



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: July 13, 2017

To: Humboldt County Planning Commission

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

Subject: **Mark Burtchett and KD2 Investments Parcel Map Subdivision**
Application Number 13460
Case Numbers PMS-17-005
Assessor Parcel Number 510-142-030
2207 McKinleyville Avenue, McKinleyville

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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 July 13, 2017	Subject Parcel Map Subdivision	Contact Trevor Estlow
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Project Description: A Minor Subdivision of a 21,000 square foot parcel into three parcels of 7,148 square feet, 5,811 square feet and 5,811 square feet. A residence was recently demolished on the parcel leaving it vacant. Water and sewer is provided by the McKinleyville Community Services District.

Project Location: The project site is located in the McKinleyville area, on the northeast corner of the intersection of McKinleyville Avenue and North Park Lane on the property known as 2207 McKinleyville Avenue.

Present Plan Land Use Designation: Residential Low Density (RL); McKinleyville Community Plan (MCCP); density: one to seven dwelling units per acre.

Present Zoning: Residential One-Family with a combining zone for Noise Impact (R-1-N).

Application Number: 13460

Case Numbers: PMS-17-005

Assessor Parcel Number: 510-142-030-000

Applicant	Owner	Agent
Mark Burtchett & KD2 Investments 818 6 th Street Eureka, CA 95501	Same as Applicant	Kelly-O'Hern Associates Mike O'Hern 3240 Moore Ave. Eureka, CA 95501

Environmental Review: Environmental review is required.

Major Issues: None.

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

BURTCHETT-KD2 PARCEL MAP SUBDIVISION

Case Number PMS-17-005

Assessor Parcel Number 510-142-030

Recommended Planning Commission Action

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

Adopt the Mitigated Negative Declaration and make all of the required findings for approval of the Parcel Map Subdivision, including the exception request to allow a reduced right-of-way, based on evidence in the staff report and public testimony, and adopt the Resolution approving the Burtchett-KD2 project subject to the recommended conditions.

Executive Summary: The applicant is proposing the subdivision of an approximately 21,000 square foot parcel into three parcels of approximately 7,148 square feet, 5,811 square feet and 5,811 square feet. A residence was recently demolished on the parcel leaving it vacant. An exception to the right of way width has been requested by the applicant. All parcels will be served with water and sewer by the McKinleyville Community Services District.

Proposed Parcel 1 currently has access along McKinleyville Avenue and proposed Parcels 2 and 3 will have access along North Park Lane. North Park Lane is a private road with a 40-foot right-of-way. The applicant has submitted an exception request, pursuant to County Code Section 325-9 to request a reduced right of way width due to the existing condition of North Park Lane (Attachment 3). Public Works has reviewed this exception and supports the request as identified in the Subdivision Requirements Dedications, Item 1.7(b) (Attachment 1, Exhibit A).

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

The site is in a developed part of McKinleyville with single family homes on adjacent parcels. The site is relatively flat, with a less than one percent slope towards the southeast. The parcel sits approximately three feet higher than the road elevation and is developed with a retaining wall along a portion of the McKinleyville Avenue frontage. The geologic hazards map for this area shows the soils to be relatively stable. There are no flood hazards on the property, no mapped archaeological resources, and no mapped biological resources.

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

Alternative 1: The Planning Commission could elect not to approve the exception request submitted by the applicant and require the applicant to provide additional right of way along North Park Lane. This alternative should be implemented if your Commission is unable to make all

of the required findings to support the exception. Planning Division staff and Public Works staff has found that the required findings can be made and supports the exception. Consequently, planning staff does not recommend further consideration of this alternative.

Alternative 2: The Planning Commission could elect not to approve the project. This alternative should be implemented if your Commission is unable to make all of the required findings. Planning Division staff has found that the required findings can be made. Consequently, planning staff does not recommend further consideration of this alternative.

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT
Resolution Number 17-**

**Case Numbers PMS-17-005
Assessor Parcel Number 510-142-030-000**

Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Burtchett-KD2 Investments Parcel Map Subdivision.

WHEREAS, Mike O'Hern, on behalf of the owners, submitted an application and evidence in support of approving the Parcel 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 Planning Division, the Lead Department pursuant to Section 202 of Resolution No. 77-29, has prepared a draft Mitigated Negative Declaration for the subject proposal in accordance with the California Environmental Quality Act (CEQA); and

WHEREAS, Attachment 2 in the Planning Division staff report includes evidence in support of making all of the required findings for approving the proposed Parcel Map Subdivision (Case Number: PMS-17-005); and

WHEREAS, a public hearing was held on the matter before the Humboldt County Planning Commission on July 13, 2017.

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

1. The Planning Commission adopts the proposed Mitigated Negative Declaration in Attachment 4, as required by Section 15074 (b) of the CEQA Guidelines, and finds that there is no substantial evidence that the proposed project will have a significant effect on the environment; and
2. The Planning Commission makes the findings in Attachment 2 of the Planning Division staff report for Case Number PMS-17-005 based on the submitted evidence; and
3. The Planning Commission approves the proposed project applied for as recommended and conditioned in Attachment 1 for Case Numbers PMS-17-005.

Adopted after review and consideration of all the evidence on July 13, 2017.

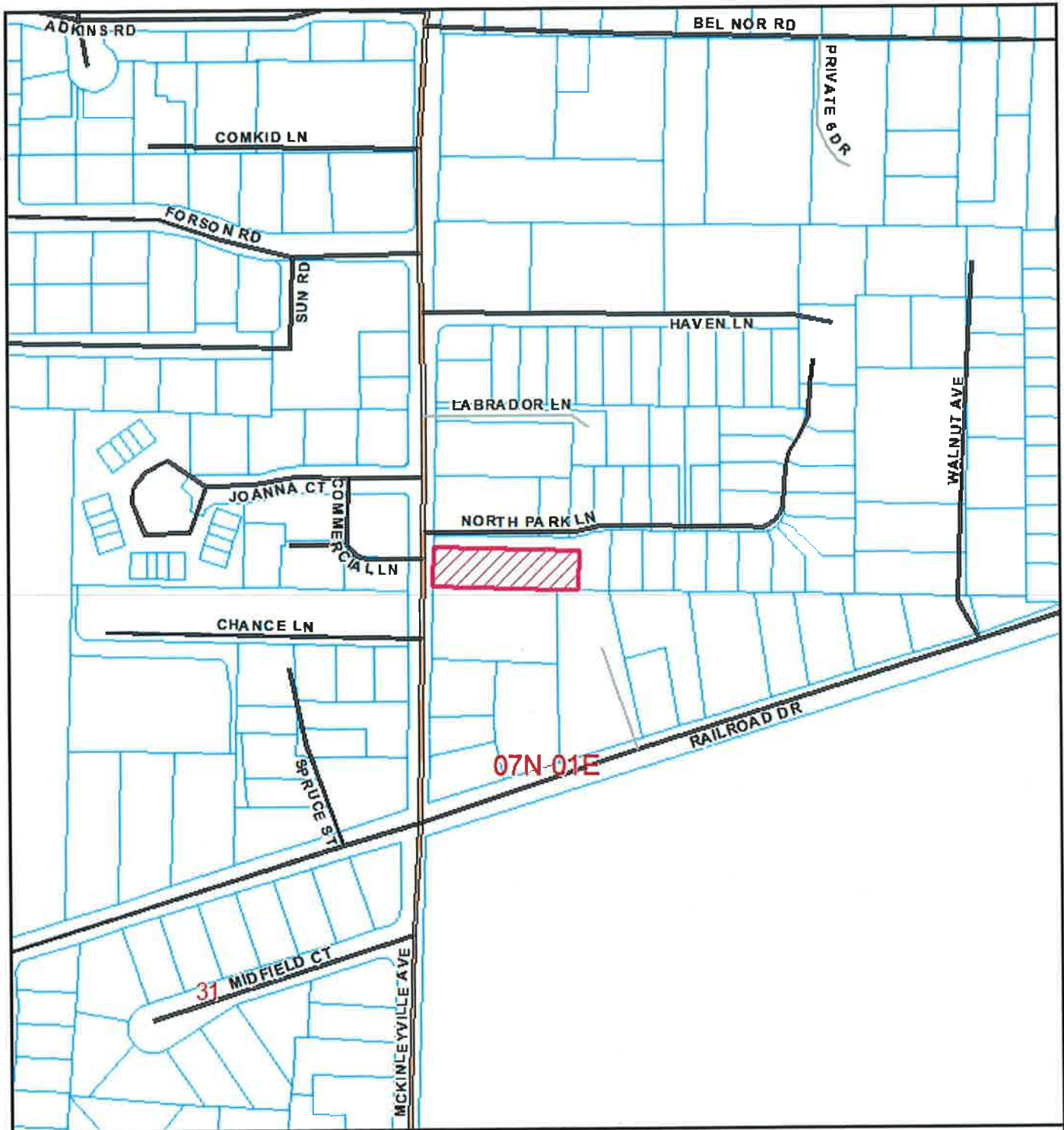
The motion was made by Commissioner ____ and seconded by Commissioner ____.

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

Robert Morris, Chair

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

Suzanne Lippre Clerk



LOCATION MAP

**PROPOSED BURCHETT/KD2 INVESTMENTS
PARCEL MAP SUBDIVISION
MCKINLEYVILLE AREA
PMS-17-005**

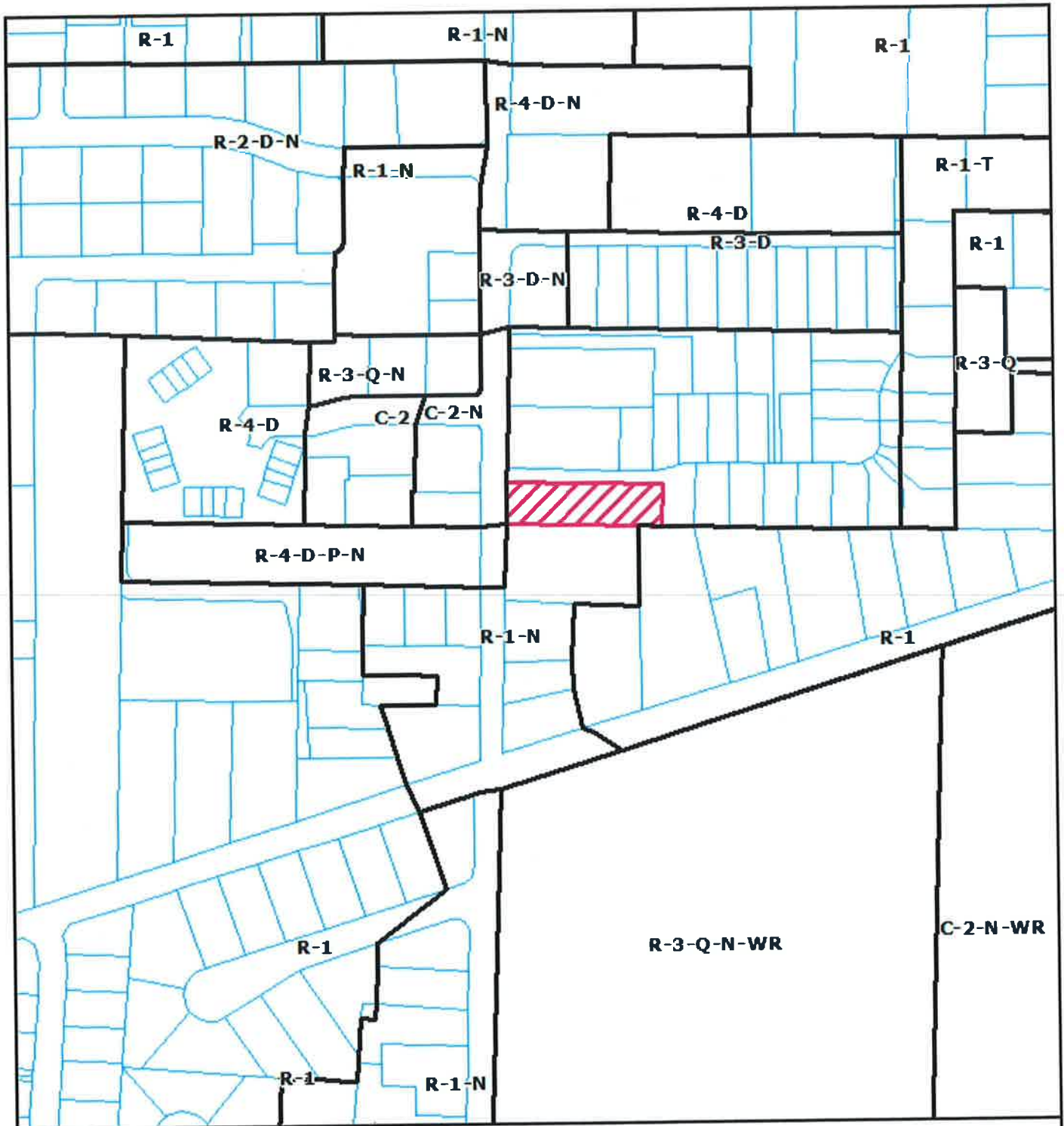
APN: 510-142-030

T07N R01E S31 HB&M (Arcata North)

Project Area = 

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





ZONING MAP

**PROPOSED BURCHETT/KD2 INVESTMENTS
PARCEL MAP SUBDIVISION
MCKINLEYVILLE AREA**

PMS-17-005

APN: 510-142-030

T07N R01E S31 HB&M (Arcata North)

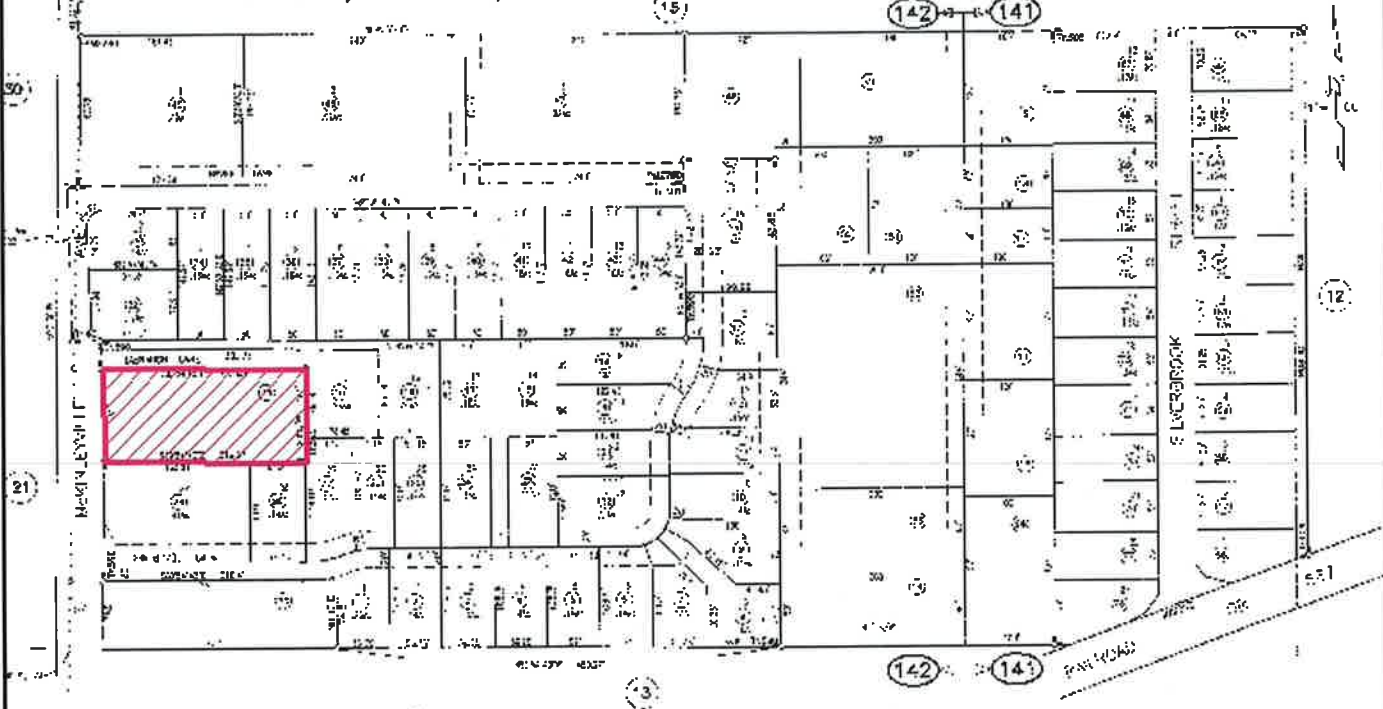
Project Area = 

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



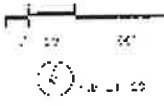
PTN NW1/4 OF SE1/4 SEC 31 T7N, R1E H.B. & M.

510-14



R1, Bk 10 of Survey, Pg 64
 R2, Bk 17 of Survey, Pg 100
 R3, Bk 37 of Survey, Pg 170
 R4, Bk 37 of Survey, Pg 170
 R5, Bk 37 of Survey, Pg 170
 R6, Bk 37 of Survey, Pg 170
 R7, Bk 37 of Survey, Pg 170
 R8, Bk 37 of Survey, Pg 170
 R9, Bk 37 of Survey, Pg 170
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 R98, Bk 37 of Survey, Pg 170
 R99, Bk 37 of Survey, Pg 170
 R100, Bk 37 of Survey, Pg 170

Assessor's Map Dk 510, Pg 14
 County of Humboldt, CA



ASSESSOR PARCEL MAP

**PROPOSED BURCHETT/KD2 INVESTMENTS
PARCEL MAP SUBDIVISION
MCKINLEYVILLE AREA
PMS-17-005**

Project Area =

**APN: 510-142-030
T07N R01E S31 HB&M (Arcata North)**

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 BURCHETT/KD2 INVESTMENTS
PARCEL MAP SUBDIVISION
MCKINLEYVILLE AREA
PMS-17-005**

**APN: 510-142-030
T07N R01E S31 HB&M (Arcata North)**

Project Area =



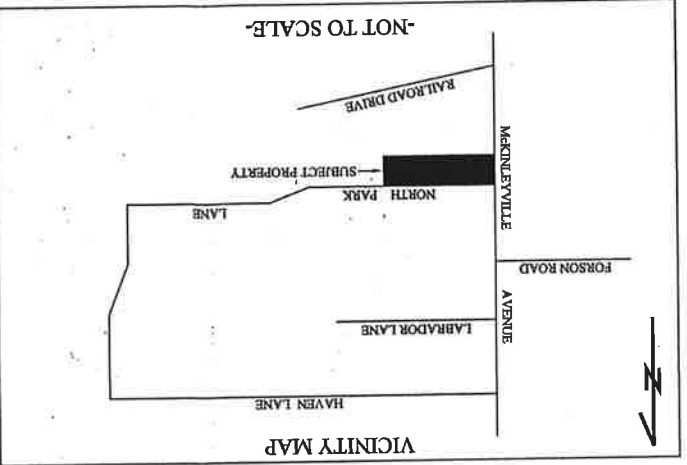
This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.



0 100 Feet

1. THIS TENTATIVE MAP PROPOSES THE SUBDIVISION OF AN EXISTING 0.48 ACRE PARCEL INTO THREE PARCELS. THE PARCELS ARE CURRENTLY VACANT.
2. WATER AND SEWER SERVICES ARE AVAILABLE FROM MCKINLEYVILLE COMMUNITY SERVICES DISTRICT (MCS).
3. CONTOUR INTERVAL: 1.0 FOOT CONTOURS ARE BASED ON A FIELD SURVEY. BENCHMARK - TOP OF BRASS DISK IN CONCRETE IN MONUMENT WELL WITH COVER AT THE BEGINNING OF THE FIRST CURVE IN NORTH PARK LANE - ELEVATION = 108.09 FEET.
4. PROPERTY LINE INFORMATION: CALCULATED PROPERTY LINES ARE SHOWN PER BOOK 24 OF MAPS, PAGES 21 - 24.
5. THIS PROPERTY MAY BE ENCUMBERED BY THE FOLLOWING RECORDED INSTRUMENTS:
 △ BOOK 528 O.R., PAGE 638 - EASEMENT FOR PUBLIC HIGHWAY GRANTED TO THE COUNTY OF HUMBOLDT - SHOWN HEREON.
 ALL EASEMENTS OF RECORD ARE SHOWN ON THE TENTATIVE MAP AND WILL APPEAR ON THE RECORDED SUBDIVISION MAP.
6. ADDRESS: 2207 MCKINLEYVILLE AVENUE

NOTES



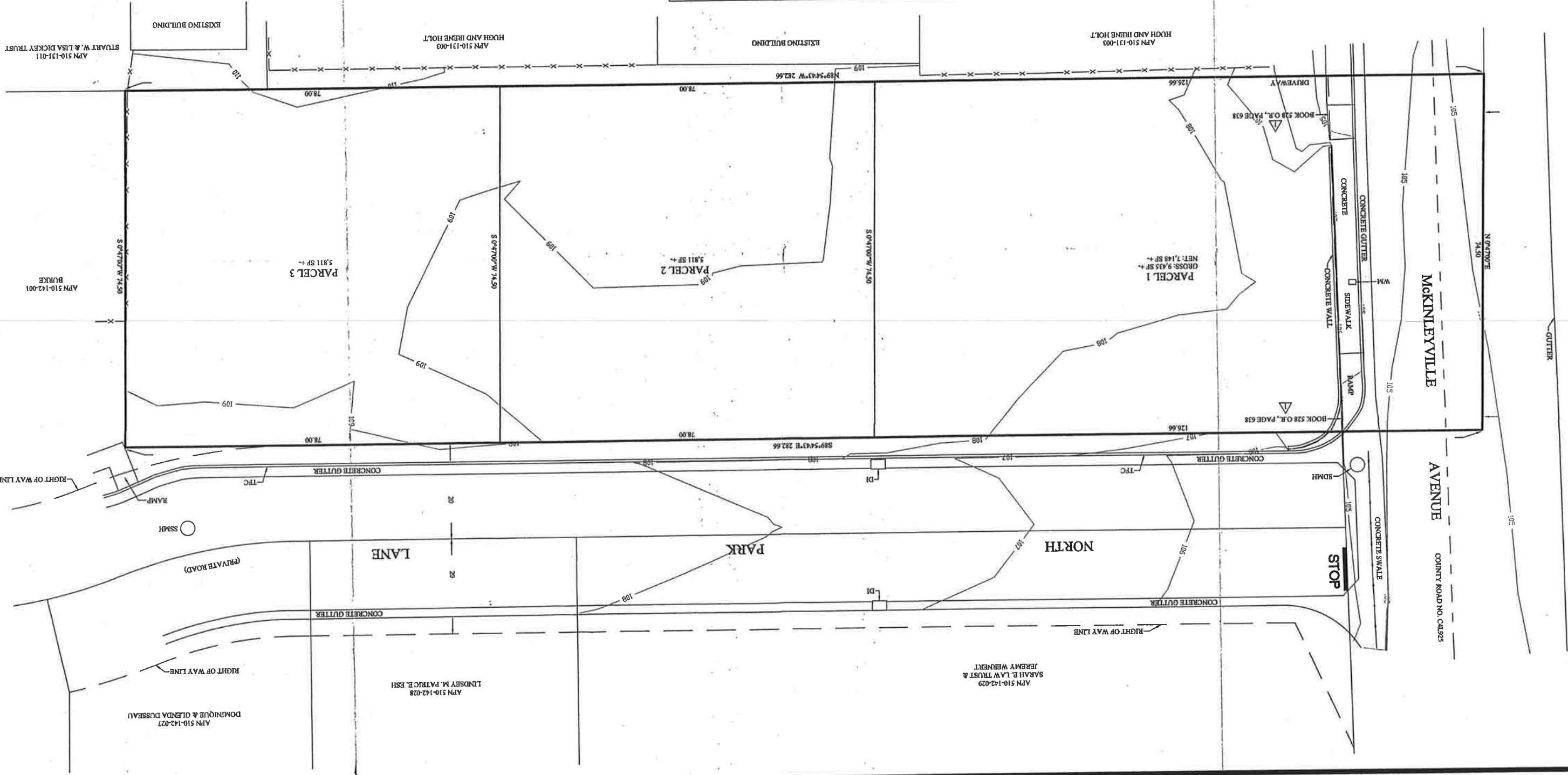
- LEGEND**
- DI DROP INLET
 - WM WATER METER
 - TFC TOP FACE OF CURB
 - SDMH STORM DRAIN MANHOLE
 - SSMH SANITARY SEWER MANHOLE
 - EXISTING FENCE
 - GROSS AREAS ARE THE ENTIRE PARCEL AREAS. NET AREAS EXCLUDE ROAD AND SIDEWALK EASEMENT AREAS.

OWNER: MARK W. BURCHETT, TRUSTEE
 AGENT/SURVEYOR: MICHAEL J. O'HEARN, LS 4829
 KID 2 INVESTMENTS, LLC
 3240 MOORE AVENUE
 EUREKA, CA 95501
 (707) 716-0200
 APN 510-142-030

FOR
TENTATIVE PARCEL MAP
MARK W. BURCHETT, TRUSTEE
KID 2 INVESTMENTS, LLC
 IN
 COUNTY OF HUMBOLDT
 STATE OF CALIFORNIA
 KELLY-O'HEARN ASSOCIATES
 EUREKA, CALIFORNIA

RECEIVED
 FEB - 9 2017
 Humboldt County Planning Division

SE 1/4 SECTION 31 T7N, R1E, HUMBOLDT MERIDIAN
 IN THE UNINCORPORATED AREA OF HUMBOLDT COUNTY
 JANUARY 2017 SCALE 1" = 10'



ATTACHMENT 1

CONDITIONS OF APPROVAL

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

1. All taxes to which the property is subject shall be paid in full if payable, or secured if not yet payable, to the satisfaction of the County Tax Collector's Office, and all special assessments on the property must be paid or reapportioned to the satisfaction of the affected assessment district. Please contact the Tax Collector's Office approximately three to four weeks prior to filing the parcel or final map to satisfy this condition. This requirement will be administered by the Department of Public Works.
2. The conditions on the Department of Public Works referral dated February 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 Parcel Map be submitted for review and approval. Gross and net lot area shall be shown for each parcel.
4. A map revision fee as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$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 \$4,601.88 shall be paid to the Humboldt County Planning and Building Department, 3015 "H" Street, Eureka. Alternately, a parkland dedication fee of \$2,300.94 may be paid, provided the applicant enters into a Conveyance and Agreement of development rights with the County of Humboldt for second or secondary dwelling units on Parcels 1, 2 and 3. Release from the Conveyance and Agreement may be pursued upon payment of the \$2,300.94 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) The location of all drainage improvements and related easements, including areas designated as treatment areas for Low Impact Development techniques demonstrating compliance with the MS4 program;
- (3) Development standards including setbacks, maximum lot coverage, maximum height and two (2) parking spaces on each lot 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."

- (3) "The project is located in a designated non-attainment area for the state's health-based particulate matter (PM10) air quality standard. As such, additional emission from the project could exacerbate air quality problems, including non-attainment of ambient air quality standards. In order to address potential effects to air quality the District recommends:
 - Prohibition of open fireplaces.
 - Heating should be provided using clean fuels (electricity or natural gas), when feasible.
 - If wood heating must be used, only US Environmental Protection Agency (EPA) certified heating appliances should be permitted in new construction."
 - (4) "Construction activities shall be restricted to hours between 7:00 a.m. and 6:00 p.m. Monday through Friday and 9:00 a.m. and 5:00 p.m. on Saturday. All proposed uses must comply with the noise standards identified in Figure 3-2 of the General Plan."
 - (5) If applicable "Development rights for secondary dwelling units have been conveyed by the subdivider to the County of Humboldt. The terms and conditions of the Conveyance and Agreement must be satisfied in order for the County to accept an application for a secondary dwelling unit on any of the involved parcels. Please refer to the recorded Conveyance and Agreement for the specific requirements. Questions regarding this note should be directed to the Humboldt County Planning Division."
 - (6) "The subdivision is considered a Regulated Project under the State Water Board's Phase II Small Municipal Separate Storm Sewer System (MS4) Program. Areas identified as treatment areas shall be maintained for the life of the project. Development of low impact development techniques other than those included on the improvement plans shall require a site-specific analysis to demonstrate conformance with this standard."
 - (7) "Please note that the information and requirements described and/or depicted on this Development Plan are current at the time of preparation but may be superceded or modified by changes to the laws and regulations governing development activities. Before commencing a development project, please contact the Planning Division to verify if any standards or requirements have changed."
9. The applicant shall cause to be recorded a "Notice of Development Plan" for all parcels on forms provided by the Humboldt County Planning Division. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$322.00 plus applicable recordation fees) will be required. The Development Plan shall also be noticed on the Parcel Map.

10. **Within five (5) days of the effective date of the approval of this permit**, the applicant shall submit a check to the Planning Division payable to the Humboldt County Recorder in the amount of \$2,266.25. Pursuant to Section 711.4 of the Fish and Game Code, the amount includes the Department of Fish and Wildlife (DFW) fee plus a \$50 document handling fee. This fee is effective through December 31, 2017 at such time the fee will be adjusted pursuant to Section 713 of the Fish and Game Code. Alternatively, the applicant may contact DFW by phone at (916) 651-0603 or through the DFW website at www.wildlife.ca.gov for a determination stating the project will have *no effect* on fish and wildlife. If DFW concurs, a form will be provided exempting the project from the \$2,216.25 fee payment requirement. In this instance, only a copy of the DFW form and the \$50.00 handling fee is required.
11. 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 shall be 24 months from the effective date of the action except where otherwise provided by law. An extension may be requested prior to the date in accordance with Section 326-21 and 326-31 of the Humboldt County Code.

ATTACHMENT 1 – EXHIBIT A
PUBLIC WORKS SUBDIVISION REQUIREMENTS

EXHIBIT A



DEPARTMENT OF PUBLIC WORKS
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

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

RE: SUBDIVISION REQUIREMENTS - IN THE MATTER OF THE APPLICATION OF BURTCHETT – KD2 INVESTMENTS, APN 510-142-030, PMS 17-005 FOR APPROVAL OF A TENTATIVE MAP, CONSISTING OF 0.48 ACRES INTO 3 PARCELS

DATE: 02/28/2017

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 Kelly-O’Hern Associates dated January 2017, and dated as received by the Humboldt County Planning Division on February 09, 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 subdivision map showing monumentation of all property corners to the satisfaction of this Department in compliance with Humboldt County Code Section 326-15. Parcel map (subdivision map) checking fees shall be paid in full at the time the subdivision map is submitted for checking. County Recorder fees shall be paid prior to submittal of the map to the County Recorder for filing. The subdivision map must be prepared by a Land Surveyor licensed by the State of California -or- by a Civil Engineer registered by the State of California who is authorized to practice land surveying.

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

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

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

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

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

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

- 1.6 PRIVATE ROADS:** Pursuant to County Code Section 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]

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

(a) MCKINLEYVILLE AVENUE (COUNTY ROAD No. A4L925)

Public Road: Applicant shall cause to be dedicated on the subdivision map to the County of Humboldt an easement for public road purposes lying within 25 feet of the center line of the County road. The applicant is only responsible to cause to be dedicated lands that are included within the boundary of the proposed subdivision.

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

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

(b) NORTH PARK LANE (NOT COUNTY MAINTAINED):

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

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

The applicant shall cause to be dedicated to the County of Humboldt a PUE over the entire area of the access easement for the road.

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

Irrevocable dedication: Applicant shall cause to be irrevocably dedicated on the subdivision map to the County of Humboldt any access, PUE, sidewalk, and/or slope easements created on the subdivision map. The dedication shall be made in a manner approved by this Department. The County will most likely reject this offer of dedication at this time.

- (c) **NEIGHBORHOOD BOX UNIT (NBU) MAILBOXES:** Prior to submittal of the subdivision map, provide a sign-off from the Post Office on the location of the neighborhood box unit. Applicant shall cause to be dedicated on the subdivision map additional sidewalk easements as necessary to accommodate the NBU.

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

2.0 IMPROVEMENTS

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

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

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

- 2.2 **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.

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

- (a) **NORTH PARK LANE:** Along the frontage of the subdivision, a five foot wide landscape strip (4.5 foot useable) and 5 foot wide sidewalk shall be constructed.

The existing curb ramp at intersection of North Park Lane and McKinleyville Avenue shall be retrofitted to a Modified Case F curb ramp with a 15 foot radius curb return. The applicant shall submit a shop drawing signed and stamped by a civil engineering showing the design for the curb return and curb ramp.

- (b) **McKINLEYVILLE AVENUE (County Road No. A4L925):** The existing residential driveway shall either be relocated entirely within the frontage of the subject property; or shall be removed and a new residential driveway provided on North Park Lane.
- (c) The intersection of North Park Lane and McKinleyville Avenue must conform to Humboldt County Code Section 341 regarding visibility.
- (d) Nothing is intended to prevent the applicant from constructing the improvements to a greater standard.

- (e) Nothing is intended to prevent this Department from approving alternate typical sections, structural sections, drainage systems, and road geometrics based upon sound engineering principals as contained in, but not limited to, the Humboldt County Roadway Design Manual, Caltrans Highway Design Manual, Caltrans Local Programs Manual, Caltrans Traffic Manual, California Manual on Uniform Traffic Control Devices (MUTCD), and AASHTO's A Policy of Geometric Design of Highways and Streets (AKA "The Green Book"). Engineering must not be in conflict with Humboldt County Code or County adopted guidelines and policies.
- (f) Applicant shall remove and replace any public curb, gutter, sidewalk, flowline drain, or pavement found by this Department to be broken, uplifted, or damaged that fronts or is within the subdivision.

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

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

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

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

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

2.7 NEIGHBORHOOD BOX UNIT (NBU) MAILBOXES. When clustered mailboxes (neighborhood box units) are required by the Post Office, applicant shall obtain approval for the location of the mailbox unit from the Post Master. The pad for the mailbox unit shall be constructed as part of the subdivision and shall be encompassed by a sidewalk easement or other easement, as approved by this Department.

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

2.8 GATES: Gates are not permitted on County right of way for public roads without authorization of the Board of Supervisors. Gates must not create a traffic hazard and must provide an appropriate turnaround in front of the gate. Existing gates shall be evaluated for conformance.

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

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. In the preparation of drainage plans, applicant shall comply with the Community of McKinleyville County Storm Water Management Program.

3.3 STORM WATER QUALITY: Applicant shall include within the project site the implementation of Best Management Practices (BMPs) to prevent storm water pollution. BMPs include, but are not limited to, stenciling drainage inlets.

3.4 DETENTION FACILITIES: Pursuant to McKinleyville Community Plan Policy 3310 (5), this project is required to construct detention facilities in a manner and location approved by this Department. In general, storm flows from the 100-year (Q_{100}) storm shall be detained so as to release water from the site at a rate no greater than the predevelopment 2-year (Q_2) storm flows. Contact this Department regarding any questions.

3.5 DRAINAGE FEES: Applicant must conform to Humboldt County Code Section 328.1-16 regarding McKinleyville Drainage Area Fees.

3.6 LOW IMPACT DEVELOPMENT (LID): The subdivision in its entirety is a regulated project and is required to comply with County Code Section 337-13.

LID elements related to an individual parcel may be deferred until such time as the parcel is developed. It is intended that the LID strategies shown on the development plan for a parcel are conceptual in nature and subject to adjustment/refinement at the time that the building permit is applied for. Each parcel in the subdivision is considered a regulated project.

A separate sheet in the development plan shall be provided for the LID concepts proposed for the individual parcels.

The following note shall be placed on the development plan: "**LOW IMPACT DEVELOPMENT (LID) NOTE:** This subdivision is approved as a regulated project and is required to comply with County Code Section 337-13. Each parcel within the subdivision is considered a regulated project. The improvement plans prepared for this subdivision show a conceptual plan to address LID for the parcels. It is intended that the LID strategies shown on the improvement plans are conceptual in nature and subject to adjustment/refinement at the time that the building permit is applied for."

4.0 GRADING

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

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

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

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

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

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

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

5.0 MAINTENANCE

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

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

A maintenance plan for all facilities within the proposed subdivision.
A maintenance plan for the non-county maintained road known as North Park 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.

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

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

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

6.0 DEVELOPMENT PLAN
<NONE>

7.0 LANDSCAPING
<NONE>

// END //

ATTACHMENT 2

STAFF ANALYSIS OF THE EVIDENCE SUPPORTING THE REQUIRED FINDINGS

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

A. Subdivision Findings: Section 66474 of the State Subdivision Map Act and Title III Division 2 of the Humboldt County Code (HCC) specify the findings that must be made to approve tentative subdivision maps. Basically, the Hearing Officer may approve a tentative map if the applicants have submitted evidence which supports making all of the following findings:

1. That the proposed subdivision together with the provisions for its design and improvement is consistent with the County's General Plan.
2. That the tentative subdivision map conforms to the requirements and standards of the County's subdivision regulations.
3. That the proposed subdivision conforms to all requirements of the County's zoning regulations.
4. The proposed subdivision is not likely to cause substantial environmental damage.
5. The proposed development does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law (the midpoint of the density range specified in the plan designation), unless the following written findings are made supported by substantial evidence: 1) the reduction is consistent with the adopted general plan including the housing element; 2) the remaining sites identified in the housing element are adequate to accommodate the County share of the regional housing need; and 3) the property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions of the site has been maximized.
6. In addition, the California Environmental Quality Act (CEQA) states that one of the following findings must be made prior to approval of any development which is subject to the regulations of CEQA:
 - a. The project is either categorically or statutorily exempt; or
 - b. There is no substantial evidence that the project will have a significant effect on the environment or any potential impacts have been mitigated to a level of insignificance and a negative declaration has been prepared pursuant to Section 15070 of the CEQA Guidelines; or
 - c. An environmental impact report (EIR) has been prepared and all significant environmental effects have been eliminated or mitigated to a level of insignificance, or the required findings in Section 15091 of the CEQA Guidelines are made.

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 Chapters 2-4 of the Framework Plan (FRWK) and the McKinleyville Community Plan (MCCP).

Plan Section(s)	Summary of Applicable Goal, Policy, or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Land Use: §2732 (MCCP)	Residential Low Density (RL) Primary and compatible uses include single family residential use. Density Range – 1 - 7 dwelling units per acre.	The existing parcel is currently vacant. All parcels will be suitable for residential development.
Urban Limits: §2600 (MCCP)	New development shall be located within existing developed areas or in areas with adequate public services.	All proposed parcels are within the Urban Limit line and are served by public water and sewer. The parcels will be served by McKinleyville Avenue, a County maintained road.
Housing: §2400 (MCCP)	Housing shall be developed in conformity with the goals, policies and standards of the Humboldt County Housing Element.	The proposal results in two additional building sites for residential development. The site was not utilized by the Department of Housing and Community Development in determining compliance with housing element law. Therefore, the parcels created by this subdivision are in addition to those identified in the 2014 Housing Element.
Hazards: §3200 (MCCP)	New development shall minimize risk to life and property in areas of high geologic, flood and fire hazards. Geologic Fire Flood Hazards	The area of the proposed building site is within Geologic Hazard Rating 0 - "Relatively Stable" and is not within the Alquist-Priolo Fault Hazard Area. The proposed subdivision site is in an area of low fire hazard. Conditions of approval require approval of the Arcata Fire Department. The parcel does not have any flood hazards as shown on FIRM Map #625 C.
Sensitive and Critical Habitats: §3420 (MCCP)	To protect designated sensitive and critical resource habitats.	The parcel does not have any mapped constraints as shown on the biological resource map. It is located within a developed residential area which is not known to possess wetlands, natural drainages or other types of Sensitive or Critical Habitats.

Cultural Resource Protection: §3500 (FP)	New development shall protect cultural, archeological and paleontological resources.	The project was referred to the Northwest Information Center (NWIC), the Blue Lake Rancheria, the Bear River Band of the Rohnerville Rancheria and the Wiyot Tribe. Although the response from the NWIC recommended a study, further consultation with the Blue Lake Rancheria, the Bear River Band of the Rohnerville Rancheria and the Wiyot Tribe recommended approval with no further study provided a note regarding inadvertent discovery is included in the recorded Development Plan. This is included in the Conditions of Approval.
Parkland: §4420 (MCCP)	To establish recreational facilities to meet the needs of Eureka residents.	<u>Parkland dedication in-lieu fees were calculated by the Assessor's Office to be \$100,000/acre</u> or: $3(2(130 \times 2.57/43,560)) \times \$100,000 = \$4,601.88$ without the conveyance of secondary dwelling unit rights; or <u>\$2,300.94</u> with the conveyance of secondary dwelling unit rights on all parcels.

Parkland Dedication Fee Calculations

	130.00	McKinleyville Community Plan requires 130 square feet of parkland dedication per person for new subdivisions
X	<u>2.57</u>	Persons per average McKinleyville household (Source: 2000 U.S. Census)
	334.10	Parkland dedication per average household in square feet
/	<u>43,560</u>	Square feet per acre
	0.007	Parkland dedication per average household in acres
X	3	Number of parcels being created by the subdivision,
X	2	Number of dwellings per legal parcel or lot, including potential second units
X	100%	Percentage of these parcels within the McKinleyville Community Planning Area
X	<u>\$100,000</u>	Value of one acre of land in the vicinity of the subdivision project
	\$4,601.88	Parkland Dedication In-lieu Fee for the Burtchett-KD2 Investments Subdivision

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

Section(s)	Applicable Subdivision Requirements	Evidence Supporting Subdivision Requirement Finding
Lot Suitability 322-3	All lots shall be suitable for their intended uses.	The project will result in Parcels 1, 2 and 3 of 9,531 square feet, 7,116 square feet and 8,845 square feet, respectively. All parcels will be suitable for single-family residential development.
Access and Drainage 324-1	Improvements shall be required for the safe and orderly movement of people and vehicles.	The parcel has frontage on McKinleyville Avenue, a County maintained road and North Park Lane, a private road. Proposed Parcel 1 will be served by McKinleyville Avenue and proposed Parcels 2 and 3 will be served by North Park Lane, a private road with a 40 foot access easement.
		The applicant has submitted an exception to the right of way width pursuant to Section 325-9 (see Attachment 3). Public Works supports this exception and has provided Subdivision Requirements for the subdivision (Attachment 1, Exhibit A).
Sewer & Water 324-1 (d)	Sewer and water systems shall be constructed to appropriate standards.	Resultant parcels are served by community water and sewer provided by the McKinleyville Community Services District (MCSD). MCSD has stated that they have the capacity to serve the subdivision
322-3.1 Housing Element Densities The proposed development does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law, except where: 1) the reduction is consistent with the adopted general plan including the housing element; and 2) the remaining sites identified in the housing element are adequate to accommodate the County share of the regional housing need; and 3) the property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions of the site has been maximized.		The proposal results in two additional building sites for residential development. This parcel was not identified as providing any additional dwelling units in the most recent Housing Inventory, therefore, the two parcels created by this subdivision will provide additional units above and beyond those identified in the Housing Element.

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

Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
That there are special circumstances or conditions affecting said property.	As stated in the applicant's request for exception, North Park Lane already exists within a 40-foot right of way with curbs along both sides. The road allows for two travel ways and a parking lane on each side and was built out as part of the North Park Estates Subdivision. The exception would allow for division of the parcel such that (1) the maximum number of lots can be created, (2) suitable building sites are provided on each, and (3) the build out promoted by the Plan and Zoning may be achieved.
That the exception is necessary for the preservation and enjoyment of a substantial property right of the petitioner.	Based on the width of the existing parcel, it would be impractical to widen the road or provide additional easement along the frontage of the parcel. An additional public utility easement will be provided to allow for a sidewalk along the road frontage, effectively creating a 50-foot easement. The proposed subdivision will result in three (3) parcels consistent with the General Plan and the R-1 zoning. The lots will be similar to other lots within the neighborhood, and the subdivision is in keeping with the existing pattern of development, and the character of the immediate area.
That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the territory in which the subject property is located.	The exception would allow subdivision of the subject parcel similar to others in the immediate vicinity that do not have similar restrictions (i.e. lot configuration and existing development). There is no indication that the development of the surrounding lands will be adversely impacted by this exception. All referral agencies have recommended approval of the subdivision.

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

Zoning Section	Summary of Applicable Requirement	Evidence that Supports the Zoning Finding
Residential One-Family (R-1)	One-family dwellings are compatible uses.	The subdivision results in three vacant parcels suitable for residential development.
Minimum Parcel Size	5,000 square feet	The subdivision results in three parcels of 7,148 square feet, 5,811 square feet and 5,811 square feet.
Minimum Yard Setbacks per Zoning:	Front: 20 feet Side: 5 feet Rear: 10 feet	Future development must comply with standards of the zone.
Minimum Lot Width	50 feet (measured at front yard setback line)	Parcel 1: 74.5 feet Parcel 2: 78 feet Parcel 3: 78 feet
Maximum Lot Depth	3 time lot width	Parcel 1: 106.66 feet Parcel 2: 74.5 feet Parcel 3: 74.5 feet
Maximum Ground Coverage	35%	Future development must comply with standards of the zone.
Maximum Structure Height	35 feet	Future development must comply with standards of the zone.
Combining Zones		
314-29.1 N – NOISE IMPACT	The purpose of these provisions is to establish regulations to maintain, within single family and multi-family structures and within structures designed for transient habitation, low exposure levels to noise associated with airports and major roads.	The parcel is located along McKinleyville Avenue. According to the Environmental Impact Report (EIR) for the McKinleyville Community Plan (MCCP), residential development would need to be 20 feet away from the nearest travel lane to reach a noise level of 60 decibels. Given that any new development will be at least 20 feet from McKinleyville Avenue and typical residential construction reduces interior noise levels by at least 15 decibels, no additional mitigation measures are required to comply with this combining zone.

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 4, Referral agency recommendations.
The proposed project is consistent with the general plan.	See previous discussion.
The proposed project is consistent with the zoning.	See previous discussion.
The proposed project will not cause environmental damage.	See following discussion.

5. Impact on Residential Density Target. See discussion under Section 2 above

6. Environmental Impact. Please see the attached draft Negative Declaration.

As required by the California Environmental Quality Act, the initial study conducted by the Planning and Building Department, Planning Division (Attachment 4) evaluated the project for any adverse effects on the environment. Based on a site inspection, information in the application, and a review of relevant references in the Department, staff has determined that there is no evidence before the Department that the project will have any potential adverse effect, either individually or cumulatively, on the environment. The environmental document on file in the Department includes a detailed discussion of all relevant environmental issues.

Because the project was found subject to CEQA and a Mitigated Negative Declaration was prepared, the provisions of Section 711.4 of the California Fish and Wildlife Code apply to this project. The applicant shall submit a check to the Planning Division payable to the Humboldt County Recorder in the amount of \$2,266.25. [Note: In order to comply with the time limits for filing the Notice of Determination per CEQA, this payment will be requested from the applicant prior to hearing and will be held by the Planning Division pending a decision on the permit.] Pursuant to Section 711.4 of the Fish and Wildlife Code, the amount includes the Department of Fish and Wildlife (DFW) fee plus the \$50 document handling fee. This fee is effective through December 31, 2017 at such time the fee will be adjusted pursuant to Section 713 of the Fish and Wildlife Code. Alternatively, the applicant may contact DFW by phone at (916) 651-0603 or through the DFW website at www.wildlife.ca.gov for a determination stating the project will have *no effect* on fish and wildlife. If DFW concurs, a form will be provided exempting the project from the \$2,216.25 fee payment requirement. In this instance, only a copy of the DFW form and the \$50.00 handling fee is required. This requirement appears as Condition #10 of Attachment 1.

ATTACHMENT 3

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
Preliminary Drainage Report	On file with Planning
Exception Request dated March 29, 2017	Attached

Kelly – O’Hern Associates

3240 Moore Avenue – Eureka, CA 95501
Email: kellyohern@sbcglobal.net

Professional Land Surveyors

Phone and fax: 707-442-7283

March 29, 2017

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



RE: Tentative Parcel Map for Burtchett – KD2 Investments LLC
APN 510-142-030

Dear Trevor:

Pursuant to Humboldt County Code Section 325-9, the applicant requests an exception from the subdivision ordinance specification of a 50 foot wide right of way for a category 4 road.

An existing 40 foot wide right of way (North Park Lane) is proposed for access for this parcel map.

The referenced section of the Humboldt County Code lists three conditions that must be met in order to consider an exception. These conditions and the specific information for this request are as follows:

(1) That there are special circumstances or conditions affecting said property.

North Park Lane is an existing road that provides access for parcels north and east from the subject property. This road was developed for the North Park Estates Subdivision in 2005. The design and improvements were completed using a 40 foot wide right of way.

(2) That the exception is necessary for the preservation and enjoyment of a substantial property right of the petitioner.

Based on the width of the existing parcel it is impractical to widen the road along the frontage of this parcel. Note, however, that a sidewalk along the south side of the road will be constructed within a pedestrian easement on the parcels within this proposed parcel map.

(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.

North Park Lane currently provides access for parcels in the North Park Subdivision. I am not aware of any reports of problems that have arisen based on the width of this right of way. There will not be a detrimental effect on the other properties in the area.

The Humboldt County Department of Public Works, Land Use Division, has stated that this exception request can be supported by that department.

Please let me know if you have any questions regarding any of this information.

Sincerely,
Kelly-O'Hern Associates

A handwritten signature in blue ink that reads "Mike O'Hern". The signature is written in a cursive, flowing style.

Mike O'Hern (agent)

ATTACHMENT 4

INITIAL STUDY AND DRAFT MITIGATED NEGATIVE DECLARATION

Project Information

Project Title: Burtchett-KD2 Investments Minor Subdivision

Lead Agency

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

Property Owner

Mark Burtchett & KD2 Investments
818 6th Street
Eureka, CA 95501

Project Applicant

Same as owner

Project Location

The project site is located in the McKinleyville area, on the southeast corner of the intersection of North Park Lane and McKinleyville Avenue, on the property known as 2207 McKinleyville Avenue.

General Plan Designation

Residential Low Density (RL); McKinleyville Community Plan (MCCP); density one to seven dwelling units per acre.

Zoning

Residential One-Family with a combining zone for Noise Impacts (R-1-N).

Project Description

A Minor Subdivision of an approximately 21,000 square foot parcel into three parcels of approximately 7,148 square feet, 5,811 square feet and 5,811 square feet. The parcel is currently vacant. An exception to the right of way width has been requested by the applicant. All parcels will be served with water and sewer by the McKinleyville Community Services District.

Baseline Conditions: Surrounding Land Uses and Setting

The project site is located along McKinleyville Avenue, approximately one and one-half mile south of the California Redwood Coast – Humboldt County Airport. It is in a developed neighborhood and surrounded by other similarly sized residential parcels.


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

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

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

Determination: On the basis of this initial evaluation:

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



 Signature

5-19-17

 Date

Trevor Estlow, Senior Planner
 Printed Name

Humboldt County Planning
 and Building Department
 For

Evaluation of Environmental Impacts

- (1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- (2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- (3) Once the lead agency has determined that a particular physical impact may occur, the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- (4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).
- (5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. (California Code of Regulations, title 14 Section 15063(c) (3) (D)). In this case, a brief discussion should identify the following:
 - a) Earlier Analysis Used. Identify and state where they are available for review. **N/A**
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis. **N/A**
 - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project. **N/A**

Environmental Checklist

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

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

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

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

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

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

Discussion:

(a-d) Less Than Significant Impact: 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 parcels will be served by McKinleyville Avenue, a County maintained road as well as North Park Lane, a private road developed as part of a previous subdivision. The Department finds no evidence that the creation of two additional parcels within an area characterized as urban residential will have a substantial adverse aesthetic impact. There is no indication that the future development likely to occur on the site will significantly increase light or glare or effect nighttime views in the vicinity.

II. Agriculture and Forestry Resources. In determining whether	Potentially Significant Impact	Less Than Significant with	Less Than Significant Impact	No Impact
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<p>impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:</p>		Mitigation Incorporated		
<p>a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?</p>				X
<p>b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?</p>				X
<p>c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?</p>				X
<p>d) Result in the loss of forest land or conversion of forest land to non-forest use?</p>				X
<p>e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?</p>				X

Discussion:

(a-e) No Impact: 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 neighborhood is characterized by urban residential development with services provided by the McKinleyville Community Services District. The proposed subdivision infills an established development pattern. One-family residential is a primary and compatible use within the RL designation and is principally permitted in the R-1 zoning district. General agriculture is not a use allowed in the R-1 zone, nor are there any intensive agricultural uses in the immediate vicinity. The Department finds no evidence that the project will result in a significant adverse impact on agricultural resources.

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

Discussion:

(a-e) Less than Significant: The proposed project divides one parcel into three. All of the resultant parcels will be vacant and suitable for residential development. According to recent studies by the North Coast Unified Air Quality Management District (NCUAQMD), the most significant contributors to PM-10 are residential wood burning stoves. Also, according to the NCUAQMD, all of Humboldt County is in non-attainment of the State's PM-10 (particulate matter of 10 microns in size) standard, but complies with all other State and Federal air quality standards. The area is characterized as urban residential with similar sized lots in the surrounding areas. The Department finds no evidence that the project that is consistent with the planned build-out of the area will have a significant adverse impact on air quality.

IV. Biological Resources. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?			X	

b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?			X	
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?			X	
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?			X	
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			X	
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?			X	

Discussion:

(a-e) Less Than Significant: 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 does not involve any development within a streamside management area. The project site is not within an adopted or proposed habitat conservation plan. The project was referred to the Eureka office of the California Department of Fish and Wildlife which did not respond with concerns. The area is developed to urban residential levels. The Department finds no evidence that the project will result in a significant adverse impact on biological resources.

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

Discussion:

(a) No Impact: No historical resources have been documented on site. The site is currently vacant, therefore, the project will have no impact on historical resources defined in California Environmental Quality Act (CEQA) § 15064.5.

(b) Less Than Significant with Mitigation Incorporated: The project was referred to the Northwest Information Center (NWIC), the Blue Lake Rancheria, the Bear River Band of the Rohnerville Rancheria and the Wiyot Tribe. Although the response from the NWIC recommended a study, further consultation with the Blue Lake Rancheria, the Bear River Band of the Rohnerville Rancheria and the Wiyot Tribe recommended approval with no further study provided a note regarding inadvertent discovery is included in the project. If archaeological resources are encountered during construction activities, the contractor will execute Mitigation Measure No. 1. by halting construction and coordinating with a professional archaeologist, who meets the Secretary of the Interior's Standards and Guidelines and appropriate tribes so resources can be evaluated so that there is not a substantial adverse change in the significance of an archaeological resource.

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

(d) Less Than Significant with Mitigation Incorporated: The project is not expected to disturb any human remains, including those interred outside of formal cemeteries. However, implementation of Mitigation Measure No. 2 has been included in the event that human remains are accidentally discovered during construction.

Mitigation Measure No. 1. If cultural resources, such as chipped or ground stone, or bone are discovered during ground-disturbance activities, work shall be stopped within 20 meters (66 feet) of the discovery, as required by CEQA (January 1999 Revised Guidelines, Title 14 CCR 15064.5 (f)). Work near the archaeological finds shall not resume until a professional archaeologist, who meets the Secretary of the Interior's Standards and Guidelines, has evaluated the materials and offered recommendations for further action.

Mitigation Measure No. 2. If human remains are discovered during project construction, work will stop at the discovery location, within 20 meters (66 feet), and any nearby area reasonably suspected to overlie human remains (Public Resources Code, Section 7050.5). The Humboldt County coroner will be contacted to determine if the cause of death must be investigated. If the coroner determines that the remains are of Native American origin, it will be necessary to comply with state laws relating to the disposition of Native American burials, which fall within the jurisdiction of the North American Heritage Commission (NAHC) (Public Resources Code, Section 5097). The coroner will contact the NAHC. The descendants or most likely descendants of the deceased will be contacted, and work will not resume until they have made a recommendation to the landowner or the person responsible for the excavation work for means of treatment and disposition, with appropriate dignity, of the human remains and any associated grave goods, as provided in Public Resources Code, Section 5097.98. Work may resume if NAHC is unable to identify a descendant or the descendant failed to make a recommendation.

VI. Geology and Soils. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				X
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				X
ii) Strong seismic ground shaking?				X
iii) Seismic-related ground failure, including liquefaction?				X
iv) Landslides?				X
b) Result in substantial soil erosion or the loss of topsoil?			X	
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?				X
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?				X
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?				X

Discussion:

(a) No Impact: There are no known earthquake faults located within the site.

(i-iv) No impact: The project site is located outside an Alquist-Priolo Earthquake Fault Zone. The proposed project divides one parcel into three. All of the parcels will be vacant and suitable for residential development. All development associated with the subdivision will not expose people or structures to potential substantial adverse effects from rupture of a known earthquake fault, strong seismic ground shaking, or seismic-related ground failure, including liquefaction. The project is not within an area subject to landslides; therefore the project will not expose people or structures to risk of lost, injury, or death involving landslides.

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

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

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

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

VII. Greenhouse Gas Emissions. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			X	
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?			X	

Discussion:

(a-b) Less Than Significant Impact: The eventual residential construction on the vacant lots would contribute temporary, short-term increases in air pollution from equipment usage.

Because of the temporary nature of the greenhouse gas contributions, coupled with the modest quantity of emission, the proposed project would not have a significant impact on the environment, nor conflict with applicable plan, policy, or regulation for the purposes of reducing greenhouse gas emissions.

VIII. Hazards and Hazardous Materials. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X	
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			X	

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?			X	
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?			X	
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?			X	
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?			X	
g) Impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan?			X	
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized area or where residences are intermixed with wildlands?			X	

Discussion:

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

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

(a-j) Less than significant: The proposed subdivision infills an established development pattern, and is consistent with the planned build-out of the area, in terms of both the County's Housing Element and the McKinleyville Community Plan (MCCP) adopted in 2002. The project site is an area served by community water and sewer. The McKinleyville Community Services District (MCSD) has indicated that it is able to provide water and sewer service to the proposed subdivision upon the payment of the appropriate fees. MCSD has not identified any concerns with regard to the project interfering

with groundwater recharge. The Department finds no evidence indicating that the subdivision will violate any water quality or waste discharge standards, or otherwise substantially degrade water quality. According to the Flood Insurance Rate Map Panel #625, the project site is located in Flood Zone C, which is defined as "areas of minimal flooding", and is outside the 100- and 500-year floodplains. The project site is not within a mapped dam or levee inundation area, and is outside the areas subject to tsunami run-up. The site is at an elevation of approximately 109 feet.

A preliminary drainage report was prepared and reviewed by Public Works and they recommended as a condition of approval that the applicant submit a complete hydraulic report and drainage plan for their approval. The applicant has proposed Low Impact Development techniques to comply with the State Water Board's Phase II Small Municipal Separate Storm Sewer System (MS4) Program. In addition, the project will comply with Section 3310.5 of the McKinleyville Community Plan which states: "Development shall only be allowed in such a manner that the downstream peak flows will not be increased." No streams, creeks or other waterways will be altered as a result of this subdivision. The Department finds no evidence that the proposed project will result in significant hydrologic or water quality impacts.

X. Land Use and Planning. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Physically divide an established community?				X
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				X
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?				X

Discussion:

(a-c) No Impact: The project site is designated Residential Low Density (RL) by the McKinleyville Community Plan, and is zoned Residential One-Family with a 5,000 square foot minimum parcel size as well as a combining zone for noise impacts. 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 two additional parcels for residential development is consistent with the zoning and land use density (one to seven 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 McKinleyville 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.

XI. Mineral Resources. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X

Discussion:

(a and b) No Impact: On-site soils and geologic resources are not suitable as commodity materials that would be of value to the region or the state. The site is not designated as an important mineral resource recovery site by a local general plan, specific plan, or other land use plan.

XII. Noise. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Expose persons to or generate noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?				X
b) Expose persons to or generate excessive ground borne vibration or ground borne noise levels?				X
c) Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?				X
d) Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?			X	
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?			X	

Discussion:

(a-d) No Impact: Noises generated by the proposed project will result in a temporary increase during construction because the proposed project may require the use of heavy equipment (excavator, grader, loader and backhoe). The construction does not include equipment that would result in

groundborne vibration. These activities are consistent with the current uses at the site and no permanent change in noise from the existing conditions would result from this project.

(e and f) Less Than Significant Impact: The project area is approximately one and one-half mile from the California Redwood Coast – Humboldt County Airport, and is not subject to the airport land use compatibility plan. The noise impacts associated with the airport are not anticipated to be excessive. Therefore, noise impacts will remain less than significant.

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

Discussion:

(a-c) No The proposed project divides a parcel into three. All of the parcels will be vacant and suitable for residential development. The project creates two new potential building sites. One-family residential uses are primary and compatible uses within the plan designation and zoning district. The subdivision is consistent with the planned density of the area, one to seven units per acre. The Department finds no evidence that the project will result in a significant adverse impact on population and housing.

XIV. Public Services. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Fire protection?				X
b) Police protection?				X
c) Schools?				X
d) Parks?				X
e) Other public facilities?				X

Discussion:

(a-e) No Impact: The parcels will be accessed via McKinleyville Avenue and North Park Lane. The Department of Public Works has recommended improvements to the access road to meet current standards. The Arcata Fire Protection District did not identify any fire protection issues. The Department finds no evidence that the project will result in a significant adverse impact on public services.

XV. Recreation. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?			X	
b) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?			X	

Discussion:

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

XVI. Tribal Cultural Resources. Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resource Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resource Code section 5020.1 (k), or			X	

b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?			X	
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Discussion:

(a-b) Less Than Significant Impact: The project was referred to the Northwest Information Center at Sonoma State University, the Blue Lake Rancheria, the Wiyot Tribe and the Bear River Band of the Rohnerville Rancheria. Although the response from the NWIC recommended a study, further consultation with the Blue Lake Rancheria, the Bear River Band of the Rohnerville Rancheria and the Wiyot Tribe recommended approval with no further study provided a note regarding inadvertent discovery is included in the project. The standard condition of inadvertent discovery has been included as Mitigation Measure No. 1.

XVII. Transportation/Traffic. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?			X	
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?			X	
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?			X	
d) Substantially increase hazards due to design features (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			X	
e) Result in inadequate emergency access?			X	

f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?			X	
--	--	--	---	--

Discussion:

(a-f) Less Than Significant Impact: The property is accessed by McKinleyville Avenue. The Land Use Division of Public Works has recommended standard conditions of approval including the improvement of the encroachment and improvement of the access road.

The Department finds there is no evidence that the project will exceed the level of service standard, will result in a change in air traffic patterns, will result in inadequate emergency access, inadequate access to nearby uses or inadequate parking capacity; or will conflict with adopted policies supporting transportation. The project site is approximately one and one-half mile south of the California Redwood Coast – Humboldt County Airport, the closest airport.

XVIII. Utilities and Service Systems. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				X
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
d) Have insufficient water supplies available to serve the project from existing entitlements and resources (i.e., new or expanded entitlements are needed)?				X
e) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				X
f) Be served by a landfill with insufficient permitted capacity to accommodate the project's solid waste disposal needs?				X
g) Violate any federal, state, and local statutes and regulations related to solid waste?				X

Discussion:

(a-g) No Impact: The Department finds there is no evidence that the project will be inconsistent with

the planned build-out of the area or will result in a significant adverse to utilities and service systems. The parcel is not zoned for commercial or industrial uses. The lots will be served by community water and sewer provided by the McKinleyville Community Services District. The Department of Environmental Health has recommended approval of the project. The parcel currently drains westerly towards McKinleyville Avenue. Stormwater detention as well as Low Impact Development (LID) techniques will be utilized at time of development of Parcels 2 and 3 (a residence was recently demolished on Proposed Parcel 1 in which credit is given for that development) in order to comply with the McKinleyville Community Plan requirement of no increase in downstream flows and the Regional Water Board's MS4 program. The Division of Public Works reviewed the project and did not identify any drainage issues. The applicant will be required to provide a complete hydraulic report and drainage plan. The Department finds the project impact to be insignificant.

XIV. Mandatory Findings of Significance.	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	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?				X
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects).				X
c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?				X

Discussion:
(a through c) No Impact: The proposed project divides one parcel into three. All of the parcels will be vacant and suitable for residential development. Staff finds no evidence that the proposed project will significantly degrade the quality of the environment, nor will it have impacts that are individually limited but cumulatively considerable. Based on the project as described in the administrative record, comments from reviewing agencies, a review of the applicable regulations, and discussed herein, the Department finds there is no significant evidence to indicate the proposed project as mitigated will have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly.

Cultural Resources

Mitigation Measure No. 1. If a cultural resource, such as chipped or ground stone or bone is discovered during ground-disturbance activities, work shall be stopped within 20 meters (66 feet) of the discovery, as required by CEQA (January 1999 Revised Guidelines, Title 14 CCR 15064.5 (f)). Work near the archaeological find shall not resume until a professional archaeologist who meets the Secretary of the Interior's Standards and Guidelines has evaluated the materials and offered recommendations for further action.

Timing for Implementation/Compliance: Throughout project construction

Person/Agency Responsible for Monitoring: Applicant and successors

Monitoring Frequency: Throughout construction

Evidence of Compliance: Visible evidence

Mitigation Measure No. 2. If human remains are discovered during project construction, work will stop at the discovery location, within 20 meters (66 feet), and any nearby area reasonably suspected to overlie human remains (Public Resources Code, Section 7050.5). The Humboldt County coroner will be contacted to determine if the cause of death must be investigated. If the coroner determines that the remains are of Native American origin, it will be necessary to comply with state laws relating to the disposition of Native American burials, which fall within the jurisdiction of the North American Heritage Commission (NAHC) (Public Resources Code, Section 5097). The coroner will contact the NAHC. The descendants or most likely descendants of the deceased will be contacted, and work will not resume until they have made a recommendation to the landowner or the person responsible for the excavation work for means of treatment and disposition, with appropriate dignity, of the human remains and any associated grave goods, as provided in Public Resources Code, Section 5097.98. Work may resume if NAHC is unable to identify a descendant or the descendant failed to make a recommendation.

Timing for Implementation/Compliance: Throughout project construction

Person/Agency Responsible for Monitoring: Applicant and successors

Monitoring Frequency: Throughout construction

Evidence of Compliance: Visible evidence

ATTACHMENT 5

REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

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
McKinleyville Community Services District	Approval	On file with Planning
California Department of Fish & Wildlife	No response	
Arcata Fire Protection District	Approval	Attached
Northwest Information Center	Recommend study	Attached
Bear River Band of the Rohnerville Rancheria	Conditional Approval	Attached
Blue Lake Rancheria	Conditional Approval	Attached
Wiyot Tribe	Conditional Approval	Attached
PG&E	No response	



DEPARTMENT OF PUBLIC WORKS

COUNTY OF HUMBOLDT

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

RECEIVED
MAR - 1 2017
10:00 AM
COUNTY OF HUMBOLDT

ARCATA-EUREKA AIRPORT TERMINAL
McKINLEYVILLE
FAX 839-3596

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

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

AVIATION 839-5401

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

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

LAND USE 445-7205

LAND USE DIVISION INTEROFFICE MEMORANDUM

TO: Trevor Estlow, Senior Planner

FROM: Robert W. Bronkall, Deputy Director

DATE: 02/28/2017

RE: BURTCHETT-KD2 INVESTMENTS SUBDIVISION,
APN 510-142-030, PMS 17-005

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

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

McKINLEYVILLE AVENUE (County Road No. A4L925): The existing residential driveway is not located entirely within the frontage of Parcel 1. The existing residential driveway shall either be relocated entirely within the frontage of the subject property; or shall be removed and a new residential driveway provided on North Park Lane.



Above: Parcel 1 driveway is not entirely fronting the subject parcel.

Additionally, the existing curb return at the intersection of McKinleyville Avenue and North Park Lane requires retrofitting.



Above: Curb return requires retrofit to full intersection ramp.

LOW IMPACT DEVELOPMENT (LID): The subject property is located within the municipal separate storm sewer system (MS4) boundary area. Prior to the subdivision map being filed with the County Recorder, the applicant must demonstrate how compliance with MS4 requirements will be met.

STORM WATER DETENTION: There is an existing storm water detention facility that was constructed as part of the North Park Estates subdivision. There may be adequate capacity within the basin to handle the additional water from the proposed subdivision. If so, no additional detention facilities would need to be constructed.

RIGHT OF WAY: The tentative map proposes a 40 foot right of way for North Park Lane. The subdivision ordinance specifies a 50 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 40 foot wide right of way. The Department can support a 40 foot wide right of way.

NON-COUNTY MAINTAINED ROAD NOTE: It appears that at least two parcels from this 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.

// END //



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



2/17/2017

PROJECT REFERRAL TO: Arcata Fire Protection District

Project Referred To The Following Agencies:

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

Applicant Name Mark Burtchett and KD2 Investments | Mark Burtchett **Key Parcel Number** 510-142-030-000
Application (APPS#) 13460 **Assigned Planner** Trevor Estlow (707) 268-3740 **Case Number(s)** PMS17-005

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

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

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

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

Return Response No Later Than 3/4/2017 Planning Commission Clerk
 County of Humboldt Planning and Building Department
 3015 H Street
 Eureka, CA 95501
E-mail: PlanningClerk@co.humboldt.ca.us **Fax:** (707) 268-3792

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

- Recommend Approval. The Department has no comment at this time.
- Recommend Conditional Approval. Suggested Conditions Attached.
- Applicant needs to submit additional information. List of items attached.
- Recommend Denial. Attach reasons for recommended denial.
- Other Comments: _____

DATE: March 2, 2017 PRINT NAME: Ed Lindlaw

CALIFORNIA
HISTORICAL
RESOURCES
INFORMATION
SYSTEM



ALAMEDA
COLUSA
CONTRA COSTA
DEL NORTE
HUMBOLDT
LAKE
MARIN
MENDOCINO
MONTEREY
NAPA
SAN BENITO
SAN FRANCISCO
SAN MATEO
SANTA CLARA
SANTA CRUZ
SOLANO
SONOMA
YOLO

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

February 28, 2017

File No.: 16-1254

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

re: PMS17-005 / 2207 McKinleyville Ave., McKinleyville, CA / Mark Burtchett and KD2 Investments / Trevor Estlow

Dear Mr. Estlow

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

Previous Studies:

XX Study # 000886 (Benson, Friedrichson, and McGrew 1977), may have covered all or parts of the proposed project area. However, the report is unclear as to whether the researchers surveyed the proposed project area (*see recommendation below*).

Archaeological and Native American Resources Recommendations:

XX Due to the passage of time since the previous survey (Benson, Friedrichson, and McGrew 1977) and the changes in archaeological theory and method since that time, we recommend a qualified archaeologist conduct further archival and field study for the entire project area to identify archaeological resources.

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

Built Environment Recommendations:

XX The USGS Arcata North (1959 pr. 1972) 7.5' quad depicts a building in the proposed project area. Since the Office of Historic Preservation has determined that any building or structure 45 years or older may be of historical value, if these, or similarly aged buildings, are present then it is recommended that prior to commencement of project activities, a qualified professional familiar with the architecture and history of Humboldt County conduct a formal CEQA evaluation.

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

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

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

Sincerely,



Chelsie Brokenshire
Researcher

Inc: Humboldt County project cover letter



From: Erika Cooper [<mailto:erikacooper@brb-nsn.gov>]
Sent: Monday, March 13, 2017 10:23 AM
To: Janet Eidsness
Cc: Estlow, Trevor; Planning Clerk; Tom Torma (tom@wiyot.us)
Subject: Re: Blue Lake THPO comment on Burtchett and KD2 Investments Parcel Map subdivision, McKinleyville

Trevor,

Bear River has also received the Burtchett & KD2 Investments project referral, as well as the \$30 review fee. I am not aware of any known cultural resources in the vicinity and have no further concern regarding the project.

Thank you.

On Wed, Feb 22, 2017 at 1:00 PM, Janet Eidsness <JEidsness@bluelakerancheria-nsn.gov> wrote:

Dear Trevor:

Thanks for sending the subject Project Referral dated 2/17/17 with comments requested by 3/4/17, plus the \$30 review fee check from the Applicant.

I have no record of tribal cultural resources at or adjacent to the project parcel, and feel sensitivity would be low for tribal cultural resources. I have no concerns for this subdivision.

Regards,

Janet P. Eidsness, M.A.

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

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Lippre, Suzanne



From: Janet Eidsness <JEidsness@bluelakerancheria-nsn.gov>
Sent: Wednesday, February 22, 2017 1:01 PM
To: Estlow, Trevor; Planning Clerk
Cc: erikacooper@brb-nsn.gov; Tom Torma (tom@wiyot.us)
Subject: Blue Lake THPO comment on Burtchett and KD2 Investments Parcel Map subdivision, McKinleyville

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Regards,

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Fax (707) 668-4272
jeidsness@bluelakerancheria-nsn.gov
cell (530) 623-0663 jpeidsness@yahoo.com

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From: Tom
To: "Erika Cooper"; "Janet Eidsness"
Cc: Estlow, Trevor; Planning Clerk
Subject: RE: Blue Lake THPO comment on Burtchett and KD2 Investments Parcel Map subdivision, McKinleyville
Date: Wednesday, March 15, 2017 8:58:24 AM

Hi Trevor,

We are having some difficulties with our server today, and I think I might have already responded to this this project. So, for the record, I did receive the \$30 fee and have no concerns with the project.

Thank you,
Tom

From: Erika Cooper [mailto:erikacooper@brb-nsn.gov]
Sent: Monday, March 13, 2017 10:23 AM
To: Janet Eidsness
Cc: Estlow, Trevor; PlanningClerk@co.humboldt.ca.us; Tom Torma (tom@wiyot.us)
Subject: Re: Blue Lake THPO comment on Burtchett and KD2 Investments Parcel Map subdivision, McKinleyville

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Regards,

Janet P. Eidsness, M.A.
Tribal Heritage Preservation Officer (THPO)
Blue Lake Rancheria
P.O. Box 428 (428 Chartin Road)
Blue Lake, CA 95525
Office (707) 668-5101 ext. 1037

ATTACHMENT 5

REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

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Northwest Information Center	Recommend study	Attached
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Blue Lake Rancheria	Conditional Approval	Attached
Wiyot Tribe	Conditional Approval	Attached
PG&E	No response	