directly or through habitat modifications, species identified as candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game (DFG) or U.S. Fish and Wildlife Service (USFWS);

Discussion:

The Wetland Review (LBJ Enterprises, 2005) listed 22 sensitive species of vascular plants that have the potential to occur within the project vicinity. No plant species of significant concern were observed during the initial review of the property. The Review states that considering the small area of the project and the harsh dune habitat conditions not all the potential species are expected to be found on the site. According to the Wetland Review, it is unlikely that sensitive plant species exist within the building footprint. However, the Wetland Review (LBJ Enterprises, 2005) does state that additional botanical surveys be carried out in mid-April (bloom period one) and again in mid-June (bloom period two) to ensure that no potentially special-status species are present at the project site. Sensitive plants, if present will not be disturbed by the project development.

A reduction of the wetland setback could have an impact on the riparian habitat. The following mitigation measures to maintain habitat value for any species that may occur are required as part of the Beach and Dune Combining:

1. Minimize disturbance of vegetated dunes
2. Replant vegetation in disturbed habitat areas
3. Provide measures to control wind blown sand
4. If Menzi's wallflowers are adversely impacted, the mitigation shall include protection, and if appropriate, restoration of Menzie's wallflower habitat off of the project site.

The above mitigation measures have been incorporated into the Mitigation Monitoring Plan included with this document. Additionally the Wetland Review recommends planting of native trees such as willows (*Salix sp.*) and wax myrtle (*Myrica californica*) close to the edge of the slough to enhance the vegetation buffer. The planting of native trees will provide a physical barrier that will protect the sandy slough edge and setback building activities and foot traffic.

With the above mentioned mitigation measures in place, Staff finds that the project will be mitigated to a less than significant level.

4. e): BIOLOGICAL RESOURCES: LESS THAN SIGNIFICANT IMPACT

Finding: The project is expected to have a less than significant impact related to conflicts with any local policies protecting biological resources.

Discussion: The Humboldt Bay Area Plan (Section 3.30B), lists vegetated dunes as an environmentally sensitive habitat. A wetland buffer of 100' applies and may only be waived in the case that adhering to the buffer would prohibit development of a principally permitted use. The project area principally permits single family residential development. The location of the proposed residence has been chosen to least impact the wetlands. Humboldt County Code Section 313-125.7 specifies when development is permitted within a wetland buffer, namely that the applicant has demonstrated that the development within the setback will not result in significant adverse impacts to the wetland habitat and will be compatible with the continuance of such habitats. By applying for the special permit to reduce the wetland buffer and providing evidence that the impact to the wetland will be less than significant, Staff believes that the project is consistent with

the applicable local policies protecting biological resources. For the reasons stated above, the project will not conflict with local plans.

4. c), d) & f): BIOLOGICAL RESOURCES: NO IMPACT

Finding: The project is not expected to: significantly impact federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means; nor conflict with any adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan, or 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; or conflict with local development standards.

Discussion: The area does not involve federally protected wetlands. The Wetland Review (LBJ Enterprises, 2005) did not state any concerns in relation to the proposed development interfering with movement of migratory wildlife species. There is not an adopted Habitat Conservation Plan or other plan (other than the local policies listed in 4e above) that is in place for the project area.

5. CULTURAL RESOURCES: NO IMPACT

Finding: The project will not cause a substantial adverse change in the significance of a historical resource as defined in §15064.5; nor cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5; nor directly or indirectly destroy a unique paleontological resource or site or unique geologic feature; nor disturb any human remains, including those interred outside of formal cemeteries.

Discussion: The Department believes the proposed work on the 3 acre residential parcel will not cause a substantial adverse change in the significance of historical or cultural resources on the site. There is no evidence that any structures in the vicinity are historically significant. There is no evidence that the project will disrupt the ground surface other than for footings, and minor grading to develop the building pad and access. Nor is there evidence that the project will alter or destroy historic or cultural resources. Initially the Wiyot Tribe recommended cultural monitoring. However, after a meeting with a Tribal Cultural Director, Marnie Atkins and the applicant at the project site, it was determined that there was no need for a Cultural Survey or Native American Cultural Monitoring for this project. At present, neither the Wiyot Tribe nor the North Coast Information Center (NCIC) have any objections to this project.

The County's standard informational note has been added to the Conditions of Approval regarding legal requirements should any on-site activities reveal the presence of archaeological resources or human remains. Based on the above, the Department believes the project will have no impact with respect to cultural resources.

6. a)i, ii, iii & c): GEOLOGY AND SOILS: POTENTIALLY SIGNIFICANT UNLESS MITIGATED

Finding: The project could expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: 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; strong seismic ground shaking; seismic-related ground failure, including liquefaction or land sliding. The project may 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,

Discussion: An R-2 Engineering Geologic Report was prepared by LACO Associates on October 10, 2005. The report included discussion on earthquake risk for the project site. The project site could be

effected by a quake originating from the Little Salmon fault which is located 8 miles south to southwest of the project site or the which runs from Cape Mendocino to Vancouver Island. The primary engineering geologic and geotechnical hazards effecting the site are strong earthquake ground shaking, total and differential settlement of foundations, potential liquefaction, and tsunami inundation hazard. In order to mitigate these hazards to a less than significant level all recommendation set forth in the R-2 report shall be adhered to. This includes that the site is suitable for a single story family dwelling on perimeter or slab on grade foundation systems only. So long as the recommendations set forth in the R-2 report are followed, Staff believes that potential impacts will be mitigated to a less than significant level.

6. a)iv, b), c), d) &e) GEOLOGY AND SOILS: NO IMPACT

Finding The project will not create substantial risk to life or property by being located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), nor result in soil erosion or the loss of topsoil, nor is a rupture of a known earthquake fault likely to produce landslides in the area, nor does the project have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of wastewater.

Discussion: The R-2 Soils Report's (LACO Associates, 2005) was prepared by a Certified Engineering Geologist and addressed grading, footings and foundations for the proposed single-family residence. The report noted that expansive soils are not typically encountered in soils of the silty- sand soil type at the project site. The geologic report determined that potential for slope instability to affect the site is low. The proposed residence will be served by community water and sewer facilities thus there are not septic concerns.

7. a) HAZARDS AND HAZARDOUS MATERIALS: LESS THAN SIGNIFICANT IMPACT

Finding: The proposed project will have a less than significant impact on the public or the environment through the routine transport, use, or disposal of hazardous materials

Discussion: There will be no routine transport, use, or disposal of hazardous materials with the exception of diesel fuels required for the vehicles used in the construction of the residence. No vehicles are proposed to stay on-site while not being used. There is always the potential for vehicular accidents when heavy equipment is operating, especially in hazardous weather conditions. Planning staff finds hazards caused by the routine transport, use, or disposal of hazardous materials to be an unlikely occurrence.

7 b)-h) HAZARDS AND HAZARDOUS MATERIALS: NO IMPACT

Finding: The project will not: expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands, 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; nor emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school; nor 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, create a significant hazard to the public or the environment; nor would the project result in a safety hazard for people residing or working in the project area due to its proximity within two miles of a public airport or public use airport; nor result in a safety hazard for people residing or working in the project area due to proximity to a private airstrip; nor will it impair the implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.

Discussion: The proposed building site is classified as having a nil fire hazard rating on the Framework General Plan Resource map. The parcel falls under the purview of the Arcata Fire Protection District. Arcata Fire Protection District reviewed the project and is conditioned to meet the standards designated by the Fire District. Specifically, a turnaround at the end of the driveway, construction of driveway on slopes less than 15% and the driveway surface constructed to support a 58,000 pound fire apparatus. All portions of the residence must be within 150 feet of access road in order to be within reach by a fire hose. There

are no known or listed hazardous materials sites on or nearby, the project will not result in a safety hazard regarding a private or a public airstrip as there are none nearby, nor is there an emergency evacuation plan in place for the area that this project, as proposed, could effect. There is no evidence in the record that suggests that this project could impact the environment in relation to the hazards mentioned above.

8. a), b), c) d), e), f), g), h)& i): HYDROLOGY AND WATER QUALITY: NO IMPACT

Finding: The project will not have a significant impact on the environment with regards to the following hydrology and water quality issues: violate water quality standards or waste discharge requirements; nor create or contribute to runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; nor substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted).; nor alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site. nor place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map; nor place within a 100-year flood hazard area structures which would impede or redirect flood flows.

Discussion: The construction and use of a single family residence, fencing, and observation deck is not expected to create any water quality standard violation or substantially degrade water quality. The project will be served by community water and sewer, thus the project will not deplete groundwater supplies. The Manila Community Services District confirmed that it has the capacity to service the parcel. The applicant will be responsible for extending the main line to the residence. The project will not substantially alter the drainage of the site or alter a stream course or river in such a manner that would result in erosion or siltation. The wetland on the site will be left undisturbed. The three acre site will be left largely vacant; lot coverage will be less than 1%. This leaves opportunity for natural drainage patterns to continue. Based on the large lot size and small percentage of lot coverage and the single family residential use of the property it is not expected that the project would exceed the capacity of stormwater drainage or be a substantial source of polluted runoff. The project site is located in an area of minimal flooding (per FIRM Map # 060060 0775C) and will not put people at risk of flood hazard. Based on the above, the Department finds that the project as proposed and conditioned will have no significant impact, individually or cumulatively with regard to above hydrology and water quality issues.

8. d): HYDROLOGY AND WATER QUALITY: LESS THAN SIGNIFICANT IMPACT

Finding: The project could substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site

Discussion: The R-2 Report (LACO Associates, 2005) requires that the building site be graded with a gentle uniform slope of at least 1 percent so that any surface runoff be directed away from the residence. This will alter the drainage pattern directly surrounding the residence. However, because the proposed residence is small and will continue to be surrounded mostly by natural vegetation, this slight increase in runoff is not expected to create flooding on or off site.

8. j): HYDROLOGY AND WATER QUALITY: POTENTIALLY SIGNIFICANT UNLESS MITIGATED

Finding: The project will expose people or structures to a significant risk of loss, injury or death involving flooding and including flooding as a result of the failure of a levee or dam; nor inundation by seiche, tsunami, or mudflow.

Discussion: The Planning Scenario for a Great Earthquake (California Division of Mines and Geology, 1995) shows the project area within the zone of potential inundation by a tsunami. The scenario earthquake is assumed to generate a local tsunami that will arrive just minutes after the earthquake

occurs. On the Samoa Peninsula, strong shaking should be taken as a warning of a potential tsunami, and individuals should immediately move to higher ground. A possible refuge might be afforded by the 1.5 mile long by 300 foot wide ridge of wooded dunes located west of Manila, approximately 2 miles north of Samoa. Owners and occupants of residential development on these parcels are encouraged to become familiar with, and participate in, activities and planning efforts for evacuation to a "safe zone" in the event of a tsunami. Residents in coastal low-lying areas of Humboldt County typically accept the risk of Tsunami inundation and are (or should be) prepared to evacuate to higher ground in the event of strong ground shaking.

9. a) &c) LAND USE AND PLANNING: NO IMPACT

Finding: The project will not physically divide an established community; nor conflict with a local land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect; nor conflict with any applicable habitat conservation plan or natural community conservation plan.

Discussion: The project site is designated Residential Estates (RE) in the Humboldt Bay Area Plan (HBAP). It is zoned Residential Single Family (RS). The parcel is currently vacant. The site will be developed with a new home, observation deck and fencing, all of which are principally permitted in the zone.

There is no evidence that the project will physically divide an established community. There are no habitat conservation or natural community conservation plans proposed or adopted for this area. Therefore Staff finds that there will be no impact for the issues mentioned in this section.

9. b) LAND USE AND PLANNING: LESS THAN SIGNIFICANT IMPACT

Finding: The project may conflict with a local land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.

Discussion: As mentioned in 4. e) in the Biological Resources section, the Humboldt Bay Area Plan (Section 3.30B), lists vegetated dunes as an environmentally sensitive habitat. A wetland buffer of 100' applies and may only be waived in the case that adhering to the buffer would prohibit development of a principally permitted use. The project area principally permits single family residential development. The location of the proposed residence has been chosen to least impact the wetlands. Humboldt County Code Section 313-125.7 specifies when development is permitted within a wetland buffer, namely that the applicant has demonstrated that the development within the setback will not result in significant adverse impacts to the wetland habitat and will be compatible with the continuance of such habitats. By applying for the Special Permit to reduce the wetland buffer and providing evidence that the impact to the wetland will be less than significant, Staff believes that the project is consistent with the applicable local policies.

10. a) & b) MINERAL RESOURCES: NO IMPACT

Finding: The project will **not** 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; or 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.

Discussion: The project does not involve extraction of mineral resources. The project site is not, nor adjacent to, a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan. The Department finds there is no evidence that the project will result in significant adverse impact with regard to mineral resources.

11. b), d): NOISE: LESS THAN SIGNIFICANT IMPACT

Finding: The project has the potential to have a slight environmental impact with regards to: the exposure of persons to generation of excessive groundborne vibration or groundborne noise levels and a temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.

Discussion: Construction of the residence will generate increased ambient noise levels and groundborne vibration on a temporary basis, which may exceed applicable noise levels in excess of the standard established in the Humboldt County General Plan, specifically, the Volume 1, Framework Plan. Because the structure to be erected is prefabricated it is expected that the noise creation will be less and sustained for a shorter period of time since most of the construction is done off site. Its unlikely that the temporary noise levels will be burdensome. The Department finds that these noise impacts will be less than significant.

11. a), c), e), f): NOISE: NO IMPACT

Finding: The project will have no environmental impacts with regards to: the exposure of persons to or, generation of noise levels in excess of standards established in the local general plan or, a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project; for projects located within an airport land use plan or, where such a plan has not been adopted or, within two miles of a public airport or public use airport or within the vicinity of a private airstrip, the project would not expose people residing or working in the project area to excessive noise levels.

Discussion: The project will create temporary increases in noise and ground vibrations during the project activity, however, there is no evidence the use will create permanent ambient noise levels above existing levels. The maximum buildout is two residential units with appurtenant traffic and associated noise-causing uses. The zoning of the project allows for second units upon securing a special permit, however given the constraints of the property (i.e. wetlands) it is not likely that a second unit would be supported and noise levels will likely remain at what is typical for a single family residence. Furthermore, the project is clearly outside the area of concern for Murray Field, the nearest public airport; and there is no private airstrip in the vicinity of the project. Based on the above, the Department finds that the project will have no impact, individually or cumulatively, with regards to noise.

12. a) - c): POPULATION AND HOUSING: NO IMPACT

Finding: The project will not induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure); nor displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere; nor displace substantial numbers of people, necessitating the construction of replacement housing elsewhere.

Discussion: The project includes the development of one residence on a legal parcel. There is no evidence the project will induce growth within the area, displace substantial numbers of existing housing, necessitate the construction of replacement housing or the displacement of people. Based on the above, the Department finds no evidence indicating that the project will have an adverse impact on population and housing.

13. PUBLIC SERVICES: LESS THAN SIGNIFICANT IMPACT

Finding: The project will have a less than significant impact on the environment with regards to the following public services: 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: fire protection, police protection, schools, parks, other public facilities.

Discussion: The project site is located in an area that requires urban services but not at a high density level. The proposed project will add one residence to the area. The parcel is served by a 16 foot wide private road within a 20' right of way. The residence will be served by the Manila Community Services District for water and sewer. Referral comments did not indicate the project would impact or require additional public services for any of the following: fire and police protection, schools, parks, other public

facilities (see Transportation discussion). Based on the above, and comments from reviewing agencies, the Department finds no evidence indicating that the project will result in an adverse impact with regard to public services.

14. a) RECREATION: NO IMPACT

Finding: The project will not 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.

Discussion: The project includes the creation of one dwelling in an urbanizing area. It is not anticipated that it would increase the use of existing neighborhood and regional parks or other recreational facilities at a level that would be burdensome to the facilities.

14. b) RECREATION: LESS THAN SIGNIFICANT IMPACT

Finding: The project may include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.

Discussion: The applicant is willing to make an Offer to Dedicate to ensure there is not a loss of coastal access. The applicant will offer to dedicate a portion of Peninsula Drive trail. This trail extends northwest from Peninsula Drive into the dunes area. It crosses several parcels of private property. Although this access was originally deleted from the Humboldt Bay Area Plan there has been renewed interest in redesignating a beach access. The applicant's offer to dedicate would secure one portion of the trail. If the county chooses to accept the dedication, the trail could be considered an expansion of the county's recreational facilities and environmental impacts would need to be evaluated at that time. The county could chose not to accept the dedication, in which case there would be no change in use from the present. Because the county will review potential environmental impacts when it decides whether or not to accept the trail, the project as proposed will have a less than significant impact with relation to expansion of recreational facilities.

15.a) TRANSPORTATION/TRAFFIC: LESS THAN SIGNIFICANT IMPACT

Finding: The project will have a less than significant impact to the environment with regards to an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections).

Discussion: The project consists of one residential structure on a legal parcel. The amount of traffic generated by a single family residence is minimal. Based on the project as proposed, comments from reviewing agencies, and review of applicable regulations, the Department finds there is no evidence indicating the proposed project will result in individually or cumulatively significant impacts regarding traffic load.

15.b), c), d), e), f), g) TRANSPORTATION/TRAFFIC: NO IMPACT

Finding: The project will not impact the environment with regards to: exceeding, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways; a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks; nor result in inadequate emergency access; nor cause inadequate parking capacity; nor conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks); nor cause a substantial increase in hazards due to a design feature or incompatible uses.

Discussion: The project consists of one residential and appurtenant accessory structures. There are no airports, public or private, within 2 miles of the site. Adequate parking and emergency access are clearly

shown on the plot plan. There are no policies regarding alternative transportation routes for this area. There are no known restrictions along the road that could impede passage such as a covered bridge with weight restrictions. In addition, the project will not alter any private or public improvements, such as roads, sidewalks, bike lanes, parking lots or any other transportation routes or facilities. Based on the project as proposed, comments from reviewing agencies, and review of applicable regulations, the Department finds there is no evidence indicating the proposed project will result in individually or cumulatively significant impacts regarding: capacity or level of service; nor hazards due to a design feature or incompatible uses.

16. a)- g) UTILITIES AND SERVICE SYSTEMS: NO IMPACT

Finding: The project will: not exceed wastewater treatment requirements of the applicable RWQCB; nor require the construction of new on-site wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects; nor require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects; the project would have sufficient water supplies available to serve the project from existing entitlements and resources without new or expanded entitlements being needed; 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; be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs; comply with federal, state, and local statutes and regulations related to solid waste.

Discussion: The vacant parcel is planned and zoned for residential use. The project is not expected to generate a substantial solid waste situation. Furthermore, there is no evidence indicating that the project will result in a significant impact with respect to utilities and service systems. On site septic will not be developed. The Manila Community Services District has confirmed available resources to service the parcel. The applicant will be responsible for extending the main line to the residence. Referral comments have not identified any concerns regarding the project's impact to utilities and service systems. Based on the evidence and County records, Staff finds that the project will not have an impact on the above-mentioned utility and service systems.

17. a): MANDATORY FINDINGS OF SIGNIFICANCE: LESS THAN SIGNIFICANT IMPACT

Finding: The project has a less than significant potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory.

Discussion: The proposed residence will be constructed approximately 81 feet from the wetland as delineated by a professional biologist. The Wetland Review (LBJ Enterprises, 2006) recommended mitigation measures and a monitoring plan to lessen any potential impacts to the wetland. These measures and the monitoring plan have been included in the conditions of approval for the project. It could be argued that any encroachment into a riparian area has the potential to negatively impact the wetland. The Wetland Review clearly states that although the standard based on local policies is a 100' setback from the wetland area, due to the small scale of the proposed development and the protection provided by the existing vegetation buffer that will not be disturbed, a 100' setback is not necessary to protect the wetland. Staff finds, and referral agencies appear to agree, that the proposed residence and observation deck will not negatively impact the wetland assuming that the mitigation measures mentioned herein will be implemented, as required by the approval of this Special Permit.

17. b) and c): MANDATORY FINDINGS OF SIGNIFICANCE: NO IMPACT

Finding: The project will not 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). Nor will it have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly.

Discussion: Based on the project as described, comments from reviewing agencies, a review of the applicable regulations, the inclusion of conditions and mitigations, and discussed herein, the Department finds there is no evidence to indicate the proposed project:

- Will have the potential to achieve short-term to the disadvantage of long-term environmental goals;
- Will have impacts that are individually limited but cumulatively considerable; or
- Will have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly.

18. DISCUSSION OF MITIGATION MEASURES, MONITORING, AND REPORTING PROGRAM

See attached Mitigation Measures, Monitoring, and Report Program

19. EARLIER ANALYSES.

Earlier analysis may be used where, pursuant to the tiering, program EIR, or other CEQA process, one or more effects have been adequately analyzed in an earlier EIR or negative declaration. Section 16063(c)(3)(D). In this case a discussion should identify the following on attached sheets:

- a) Earlier analyses used. Identify earlier analyses and state where they are available for review.

Not applicable.

- 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 measure based on a the earlier analysis.

Not applicable.

- c) Mitigation measures. For effects that are "Less than Significant with Mitigation 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.

Not applicable.

VIII. DISCUSSION OF MITIGATION MEASURES, MONITORING, AND REPORTING PROGRAM(S)

Mitigation/Monitoring Verification Table:

Resource(s)	Measure No.	Summary of Mitigation Measure	Method of Verification	Monitoring Schedule	Responsible Party
Biological	1.	Minimize disturbance of vegetated dunes	Planning Division	During Construction	Applicant
	2.	Replant vegetation in disturbed habitat areas (<i>This is required mitigation under the Beach and Dunes combining Zone. The project as proposed does not involve disturbing habitat.</i>)	Planning Division	After Construction	Applicant
	3.	Provide measures to control wind blown sand	Planning Division	During and after construction	
	4.	If Menzi's wallflowers are adversely impacted, the mitigation shall include protection, and if appropriate, restoration of Menzie's wallflower habitat off of the project site.	Botanical Survey results reviewed by Planning Division	April- June prior to construction	Applicant
	5.	Planting of native trees such as willows (<i>Salix sp.</i>) and wax myrtle (<i>Myrica californica</i>) close to the edge of the slough to enhance the vegetation buffer. The planting of native trees will provide a physical barrier that will protect the sandy slough edge and setback building activities and foot traffic.	Planning Division	Within a year of receiving the Coastal and Special Permits	Applicant
	6.	Botanical surveys must be carried out in mid -April (bloom period one) and again in mid- June (bloom period two) to ensure that no potentially special- status species are present at the project site. Sensitive plants, if present will not be disturbed by the project development.	Survey results reviewed by Planning Division	April- June prior to construction	Applicant

Resource(s)	Measure No.	Summary of Mitigation Measure	Method of Verification	Monitoring Schedule	Responsible Party
Geology and Soils	7.	All conditions set forth in the R-2 Engineering Geologic Report (LACO Associates 2005) must be adhered to.	Building Inspections Division	During Construction	Applicant

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT
Resolution Number 06-81**

**MAKING THE REQUIRED FINDINGS FOR CERTIFYING COMPLIANCE WITH THE CALIFORNIA
ENVIRONMENTAL QUALITY ACT AND CONDITIONALLY APPROVING THE ROGERS COASTAL
DEVELOPMENT PERMIT AND SPECIAL PERMIT APPLICATION:**

**CASE NUMBER CDP-04-94, SP-05-87
ASSESSOR PARCEL NUMBER: 400-121-07**

WHEREAS, Jane Rogers submitted an application and evidence in support of approving a Coastal Development Permit and Special Permit for the development of the parcel with a single family residence, observation deck and fencing; 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 project is subject to environmental review pursuant to the California Environmental Quality Act (CEQA); and

WHEREAS, the county Planning Division prepared a Mitigated Negative Declaration, included as Attachment 3, which indicates that the project meets all requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15074 of the Public Resources Code; and

WHEREAS, Attachment 1 in the Planning Division staff report includes evidence in support of making all of the required findings for approving the proposed Coastal Development Permit and Special Permit (Case Nos.: CDP-04-94, SP-05-87).

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

1. The Planning Commission approves the proposed Mitigated Negative Declaration in Attachment 3, as required by Section 15074(b) of the CEQA guidelines, and finds that there is no substantial evidence that the proposed project will have a significant effect on the environment; and
2. The Planning Commission makes the findings in Attachment 1 of the Planning Division staff report for Case No.: CDP-04-94 and SP-05-87 based on the submitted evidence; and
3. The Planning Commission conditionally approves the proposed Coastal Development Permit and Special Permit as recommended in the Planning Division staff report for Case Nos.: CDP-04-94 and SP-05-87.

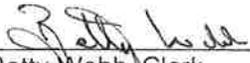
Adopted after review and consideration of all the evidence on JULY 6, 2006.

The motion was made by Commissioner SMITH and seconded by Commissioner MURGUIA.

AYES: Commissioners: EMAD, HERMAN, MURGUIA, & SMITH
NOES: Commissioners: NONE
ABSTAIN: Commissioners: NONE
ABSENT: Commissioners: GEARHEART, HANSIS, & KELLY

I, Kirk Girard, 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.

Kirk Girard, Director of Community Development Services

By: 
Betty Webb, Clerk

Last day to Appeal to the Board of Supervisors: JULY 20, 2006 (file with the Planning Division).

THIS PROJECT IS NOT EFFECTIVE UNTIL ALL APPEAL PERIODS ARE COMPLETE.

ATTACHMENT 5

Original Referral Agency Comments and Recommendation

Referral Agency	Response	Recommendation	Attached	On File
County Building Inspection Division	✓	Conditional Approval		✓
County P/W, Land Use Division	✓	No comment		✓
County Counsel	✓	No Comment		✓
Arcata Fire Protection District	✓	Approval		✓
Wiyot Tribe	✓	Approval		✓
City of Arcata	✓	Approval		✓
California Coastal Commission				
Manila Community Services District	✓	Approval		✓
CA Dept. of Fish & Game	✓	Approval		✓
City of Eureka	✓	No Comment		✓

Modification Referral Agency Comments and Recommendation

Referral Agency	Response	Recommendation	Attached	On File
County Building Inspection Division	✓	Conditional Approval		✓
CA Dept. of Fish & Wildlife		No response		
Bear River Band of the Rohnerville Rancheria	✓	Conditional Approval		✓
Blue Lake Rancheria	✓	Conditional Approval		✓
County Counsel	✓	No Comment		✓
California Coastal Commission	✓	Update Biological Report		✓

ATTACHMENT 6
Air Photo of the Site and Trail Segments

