



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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

Hearing Date: September 7, 2017

To: Humboldt County Planning Commission

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

Subject: **Wade Bray Final Map Subdivision and Special Permit**
Application Number 10625
Case Numbers FMS-17-001, SP-16-234
Assessor Parcel Number 018-081-025-000
4171 Berner Lane, Cutfen area

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

AGENDA ITEM TRANSMITTAL

Meeting Date	Subject	Contact
September 7, 2017	Final Map Subdivision and Special Permit	Trevor Estlow

Project Description: A subdivision of an approximately 14,198 square foot (gross) parcel into two parcels of 4,000 square feet (net) and 8,000 square feet (net). The parcel is currently developed with two single family residences and detached garage. An exception to the subdivision standards is requested to allow the parcels to be served by a reduced right of way. The private road (Berner Lane) already exists and has a right of way width of 20 feet. The subdivision is considered a Final Map due to owner's involvement of previous subdivisions on adjacent parcels. A Special Permit to allow an exception to the minimum parcel size is requested per Section 314-99.1.2 of the Zoning Regulations. The Special Permit will also allow a reduction to the front yard setback for parking pursuant to Section 314-99.1.3.5. An exception to the parking standards is also requested. All parcels will be served with water and sewer by the Humboldt Community Services District.

Project Location: The project site is located in the Cutten area, on the north side of Cypress Avenue, approximately 300 feet east of the intersection of Cedar Street and Cypress Avenue, on the property known as 4171 Berner Lane.

Present Plan Designation: Residential Low Density (RL), Eureka Community Plan (ECP). Density: 1 - 6 dwelling units per acre. Slope: Low Instability (1).

Present Zoning: Residential One-Family (R-1*).

Application Number: 10625

Case Numbers: FMS-17-001, SP-16-234

Assessor Parcel Number: 018-081-025-000

Applicant

Wade Bray
2020 S Street
Eureka, CA 95501

Owner

same as applicant

Agent

Environmental Review: Environmental review is required.

Major Issues: None.

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

BRAY FINAL MAP SUBDIVISION AND SPECIAL PERMIT

Case Number: FMS-17-001, SP-16-234

Assessor Parcel Number 018-081-025-000

Recommended Planning Commission Action

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

Move to adopt the Addendum to the Mitigated Negative Declaration and to make all of the required findings for approval of the Final Map Subdivision and Special Permit, including the exception requests, based on evidence in the staff report and public testimony, and adopt the Resolution approving the Bray project subject to the recommended conditions.

EXECUTIVE SUMMARY:

The applicant proposes a subdivision of an approximately 14,198 square foot (gross) parcel into two parcels of 4,000 square feet (net) and 8,000 square feet (net). The parcel is currently developed with two single family residences and detached garage. An exception to the subdivision standards is requested to allow the parcels to be served by a reduced right of way. The private road (Berner Lane) already exists and has a right of way width of 20 feet. The subdivision is considered a Final Map due to owner's involvement of previous subdivisions on adjacent parcels. A Special Permit is also requested to allow an exception to the minimum parcel size per Section 314-99.1.2 of the Zoning Regulations. An exception to the parking standards is also requested. All parcels will be served with water and sewer by the Humboldt Community Services.

The minimum parcel size for this zone (R-1*) is 6,000 square feet, however, pursuant to Section 314-99.1.1.2 of the Zoning Regulations, the applicant has requested a lot size modification to allow Parcel 1 to be reduced to 67% of the minimum required. The lot size modification will allow the applicant to create a parcel that better fits the existing development on the parcel.

The parcel was created as Lot 4 of Tract No. 648 (Little Trails Subdivision – Phase 1). The parcel was created with a 20-foot wide right of way that served Lots 3 and 4. In order to utilize this access road, an exception to the right of way width is required pursuant to §325-9 of the Subdivision Regulations. Due to the inability to obtain additional right of way – a residence is built on each side of the easement – the exception can be supported (see Public Works memo in Attachment 5). Also requested by the applicant is an exception to the parking requirements pursuant to §314-109.1.3.5. The original permit for the secondary dwelling unit located on proposed Lot 1 depicted two parking spaces in the garage and two independent and accessible spaces in front of the garage on either side of the opening. With the additional easement necessary to access proposed Lot 2, these parking spaces will now encroach into the front yard setback. As there is no other feasible alternative and no additional development is proposed, the parking exception can be supported.

All drainage and run-off will be accommodated on-site or as approved by the Land Use Division of Public Works. The project is conditioned to adhere to the standards of the County's General Plan in terms of stormwater detention. The project is consistent with the General Plan and zoning regulations. All of the reviewing agencies have either recommended approval or conditional approval of the project. Accordingly, the Department has prepared and circulated a draft

Mitigated Negative Declaration and has determined that the project, as proposed, mitigated and conditioned, will not have a significant effect on the environment.

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

ALTERNATIVES:

The Planning Commission could elect not to approve the project. This alternative should be implemented if your Commission is unable to make one or more of the required findings. Planning Division staff believes that the required findings can be made. Consequently, planning staff does not recommend further consideration of this alternative.

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT**

Resolution Number 17-

**MAKING THE REQUIRED FINDINGS FOR CERTIFYING COMPLIANCE WITH THE CALIFORNIA
ENVIRONMENTAL QUALITY ACT AND CONDITIONALLY APPROVING THE BRAY FINAL MAP
SUBDIVISION AND SPECIAL PERMIT APPLICATION.**

**CASE NO. FMS-17-001, SP-16-234,
ASSESSOR PARCEL NUMBER 018-081-025**

WHEREAS, Wade Bray submitted an application and evidence in support of approving a Final Map Subdivision and Special Permit; and

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

WHEREAS, the Planning Division, the lead agency, has prepared an Addendum to a previously adopted Mitigated Negative Declaration for the subject project in accordance with the California Environmental Quality Act (CEQA); and

WHEREAS, Attachment 2 in the Planning Division staff report includes evidence in support of making all of the required findings for approving the proposed Final Map Subdivision and Special Permit (Case Nos. FMS-17-001, SP-16-234);

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

- (1) The Planning Commission adopts the proposed Addendum to a previously 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 findings in Attachment 2 of the Planning Division staff report for Case Nos. FMS-17-001, SP-16-234 support approval of the project based on the submitted evidence.
- (3) Approves the proposed project as recommended and conditioned in Attachment 1 for Case Numbers FMS-17-001, SP-16-234.

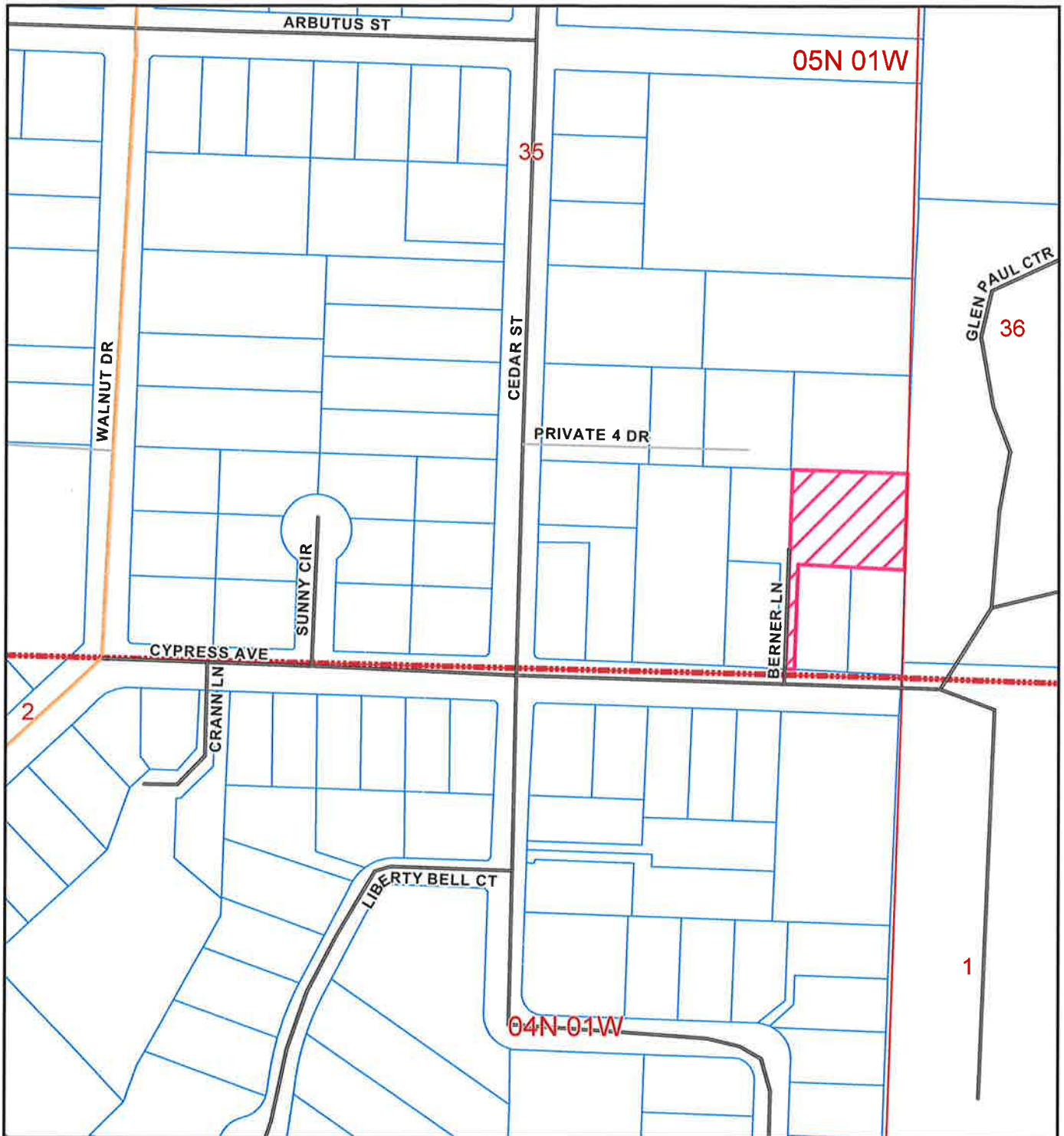
Adopted after review and consideration of all the evidence on September 7, 2017.

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

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

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

John Ford
Director, Planning and Building Department



LOCATION MAP

**PROPOSED WADE BRAY GENERAL CONTRACTOR, INC
FINAL MAP SUBDIVISION &
SPECIAL PERMIT
CUTTEN AREA**

FMS-17-001/SP-16-234

APN: 018-081-025

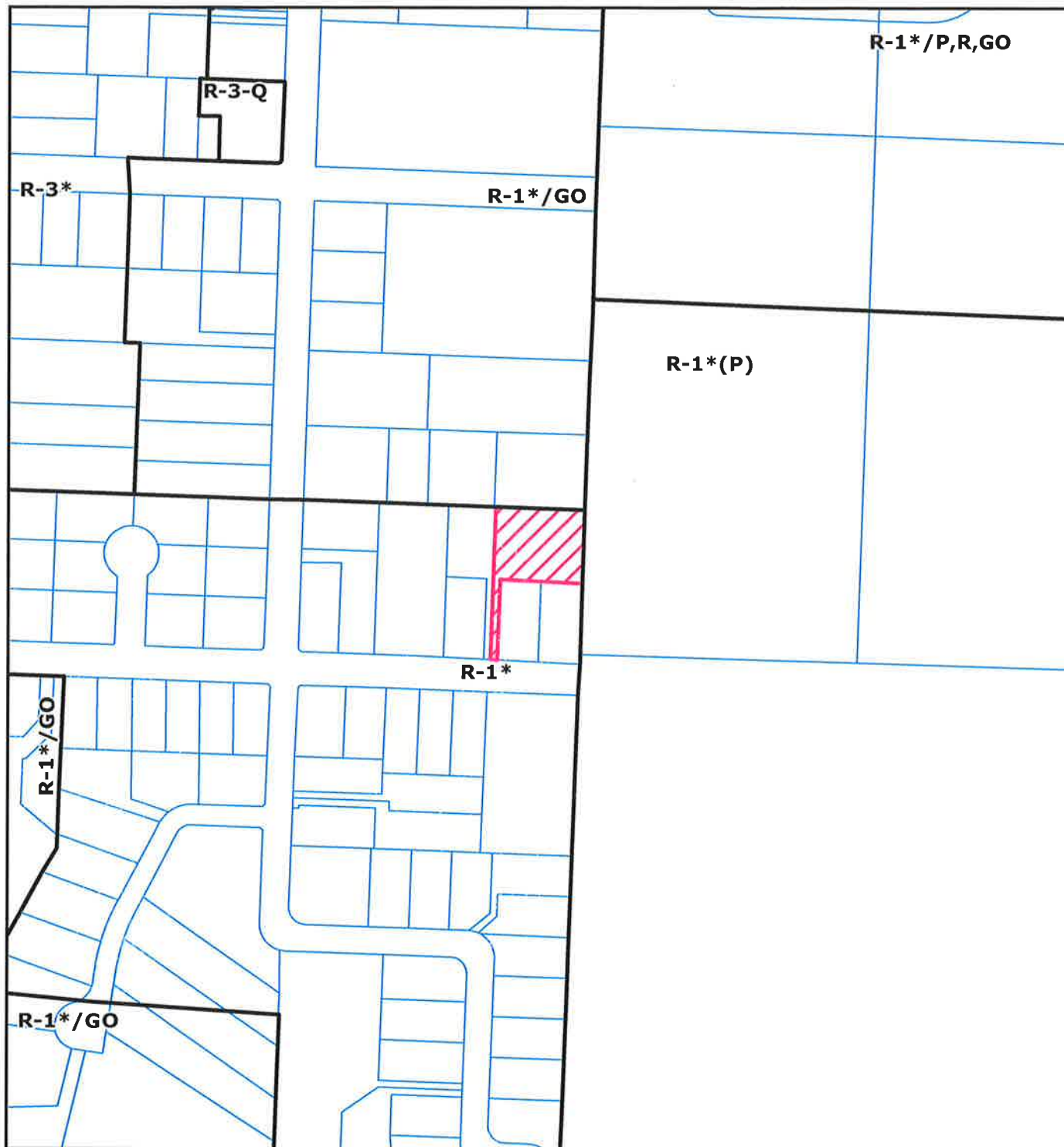
T05N R01W S35 HB&M (Eureka)

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.



0 100 200
Feet



ZONING MAP

**PROPOSED WADE BRAY GENERAL CONTRACTOR, INC
FINAL MAP SUBDIVISION &
SPECIAL PERMIT
CUTTEN AREA**

FMS-17-001/SP-16-234

APN: 018-081-025

T05N R01W S35 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.



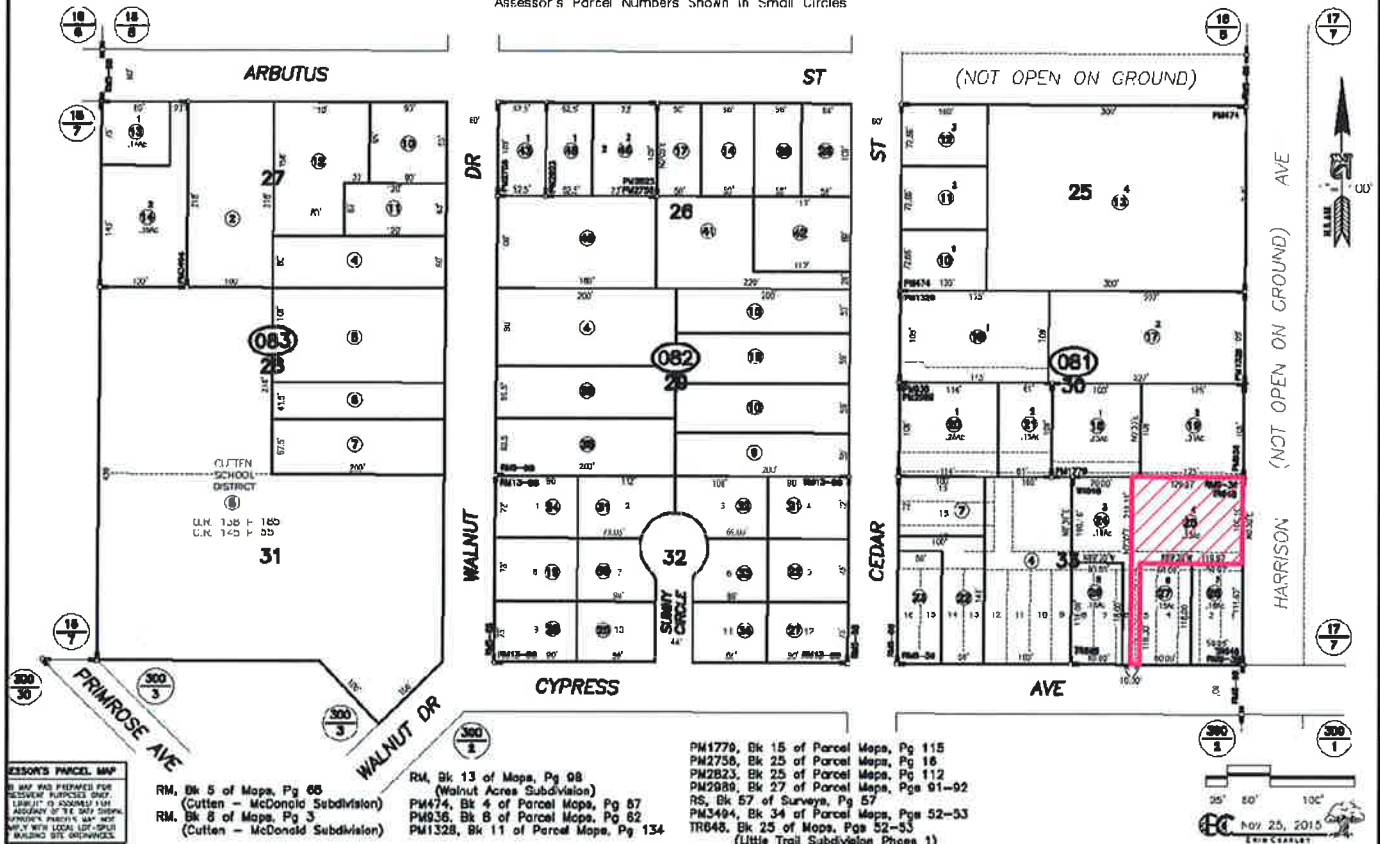
0 100 200
Feet

Assessor's Map Bk. 18, Pg. 08
County of Humboldt, CA.

PTN SE1/4 SEC 35, T5N R1W, H.B.& M.

18-08

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



ASSESSOR PARCEL MAP

PROPOSED WADE BRAY GENERAL CONTRACTOR, INC
FINAL MAP SUBDIVISION &
SPECIAL PERMIT

Project Area =

CUTTEN AREA

FMS-17-001/SP-16-234

APN: 018-081-025

T05N R01W S35 HB&M (Eureka)

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

MAP NOT TO SCALE



AERIAL MAP

**PROPOSED WADE BRAY GENERAL CONTRACTOR, INC
FINAL MAP SUBDIVISION &
SPECIAL PERMIT
CUTTEN AREA**

FMS-17-001/SP-16-234

APN: 018-081-025

T05N R01W S35 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.



0 100
Feet

A. P. # 018-081-018
J. HINCH

A. P. # 018-081-019 D. YARD

NON - COUNTY ROAD (PRIVATE)
) 20' ACCESS EASEMENT FOR
PARCEL (A. P. # 018-081-019)

survey monument

survey monument

NORTH

HARRISON AVE
(NOT OPEN ON
GROUND)

A. P. #018-081-025 W. BRAY

A. P. # 018-081-024
W. BRAY

PROPOSED 10' UTILITY
EASEMENT FOR LOT 2

EXISTING 20' X 40'
TURN-A-ROUND EASEMENT
FOR A. P. # 018-081-024 / 025

EXISTING 20' DRIVEWAY
PROPOSED 20'
ACCESS EASEMENT
FOR LOT 2

survey
monument

survey monument

survey
monument

EXISTING INTERESS, EGRESS
DRAINAGE AND RUE

A. P. # 018-081-026
SCHERS

A. P. # 018-081-027
J. MC GINNIS

A. P. # 018-081-028
N. COLLINS

EXISTING 10' SEWER
EASEMENT FOR
AFN 018-081-025

BERNER LANE
(NOT COUNTY
MAINTAINED)
EXISTING
PRIVATE DRIVE

EXISTING 6' SIDEWALK

A. D. A. COMPLIANT

CYPRESS AVENUE (Co. Road No. 3K2710)
60' WIDE RIGHT OF WAY



OWNER MICHAEL WADE BRAY
2020 S st. EUR. CA. 707-445-9037

LITTLE TRAIL SUBDIVISION
TENTATIVE MAP SCALE 1/16" = 1'-0"

DRAWN AND PREPARED BY
WADE BRAY

ATTACHMENT 1

Recommended Conditions of Approval

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

1. All taxes to which the property is subject shall be paid in full if payable, or secured if not yet payable, to the satisfaction of the County Tax Collector's Office, and all special assessments on the property must be paid or reapportioned to the satisfaction of the affected assessment district. Please contact the Tax Collector's Office approximately three to four weeks prior to filing the parcel or final map to satisfy this condition. This requirement will be administered by the Department of Public Works.
2. The conditions on the Department of Public Works referral dated April 28, 2017 included herein as Exhibit A shall be completed or secured to the satisfaction of that department. Prior to performing any work on the improvements, contact the Land Use Division of the Department of Public Works.
3. The Planning Division requires that two (2) copies of the Final Map be submitted for review and approval. Gross and net lot area shall be shown for each parcel.
4. A map revision fee as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$102.00 per parcel) as required by the County Assessor's Office shall be paid to the County Planning Division, 3015 H Street, Eureka. The check shall be made payable to the "Humboldt County Planning Division". The fee is required to cover the Assessor's cost in updating the parcel boundaries.
6. A review fee for Conformance with Conditions as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$125.00) shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka. This fee is a deposit, and if actual review costs exceed this amount, additional fees will be billed at the County's current burdened hourly rate. Please see Informational Note 1. below for suggestions to reduce the cost for this review.
7. Parkland dedication fees of \$1,462.34 shall be paid to the Humboldt County Planning and Building Department, 3015 "H" Street, Eureka. Alternately, parkland dedication fees would not be required (full parkland fees have been paid for the parcel) provided the applicant enters into a Conveyance and Agreement of development rights with the County of Humboldt for second or secondary dwelling units on Parcels 1 and 2. Release from the Conveyance and Agreement may be pursued upon payment of the \$1,462.34 parkland dedication fee balance. A copy of the Conveyance and Agreement form with *pro-rata* dedication payments amounts for each lot calculated will be provided by the Planning Department upon the election of this option by the applicant once the Parcel Map is prepared and approved for recordation. These fees may be paid for by individual lot owners on a *pro-rata* basis at the time individual lot owners apply for a permit to construct a second or secondary dwelling unit. Should the applicant elect to enter into a Conveyance and Agreement, legal document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$322.00) will be required.

8. The applicant shall submit at least three (3) copies of a Development Plan to the Planning Division for review and approval. The map shall be drawn to scale and give detailed specifications as to the development and improvement of the site and the following site development details:

A. Mapping

- (1) Topography of the land in 1-foot contour intervals;
- (2) Development standards including setbacks, maximum lot coverage, maximum height and four (4) parking spaces on Parcel 1 and five (5) parking spaces on Parcel 2 consistent with Section 314-109.1 Humboldt County Code;

B. Notes to be placed on the Development Plan:

- (1) "The project site is not located within an area where known cultural resources have been located. However, as there exists the possibility that undiscovered cultural resources may be encountered during construction activities, the following mitigation measures are required under state and federal law:

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

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

The applicant and successors are ultimately responsible for ensuring compliance with this condition."

- (2) "The project is located in a designated non-attainment area for the state's health-based particulate matter (PM10) air quality standard. As such, additional emission from the project could exacerbate air quality problems, including non-attainment of ambient air quality standards. In order to address potential effects to air quality the District recommends:

- Prohibition of open fireplaces.
 - Heating should be provided using clean fuels (electricity or natural gas), when feasible.
 - If wood heating must be used, only US Environmental Protection Agency (EPA) certified heating appliances should be permitted in new construction."
- (3) "Construction activities shall be restricted to hours between 7:00 a.m. and 6:00 p.m. Monday through Friday and 9:00 a.m. and 5:00 p.m. on Saturday. All proposed uses must comply with the noise standards identified in Figure 3-2 of the General Plan."
- (4) If applicable "Development rights for secondary dwelling units have been conveyed by the subdivider to the County of Humboldt. The terms and conditions of the Conveyance and Agreement must be satisfied in order for the County to accept an application for a secondary dwelling unit on any of the involved parcels. Please refer to the recorded Conveyance and Agreement for the specific requirements. Questions regarding this note should be directed to the Humboldt County Planning Division."
- (5) "The lots in this subdivision were created using a Lot Size Modification."
- (6) "Please note that the information and requirements described and/or depicted on this Development Plan are current at the time of preparation but may be superceded or modified by changes to the laws and regulations governing development activities. Before commencing a development project, please contact the Planning Division to verify if any standards or requirements have changed."
9. The applicant shall cause to be recorded a "Notice of Development Plan" for all parcels on forms provided by the Humboldt County Planning Division. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$322.00 plus applicable recordation fees) will be required. The Development Plan shall also be noticed on the Parcel Map.
10. The applicant shall submit a check to the Planning Division payable to the Humboldt County Recorder in the amount of \$50.00. (Note: In order to comply with the time limits for filing the Notice of Determination per CEQA, this payment will be requested from the applicant prior to hearing and will be held by the Planning Division pending a decision on the permit.)
11. This project is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. Any and all outstanding Planning fees to cover the processing of the subdivision shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka. The Department will provide a bill to the applicant upon file close out after the Planning Commission decision.

Informational Notes

1. To minimize costs the applicant is encouraged to bring in written evidence of compliance with all of the items listed as conditions of approval in this Exhibit that are administered by the Planning Department. The applicant should submit the listed item(s) for review as a package as early as possible before the desired date for final map checking and recordation. Post application assistance by the Assigned Planner, with prior appointment, will be subject to a Special Services Fee for planning services billed at the County's current burdened hourly rate. Copies of all required forms and written instructions are included in the final approval packet.

Each item evidencing compliance except legal documents to be recorded should note in the upper right hand corner:

Assessor's Parcel No. _____, Condition _____
(Specify) (Specify)

2. The project site is not located within an area where known cultural resources have been located. However, as there exists the possibility that undiscovered cultural resources might be encountered during construction activities, the following mitigation measures are required under state and federal law:

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) is 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.

3. Under state planning and zoning law (CGC §66000 *et seq.*), a development project applicant who believes that a fee or other exaction imposed as a condition of project approval is excessive or inappropriately assessed may, within 90 days of the applicable date of the project's approval, file a written statement with the local agency stating the factual basis of their payment dispute. The applicant may then, within 180 days of the effective date of the fee's imposition, file an action against the local agency to set aside or adjust the challenged fee or exaction.
4. The term of the approved Tentative Map and Special Permit shall be 24 months from the effective date of the action except where otherwise provided by law. An extension may be requested prior to the date in accordance with Section 326-21 and 326-31 of the Humboldt County Code.

EXHIBIT A



ARCATA-EUREKA AIRPORT TERMINAL
MCKINLEYVILLE
FAX 839-3596

AVIATION

839-5401

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

ADMINISTRATION
BUSINESS
ENGINEERING
FACILITY MAINTENANCE

445-7491
445-7652
445-7377
445-7493

NATURAL RESOURCES
NATURAL RESOURCES PLANNING
PARKS
ROADS & EQUIPMENT MAINTENANCE

445-7741
267-9540
445-7651
445-7421

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

LAND USE 445-7205

DEPARTMENT OF PUBLIC WORKS COUNTY OF HUMBOLDT

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

LAND USE DIVISION INTEROFFICE MEMORANDUM

TO: Trevor Estlow, Senior Planner

FROM: Robert W. Bronkall, Deputy Director 

RE: SUBDIVISION REQUIREMENTS - IN THE MATTER OF THE
APPLICATION OF BRAY, APN 018-081-025, FMS-17-001 FOR APPROVAL
OF A TENTATIVE MAP, CONSISTING OF 0.33 ACRES INTO 2 LOTS

DATE: 04/28/2017



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

These recommendations are based on the tentative map prepared by Wade Bray, undated, and dated as received by the Humboldt County Planning Division on March 30, 2017.

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

READ THE ENTIRE REPORT BEFORE COMMENCING WORK ON THE PROJECT

1.0 MAPPING

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

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

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

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

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

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

- 1.3 **DEPOSIT:** Applicant shall be required to place a security deposit with this Department for inspection and administration fees as per Humboldt County Code Section 326-13 prior to review of the improvement plans, review of the subdivision map, or the construction of improvements, whichever occurs first.
- 1.4 **EASEMENTS:** All easements that encumber or are appurtenant to the subdivision shall be shown graphically on the subdivision map. Those easements that do not have a metes and bounds description shall be noted on the subdivision map and shown as to their approximate location.
- 1.5 **PRIVATE ROADS:** Pursuant to County Code Section 323-2(c)(3), the subdivision map shall show the lanes clearly labeled "Non-County Maintained Lane" or "Non-County Maintained Road". Pursuant to County Code Section 323-2(c)(5), the following note shall appear on the map or instrument of waiver, which shall read substantially as follows:

"If the private lane or lanes shown on this plan of subdivision, or any part thereof, are to be accepted by the County for the benefit of the lot owners on such lane rather than the benefits of the County generally, such private lane or lanes or parts thereof shall first be improved at the sole cost of the affected lot owner or owners, so as to comply with the specification as contained in the then applicable subdivision regulations relating to public streets."
[County Code Section 323-2 appears after Section 324-1 in County Code]

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

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

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

2.0 IMPROVEMENTS

- 2.1 TRAFFIC CONTROL DEVICES:** Street name and traffic control devices may need to be placed as required and approved by this Department.

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

3.0 DRAINAGE

- 3.1 DRAINAGE ISSUES:** Applicant shall be responsible to correct any involved drainage problems associated with the subdivision to the satisfaction of this Department.
- 3.2 DRAINAGE REPORT:** Applicant must submit a complete hydraulic report and drainage plan regarding the subdivision for review and approval by this Department. This may require the construction of drainage facilities on-site and/or off-site in a manner and location approved by this Department.

4.0 GRADING

<NONE>

5.0 MAINTENANCE

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

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

- A maintenance plan for the non-county maintained road known as Berner Lane.

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

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

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

<NONE>

7.0 LANDSCAPING

<NONE>

// END //

ATTACHMENT 2
Staff Analysis of the Evidence Supporting the Required Findings

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

A. *Subdivision Required Findings:*

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

B. *Special Permit Findings:* Section 312-17 of the Zoning Regulations of the Humboldt County Code (Required Findings for All Permits and Variances) specifies the findings that are required to grant a Special Permit:

1. The proposed development is in conformance with the County's 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 the conditions under which it may be operated or maintained, will not be detrimental to the public health, safety and welfare or materially injurious to properties or improvements in the vicinity; and
5. The proposed development does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law, unless the following written findings are made supported by substantial evidence: 1) the reduction is consistent with the adopted general plan including the housing element; and 2) the remaining sites identified in the housing element are adequate to accommodate the County share of the regional housing need; and 3) the property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions of the site has been maximized.

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

Staff Analysis:

A.1/B.1. General Plan Consistency: The following table identifies the evidence which supports finding that the proposed subdivision is in conformance with all applicable policies and standards in the Framework Plan (FP) and Eureka Community Plan (ECP).

Relevant Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the Required Finding
Land Use	Residential Low Density (RL). Density: 1 – 6 units per acre. Primary and compatible uses: residential, educational and religious activities, bed and breakfast establishments, and noncommercial recreation facilities.	The project involves the subdivision of an approximately 14,000 square foot parcel into two, each developed with an existing single family residence.
Housing	Concentrate new development around existing public services and around existing communities.	This subdivision is in an urban area with full urban services. The subdivision will site two existing residences on separate parcels.
Hazards: §3100 (ECP)	New development shall minimize risk to life and property in areas of high geologic, flood and fire hazards. §3200 Geologic §4700 Fire §3300 Flood Hazards	The parcel is located within an area mapped as having a low slope instability rating. After a site inspection, the Building Inspection Division did not require an R-2 Soils Report. The site is not within an Alquist-Priolo Fault Hazard Area. The proposed subdivision site is in an area of low fire hazard. Humboldt Bay Fire Protection District recommended approval of the project. The parcel is within flood zone "C", areas of minimal flooding.
Sensitive Habitats FP 3420 et seq.; ECP 3400-3604	To protect designated sensitive habitats resources.	Based on a staff site inspection and review of Framework Plan Biological Resources maps indicate that no resource protection policies affect the subject parcel. Additionally, the California Department of Fish and Wildlife did not respond with any concerns. There are gulch areas off-site to the north, east and southeast of the parcel, but they are over 400 feet away. All stormwater will be directed into existing County stormwater systems. There are no creeks, streams or "other wet areas" as defined by the County's Streamside Management Area Ordinance, §314-61.1, HCC.

Relevant Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the Required Finding
Cultural Resources FP 3530 et seq.; ECP 3500-3510	To protect cultural resources.	The Wiyot Tribe and the North Coastal Information Center reviewed the original subdivision and recommended project approval. Nonetheless, conditions of approval put the applicant on notice that if archaeological resources are found during excavation on the property, all work is to be stopped and a qualified archaeologist is to be consulted for recommendations.

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

Section(s)	Summary of Applicable Subdivision Requirements	Evidence Which Supports Making The Required Finding
Lot Suitability 322-3	All lots shall be suitable for their intended uses.	The staff site inspections and service provider comments in Attachment 5 all indicate that the parcels are suitable for the proposed residential uses.
Access and Drainage 324-1	Improvements shall be required for the safe and orderly movement of people and vehicles.	County Public Works Land Use Division has provided Subdivision Requirements dated April 28, 2017, which address access and drainage. Project approval is conditioned upon satisfaction of these requirements.
Sewer & Water 324-1 (d)	Community sewer and water shall be installed to the standards of the Humboldt CSD.	Both resultant parcels will be served by community water and sewer. Project approval is conditioned upon satisfaction of the requirements of the Humboldt Community Services District.
Adequate Solar Access 322.5-5	Subdivision to provide adequate solar access.	The applicant has demonstrated that adequate solar access is available for both parcels and no exceptions are required.
Access Road Appendix 4-1	Roadway design must incorporate a 40-foot right of way.	The subdivision will be accessed by a 20 foot right of way off of Cypress Avenue, a public road with a 60 foot right of way. An exception request has been submitted to allow the 20 foot wide access easement. Public Works has stated that they can support this exception (see Attachment 5).

Section(s)	Summary of Applicable Subdivision Requirements	Evidence Which Supports Making The Required Finding
Lot Size Modification §314-99.1, HCC <i>In order to better design and cope with difficulties due to topography and other natural or man-made features, minimum lot size...in all zones may be modified subject to securing an SP.</i> Furthermore, §325-11 HCC specifies the nine findings that must be made to support Lot Size Modification (LSM). These findings are specific to the review of Subdivision design to ensure that the change to the parcel size standard does not adversely affect surrounding uses and the environment.	Minimum lot size may be reduced by 50%, but cannot create a parcel greater than 1.8 times the allowed minimum. Findings of Section 325-11: (a) the lots are in harmony with the topography; (b) soil conditions will not be adversely affected; (c) hydrologic conditions will not be adversely affected; (d) traffic patterns and emergency vehicle access will not be adversely affected; (e) the subdivision design with the LSM is in the interest of the public welfare; (f) the existing character of the area will not be adversely affected; (g) wetlands will not be adversely and (h) the subdivision conforms to the General Plan.	The subject parcel is currently approximately 14,000 square feet in size and developed with a single family residence and secondary dwelling unit. The lot size modification will allow the applicant to divide the parcel consistent with the prescribed density. The minimum lot size required by zoning is 5,000 square feet. Proposed Parcel 1 would be approximately 4,000 square feet (net) and proposed Parcel 2 would be approximately 8,000 square feet (net). The parcel size range is within the allowance for LSM. The LSM is consistent with the findings of Section 325-11 because: (a) the lots are in harmony with the topography, i.e., existing roads and structures; (b) effects on soil conditions are minimized; (c) hydrologic conditions will not be adversely affected because the development already exists; (d) by utilizing existing road improvements the impact to traffic patterns and emergency vehicle access is minimized; e) the subdivision design with the LSM is in the interest of the public welfare in that it considers the physical constraints and allows for optimum use of the site; (f) the existing character of the area will not be adversely affected in that the subdivision design with the LSM is consistent with residential development pattern of the area; (g) wetlands will not be adversely affected because there are none on site and (h) the subdivision conforms to the General Plan. A condition of approval requires the Development Plan to include a notation as to the creation of these parcels using the lot size modification exception.

Further, pursuant to H.C.C. Section 325-9, to grant the exception to the Subdivision Regulations the Planning Commission must find the following:

Summary of Applicable Requirement	Evidence for Parcels
That there are special circumstances or conditions affecting said property.	The subdivision is intended to site the two existing residences on separate parcels. The parcel is currently served by a 20 foot wide right of way that serves one other parcel and is bordered by two parcels already developed with single family residences. Granting additional right of way over the adjacent parcels is impractical and not possible due to the location of the existing residences.
That the exception is necessary for the preservation and enjoyment of a substantial property right of the petitioner.	Given that the parcel is currently over 14,000 square feet and developed with two residences, the parcel qualifies for subdivision. The project as proposed satisfies other requirements for land division and the granting of this exception does not appear to provide special privileges unavailable to others. The granting of this exception does not appear to be detrimental to the public welfare or injurious to other properties in the vicinity. Furthermore, the resultant parcel sizes will not be atypical for the neighborhood, will facilitate in-filling an established development pattern in support of the densities established by the Plan and Zoning, and will provide a variety of housing opportunities.

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

Zoning Section	Summary of Applicable Requirement	Evidence												
Principal Permitted Use: §314-6.2 Residential Single-Family with a 6,000 sf min.	The R-1* zone principally permits single family residences and SDUs.	The project involves the subdivision of an approximately 14,000 square foot parcel into two, each developed with an existing single family residence.												
Min. Parcel Size:	6,000 square feet	Lot 1: 4,000 square feet (net) utilizing Lot Size Modification Lot 2: 8,000 square feet (net)												
Min. Lot Width:	50 feet	Lot 1: 50 feet Lot 2: 80 feet												
Max. Bldg. Height:	35 feet	Lot 1: 25 feet Lot 2: 25 feet												
Min. Setbacks:	Front: 20' Rear: 10' Interior Side: 5'	<table> <tr> <td></td><td>Lot 1</td><td>Lot 2</td></tr> <tr> <td>Front:</td><td>20 feet</td><td>20 feet</td></tr> <tr> <td>Rear:</td><td>20 feet</td><td>10 feet</td></tr> <tr> <td>Side:</td><td>5 feet</td><td>5 feet</td></tr> </table>		Lot 1	Lot 2	Front:	20 feet	20 feet	Rear:	20 feet	10 feet	Side:	5 feet	5 feet
	Lot 1	Lot 2												
Front:	20 feet	20 feet												
Rear:	20 feet	10 feet												
Side:	5 feet	5 feet												
Maximum Coverage	35%	Lot 1: 35% Lot 2: 35%												
Parking: §314-109.1	Lot 1 requires four (4) on-site parking spaces outside the front yard setback. Lot 2 requires five (5) on-site parking spaces with four (4) spaces outside the front yard setback.	The applicant has requested an exception to allow two of the required parking spaces on Lot 1 to encroach into the front yard setback. The approved permit for the secondary dwelling unit (house on Lot 1) identified two parking spaces in the garage and two adjacent to and in front of the garage/residence. The subdivision will provide a 20 foot access easement along the southerly line of Lot 1, thereby creating an additional setback requirement. The existing parking spaces will now encroach into this setback. The exception is necessary to allow the parcel to provide the required parking spaces.												

Zoning Section	Summary of Applicable Requirement	Evidence
Parkland §4400 (ECP)	To establish recreational facilities to meet the needs of Eureka residents.	By formula per Humboldt County Code §314-110.1 Parkland dedication in-lieu fees were calculated as follows: $2(130 \times 2.45/43,560) \times \$100,000 = \$2,924.68$ or, alternatively, \$1,462.34 with the conveyance of secondary dwelling unit (SDU) rights on Lots 1 and 2. The Assessor's Office has determined the value of 1 acre of undeveloped land in the vicinity to be \$100,000. If a conveyance is used, the pro-rata share of the remaining in-lieu fee for each lot shall be paid prior to issuance of a Building Permit for an SDU. This fee shall be based on percentage of net lot area within the subdivision. Note: full parkland fees have been paid on the parcel, therefore, only fees for the SDUs are required.

Parkland Dedication Fee Calculations

130.00	The ECP requires 130 square feet of parkland dedication per person for new subdivisions
X <u>2.45</u>	Persons per average Eureka household (Source: 2000 U.S. Census)
318.50	Parkland dedication per average household in square feet
/ <u>43,560</u>	Square feet per acre
0.0073	Parkland dedication per average household in acres
X 2	Number of residential parcels being created by the subdivision,
X 2	Number of dwellings per legal parcel
X 100%	Percentage of these parcels within the ECP Area
X <u>\$100,000</u>	Value of one acre of land in the vicinity of the subdivision project
\$2,924.68	Parkland Dedication In-lieu Fee for the Bray Subdivision
<u>\$1,464.34</u>	Fees paid under previous subdivision
\$1,464.34	Total fees due

B.4. Public Health, Safety and Welfare:

The project will not be detrimental to the public health, safety and welfare nor will it be materially injurious to properties or improvements in the area because:	Evidence supporting the finding:
All reviewing referral agencies have approved or conditionally approved the proposed project design.	See Attachment 5 - Agency Recommendations
The proposed project is consistent with the general plan.	See previous discussion
The proposed project is consistent with the zoning.	See previous discussion
The proposed project will not cause environmental damage.	See following discussion

A.4./B.5. Impact on Residential Density Target:

Section(s)	Summary of Applicable Subdivision Requirements	Evidence Which Supports Making The Required Finding
312-17.1.5 Housing Element Densities	The proposed project does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law, except where: 1) the reduction is consistent with the adopted general plan including the housing element; and 2) the remaining sites identified in the housing element are adequate to accommodate the County share of the regional housing need; and 3) the property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions of the site has been maximized.	The proposed subdivision involves a residential subdivision on lands planned and zoned for such development. The Residential Low Density (RL) land use designation has a density range of 1-6 dwelling units per acre, with a mid-point density of 3.5 dwelling units per acre. The project will result in a density of six units per acre. Although the parcel was not utilized by the Department of Housing and Community Development, the project meets the Housing Element "mid-point" density standard for the RL designation.

A.5. Environmental Impact:

As lead agency, the Department prepared an addendum to a previously adopted Initial Study and Mitigated Negative Declaration. 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.

The project was found subject to CEQA and an Addendum to the previously adopted Negative Declaration was prepared. Because an Addendum was prepared and no changes were required to the Mitigated Negative Declaration, the provisions of Section 711.4 of the California Fish and Wildlife Code do not apply to this project. Within five (5) days of the effective date of the approval of this project, the applicant shall submit a check to the Planning Division payable to the Humboldt County Recorder in the amount of \$50.00. This requirement appears as Condition 11 of Attachment 1.

ATTACHMENT 3

Applicant's Evidence in Support of the Required Findings

Document	Location
Tentative Subdivision Map	Attached in Maps Section
Application Form	On file with Planning
Preliminary Title Report	On file with Planning
Solar Shading Map	On file with Planning
Lot Size Modification Request	Attached
Right of Way Width Exception Request	Attached
Parking Exception Request	Attached

Wade Bray General Contractor, Inc.

2020 S Street

Eureka, Ca 95501

707 (445-9037)

License #329037



November 17, 2016

Humboldt County Planning Department

Att: Trevor Estlow, Senior Planner

3015 H Street

Eureka, Ca 95501

Re: Petition for Exception to lot size requirement of
Lot 4 Little Trail Subdivision

Dear Mr. Estlow:

Planning Department approval of phase 1, Little Trail Subdivision required that lot 4,

(APN 018-081-25) keep a determined area of land open to future development, and with that condition

In force we are requesting that lot 4 be divided pursuant to Humboldt County Code 99.1.2

Exception to lot size, lot width, and lot depth standards.

Property is located in the Housing Opportunity Zone and pursuant to that are requesting a split of lot 4

To one 50 X100 foot lot and one 80X 100 foot lot.

The proposed parcels are consistent with Humboldt County's desire for higher density development.

Sincerely,

A handwritten signature in black ink that appears to read "Wade Bray".

Wade Bray
Owner/Builder

August 2, 2017

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



RE: Petition for Exception to Required Right of Way Width for Bray Subdivision,
APN 018-081-025

Dear Mr. Estlow:

Pursuant to Humboldt County Code Section 325-9, I am requesting an exception to the minimum right of way width requirements, as specified by Code Section 324-1 (b), to allow the subdivision to utilize an existing 20 foot wide right of way known as Berner Lane for access to the new parcel to be created by this subdivision. Exceptions to the requirements and regulations of the Code may be granted if the following conditions exist:

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

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

The parcel to be divided is currently served by a 20 foot wide right of way that serves one other parcel and is bordered by two parcels already developed with single family residences. Granting additional right of way over the adjacent parcels is impractical and not possible due to the location of the existing residences.

Given that the parcel is currently over 14,000 square feet and developed with two residences, the parcel qualifies for subdivision. The project as proposed satisfies other requirements for land division and the granting of this exception does not appear to provide special privileges unavailable to others. The granting of this exception does not appear to be detrimental to the public welfare or injurious to other properties in the vicinity. Based on the above, I respectfully petition that this exception be granted.

Sincerely,

Wade Bray

August 2, 2017

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



RE: Parking Exception Request for Bray Subdivision, APN 018-081-025

Dear Mr. Estlow:

Pursuant to Humboldt County Code Section 314-99.1.3.5, I am requesting an exception to the yard setback requirements to allow two parking spaces to be located within the front yard setback of proposed Lot 1.

The original permit for the secondary dwelling unit located on proposed Lot 1 depicted two parking spaces in the garage and two independent and accessible spaces in front of the garage on either side of the opening. With the additional easement necessary to access proposed Lot 2, these parking spaces now encroach into the front yard setback. As there is no other feasible alternative and no additional development is proposed, I respectfully petition that this exception be granted.

Sincerely,

Wade Bray

ATTACHMENT 4

Addendum to Initial Study and Mitigated Negative Declaration

ADDENDUM TO THE MITIGATED NEGATIVE DECLARATION

BRAY FINAL MAP SUBDIVISION PROJECT

***APN 018-081-025, Eureka area,
Humboldt County
SCH# 2007122083***

DRAFT

**Prepared By
Humboldt County Planning and Building Department
3015 H Street, Eureka, CA 95501**

August 2017

Background

Project Description and Project History - The project involves a subdivision of an approximately 14,198 square foot (gross) parcel into two parcels of 4,000 square feet (net) and 8,000 square feet (net). The parcel is currently developed with two single family residences and detached garage. An exception to the subdivision standards is requested to allow the parcels to be served by a reduced right of way. The private road (Berner Lane) already exists and has a right of way width of 20 feet. The subdivision is considered a Final Map due to owner's involvement of the previous subdivision that created the subject parcel (Lot 4 of Little Trail Subdivision – Phase 1). A Special Permit to allow an exception to the minimum parcel size is requested per Section 314-99.1.2 of the Zoning Regulations. The Special Permit will also allow a reduction to the front yard setback for parking pursuant to Section 314-99.1.3.5. An exception to the parking standards is also requested. All parcels will be served with water and sewer by the Humboldt Community Services District.

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 Mitigated Negative Declaration (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.

Summary of Significant Project Effects and Mitigation Recommended

No changes are proposed for the original project's recommended mitigations.

Other CEQA Considerations

Staff suggests no changes for the revised project.

EXPLANATION OF DECISION NOT TO PREPARE A SUPPLEMENTAL MITIGATED NEGATIVE DECLARATION

See **Purpose** statement above.

In 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 Mitigated Negative Declaration was adopted. Based upon this review, the following findings are supported:

FINDINGS

1. The proposed project further divides Lot 4 of the Little Trail Subdivision – Phase 1. The nature of the project does not trigger any new environmental impacts that were not previously discussed. The mitigation measures adopted with the original project will continue to apply.
2. The circumstances under which the project was approved have not changed substantially. There are no new significant environmental effects and no substantial increases in the severity of previously identified effects.
3. For the 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 Mitigated Negative Declaration is appropriate to address the requirements under CEQA for the current project proposal. All of the findings, mitigation requirements, and mitigation and monitoring program of the MND are applicable to the current project proposal.

APPENDICES

BRAY SUBDIVISION PROJECT

- Appendix A. Humboldt County Planning Commission Resolution Adopting the Mitigated Negative Declaration
- Appendix B. Initial Study and Mitigated Negative Declaration

APPENDIX A

Humboldt County Planning Commission Resolution Adopting the Mitigated Negative Declaration

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT
Resolution Number 08-14**

**MAKING THE REQUIRED FINDINGS FOR CERTIFYING COMPLIANCE WITH THE CALIFORNIA
ENVIRONMENTAL QUALITY ACT AND CONDITIONALLY APPROVING THE McGAUGHEY
FINAL MAP SUBDIVISION APPLICATION: CASE NO. FMS-07-03, ASSESSOR PARCEL NUMBERS
018-081-04, -05, 300-022-01, -02, -03, -06.**

WHEREAS, Jeff McGaughey has submitted a tentative map for a 2-Phased Final Map Subdivision; 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 of the California Environmental Quality Act (CEQA); and

WHEREAS, the County Planning Division prepared a draft Mitigated Negative Declaration, included in Attachment 3; 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 subdivision (Case Number: FMS-07-03);

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.
2. The Planning Commission makes the findings in Attachment 2 of the Planning Division staff report for Case Number: FMS-07-03 based on the submitted evidence.
3. The Planning Commission conditionally approves the proposed subdivision as recommended in the Planning Division staff report for Case Number: FMS-07-03.

Adopted after review and consideration of all the evidence on February 7, 2008.

The motion was made by COMMISSIONER HERMAN and seconded by COMMISSIONER GEARHEART.

AYES: Commissioners: GEARHEART, HANSIS, HERMAN, KELLY & SMITH

NOES: Commissioners: NONE

ABSTAIN: Commissioners: NONE

ABSENT: Commissioners: MURGUIA & SMITH

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

APPENDIX B

Initial Study and Mitigated Negative Declaration

NOTICE OF COMPLETION**SCH # 2007122083**

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

Project Title: McGaughey Two-Phased Final Map Subdivision

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

Contact Person: Alyson Hunter, Senior Planner, Phone: (707) 268-3731 Fax: (707) 445-7446 Email: ahunter@co.humboldt.ca.us

Project Location:

County: Humboldt City/Nearest Community: Cutten area Zip Code: 95503 Cross Streets: Cypress Ave and Cedar St Acres of Project: ± 2.50 acres APNs: 018-081-04, -05, 300-022-01, -02, -03, -06

Section: 2; T4N R1W; Base; H.B.& M

Within 2 Miles: City of Eureka Waterways: Bob Hill Gulch, Ryan Creek Airports: n/a Railways: n/a

Schools: Cutten Elementary, Winship Junior High, Glen Paul School

Document Type:

CEQA: ☐ NOP ☐ Supplement/Subsequent NEPA: ☐ NOI Other: ☐ Joint Document
☐ Early Cons ☐ EIR (Prior SCH No.) ☐ EA ☐ Final Document
☒ Mit. Neg. Dec. ☐ Other ☐ Draft EIS ☐ Other ☐
☐ Draft EIR ☐ FONSI

Local Action Type ☒ Final Map Subdivision**Development Type**☒ Creation of 13 parcels (Phase I = 7 parcels, Phase 2 = 6 parcels)**Project Issues Discussed in Document**

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

Present Land Use/Zoning/General Plan Use

Present Land Use: The parcels are currently vacant, but for three (3) old sheds that may have been chicken coops at some point in the past. The site is surrounded by single family residential development to the north, west and south and two (2) schools to the east. There is a small commercial district ± 3 blocks away. The parcels are completely flat with no topographic features.

General Plan Designation: Residential Low Density (RL); Eureka Community Plan (ECP). Density: 1 - 6 units/acre.

Zoning: Residential Single Family - 6,000 sq ft minimum (R-1*).

Description of project:

A Final Map Subdivision to be recorded in two (2) phases. Phase I, consisting of the resubdivision of two separate legal parcels on the north side of Cypress Avenue, will result in seven (7) lots, ranging in size from 7,000 sf (net) to 13,000 sf (net). This Phase already has a residence located on proposed Lot 2. A Special Permit is in process for a second residence to be constructed on proposed Lot 1 prior to recordation of Phase I. Phase II consists of the subdivision of one parcel into six (6) lots ranging in size from 6,104 sf (net) to 8,340 sf (net). This Phase will occur on the south side of Cypress Avenue. Both parent parcels are under one ownership and, but for the location of Cypress Avenue, a public road, would be adjacent to each other. The neighborhood is provided water and sewer services by HCSD. An exception is requested per §325-9 of the Subdivision Regulations to allow for the "flag lot" design of Lots 1, 3, 4, 12 and 13. **The subdivision results in an additional seven (7) parcels above and beyond the existing six (6) for a total of 13 parcels.**

Resources Agency

☐ Boating & Waterways
☐ Coastal Commission
☐ Coastal Conservancy
☐ Colorado River Board
☐ Conservation
☒ Fish & Game (Eureka 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: 12/21/07, 2007

Ending Date: 1/21/08, 2007

Signature Alyson Hunter

Date: 12/17/07

Lead Agency: Humboldt County Community Development Services
Address: 3015 H Street
City/State/Zip: Eureka, CA 95501
Phone: (707) 445-7541
Applicant: Jeff McGaughey
Address: PO Box 115
City/State/Zip: Korbey, CA 95550
Phone: (707) 834-3745
Agent: (same)

For SCH Use Only:

Date Received at SCH _____

Date Review Starts _____

Date to Agencies _____

Date to SCH _____

Clearance Date _____

Notes: _____

Draft Mitigated Negative Declaration

1. Project title: McGaughey Two-Phased Final Map Subdivision
2. Lead agency name and address: Humboldt County Community Development Services, 3015 H Street, Eureka, CA 95501-4484; Phone: (707) 445-7541; Fax (707) 445-7446
3. Contact person and phone number: Alyson Hunter, Senior Planner, Phone: 707-268-3731, Fax: 707-445-7446
4. Project location: The project is located in Humboldt County, in the Cutten area, on both sides of Cypress Street, approximately 632 feet east from the intersection of Walnut Street and Cypress Avenue, on the properties known as 2439 & 2463 Cypress Avenue and properties known to be in Section 2, T4N R1W.
5. Project sponsor's name and address: Jeff McGaughey ~ PO Box 114, Korbek, CA 95550
6. General plan Designation: Residential Low Density (RL); Eureka Community Plan (ECP).
7. Zoning: Residential Single Family - 6,000 sf minimum parcel size (R-1*).
8. Description of project: A Final Map Subdivision to be recorded in two (2) phases. Phase I, consisting of the resubdivision of two separate legal parcels on the north side of Cypress Avenue, will result in seven (7) lots, ranging in size from 7,000 sf (net) to 13,000 sf (net). This Phase already has a residence located on proposed Lot 2. A Special Permit is in process for a second residence to be constructed on proposed Lot 1 prior to recordation of Phase I. Phase II consists of the subdivision of one parcel into six (6) lots ranging in size from 6,104 sf (net) to 8,340 sf (net). This Phase will occur on the south side of Cypress Avenue. Both parent parcels are under one ownership and, but for the location of Cypress Avenue, a public road, would be adjacent to each other. The neighborhood is provided water and sewer services by HCSD. An exception is requested per §325-9 of the Subdivision Regulations to allow for the "flag lot" design of Lots 1, 3, 4, 12 and 13. **The subdivision results in an additional seven (7) parcels above and beyond the existing six (6) for a total of 13 parcels.**
9. Surrounding land uses and setting: The parcels are currently vacant, but for three (3) old sheds that may have been chicken coops at some point in the past. The site is surrounded by single family residential development to the north, west and south and two (2) schools to the east. There is a small commercial district ± 3 blocks away. The parcels are completely flat with no topographic features.
10. Other public agencies whose approval is required (e.g. permits, financing approval, or participation agreement.) Public Works, HCSD, RWQCB.

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.

- | | | |
|--|---|--|
| ☐ Aesthetics | ☐ Agriculture Resources | ☐ Air Quality |
| ☐ Biological Resources | ☐ Cultural Resources | ☐ Geology / Soils |
| ☐ Hazards & Hazardous Materials | ☐ Hydrology / Water Quality | ☐ Land Use / Planning |
| ☐ Mineral Resources | ☒ Noise | ☐ Population / Housing |
| ☐ Public Services | ☐ Recreation | ☒ Transportation / Traffic |
| ☐ Utilities / Service Systems | ☐ Mandatory Findings of Significance | |

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.

Alyson Hunter
Signature

12/17/07
Date

ALYSON HUNTER, Senior Planner
Printed name

HCCDS
For: Humboldt County
Community Development Services

EVALUATION OF ENVIRONMENTAL IMPACTS:

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take 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.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section 17, "Earlier Analyses," may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a) Earlier Analysis Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addresses. Identify which effects from the above checklist were within the scope of and adequately analyze in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation Measures. For effects that are "Less Than Significant with Mitigation Measures Incorporated," describe the mitigation measures which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plan, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) This is only a suggested form, and lead agencies are free to use different formats, however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
- 9) The explanation of each issue identify:
 - a) The significant criteria or threshold, if any, used to evaluate each question; and
 - b) The mitigation measure identified, if any, to reduce the impact to less than significant.

	Poten- tially Signifi- cant	Potentially Significant Unless Mitigation Incorp.	Less Than Signifi- cant Im- pact	No Impact
1. AESTHETICS. Would the project:				
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☐	☒
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☐	☒

1. AESTHETICS

Finding: The project will not have a substantial adverse effect on a scenic vista; will not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway; will not substantially degrade the existing visual character or quality of the site and its surrounding; and will not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

Discussion: The project site is not within an area mapped or designated with scenic vistas or resources nor is it in the Coastal Zone where specified areas of scenic values are mapped and certified by the State. The proposed subdivision infills an established development pattern, and is consistent with the planned build-out of the area. The Department finds no evidence that the creation of thirteen (13) parcels within an area characterized as urban residential will have a substantial adverse aesthetic impact.

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:	Poten- tially Signifi- cant	Potentially Significant Unless Mitigation Incorp.	Less Than Signifi- cant Im- pact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of State-wide 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?	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
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?	☐	☐	☐	☒

Poten- tially Signifi- cant	Potentially Significant Unless Mitigation Incorp.	Less Than Signifi- cant Im- pact	No Impact
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2. AGRICULTURE RESOURCES

Finding: The project will not 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; will not conflict with existing zoning for agricultural use, or a Williamson Act contract; and will not 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: At one time, the Cutten area was heavily wooded, but it is not known as to whether or not this particular area was farmed. The 1965 *Soils of Western Humboldt County* list the soils type in the vicinity as *Empire*; known for raising high-quality timber. There are still industrial timber lands surrounding the Cutten neighborhood to the east and south. Neither the subject property nor adjacent lands are within a Williamson Act contract. The site is not considered prime or unique farmland and is not used for agricultural purposes. The entire area is zoned and planned for residential development. Agricultural uses are not allowed in the R-1 zoning district. The proposed subdivision infills an established development pattern. One-family residential is a primary and compatible use within the RL designation and is principally permitted in the R-1 zoning district. The Department finds no evidence that the project will result in a significant adverse impact on agricultural resources.

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:	Poten- tially Signifi- cant	Potentially Significant Unless Mitigation Incorp.	Less Than Signifi- cant Im- pact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	☒
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☐	☒
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)?	☐	☐	☐	☒
d) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☐	☒
e) Create objectionable odors affecting a substantial number of people?	☐	☐	☐	☒

Poten- tially Signifi- cant	Potentially Significant Unless Mitigation Incorp.	Less Than Signifi- cant Im- pact	No Impact
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3. AIR QUALITY

Finding: The project will not conflict with or obstruct implementation of the applicable air quality plan; will not violate any air quality standard or contribute substantially to an existing or projected air quality violation; will not 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); will not expose sensitive receptors to substantial pollutant concentrations; and will not create objectionable odors affecting a substantial number of people.

Discussion: Although minimal disturbance can be expected during the access improvements and at the time of the construction of future homes, the subdivision under review at this point will not increase any negative air quality issues. There will not be any substantial grading required for the subdivision itself, nor for the development of homes in the future. A new privately maintained paved access road will serve the four proposed parcels. The Department finds no evidence that the creation of thirteen (13) parcels within an area characterized as urban residential will have a substantial adverse impact on air quality.

4. BIOLOGICAL RESOURCES. Would the project:

	Poten- tially Signifi- cant	Potentially Significant Unless Mitigation Incorp.	Less Than Signifi- cant Im- pact	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?	☐	☐	☐	☒
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?	☐	☐	☐	☒
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?	☐	☐	☐	☒
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?	☐	☐	☐	☒
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒
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?	☐	☐	☐	☒

Poten- tially Signifi- cant	Potentially Significant Unless Mitigation Incorp.	Less Than Signifi- cant Im- pact	No Impact
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4. BIOLOGICAL RESOURCES: NO IMPACT

Finding: The project will not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service; or 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; will not 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; will not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; and will not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. The project will not impact 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.

Discussion: Per County resource maps, there are no sensitive biological resources on, or in the vicinity of, the project site. There are no wetlands or wetland habitat present on the site; the project site is not near a stream or river and the project does not involve any development within a streamside management area. The project site is not within an adopted or proposed habitat conservation plan. The project was referred to the Eureka office of DFG which did not recommend any further mitigations in this regard. The surrounding area is developed. The Department finds no evidence that the project will result in a significant adverse impact on biological resources. There is no evidence that the project will have a negative impact on a marsh, vernal pool, native resident or migratory fish or wildlife species nor will it conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; and will not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

5. CULTURAL RESOURCES. Would the project:

	Poten- tially Signifi- cant	Potentially Significant Unless Mitigation Incorp.	Less Than Signifi- cant Im- pact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	☐	☐	☐	☒
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	☐	☐	☒
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☐	☒
d) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☐	☒

Poten- tially Signifi- cant	Potentially Significant Unless Mitigation Incorp.	Less Than Signifi- cant Im- pact	No Impact
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5. CULTURAL RESOURCES

Finding: The project will not cause a substantial adverse change in the significance of a historical resource as defined in §15064.5; or of an archaeological resource pursuant to §15064.5; will not directly or indirectly destroy a unique paleontological resource or site or unique geologic feature; and will not disturb any human remains, including those interred outside of formal cemeteries.

Discussion: There are no known structures in the area that meet the criteria of cultural/historical resources. NCIC did not voice concerns regarding the proposed development and the Wiyot Tribe recommends approval. Nonetheless, the conditions of project approval include a requirement that a note be placed on the Development Plan protecting archaeological resources should they be found during site development.

6. GEOLOGY AND SOILS. Would the project:

Poten- tially Signifi- cant	Potentially Significant Unless Mitigation Incorp.	Less Than Signifi- cant Im- pact	No Impact
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- a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:
- i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42? ☐ ☐ ☐ ☒
 - ii) Strong seismic ground shaking? ☐ ☐ ☐ ☒
 - iii) Seismic-related ground failure, including liquefaction? ☐ ☐ ☐ ☒
 - iv) Landslides? ☐ ☐ ☐ ☒
- b) Result in substantial soil erosion or the loss of topsoil? ☐ ☐ ☐ ☒
- 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? ☐ ☐ ☐ ☒
- 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? ☐ ☐ ☐ ☒
- 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? ☐ ☐ ☐ ☒

Poten- tially Signifi- cant	Potentially Significant Unless Mitigation Incorp.	Less Than Signifi- cant Im- pact	No Impact
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6. GEOLOGY AND SOILS: NO IMPACT

Finding: The project will not 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; will not 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; will not 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; and will not 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. The project will not result in substantial soil erosion or the loss of topsoil and landslides.

Discussion: According to the Alquist-Priolo Earthquake Fault Zoning Map and Framework Plan Geologic Hazards map, the project site is not located within a Special Studies Zone, but it is ± 3 mile from other mapped faults. According to the Framework Plan Geologic Hazards map, the project site is in an area of low slope instability, and is not located in an area subject to liquefaction. The Building Inspection Division did not identify any issues with expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994). The Uniform Building Code requires all structures in Humboldt County to be built in accordance with Zone 4, the most restrictive zone. These issues will be addressed upon the review of future Building Permits. The subject parcel is in an area served by community water and sewer so concerns about soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems are moot. The proposed subdivision infills an established development pattern, and is consistent with the planned build-out of the area. The Building Inspection Division did not identify any concerns with regards to site suitability for residential development. The Department finds no evidence that the creation of one additional parcel within an area characterized as urban residential will have a substantial adverse impact on geology and soils.

7. HAZARDS AND HAZARDOUS MATERIALS. Would the project:

	Poten- tially Signifi- cant	Potentially Significant Unless Mitigation Incorp.	Less Than Signifi- cant Im- pact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☐	☒
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?	☐	☐	☐	☒
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒
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?	☐	☐	☐	☒
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	☐	☐	☐	☒

	Poten- tially Signifi- cant	Potentially Significant Unless Mitigation Incorp.	Less Than Signifi- cant Im- pact	No Impact
people residing or working in the project area?				
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?	☐	☐	☐	☒
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☐	☒

7. HAZARDS AND HAZARDOUS MATERIALS: NO IMPACT

Finding: The project will not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials; will not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. 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? It will not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school; will not 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; will not, result in an airport safety hazard for people residing or working in the project area; will not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan; and 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.

Discussion: The project site is not included on a list of hazardous material sites, nor does the proposed subdivision involve routine transport, use or disposal of hazardous materials. There are no private airstrips within the vicinity of the project site. According to the Fire Hazard map, the parcel is located in a high fire hazard area. The Humboldt #1 Fire Protection District has recommended approval of the project. Interestingly, Phase I is located in the Local Responsibility Area (LRA) and Phase II, across the street, is located in the State Responsibility Area (SRA) for fire protection, but Humboldt #1 will respond to any fire or medical emergencies in this area through a mutual agreement with the State. The fire protection district requires a turnaround at the end of the proposed access roads to facilitate emergency vehicle maneuvering. These have been shown on the tentative map and approved by the fire district. The access drives to proposed Lots 1, 3, 4, 12 and 13 will be 20' wide and paved. This reduction in the standard width of 40' requires an exception to the Subdivision Regulations per §325-9. This exception request has been reviewed and approved by the Land Use Division of Public Works (LUD). There is a fire hydrant on the SE corner of Cypress Avenue and Cedar Street. The parcel is not in an area of concern for either a public or a private airport; Murray Field, the nearest airport, is > 3 miles away. The Department finds no evidence that the creation of 13 parcels in an area characterized as urban residential will create, or expose people or property to, hazardous materials, or impair implementation of, or physically interfere with, an adopted emergency response plan.

8. HYDROLOGY AND WATER QUALITY. Would the project:

Poten- tially Signifi- cant	Potentially Significant Unless Mitigation	Less Than Signifi- cant Im-	No Impact
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	Poten- tially Signifi- cant	Potentially Significant Unless Mitigation Incorp. Incorp.	Less Than Signifi- cant Im- pact	No Impact
a) Violate any water quality standards or waste discharge requirements?	☐	☐	☐	☒
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)?	☐	☐	☐	☒
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?	☐	☐	☐	☒
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?	☐	☐	☐	☒
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?	☐	☐	☐	☒
f) Otherwise substantially degrade water quality?	☐	☐	☐	☒
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?	☐	☐	☐	☒
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	☐	☐	☐	☒
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?	☐	☐	☐	☒
j) Inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒

Poten- tially Signifi- cant	Potentially Significant Unless Mitigation Incorp.	Less Than Signifi- cant Im- pact	No Impact
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8: HYDROLOGY AND WATER QUALITY: NO IMPACT

Finding: The project will not violate any water quality standards or waste discharge requirements; will not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (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); will not otherwise substantially degrade water quality; or 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; will not place within a 100-year flood hazard area structures which would impede or redirect flood flows; will not 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; will not result in inundation by seiche, tsunami, or mudflow. The project will not substantially: alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site; nor 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. Nor will the project 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.

Discussion: The proposed subdivision infills an established development pattern, and is consistent with the planned build-out of the area. The project site is an area served by community water and sewer. The Humboldt Community Services District (HCSD) has indicated that it is able to provide water and sewer service to the proposed subdivision upon the appropriate payment of fees. HCSD has not identified any concerns with regard to the project interfering with groundwater recharge. The Department finds no evidence indicating that the subdivision will violate any water quality or waste discharge standards, or otherwise substantially degrade water quality. According to the Flood Insurance Rate Maps, Panel 775, the project site is located in Flood Zone C, which is defined as "areas of minimal flooding", and is outside the 100- and 500-year floodplains. The project site is not within a mapped dam or levee inundation area, and, at 200' elevation, is outside the areas subject to tsunami run-up.

As much of the previously pervious surface of the parcel will become paved or otherwise impervious as it develops, the applicant was required to obtain an engineered drainage plan (Coonrod, Sept. 2007) to address downstream flows and potential impacts. The drainage plan was reviewed and approved by the Land Use Division of Public Works. All drainage will be dealt with in accordance with this approved plan. No streams, creeks or other waterways will be altered as a result of this subdivision. The Department finds no evidence that the proposed project will result in significant hydrologic or water quality impacts.

Given the project's potential for a future increase in impervious surface through the development of both paved access areas and future homes, the applicant was required to provide the P/W Department with a Drainage Report (Coonrod, Sept. 2007) which satisfies that Department's concerns regarding downstream runoff. The project will not alter a stream or river, nor is the project likely to result in flooding on- or off-site.

9. LAND USE AND PLANNING. Would the project:

	Poten- tially Signifi- cant	Potentially Significant Unless Mitigation Incorp.	Less Than Signifi- cant Im- pact	No Impact
a) Physically divide an established community?	☐	☐	☐	☒
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?	☐	☐	☐	☒
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☒

9: LAND USE AND PLANNING

Finding: The project will not physically divide an established community; will not 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; and will not conflict with any applicable habitat conservation plan or natural community conservation plan.

Discussion: The project site is designated Residential Low Family (RL) by the Eureka Community Plan, and is zoned Residential One-Family with a 6,000 square foot minimum parcel size (R-1*). One-family residential is a primary and compatible use within the RL designation and is principally permitted in the R-1 zoning district. The neighborhood is characterized as urban residential. The creation of 13 parcels for residential development is consistent with the zoning and land use density (one to six dwelling units per acre). The proposed subdivision infills an established development pattern, is consistent with the planned build-out of the area, and is consistent with the policies and regulations specified in the Eureka Community Plan and Framework General Plan. There are no habitat conservation or natural community conservation plans proposed or adopted for this area. The Department finds there is no evidence that the project will result in significant adverse impact with regard to land use and planning.

10. MINERAL RESOURCES. Would the project:

	Poten- tially Signifi- cant	Potentially Significant Unless Mitigation Incorp.	Less Than Signifi- cant Im- pact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒
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?	☐	☐	☐	☒

10: MINERAL RESOURCES

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; and will not 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 is it 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 a significant adverse impact on mineral resources.

11. NOISE. Would the project result in:

	Poten- tially Signifi- cant	Potentially Significant Unless Mitigation Incorp.	Less Than Signifi- cant Im- pact	No Impact
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?	☐	☐	☐	☒
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☐	☒
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☒
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒
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?	☐	☐	☐	☒

11: NOISE: NO IMPACT

Finding: The project will not result in 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; will not result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels; will not result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project; and, 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, or for a project within the vicinity of a private airstrip, the project will not expose people residing or working in the project area to excessive noise levels.

Discussion: The proposed subdivision infills an established development pattern, and is consistent with the planned build-out of the area. The project site is not within an airport planning area nor within any hazard zones for a nearby airport as Murray Field, the closest airport, is > 3 miles away. It is not in the vicinity of a private airstrip that could potentially expose current or future residents to excessive noise levels. No vibrations or groundborne noise level increases are expected by the project. The Department finds no evidence that the creation of one additional parcel in an area characterized as urban residential will result in a significant adverse noise impact.

11: d): NOISE: LESS THAN SIGNIFICANT IMPACT

Finding: Will the project result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

Discussion: The short-term impacts by construction crews paving the access and building the future houses can be considered less than significant. Planning Staff finds that the project as proposed will not impact residents in the neighborhood or the future residents of the subdivision to significant noise impacts.

12. POPULATION AND HOUSING. Would the project:

Poten- tially Signifi- cant	Potentially Significant Unless Mitigation Incorp.	Less Than Signifi- cant Im- pact	No Impact
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- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 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)? | ☐ | ☐ | ☐ | ☒ |
| b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? | ☐ | ☐ | ☐ | ☒ |
| c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? | ☐ | ☐ | ☐ | ☒ |

12: POPULATION AND HOUSING

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); will not displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere; and will not displace substantial numbers of people, necessitating the construction of replacement housing elsewhere.

Discussion: The proposed subdivision infills an established development pattern, and is consistent with the planned build-out of the area. The proposed subdivision will result in the creation of 13 parcels that would be available for residential development. It is likely that the applicant will begin the development of a Secondary Dwelling Unit on proposed Lot 1 prior to the approval and recordation of Phase I of the Final Map through the issuance of a Special Permit (SP-07-03). One-family residential is a primary and compatible use within the RL designation and is principally permitted in the R-1 zoning district. The subdivision is consistent with the planned density of the area: one to six dwelling units per acre. The County's Housing Element supports additional housing opportunities such as this. The Department finds no evidence that the project will result in a significant adverse impact on population and housing.

13. PUBLIC SERVICES.

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Incorp. | Less
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|---|--------------------------------------|---|--|-------------------------------------|
| 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? | ☐ | ☐ | ☐ | ☒ |
| ii. Police protection? | ☐ | ☐ | ☐ | ☒ |
| iii. Schools? | ☐ | ☐ | ☐ | ☒ |
| iv. Parks? | ☐ | ☐ | ☐ | ☒ |
| v. Other public facilities? | ☐ | ☐ | ☐ | ☒ |

13: PUBLIC SERVICES

Finding: The project will not 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: fire protection, police protection, schools, parks, other public facilities.

Discussion: Nine (9) of the 13 proposed parcels will have direct access from public County-maintained roads which exceed the category 4 road standard required for subdivision. Curb, gutter and sidewalk will be required where they do not already exist. The P/W Department will inspect the construction and erosion control methods pertaining to these road improvements. The project is conditioned to meet all the road improvements required in P/Ws Exhibit A dated November 13, 2007. The applicant must provide the payment of parkland dedication fees in lieu of the creation of a park on the project site. The project will result in a slight increase in the demand for existing services such as fire protection, police protection, schools and other public facilities, but this increase would be within the capabilities of the existing infrastructure and services, per agency comments. All of the public service agencies have either recommended approval or conditional approval of the project, or had no comment. No issues were identified with regard to the provision, construction or maintenance of public services. The Department finds no evidence that the project will result in a significant adverse impact on public services.

14. RECREATION.

	Poten- tially Signifi- cant	Potentially Significant Unless Mitigation Incorp.	Less Than Signifi- cant Im- pact	No Impact
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?	☐	☐	☐	☒
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?	☐	☐	☐	☒

14: RECREATION

Finding: The project will not include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.

Discussion: The project does not include recreational facilities. The project has been conditioned upon payment of parkland dedication fees in lieu of creating a neighborhood park on the site. The Department finds no evidence that the project will require construction or expansion of recreational facilities which might have an adverse physical effect on the environment.

15. TRANSPORTATION/TRAFFIC. Would the project:

	Poten- tially Signifi- cant	Potentially Significant Unless Mitigation Incorp.	Less Than Signifi- cant Im- pact	No Impact
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)?	☐	☐	☐	☒
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	☐	☒	☐	☐

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 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? | ☐ | ☐ | ☐ | ☒ |
| d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? | ☐ | ☐ | ☐ | ☒ |
| e) Result in inadequate emergency access? | ☐ | ☐ | ☐ | ☒ |
| f) Result in inadequate parking capacity? | ☐ | ☐ | ☐ | ☒ |
| g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)? | ☐ | ☐ | ☐ | ☒ |

15: a), c) - e) - g): TRANSPORTATION/TRAFFIC: NO IMPACT

Finding: The project will not 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); will not 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; will not result in inadequate emergency access or parking capacity; and will not conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks). The project will not substantially increase hazards due to a design feature.

Discussion: The proposed subdivision infills an established development pattern, and is consistent with the planned build-out of the area. The project results in the creation 13 parcels for residential development. The resultant parcels will gain access via Cypress Avenue and Cedar Street, both are public County-maintained roads which meet or exceed the standards required for subdivision. The new subdivision is located 500' to the east of the intersection of Cypress Avenue with Walnut Drive. Cutten Elem. School is also located at this intersection on the west side of Walnut Drive. This stretch of Walnut Drive has recently been resurfaced and striped by the County to assist peak hour traffic and school kids in reaching their respective destinations safely. A project referral was sent to the Cutten School District's Superintendent, but no comments were received. Cypress Avenue operates at a level of service category which meets the minimum standards of the Eureka Community Plan, and this standard will remain unaffected by the traffic increase created by this project. The Department finds there is no evidence that the project will exceed the level of service standard, will result in a change in air traffic patterns, will result in inadequate emergency access, inadequate access to nearby uses or inadequate parking capacity, will increase traffic-related hazards, or will conflict with adopted policies supporting transportation. The project site is outside the area of concern for Murray Field, the closest airport.

15: b): TRANSPORTATION/TRAFFIC: POTENTIALLY SIGNIFICANT UNLESS MITIGATED

Finding: If mitigated, will not exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways.

Discussion: As mentioned above, the new proposed accesses will enter Cypress Avenue between 500' and 900' east of the intersection of Cypress Avenue with Walnut Drive. The parcels being subdivided are located on the north and south sides of Cypress Avenue and have clear visibility to the west and east. Cutten Elementary School is located opposite the parcel on the west side of Walnut Drive; Winship Jr. High and Glen Paul School, a school for the developmentally disabled, are located to the east of the parcel at the end of Cypress Avenue and adjacent to Phase I. There is significant school traffic during the mornings and afternoons.

The 1995 Eureka Community Plan (ECP) includes the following level of service standard for the Community Planning Area:

"The County shall strive to maintain a Level of Service of C or better on arterials in the Planning Area. The acceptable level of service goal will be consistent with the financial resources available and the limits of technical feasibility."

The Transportation Analysis in appendix A of the Eureka Community Plan also identified several recommended improvements, which are summarized in Table 7 of the Plan.

Since the adoption of the ECP, the City of Eureka prepared the Martin Slough Interceptor EIR (Adopted 9/04, SCH #2002082043) and the Eureka Zoo expansion Mitigated Negative Declaration (MND, Adopted 6/27/03, SCH #2003052119). Both these documents included updated transportation analyses that addressed traffic impacts in the greater Eureka area, and are incorporated by reference to support this analysis.

County and City of Eureka transportation engineers used the County Transportation Model, Martin Slough Interceptor EIR, Zoo Expansion MND and the Eureka Community Plan Transportation Analyses to identify the required improvements that will "strive to maintain level of service C or better... consistent with the financial resources available and the limits of technical feasibility." Because the Martin Slough Interceptor EIR includes mitigation that requires "improvements necessary to offset indirect or cumulative circulation impacts," and the

Zoo Expansion MND concluded that existing plus cumulative traffic levels at the intersection of Walnut and Hemlock would result in unacceptable levels of service, improvements are required at this intersection to mitigate traffic impacts to levels less than significant.

Attachment 1 includes a detailed description of the required improvements at Walnut and Hemlock. Traffic impact fees will be required to support these improvements and the applicant will contribute to a fund administered by the County's Public Works Department to reimburse the costs to the County in making these improvements.

Mitigation Measure #1 - Prior to the recordation of the Parcel Map, the subdivider shall enter into a reimbursement agreement with the County for the developer's proportional share of the cost of the striping, signage and traffic control markings for the Walnut/Hemlock/Dolbeer intersection and ordinances/striping for traffic flow on Walnut from Hemlock to Cypress, including possible turn lane at Cypress, in accordance with the preliminary project plan approved by the City of Eureka and Humboldt County Public Works. The plan will address short-term traffic management issues to provide and maintain a Level of Service (LOS) at or above LOS C during peak traffic periods consistent with the Eureka Community Plan standard. The Department of Public Works will furnish the Reimbursement Agreement form. The reimbursement collected under this agreement shall be placed into the Humboldt County Road Fund to off-set actual expenditures by the County. The reimbursement amount under the agreement is \$1,575 per lot.

16. UTILITIES AND SERVICE SYSTEMS. Would the project:

	Poten- tially Signifi- cant	Potentially Significant Unless Mitigation Incorp.	Less Than Signifi- cant Im- pact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☐	☒
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?	☐	☐	☐	☒
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?	☐	☐	☐	☒
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☐	☒
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?	☐	☐	☐	☒
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☐	☒
g) Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☐	☒

16: UTILITIES AND SERVICE SYSTEMS

Finding: The project will not exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board; or 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; or 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; or have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed; or 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; or be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs; or comply with federal, state, and local statutes and regulations related to solid waste.

Discussion: The creation of 13 parcels for residential development is not expected to negatively impact the utilities and service systems mentioned above. The parcel will be served by community water and sewer; the Humboldt Community Service District (HCSD) has indicated that it will be able to provide the necessary services upon the payment of the appropriate fees. All drainage will be directed to existing facilities and improved as required by the LUD. All proposed improvements to existing roadways, the development of new roads and improvements to existing drainage facilities will be overseen by the LUD which has authority over such things. The Department finds there is no evidence that the creation of a total of 13 parcels in an area characterized as urban residential will result in a significant adverse effect to utilities and service systems.

17. MANDATORY FINDINGS OF SIGNIFICANCE.

	Poten- tially Signifi- cant	Potentially Significant Unless Mitigation Incorp.	Less Than Signifi- cant Im- pact	No Impact
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?	☐	☐	☐	☒
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)?	☐	☐	☒	☐
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☐	☒

17: MANDATORY FINDINGS OF SIGNIFICANCE

Finding: The project will not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, 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; or have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly.

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

- Will have the potential to degrade the quality of the environment, reduce the habitat of a fish or wildlife species, threaten to eliminate a plant or animal community or eliminate important examples of the major periods of California history or pre-history;
- 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 which will cause substantial adverse effects on human beings, either directly or indirectly.

17: b) MANDATORY FINDINGS OF SIGNIFICANCE: LESS THAN SIGNIFICANT IMPACT

Finding: The project could 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).

Discussion: Any discretionary land use permit could be considered to have effects that are cumulatively significant. A 13-parcel subdivision in an area where urban services are provided and the access road is being improved significantly is not considered to be a project of this type. The zoning and land use designations were adopted years ago specifically with this type of development in mind. For these reasons, Staff finds this project's individual and cumulative impacts to be less than significant.

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

To mitigate for an increase in demand on existing recreational facilities, applicant shall pay parkland dedication fees as calculated by the Planning Division. No monitoring is required as the project is not mitigated other than the payment of parkland fees which will occur as a condition of approval.

See *Mitigation Measures and Monitoring Plan* below.

20. 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.

No earlier analyses were used.

- 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 are addressed by mitigation measure based on a the earlier analysis.

See 20.a above

- 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.

See 20.a above

19: MITIGATION MEASURES, MONITORING, AND REPORTING PROGRAM

The following table lists the required mitigation measures, including the method of verification, monitoring schedule, and the responsible party.

Resource(s)	Measure No.	Summary of Mitigation Measure	Method of Verification	Monitoring Schedule	Responsible Party
Transportation/ Traffic	1	Minimize impacts due to inadequate level of service.	LUD staff inspections, approval of tentative map	Recordation of Phases I and II of Final Map	Same

Requirements:

1. The applicant will contribute to the mitigation fund as described in Attachment 1.

HCCDS = Humboldt County Community Development Services Building and Planning Divisions
 LUD = Land Use Division of Department of Public Works
 DEH = Environmental Health Division of Health Department
 DFG = California Department of Fish and Game
 CDF = California Department of Forestry and Fire Protection
 NCUAQMD = North Coast Unified Air Quality Management District

ATTACHMENT 5
Applicants' Evidence In Support of the Required Findings

Referral Agency	Recommendation	Location
Building Inspection Division	Approval	On file with Planning
Public Works Land Use Division	Conditional Approval	Attached as Exhibit A, Attachment 1
Public Works Land Use Division	Comments	Attached
Division Environmental Health	Approval	On file with Planning
Humboldt Community Services District	Conditional Approval	Attached
California Department of Fish & Wildlife	No response	
Humboldt Bay Fire Protection District	Approval	On file with Planning
North Coast Information Center	No further study recommended	On file with Planning
Wiyot Tribe	Approval	On file with Planning



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

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

ARCATA-EUREKA AIRPORT TERMINAL
McKINLEYVILLE
FAX 839-3596

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

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

AVIATION 839-5401

ADMINISTRATION 445-7491
BUSINESS 445-7652
ENGINEERING 445-7377
FACILITY MAINTENANCE 445-7493

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

LAND USE 445-7205

LAND USE DIVISION INTEROFFICE MEMORANDUM

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

FROM: Robert W. Bronkall, Deputy Director 

DATE: 04/28/2017

RE: **BRAY, APN 018-081-025, FMS-17-001**

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

EXCEPTION REQUEST FOR RIGHT OF WAY WIDTH: Based upon the development potential of Berner Lane and the physical constraints that prohibit a wider right of way from being established, if the applicant submits an exception request the Department can support it

RIGHT OF WAY: The tentative map proposes a 20 foot right of way for the extension of Berner Lane. The subdivision ordinance specifies a 40 foot wide right of way for a category 4 road. The applicant may wish to consider applying for an exception request under County Code Section 325-9 to allow for a 20 foot wide right of way. The Department can support a 20 foot wide right of way.

DRAINAGE: The subject property is developed with two single family homes. At the time of lot development, it is not known if a precise grading plan was submitted to the Planning and Building Department to direct runoff from the proposed houses. It is not known if a cross lot drainage condition will occur by subdividing the lot. A drainage report is necessary to address any existing drainage problems, including cross lot drainage from Lot 1 to Lot 2.

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

January 20, 2017

HUMBOLDT COMMUNITY SERVICES DISTRICT

Tentative Map Conditions
(Referral dated January 19, 2017)
Wade Bray General Contractor, Inc Subdivision
APN 18-081-025

APPLICANT: Wade Bray General Contractor, Inc
2020 S Street
Eureka, CA 95501

I. GENERAL:

1. A private utility easement for private water piping from Cypress Ave down the existing 20' R/W (access road for both proposed parcels) and across the frontage of the proposed westerly parcel in favor of the proposed easterly parcel is required.